

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

January 19, 2010

Regular Meeting

The regular meeting of Council was called to order by President Berry at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Greg Grinch Maria Klemack-McGraw Ted Berry Steve Bennett Melissa Albright

1. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous two meetings and approve as written; seconded by Mr. Grinch.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. President Berry recognized Mr. Clarence Mingo, Franklin County Auditor, who was here to introduce himself to Council and all attendees. He also reviewed some programs offered by his office to assist homeowners.

3. The Chair read the agenda items and they were approved by unanimous consent, with Resolution CR-03-10 being moved to the Finance committee.

The Chair recognized Mr. Bennett, Chairman of Finance, for discussion and voting under said Committee.

1. Ordinance C-01-10 (Appropriate \$12,076.00 from the General Fund for the Current Expense of the 2010 Community Oriented Policing Services Grant) was given its first reading. Second reading and public hearing will be held on 2/1/10.
2. Resolution CR-01-10 (Authorize the City Administrator to Advertise for Bids and Sell Items no longer needed by the City) was given its reading and public hearing.

Mr. Honsey explained that this is a housekeeping measure. This Resolution allows the City to properly dispose of items the City no longer needs throughout the year.

There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Mr. Grinch.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

3. Resolution CR-02-10 (Authorize the City Administrator to Advertise for Bids and Award Contracts for Fiscal Year 2010) was given its reading and public hearing.

Mr. Honsey explained that this resolution allows for the City Administrator to award contracts throughout the year that do not need to come before Council per Charter provisions.

There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Ms. Klemack-McGraw.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

4. Resolution CR-03-09 (Support and Authorize the City Administrator to Develop a Town Center Business Development Loan Program) was given its reading and public hearing.

Mr. Bennett noted that the Rules of Council allow for three opponent and three proponent speakers for each issue. He said there are 6 proponents signed up. President Berry moved to waive the Rules of Council and allow all proponents to speak on this issue; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

Ms. Christine Houk, business owner, shared her experience with being a part of the Town Center, with two businesses, and seeing its decline. She expressed their love for the Town Center and said they are holding out for as long as they can to remain here. She voiced support for this Program

Mr. Andy Furr, resident, reminisced over the Town Center being the core of Grove City and always having something to do there. He said it is now slowly dying. He said this Incentive Program is the best idea he has heard of in the past several years. In this economy, it will help develop new businesses and applauds their efforts. He said this is the heart of our city and we must protect it. He hopes Council supports and immediately put into play.

Ms. Rebecca Sommer, Town Center Merchant, said about 20 years ago she became an employee of the Town Center and 16 years ago a business owner. She said she looked around the other day and realized that her small business is like an anchor store, but it is very small. She looks forward to this Incentive Program and to seeing other people having the courage to take a risk and fill the empty store fronts. She is looking forward to everyone moving forward.

Ms. Karen Dover thanked Council for moving so quickly, in a very progressive way with this Resolution. She also thanked the Administration for also moving forward quickly and beginning to develop this Program already. She said they need this support and they need it to be quick.

Mr. Dick Rutherford, resident, suggested that other areas be considered rather than just the Town Center, which are just a few blocks. He encouraged Council to move ahead with this Resolution, but feels that the Broadway, Columbus Street, Grove City Road areas should also be included. Mr. Berry noted that this Resolution is a starting point to look at questions similar to his.

Mayor Stage expressed his love for the Town Center. He said he doesn't like empty store fronts either, but he can't be pessimistic over the area because there are over 100 businesses in and around the Central Business District. The City has been doing improvements as well, such as lighting to the Huntington Building and adding trash receptacles. He also noted that the Tax Abatement Area has been expanded, which addresses Mr. Rutherford's concern of applying incentives beyond the Town Center. He said there are some positive things happening here and they will be asking Council to increase the Town Center Grant Program. He said we revitalized it once and we will do it again. Mr. Honey clarified that the Grant program is at \$1,000.00 and are asking it be increased to \$10,000.00.

