

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

February 5, 1996

Regular Meeting

The regular meeting of Council was called to order by President Milovich 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:

Todd Hurley Steve Bennett Mike Milovich Jeff Warner Bruce Faris

1. President Milovich recognized Mayor Grossman for a presentation. Mayor Grossman administered the Oath of Office to the following Committee and Board members:

Greg Skinner	Planning Commission
Michael Perez	Civil Service Board
"Butch" Little	Board of Zoning Appeals
Karen Evans	Board of Zoning Appeals

2. Mr. Warner moved to dispense with the reading of the minutes and approve as written; seconded by Mr. Hurley.

Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes

The Chair recognized Mr. Hurley, Chairman of the Lands & Zoning Committee for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-76-95 (Accept the annexation of 15.3 acres located south of Stringtown Road and east of I-71 (Kaiser)) was given its second reading and public hearing.

Mr. Kaiser, property owner, stated that all property owners involved have agreed to proceed with the annexation and zoning with the text, as previously laid out.

Mr. Jack Lett, attorney representing the estate of the Cully's, also expressed favor and support by the heirs of said property.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes

2. Ordinance C-1-96 (Approve a C-2 and PUD-C Zoning Classification for 2.772 acres located north of Stringtown and west of State Route 104, upon its annexation to the City) was given its second reading and public hearing.

Ms. Barbara Knight, representing the petitioner, explained that two zoning classifications have been requested for this property and a lot split has been granted, contingent upon the Auto Auction purchasing the back half. The back portion is seeking a C-2 zoning class, to be consistent with the present zoning of the Auto Auction. The front half is seeking a PUD-C zoning class, which fronts Stringtown Road.

Mr. Hurley asked if there were any specific users for the front portion. Ms. Knight said no. The Auto Auction is only interested in the back half and there is no intention to sell the entire parcel to them. They currently have no user interested in the front portion.

Mr. David Munnikhuysen, General Manager for Auto Auction, commented that the intent is to continue the existing 10' mound and fence along the south and to the north. Mr. Bennett asked about lighting. Mr. Munnikhuysen stated they would continue the existing lighting. Mr. Bennett asked about lighting that would not impose light on the adjoining properties. Mr. Munnikhuysen said the existing parking lot lighting is a downward directional light and not a spotlight. He reiterated that they intend to continue the same pattern with this new addition that is on the existing piece, contiguous to the property owners. Mr. Hurley asked if the addition would be used for storage of vehicles. Mr. Munnikhuysen said yes.

Mr. Milovich asked Mr. Lotz if it were true that any new lighting fixtures would have to conform to any glare ordinances we have now as opposed to continuing with exactly the present lighting. Mr. Lotz said yes. Our present Code requires lighting to remain within the boundaries of the property. If any new lighting would be put up, it could not spill out on to neighboring properties and an inspection would take place, after installation. Mr. Milovich noted that the Code requires a 60' landscape buffer and it can be reduced by 50% with approved landscaping. He said if the existing landscape doesn't comply, adjustments would need to be made on the extension. Mr. Lotz asked that they keep in mind that they are dealing with a zoning classification now and not a development plan. A Development Plan will need to be submitted later, showing lighting, mounding, etc.

Ms. Aretta Estep, 1350 Stringtown, voiced opposition to the zoning and annexation. She read a letter, which she had sent to each Council member, stating that this is being done with total disregard for the quality of life of those surrounding property owners. She understands that a portion of the property is to be sold to the Auto Auction and knows that Council can't turn back time, but, can prevent the Auto Auction from creeping closer with their noise, dust, car alarms, lights, etc. She feels the tranquility of her woods have already been destroyed. She noted that there are two other homes on her property and if the zoning goes through, these homes would not be desirable rentals. She thanked those Council Members who came to see her home.

Mr. Brad Beatty, 1330 Stringtown, thanked Council for meeting with him. Ultimately, he does not want the zoning to occur. He spoke of oil cans and debris that gets tossed over the fence from the Auto Auction onto his property. He has had to have it cleaned twice this year and asked Council to recall what they saw when they walked his property. He said if the zoning and annexation do take place, that present buffer zone restrictions be enforced and raise the standards, since present ones are not being adhered to. He submitted a petition, signed by area residents requesting same.

Ms. Tonda Allen, 1345 Stringtown, thanked Council for coming out and looking at the area. She requested that Council adhere to its Land Use Plan, which designates the area for residential, and vote against the zoning classification request. She also submitted a Petition voicing opposition to the zoning and annexation with 21 signatures from the area residents. The Township MUC zoning class was explained to them as being for small businesses which are run out of homes and they have no objection to that. Those businesses currently in the area do not disturb their way of life, with the exception of the Auto Auction. They produce trash, rats, and environmental hazards.

