

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

February 01, 2016

Regular Meeting

The regular meeting of Council was called to order by President Schottke at 7:00 p.m. in the Council Chambers, City Hall, 4035 Broadway.

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

Laura Lanese *Steve Bennett* *Roby Schottke* *Jeff Davis* *Ted Berry*

1. Mr. Bennett moved to dispense with the reading of the minutes from previous meeting and approve as written; seconded by Ms. Lanese.

Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes

2. The Chair read the agenda items and they were approved by unanimous consent along with changing the Order of the Agenda by moving Safety under Lands.

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

1. Ordinance C-04-16 (Appropriate \$30,000.00 from the Drug Law Enforcement Fund for the Current Expense of Purchasing a Van to be used by the Division of Police for Law enforcement Purposes) was given its second reading and public hearing.

Mr. Davis explained that we were purchasing a van through confiscated assets.

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

Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes

2. Ordinance C-05-15 (Appropriate \$251,832.53 from the General Fund for the Current Expense of Undergrounding Utility Lines between I-71 and Jackpot Road) was given its second reading and public hearing.

Mr. Boso, City Admin., explained that the City is proposing a northbound turn lane in front of Roosters restaurant. He said this is a quote from AEP to put their overhead lines underground. He said this will be paid for by a Note that will be reimbursed from the Buckeye TIE

Mr. Schottke showed a drawing of the proposed intersection improvement. Mr. Boso said the City is in negotiations with the property owners to acquire additional Right-of Way for the project.

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

Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes

3. Ordinance C-06-16 (Appropriate \$43,500.00 from the General Fund for the Current Expense of Conducting an Alternative Fuel Feasibility Study with Clean Fuels Ohio) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is a collaborative agreement with Jackson Township and the Southwestern City Schools to investigate the possibility of alternative fuels and various fleet vehicles that we have. It is anticipated that this appropriation will be reimbursed through a Local Government Innovation Fund Grant.

There being no additional questions or comments, Mr. Davis moved it be approved; seconded by Ms. Lanese.

Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes

4. Ordinance C-13-16 (Appropriate \$4,500.00 from the Community Environment Fund for the Current Expense of Awarding a Grant to The Buckeye Ranch to Install Screening for the previously approved Fence) was given its first reading. Second reading and public hearing will be held on 2/16/16.

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

1. Ordinance C-01-16 (Repeal and Replace Chapter 903 of the Codified Ordinances titled Parks) was given its second reading and public hearing.

Ms. Kim Conrad, Director of Parks and Rec., explained that this updates the regulations for the Parks. It cleans up language and addresses the Skate Park and Dog Park, etc.

Mr. Bennett said he had questions at the last meeting and did have a chance to speak with Ms. Conrad, Dir. of Parks & Rec. He questioned the provision for food trucks. Ms. Conrad said this won't allow food trucks in the Parks unless it is part of a reserved shelter party, as a caterer for a specific event. He then asked about the fees for a shelter. Ms. Conrad said they charge a fee to reserve a space that is normally on a first-come, first-serve policy. It is a nominal fee that helps offset staff time for clean-up and weekend time. It guarantees someone private use of the shelter. He asked why we don't want to allow metal detecting. Ms. Conrad said they have found this activity causes damage in the parks.

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

Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes

2. Ordinance C-08-16 (Accept the Annexation of 51.63+ acres located at 1421 Borrer Road in Jackson Township to the City of Grove City) was given its second reading and public hearing.

Ms. Kacie Waugh, Attorney representing petitioner, was present to answer any questions. She said the land is for sale and there is a contract on it. It may or may not go through, but any change in use will have to go through the City's process.

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

Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes

3. Ordinance C-09-16 (Accept the Annexation of 0.687+ acres located at 3811 Mayfair Drive in Jackson Township to the City of Grove City) was given its second reading and public hearing.

Ms. Kacie Waugh, Attorney representing petitioner, was present to answer any questions. The owner wants utilities.

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

Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes

4. Ordinance C-11-16 (Approve a Special Use Permit for Outdoor Sales for Speedway #1231 located at 1895 Stringtown Road) was given its second reading and public hearing.

There being no representation to answer questions, Mr. Bennett moved it be postponed to 2/16/16; seconded by Mr. Davis.

Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes

5. Ordinance C-12-16 (Approve a Special Use Permit for Outdoor Seating for Grove City Brewing Company located at 3946 Broadway) was given its second reading and public hearing.

Mr. Michael Mantkowski, petitioner, was present to answer any questions. Mr. Bennett reviewed the four stipulations and Mr. Mantkowski agreed.

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

Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes

6. Resolution CR-07-16 (Appealing the decision of the Board of Zoning Appeals granting Variances for Signage for Drug Mart & Massey's Pizza) was given its reading and public hearing.

Mr. Dave Pallone, Massey's Pizza and Jeb Pallone, were present. Mr. Bennett said at the last meeting they shared their concerns for the removable copy and overall height of the sign. He said they received some alternative suggestions, but it still has changeable copy and triple the amount of signage. Mr. Pallone said they have reduced the height from 16.9' to 15.6'. Mr. Bennett said that isn't much and have expanded the size of the Massey's sign. Mr. Pallone said the Massey's sign takes the box that is there right now. They just want to put additional signage on top of the existing base and sign. He explained that there are more small tenants than originally leased to.

Mr. Schottke said the current Sign Code doesn't give any flexibility for multiple tenants. He said perhaps the Code needs adjusted to address multi-tenant signage.

Ms. Lanese feels that in the future, she agrees with allowing multi-tenant signage in the Code. For this sign she suggests approving Option B.

Ms. Lanese moved that Section 1 be amended to read: "This Council hereby reverses the decision of the Board of Zoning Appeals and grants a variance as shown in Option B, attached hereto"; seconded by Mr. Schottke.

Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes

Ms. Kelly stated that is now modifying the variance to approve Option B; however the original variances included a variance to encroach on the setback by 2.5 feet. If Option B reflects this, then all items have been addressed. If Council wants to make sure they have addressed this point, they can offer another amendment.

Mr. Bennett moved to amend Section 1 to include the encroachment variance previously approved by the BZA; seconded by Ms. Lanese.

Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes

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

Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes

The Chair recognized Ms. Lanese, Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-07-16 (Enact Section 505.18 titled Pet Shops – Restrictions on the Sale of Dogs and Cats in the City) was given its second reading and public hearing.

Ms. Lanese moved to waive the Rules of Council to permit more than three (3) opponents/proponents to speak on this ordinance; seconded by Mr. Davis.

Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes

Mr. Luke Westerman, investor, said he is pro-business and chose to relocate here because of the integrity in Grove City. He invests only in businesses that have a strong social mission. He said Petland has no moral or logical response and can only speak out against this business model. He said this is not an issue of animals versus people. It is about right and wrong. He said our children are watching. Let's make them proud.

Ms. Hope Gregory, Petland EE, asked that Council just listen. She spoke of her experience as a Petland employee. She asked that they be given a chance.

Ms. Victoria Corbitt, resident, said she operates a Rescue Shelter and a 501C3 animal organization for genetically defective animals. Before that, she worked for Pet Smart. She explained that they only had adoption days for dogs and cats. She said the solution is simple. As long as there are companion animals, there will be a need for pet supplies. She said Petland can sell supplies and work with the thousands of existing animals that need homes. She said this is the simple solution. They don't need to sell companion animals.

Mr. Joe Watson, President of Petland, said this issue is very emotional on both sides. He said Petland has been part of the solution for the past 50 years. He said they have a proud history of promoting responsible animal welfare around the world. For him, there one only two sources for animals - Regulated and Unregulated Kennels. He said this Ordinance promotes unregulated sources. He cited an unregulated Breeder that was just raided. He said passing this type of ordinance will be a disservice to animal welfare. He said they stand ready to help write a meaningful ordinance. Mr. Schottke asked if a Hobby Breeder is what he considers unregulated. Mr. Watson said yes. Mr. Schottke asked where Hunte and Pinnacle get their dogs. Mr. Watson said the Animal Welfare Act allows them to work with Regulated Kennels and Hobby Breeders. Ms. Lanese said Council has asked for a list of their suppliers a couple of times and asked when they might get those. Mr. Watson said they brought a list tonight. Ms. Lanese asked what the USDA requirements are. Mr. Watson

