

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

February 6, 2012

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 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:

Jeff Davis Maria Klemack-McGraw Ted Berry Steve Bennett Melissa Albright

1. Ms. Albright moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Klemack- McGraw.

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

2. President Berry moved to excuse Mayor Stage; seconded by Mr. Bennett.

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

3. President Berry recognized Representative Cheryl Grossman, who presented the Parks & Rec. Department with an Accommodation from the House on their recent accreditation.

President Berry then recognized Mr. Jim Hale, Director of the Visitors & Convention Bureau, who allowed Mr. Rick Lauder to present Council with their Annual Report. Mr. Davis asked for a snapshot of what is to come in 2012. Mr. Lauder and Mr. Hale said they are adding connection to the web so people can connect with their mobile phone Aps. They also are making an effort to capture bus traffic. Council complimented Jim & the VCB for all their hard work.

4. The Chair read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-01-12 (Authorize a Then and Now Certificate for the payment of \$41,496.82 for Prisoner Housing Costs) was given its second reading and public hearing.

Mr. Turner, Dir. of Finance, explained that this is a matter of the expenditures being made before the Purchase Order was open. This covers two months.

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. Davis	Yes
Ms. Klemack-McGraw	Yes

2. Ordinance C-02-12 (Appropriate \$30,832.15 from the Capital Improvement Fund for the Current Expense of relocating, widening, reconstructing and improving Old Stringtown Road) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is an old bill that goes back several years. Originally, AEP provided a cost estimate that didn't come close to what they billed us for. We refused to pay until AEP provided documentation to prove the costs billed related to our project. It wasn't until about a month ago that the documentation came through. Mr. Turner noted that the money was appropriated at one point. Had they known about these costs ahead of time, they would not have had to come back to Council. The project actually came in under budget.

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

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

3. Ordinance C-03-12 (Authorize the City Administrator to enter into a Contract with Pitney Bowes) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this is a 60 month contract, which affords the best price. Because it is over 12 months, Council must approve it.

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

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

4. Ordinance C-05-12 (Amend various Sections of Chapter 161 of the Codified Ordinances titled Employment Provisions for City Employees) was given its second reading and public hearing.

Mr. Smith noted introduced Ms. Eve Ellinger to review the changes. Ms. Ellinger explained that the first change deals with the pay period. Currently, the City pays employees on real time. This doesn't allow for payment of overtime, sick time, etc. within the pay period. This change will move payments to a week behind. She showed a schedule that gradually moves the pay period over time. She said they have signed agreements with the Police and AFSCME and they have changed their contracts to accept this pay period change. She then explained that the next change deals with amending the salaries for the Directors of Safety and Deputy City Administrator to align them with all other Directors in the Code. The next change is for part-time positions that amend the salary range to comply with the Ohio minimum wage. The final change is to add a police officer. Mr. Smith noted that the Police Officer position was already accounted for in the budget.

Mr. Berry asked if the changes to the Director's positions were taken care of in the Budget. Mr. Smith said no. Any changes in the salary range for positions would not change the amount of money budgeted. Any salary that might go beyond the budget amount would either need Council approval for an additional appropriation or find permissible budgeted monies to cover the cost.

Mr. Bennett asked Mr. Boso to explain the change in personnel duties for the Safety Director and Asst. City Admin. Mr. Boso explained that we currently have an assistant city administrator, who also serves as safety director in a part-time capacity, with a salary of \$50,000.00. He said they are going to transition into a full-time asst. city administrator/safety director. That person will be in charge of approximately 100 people. The salary range is what they believe is accurate for that type of position.

Mr. Smith noted that the Code dictates that if the Asst. City Admin. holds a second Director's position, only one salary can be received for all positions/duties.

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

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

5. Ordinance C-06-12 (Authorize the City Administrator to enter into an Agreement with Time Warner Communications for Internet Access) was given its first reading. Second reading and public hearing will be held on 2/21/12.

The Chair recognized Ms. Albright, Chairman of Service, for discussion and voting under said Committee.

1. Resolution CR-06-12 (Support Issue 8 – the South-Western City School 2.9 Mill Bond Issue, on March 6, 2012) was given its reading and public hearing.

Mr. Hugh Garside, SWCS Treasurer, was present and explained that the entire project would allow for the replacement of 13 elementary schools, renovate 2 elementary schools, and replace 1 high school. He said 4 buildings in Grove City would be replaced. This would bring constructions jobs and enhance the efficiency & educational abilities within the new schools. He said there would be no increase in taxes. If this is passed, the tax amount collected would be at the same rate as today. He said the State is partnering with a 50% matching of funds if the Bond is passed. If not, those dollars will go to some other school district. Ms. Albright asked about the \$40 million for maintenance. Mr. Garside explained that the older buildings (13 elementary & 1 high schools) have about \$40 million of deferred maintenance. If the Bond is passed and these buildings replaced, that would free up those dollars to be used on the other buildings in the district for any maintenance issues.