Mr. & Mrs. Gilblan, 1240 Stringtown, expressed discontent with the Auto Auction. They do not maintain the buffer zone and asked it be taken care of.

Mr. Elmer Waltz, 1293 Stringtown, voiced opposition to the zoning. He feels the MUC zoning would have been a soft transition and asked Council not to punish the neighbors with the requested zoning.

Mr. Arthur Muncy, 1230 Stringtown, opposed the annexation and zoning. He recalled when the Auto Auction first went in behind them and the promises made. They have failed to keep the mound and buffer area neat and clean; he can hear the loudspeaker inside his home; and the lighting is terrible. He referenced a letter he received from Mr. Clark, Director of Law, stating that the lights are in violation of the Code. The Auto Auction finally turned the lights a little, but, they are still offensive. He said he has killed 8 rats and two groundhogs, yet the Franklin County Board of Health has done nothing. He wants to see the existing problems corrected and opposed the zoning request.

Mr. Bennett stated that the vehicles he noticed were seriously damaged and asked if it was the intent to use the additional ground for the same type of cars. Mr. Munnikhuysen said those are consignment vehicles and the new ground would be used for the same kind of vehicles, which would remain for 3 - 5 days, sold, and replaced with a new batch. It is not for storage.

Mr. Faris commented that the Land Use Plan slates this area for single-family residential and feels it is a good goal. The zoning classification request is in direct conflict with the long term plan. Also, he is considering the residents concerns. Ms. Knight questioned the residential use; noting that it is not zoned that way in the Township now and the area surrounding it is C-2. Mr. Faris said the Planner realized it was commercial and is suggesting it be zoned residential in the future. He said his view is that we should be encouraging the Auto Auction area to be used for single-family development, not the other way around.

Mr. Warner echoed the concerns of Mr. Faris. He said he can see a need for C-2 zoning in the rear, however, he feels it is more amenable to come in as a residential site, especially in front.

Mr. Milovich commented that he has looked at what has happened in the area. Two properties that distinctly come to mind are the Excavating Company and Rock's Trailer. In addition, he looked at the Mixed Use Corridor and what that means in the Township. He feels that currently, this zoning is not being used to its full extent and read some of the uses it allows: Accessory Stores, Barber Shops, Beauty Shops, Food Service, Laundry, Personal Supply Services, Retail Stores, etc. This current zoning is very similar to the City's C-2 zoning classification and sees the same type of uses allowed. He explained that the City has a policy that property being annexed maintain the same zoning it has in the Township and asked Mr. Clark to elaborate. Mr. Clark commented that the Code states that if you don't request a zoning classification change, the property come in at the

most comparable zoning classification of the City. Mr. Milovich asked Mr. Clark what PUD-C affords us over C-2. Mr. Clark responded, more control as to what it can be developed for. Mr. Milovich commented that it was a unique situation to have two zoning classes in the Township. The first 500' is MUC and the remainder residential. The property is approximately 537' deep, so, only 37' is zoned for residential use. Any one of the uses listed in the MUC could be placed in the front.

Mr. Hurley commented that it seems the majority of concerns are regarding maintenance of the Auto Auction property and feels better policing could take care of most of these concerns. He explained that this ordinance is to establish a zoning classification. The request for C-2 on the back half, he feels, matches the MUC zoning in the Township - as close as possible. If a request had not been made, he feels it is possible that the entire parcel would be brought in as C-2. With the request, it allows the front half to be zoned PUD, which is the most restrictive commercial classification the City has. The question before Council tonight is if C-2 and PUD-C are the proper zoning classifications for this parcel.

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

Mr. Milovich	Yes
Mr. Warner	No
Mr. Faris	No
Mr. Hurley	Yes
Mr. Bennett	No

3. Ordinance C-4-96 (Accept the annexation of 2.772 located north of Stringtown and west of S.R. 104 (Ross)) was given its second reading and public hearing.

Ms. Knight requested it be tabled.

There being no additional questions or comments, Mr. Hurley moved it be tabled; seconded by Mr. Warner.

Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

4. Ordinance C-9-96 (Establish an SD-3 Zoning Classification upon annexation for 110 acres located south of Orders Road (Fryer Park)) was given its first reading. Second reading and public hearing will be held on March 18, 1996.
5. Ordinance C-10-96 (Approve a Special Use Permit for Society Bank Drive-Up ATM located at 3521 Broadway) was given its first reading. Second reading and public hearing will be held on February 20, 1996.
6. Resolution CR-6-96 (Accept the Final Development Plan for a Flex Warehouse located on the north side of Brookham Drive (Pizzuti) was given its reading and public hearing and Mr. Hurley moved it be approved; seconded by Mr. Warner.

Mr. Hurley reviewed the stipulations set forth by Planning Commission.

There being no additional questions, the vote was called:

Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes

7. Resolution CR-7-96 (Accept the Final Development Plan for Society Bank Drive-Up ATM located at 3521 Broadway) was given its reading and public hearing.

Mr. Chris Humphrey, architect representing Society Bank, stated that the purpose for this is for Society to maintain a presence at the Broadway location with a drive-up ATM, as they have closed the branch. The ATM faces Broadway and shows five spaces for stacking, but, feels 7 - 12 could easily stack safely. After the Planning Commission's recommendation, some changes have been made to the original plan: the canopy will now remain, at the Administration's request; all parcels will be combined into one tax parcel; the existing pole sign will be removed once the ATM is in place; and landscaping will be placed in the island for the ATM.

Mr. Bennett asked if the current ATM will be removed. Mr. Babbert, of Society Bank, said yes. It is currently located in the back and not the best place for security reasons. Mr. Bennett asked why the inside location couldn't be serviced just as easily as the outside location. Mr. Babbert said it would disrupt the teller training classes inside.

Mr. Milovich asked Mr. Holt, Chairman of Planning Commission, what the comments and concerns of Planning Commission were. Mr. Holt said their main concern was not knowing the use of the building; whether it would be changed; how many vehicles would be on the lot for parking. Mr. Bennett asked Mr. Holt if he would approve it now that he does know. Mr. Holt said he would like to see the ATM moved toward the back of the lot. He is still concerned about stacking. Mr. Humphrey said he feels there is ample stacking room. One big reason for moving the ATM to the front is for security. Keeping it in back of a mostly unoccupied building is not a good idea.

Mr. Warner voiced concern about the canopy and islands. He feels it could become parking. Mr. Humphrey said Society is willing to keep or remove the canopy as requested. Mr. Bennett asked what the ATM was made of. Mr. Humphrey said all steel/painted metal with vinyl signage.

There being no additional questions or comments, Mr. Hurley moved to add stipulation #3 - "Existing pole sign be removed upon ATM installation"; seconded by Mr. Warner.

Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes

Mr. Milovich moved that Stipulation #1 be amended to read: "concrete islands and canopy to be removed and striped for additional parking"; seconded by Mr. Warner.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes

Mr. Hurley moved it be approved, as amended; seconded by Mr. Warner.

Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes

8. Resolution CR-8-96 (Approve the Sign Request for an Office Building located at 3739 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Hurley reviewed the stipulation set forth by Planning Commission. Mr. Richard, owner, was present to answer any questions.

Mr. Bennett asked why an interior illuminated plastic sign was chosen. Mr. said the building was built in approximately 1950 and the existing sign is made of the same material. Mr. Bennett said he would like the lighting to be more subtle and asked if it would be open in the evening. Mr. said yes. There are three offices in the building and is sure someone would be open in the evening. Mr. Bennett said he feels the lighting could be done from the exterior.

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

Mr. Warner	Yes
Mr. Faris	No
Mr. Hurley	Yes
Mr. Bennett	No
Mr. Milovich	Yes

The Chair recognized Mr. Faris, Chairman of Safety, for discussion and voting of items under said committee.

1. Ordinance C-3-96 (Amend Section 1135.09 (12) A 1 - 24 titled Special Use Permits) was given its second reading and public hearing.

Mr. Faris commented that he asked this be postponed until he could research this. He said he now feels comfortable and thanked Council for the opportunity to review the issue. Mr. Hurley commented that in caucus a question arose regarding Temporary Buildings. He said it was suggested this be removed because we don't allow this anyway. Mr. Lotz concurred.

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

Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes

2. Ordinance C-11-96 (Repeal and Replace Chapter 1136 titled Landscaping of the Codified Ordinances of Grove City, Ohio) was given its first reading. Second reading and public hearing will be held on February 20, 1996.

The Chair recognized Mr. Warner, Chairman of Finance, for discussion and voting of items under said committee.

1. Ordinance C-5-96 (Appropriate the Outstanding Fund Balances and Certain Project Funds for Current Expenses) was given its second reading and public hearing.