said they agree those regulations need upgraded and have been a mover of getting better regulations. He said he said there are 8,600 breeders who are unregulated and operating in the dark. This legislation promotes those breeders. Ms. Lanese said Council is looking at amending this legislation and the unregulated breeder is the dilemma they face. She said for her, the Rescue Model is the best option in her mind. He said the model sounds great but is not an option for them. He said in order to supply pets to them a Rescue must be Class B license by the U.S. Federal Government. He said he isn't aware of any in Ohio. He noted that the Dispatch article spoke to the Shelter option. Ms. Lanese said there are other shelters besides Franklin County. Mr. Watson said their kennel size is regulated by the Federal Government. He said they can't take a large breed dog. He said the rent for this store requires them to use their traditional business model. Ms Lanese said Petland does have other stores that take only shelter/rescue animals. Mr. Watson said yes, they do. Ms. Lanese said they could use the Rescue Model, even though it may be more costly. She said we have brought animals into our homes and the USDA regulations still treat animals as livestock. She said they have heard from numerous residents about what they want and they are trying to get a handle on how to respond to them. Mr. Watson said the idea that promoting unregulated sources for pets, he feels this is a step back for animal welfare. He said if they want middle ground, it is there. Restrictive language for breeder standards can address the concerns. Mr. Schottke said whatever is drafted there has to be a certain amount of trust over the sourcing. We can't be the puppy/kitten police. Mr. Davis said he wants to get to the core issue. For him, it comes down to the Breeding itself. He said even if they are treated well that animal is only there for one thing - to be breed. They are still being treated as livestock. Mr. Watson said he is not a Breeder or Vet, but those Breeders he has seen loves their animals and it is a strenuous business. He said animals are imported because there are not enough to meet the need. He doesn't know why breeders do this job. Many breed for show quality.

Mr. Bennett commented that many in the audience have rescue dogs and more than 2 (by a show of hands). He said he has three and have obtained them from all sources. He said we have a people problem when it comes to dealing with animals. He said he is committed to proper animal husbandry. However, there isn't a puppy mill in Grove City and we are making policy for Grove City. Ms. Lanese commented that this ordinance deals with the issue where we can. She said the list given to them shows that many of Pet land's puppies come from Hunte and Pinnacle.

Mr. Berry asked about the list of suppliers and the 24% with violations. Mr. Watson said there are direct and indirect violations. He said he didn't believe that those on the list had any direct violations. Mr. Berry asked if Mr. Watson felt the USDA regulations were sufficient. Mr. Watson said they believe changes need made and have submitted a petition to support changes. Mr. Berry stated that this ordinance does not target Petland. This is to prevent puppies/kittens from high volume breeders making their way to Grove City for sale.

Ms. Amy Jesse, Humane Society of the United States, voiced support for the efforts of Grove City Council. She said this ordinance does not limit choices or a businesses right to open and their ability to be profitable. She said other pet stores are thriving without selling puppies. She said most responsible breeders will not sell to Pet Stores. Many Pet Store puppies are sick, due to the conditions they are brought up in or by over-breeding. She said it is clear that the Pet Store model is not working. She said over 100 other communities have passed legislation on this issue and applauds Council for taking on this issue. Mr. Davis asked how they define inhumane. Ms. Jesse said she wasn't sure about a definition for inhumane, but they consider a puppy mill a commercial breeding operation where the health of the animal is disregarded in order to maximize profits. She said current standards are inhumane. Mr. Davis said the only breeders we regulate in Ohio are high volume breeders. He asked conceptually, wouldn't they rather have regulated Breeders? Ms. Jesse said yes, conceptually. Mr. Davis asked what she would consider a humane breeder. Ms Jesse said