Mr. Bennett commented that this legislation shows that the City is listening. No one wants to see our Town Center in trouble, much less referred to as dying. He said he will do what he can to see that this is kick-started and moving forward. He said he appreciates the Administration's help.

Mr. Berry said this idea started a few weeks ago and everyone has been positive about it. He said there are a lot of ideas and a lot of tools being put into place. He said the Mayor is correct when he says that what is happening here is not unique from across the country. Small businesses are hurting today, and small businesses are the fabric of our country. He said if we are progressive and move forward fast, we can build the Town Center now and in the future. He said this is a Loan fund and not a give away, like the Federal Government has done. He said we are investing in our businesses and citizens and he urged Council to support it.

Ms. Albright commented that she has been surprised how fast the Administration has moved on this suggestion. She said there are a lot of things to consider when you put together a Program like this and hopes that everyone can utilize it. She said they want this to be an open dialogue so that we can have the thriving area that everyone wants to see.

Mr. Grinch also said we are not unique. This is happening all over the country. He said he is happy to explore avenues to assist the Town Center, but be responsive to our tax payers. He said we have a history of providing programs for the Town Center and had Mr. Boso, Dir. of Dev., reiterate the programs we already have in place (CRA, Town Center Grant Program, Special Events).

There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Ms. Klemack-McGraw.

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

The Chair recognized Ms. Klemack-McGraw, Chairman of Lands & Zoning, for discussion and voting under said Committee.

1. Ordinance C-02-10 (Approve a Special Use Permit for Wedgewood Pizza located at 3057 Turnberry Court for a Drive-Thru Window) was given its first reading. Second reading and public hearing will be held on 2/1/10.
2. Resolution CR-04-10 (Intent to Appropriate Property for the Construction of Improvements to the I-71/State Route 665 Interchange) was given its reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is the first step in the process to acquire property to make the improvements to the Interchange.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

- 3. Resolution CR-05-10 (Oppose the Annexation of 89.63 acres of land along Jackson Pike and filed by Dick Jones to the City of Columbus and the Potential Land Use) was given its reading and public hearing.

Mayor stage stated that normally we are not in the business of opposing annexations. However, this is a very unique situation. This area holds one of the largest city employers, Manheim Auto Auction, with over 400 employees. This Company is on the boarder of relocating if this annexation takes place because the annexation involves a gravel pit operation. He said the Township and the City tried to work with the gravel pit company, but they refused. They have now applied to annex to Columbus and we are vigorously opposing this. The County Commissioner’s don’t have much choice, but he is hoping to get support of the Commissioners to ask Columbus City Council to deny this annexation. He said this would be a negative impact on our community now and long term.

President Berry noted that the Mayor provided a document showing the impact that Manheim has on the community. He said it totals \$44 million and 449 employees.

Ms. Klemack-McGraw noted that the Jackson Township Trustees also pass a Resolution of Opposition to this annexation.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Grinch.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

- 4. Resolution CR-06-10 (Appeal the decision of the Board of Zoning Appeals granting a Variance for a Reduction in the required number of Parking Spaces for Buckeye Entertainment located at 3131 Broadway) was given its reading and public hearing.

Mr. Chief Scott, owner of the Security Company for this business, spoke on behalf of his officers and company. He said if this is repealed it would eliminate three jobs and \$30,000.00 of income. He said there were some concerns over the potential illegal activity that surrounds gaming businesses. He wanted to assure Council that this would not happen here. His officers are State Certified and would work with the local Police to secure the area.

Mayor Barnes, Mayor of Urbancrest, voiced support to repeal this variance. He said over the past two years they have been able to greatly reduce illegal and unwanted activity in their community. He believes this establishment will bring back the unwanted and adverse activity. He also requested that any liquor license be applied for by Buckeye Entertainment, that it be denied. Just as Grove City is attempting to move its city forward, they are doing the same thing in Urbancrest. He believes that this business is not a suitable neighbor and will cause more harm in the future.