Mr. Warner explained that the City of Grove City has established certain project funds for the accounting of specific project costs and has appropriated monies for these specific projects. It is necessary to appropriate all unencumbered project funds for such funds to be used to pay project costs.

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

Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes

2. Ordinance C-6-96 (Appropriate \$9,000.00 from the Street Fund for the Current Expense of a Traffic Study) was given its second reading and public hearing.

Mr. Warner explained that the City has been awarded a reimbursable grant in the amount of \$9,000.00 from the Ohio Department of Public Safety for the conduct of a traffic study at the intersections of: Broadway and Hoover Road; Broadway and Southwest Boulevard; and Gantz Road and Stringtown Road and it is necessary to appropriate monies for this new project.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes

3. Ordinance C-7-96 (Amend Section 161.03 titled Longevity Bonus) was given its second reading and public hearing.

Mr. Warner explained that this will update employment provisions, titles and various other sections in order to be in line with various labor contracts with the City.

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

Mr. Milovich	Yes
Mr. Warner	Yes
Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes

4. Ordinance C-12-96 (Appropriate \$44,113.00 from the Community Development Fund for the Current Expense of Special Projects) was given its first reading. Second reading and public hearing will be held on February 20, 1996.
5. Resolution CR-5-96 (Intent to Appropriate a Fee Simple Interest in Certain Lands for the Improvement of Parking Facilities in the Town Center) was given its reading and public hearing.

Mr. Warner explained that the City contemplates expanding parking facilities at City Hall for the benefit of the entire Town Center area and it is necessary to exercise the right of eminent domain to acquire property for said expansion.

Mr. Donald Breckenridge, attorney for Farmers Exchange and Lumber Yard, said Council is being asked to declare its intent to take, by eminent domain, two pieces of property and to declare the taking of property a public necessity. Passage of this resolution commences a process by which the City seeks to divest the Farmers Exchange of its interest in two pieces of real estate. The Grove City Farmers Exchange and Lumber Yard have been members of this community for 75 years. These entities have had a positive effect on each one in the community and it being successful for 75 years has not been by chance. They provide a high level of service and product, have appropriately planned for the future, are committed to the community, and are fiscally responsible. Their goal is it grow and prosper in the City and the very reason why they purchased the properties Council is being asked to take. The Ohio Revised Code requires that before a piece of property can be taken, a public need be established. The questions then becomes, whether or not this taking is necessary. That question begs others: Has there been some kind of determination made of the number of spaces available for public parking around City Hall; How many more spaces are necessary to accommodate the need set forth in the Resolution; How many are expected to be acquired by the take; Have other options been explored, short of taking this property; How much will it cost to raise existing structure, clear, gravel, pave, landscape & light? He asked that Council proceed with caution in determining if the need exists. Once done, it is difficult to reverse. He asked for consideration of the vitality of a business that has been around for 75 years and balance the alleged need for additional parking with the obvious need this business has to retain the property in order to insure its ability to continue to grow. Taking the property will eventually choke this business so it can no longer expand. Their position is that although there may be a desire for additional parking, mere desire does not rise to the level necessary to take the property through eminent domain.

Mr. Faris asked Mr. Clark asked if all Council is doing is voting on the intent and later a need will be proven later. Mr. Clark said he feels necessity is part of the intent being declared, however, he also feels Council sets that need. Generally, the courts rely on what the City makes the declaration

Mr. Warner	No
Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

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

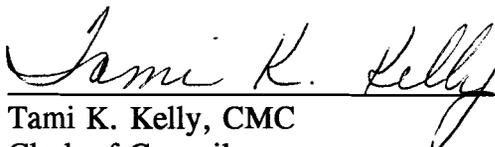
There being no new business, President Milovich recognized members of Administration and Council for closing comments.

1. Mayor Grossman submitted the Monthly Mayor's Report and requested it be accepted. Mr. Milovich moved to accept the Mayor's Report; seconded by Mr. Hurley.

Mr. Faris	Yes
Mr. Hurley	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Warner	Yes

2. Mayor Grossman recognized and commended the volunteers who were sworn in tonight and President Milovich recognized Mr. Greg Latherfelt, a council member from Mt. Sterling.
3. President Milovich stated that, if there were not objections, the next regular meeting of Council would be held on Tuesday, February 20, 1996 in observance of President's Day. There being no objections, the meeting was moved by unanimous consent.
4. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 10:15 p.m.



 Tami K. Kelly, CMC
 Clerk of Council



 Michael Milovich, Jr.
 President