they know the model that “responsible breeders” use and outlined those standards these breeders use. Mr. Davis said under Ohio Law, there is no way to know and no authority regulating what she considers humane breeders. Ms. Jesse said the only way to know and if a consumer wants to be sure, you have to go to the breeder and see the facilities. She said inhumane breeders won’t let you visit there location. They thrive on the pet store model and internet sales because the buyer never sees the condition the puppy was living in. Mr. Bennett asked what they have done to stop the madness. Ms. Jesse said they constantly ask for changes in the Law and pressure the USDA. There is now legislation to license internet stores. Mr. Bennett asked if they are connected to local humane societies. Ms. Jesse said no. They are not connected to any local societies. She said they focus on big picture issues and prevent cruelty before it happens. She said they set up Emergency/Temporary shelters for disasters or puppy mill raids; they have a pets-for-life program; and covered other campaigns that smaller shelters can’t do. She said a USDA License does nothing to address animal cruelty. They beg them to do better and change the license to address this. Mr. Berry asked what this Council should be looking at to address this issue. He asked if there is a way for Grove City to put forth something to prevent the shell game. Ms. Jesse said other than the Rescue Model, she said there is a middle ground, but it isn’t the most ideal. She said New York City has a middle ground option that says only USDA Class A License and no Broker purchases. You can do something other than the Rescue Model but there are problems. She said right now, there isn’t a great compromise. Mr. Davis said this just adds to his confusion. She said the Rescue Model is the best option because it takes the Breeder out of the equation.

Miss Tyarria Howard, Petland employee, said she is really good at matching the right pet to the right person. She said she cares for the pets in her store. They can co-exist with a shelter and do work hand-in hand at her store. She asked that Council give them a chance.

Ms. Jenna Jenson, Humane Society of U.S., said they go after. She said working with local puppy mills in all possible ways. She said working with local governments to regulate pet shops is a crucial part of their efforts because ordinances accomplish so much at once – from lessening the burden on shelters to lessening the demand for mill puppies, all the while educating the public on how to buy responsibly. She explained that USDA Licensed Breeders are renewed regardless of violations. She said the USDA does not certify breeders. It states that its standards are minimal standards and should be exceeded. She also explained that Pet Stores buy from Brokers and the Store Managers may never know where the animals came from. She thanked Council for considering this important legislation.

Mr. Brian Winslow, VP of Animal Welfare for Petland, said there are both good and bad breeders and you can always find what you are looking for. He said Show Breeders don’t sell to pet stores and Petland doesn’t sell “Show Dogs”. He handed out pictures of different Kennels he has visited. He said Breeders design a facility based on the needs of the type of dogs the want to Breed. He said they agree that USDA regulations need upgraded. He said they base their buying decisions on inspection reports plus visiting and working with their breeders. They also evaluate and increase their buying standards on a regular basis. Mr. Berry said he appreciates the pictures, but he said one looks like a fairing house for hogs and another looks like a run for chickens. He said it comes down to how you view this industry – as livestock or other.

Ms. Laura Bloom, resident, voiced support for the ordinance. She said she fosters dogs and said Grove City doesn’t need to promote the sale of animals that aren’t spayed or neutered. She told a story of a dog who was only a puppy producer and was dropped off at Rescue when she could no longer produce puppies. She asked that Council take into consideration the resident’s wishes on this issue.

Mr. Anthony Samples, Petland VP of Company Stores, said he attended the Planning Commission and Council meetings for their Special Use Permit, which was approved with no restrictions. He said since that time, they have dealt with multiple ordinances to regulate their business. He said after complying with all the requirements of Grove City, they find themselves still fighting to serve Grove City. Ms. Lanese said over 100 other communities have already addressed this and Petland was much more invested in these communities than they are here. She said she appreciates their position and Petland is welcome in Grove City. They can sell pets though the Rescue model as they do at other stores. Mr. Berry commented that the Special Use Permit is a zoning issue. He said this legislation is not saying that you cannot sell dogs; it is suggesting a humane model. Mr. Schottke asked if they can operate w/o going to Pinnacle and Hunte for their puppies. Mr. Samples said they can operate without a Distributor if the need to.

Dr. Laurie Fomby, Veteranarian in Grove City, shared her experience with the puppies that come into her office. She said humane means: the environmental health of the animal. She said when dogs are at the end of their breeding life they are dumped off. She said all other pet stores in Grove City use Rescue organizations and a model that pet stores do get something out of. She said a pure bred dog does not equal good breeding and is not always a quality/ healthy dog. She said designer dogs are mutts. Ms. Lanese asked if she sees a difference between Pet Store dogs and Rescue dogs.

Dr. Fomby said she feels that is comparing apples to oranges. She said animals are more of a companion's now rather than a farm animal, including cats that are in the same situation. They deserve a more elevated status of care.

Mr. Skyler Ormsby, Petland employee, explained his operations for the store. Mr. Davis said they survey buyers about 2 weeks after the sale. However, they don't survey them later and many don't develop health concerns until later. Mr. Ormsby said they don't survey them, but do hear from them all the time.