Mr. Tom Hart, attorney representing the property owner, asked that Council continue this issue to their next meeting. He said with the Holidays, they haven't had time to prepare. He said they have been working on a private easement agreement that might address concerns that have been raised, on appeal. He said they would also like the opportunity to work with staff to see if they can work toward stipulations that would make a variance agreeable to the City. Finally, he said they feel very strongly that this appeal come with very strict procedural requirements for hearings in front of Council. He said he is prepared to go through arguments and presentation of issues, including some of the comments made by the previous speaker – which they vehemently oppose.

Ms. Klemack-McGraw asked how many spaces are required under the Code. It was determined that 52 spaces are required. Ms. Klemack-McGraw noted that the business only has 38 spaces, leaving the 14 short. Mr. Hart pointed out that some of those spaces are through a shared easement agreement. He said the variance granted by the BZA allows for the shortage.

Mr. Bennett asked why there would be 24 hour security. Mr. Hart said it is a private club and limit the use to members only. It would also make sure it operates the way the Club owner wants it to. Ms. Klemack-McGraw asked if the Club would be open 24/7. Mr. Hart said no. Mr. Scott noted that the hotel would also contract with the hotel for security service, thus the reason for the 24 hour security.

Mr. Grinch mentioned that originally the hotel and restaurant were together. Mayor Stage confirmed that the site was originally developed as a Motel/Restaurant business. When the lot got split off from the hotel, the use still stayed the same – a restaurant. It is evident that those uses compliment each other. A use other than a restaurant is a change that makes the parking a serious issue. He believes the decision of the BZA should be reversed.

Ms. Albright reviewed the number of spaces for the site, the number on an easement and questioned the number of spaces at the hotel. She said without knowing what the hotel needs, this may create a problem for that business also. Mr. Hart said they tried to get that information and they are still not clear on the number of spaces the hotel has and needs. That is one reason for asking for a continuance.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Mr. Bennett.

Mr. Hart said that if they are not going to continue this issue, he would like to get some substantive testimony on the record. He feels this is a quasi judicial hearing and wants a chance to address those points.

Mr. Smith, Director of Law, explained the Variance Appeal process and agreed that Council is acting in a quasi judicial capacity on this issue. He said the Code is silent on the process by which you hear the appeal, take testimony, etc. The Code sets forth Council's responsibility to affirm, reverse or modify the decision of the BZA.

Mr. Honsey, City Administrator, asked who is responsible for providing the information necessary to make a decision. Mr. Smith said the applicant is responsible for providing the information and the BZA is responsible for applying the Code and making a decision.

Mr. Hart comment that everyone is supposed to get written notice of the findings of the BZA. He said without those, it is difficult to discuss the decision of the BZA. He said, on an appeal, it is the Mayor's responsibility to provide information to back up his appeal.

Mr. Smith pointed out that Council has a copy of the Draft Minutes showing the facts from the BZA and the Appeal letter states the reasons.

Further discussion took place over the process and Mr. Hart requested a continuance again.

Mayor Stage said a postponement allows for a convenience to the property owner and doesn't remove any of the City's rights or abilities to reverse the decision of the BZA. Mr. Todd agreed.

Ms. Klemack-McGraw called for the vote.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

The Chair recognized members of Administration and Council for closing comments.

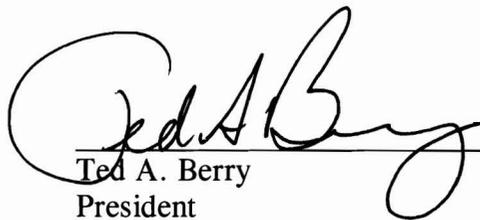
1. Mayor Stage submitted the Mayor's Monthly Report and President Berry moved to accept same; seconded by Ms. Klemack-McGraw.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

2. Mr. Smith reported that a hearing on the renewal of a Liquor Permit for The Derby will take place 2/18/10.
3. President Berry announced a Special Meeting of Council will be held next Tues. 1/26 @ 7:00 pm to review the Town Center Plan.
4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:20 p.m.


 Tami K. Kelly, MMC
 Clerk of Council


 Ted A. Berry
 President