Mr. Ed Fleming & Ms. Shawn Conrad, representing the Grove City Area Chamber of Commerce, read a letter from the Board concerning the standards to prevent Petland from being part of the local business community. Ms. Lanese said the last thing Grove City wants to be is anti-business. This issue is very unique. She believes they are business friendly.

Ms. Paula Gephardt, teacher, spoke on the ethical nature of caring for dogs and the high cost for pet store dogs.

Ms. Shirley Brackman, resident, voiced support for spayed and neutered pets. She said responsible pet owners and responsible pet breeders do this. She said having worked in rescue and seen the worst of the worst, she would prefer that Grove City doesn't allow anything coming into the City that are not spayed or neutered; and she doesn't see the need when we have so many dogs in the community that need homes through Rescues that are financially strapped to care for because Franklin County Animal Shelter cannot handle.

Ms. Courtney Carper, Real Estate Broker for Petland, voiced support for Petland.

Ms. Kaye Dixon, Dir. of Fr. Co. Animal Control, invited Council to visit the shelter. She said there is too much to explain in three minutes. Mr. Bennett asked what the leading cause is for dogs coming to their shelter. Ms. Dixon said pet over-population. They need spayed or neutered. Mr. Berry asked if they would work is Petland. Ms. Dixon said Petland has contacted her and said she would be happy to sit down and work with them.

Mary O'Connor Shaver, voiced support for the ordinance. She shared their efforts to introduce legislation. She shared how brokers are used to get around Federal Gas. Mayor Stage asked where Senate Bill 130 fell short. Ms. Shaver said when you have friends at the Statehouse and lots of special interest groups, Bills get watered down. Mayor Stage said that the City can only regulate within our boundaries. He said what we do in Grove City does not take care of this. It is a State issue. Ms. Shaver said she don't believe the City Ordinance was meant to solve the States Issue, but she does view any pet store that does not adopt a humane model is not beneficial for the Grove City residents and taxpayers. Ms. Lanese commented that she believes this is a Federal Issue, however, while we are waiting for the State & Federal Government to take care of this, our residents have spoken and feels we need to take a stand for our community.

Ms. Elizabeth Kunzilman, Dir. of Public Affairs & daughter of Petland founder, explained about the company's policy to visit breeders and those she has visited. She said some breeders do direct to customer sales. She asked that Council find some middle ground and to find something that works for everyone. They are willing to work with Council. Everyone deserves a choice.

Ms. Cathy Cowan-Becker, resident, expressed her opinion on low regulations from the USDA. She voiced support for the Rescue model. She said Rescue's do have to register with the State. She feels the rescue model is what the residents want. She then shared a copy of a form letter from a Petland store in Sarasota that pet owners who brought their pet back for a refund or service had to sign or the warranty would be voided.

Mr. Berry explained that this ordinance has changed because they have been learning and collecting information about this issue. He agreed that this is a State and Federal issue and we are caught in the middle of it. He asked that this ordinance be withdrawn and he will introduce a new ordinance at the next meeting that will limit the sale to shelters and rescues. He said they want to get it right and not rush through it.

There being no additional questions or comments, Mr. Berry moved that this ordinance be withdrawn; seconded by Mr. Bennett.

Mr. Davis	Yes
Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	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. Ms. Kelly reported on two Liquor Permit requests. She asked if Council had any objections, which there were none.
2. President Schottke announced that the next regular meeting will be on Tuesday, 2-16-16, in observance of President's Day. He also announced that he will be at a conference and requested he be excused.
3. After comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 10:32 p.m.



Tami K. Kelly, MMC
Clerk of Council



Roby Schottke
Chair

CITY OF GROVE CITY, OHIO
COUNCIL CAUCUS NOTES

Feb. 01, 2016

Council met at 6:30 p.m. in the Council Caucus Room, City Hall, 4035 Broadway.

Ms. Kelly, Clerk of Council, reviewed two liquor permits, which the Interim Police Chief had no objection to. Council had no objection to the new permits for Dollar General or SIJ Enterprises.

Council Members reviewed the Agenda items.

Council retired to the Chambers to begin the Regular meeting.


Tami K. Kelly, MMC
Clerk of Council


Roby Schottke
Chair