Mr. Bennett commented that he had a conversation with a teacher who shared how much these improvements will help. He said until then, he didn't realize how under-equipped some of these buildings are. He said we need to bring our buildings up to an acceptable level for our students and teachers, so they have all the advancements for an optimal learning environment.

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

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

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

1. Ordinance C-04-12 (Authorize the City Administrator to take Any and All Necessary Actions to Convey an Easement consisting of approximately 0.332 acres to Columbia Gas of Ohio, Inc.) was given its second reading and public hearing.

Mr. Steve Smith, Dir. of Law, explained that this would authorize an easement to Columbia Gas so they can replace an existing, exposed pipeline.

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

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

2. Ordinance C-07-12 (Approve the Rezoning of 2.9+ acres located south and east of Seeds Road, from C-2 to IND-3) was given its first reading. Second reading and public hearing will be held on 2/21/12.
3. Ordinance C-08-12 (Approve the Rezoning of 4376 Broadway from C-1 to C-2) was given its first reading. Second reading and public hearing will be held on 2/21/12.
4. Resolution CR-48-11 (Appeal the Decision of the Board of Zoning Appeals granting a Height Variance for a vertical tank for Entire Energy & Renewables located at 3570 Sunshine Park Place) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that his firm represents a lot of people for many reasons and from time to time they have two clients with inconsistent interests. When that happens, they require a conflict waiver. Since he represents the city and his firm represents Mr. Curry, there is a conflict and no conflict waiver will be signed by Mr. Curry. From here on out, he will not be able to represent the city in this matter or any other where Mr. Curry is involved.

Mr. Rich Sloan, representing Entire Energy & Renewables, thanked Council and announced that he will be staying after the meeting tonight to meet with anyone to answer any questions they have about the business. He then explained that the company has redesigned its materials handling process and no longer needs a silo. He said this was motivated by the strong urging of the community and their response to the community. He said if Council voted yes on this variance, it would in no way encumber their business and they have a better solution that will be contained inside the building. There will be no storage on the exterior of the building.

Ms. Diane Cordle explained that she is concerned about the business and the effects it will have on the air quality and health of those living around it. Chair Klemack-McGraw explained that the issue on the floor is for a height variance. Ms. Cordle asked why there is a need to approve this

resolution. Ms. Kelly, Clerk of Council, explained that there is an approved variance for this additional height in place. If Council does not act on the appeal resolution, that variance would remain in place for the parcel. Ms. Cordle said she understood and asked to be called under New Business.

Mr. Geoff Fillinger, resident, explained that when he moved here he wanted to build a nice garage and was told the maximum height was 13'. So, that is what he built. He also cited a sign for a friend and the school building atrium/tower. He said he served on the zoning board for the Township for a number of years and there had to be a darn good reason to vary from those rules. It had to be beneficial to the Township and the society, not just to a business. He said he understands that Buckeye Parkway has a focal point, but that is no reason to fall down on our zoning on this end of town. He urged Council to overturn the variance.

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

Mr. Davis asked to be excused from the vote, per Counsel Advice. Mr. Bennett moved to excuse Mr. Davis from voting; seconded by Ms. Albright.

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

The vote was taken on the motion to approve CR-48-12.

Ms. Albright	Yes
Mr. Davis	Abstain
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

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

1. Mr. Steinhoff talked about a possible scenario of transportation for Entire Energy. He said when S.R.62 was built it was a long-haul truck route. Today, it is primarily used for smaller delivery trucks. He questioned whether Town Center should be considered an industrial site in 2012. He asked what the logistics were for moving 48 tons. He noted that 3M shifted many products but they were always contained. He noted that the Church allowed a small part of their parking lot to be used so trucks could turn around. He wondered if that would still be allowed today. He shared his concern for the cleanliness of the trucks, spillage & leakage, the designed truck route, and the wear and tear on the roads. He said he firmly believes in private enterprise and individual rights. He said he can accept different view points on what is best for Town Center as long as those views are based on facts and good judgment. He questioned if the old 3M is the best site for Entire Energy. He said this could be critical for what Grove City wants to be in the future, not what it wanted to be in an era gone by.
2. Ms. Ginger Thrush, voiced concern over a tire reclamation facility near the heart of the Town Center. She said while she strongly supports new businesses locating in our area, she said it is her understanding that this business does not meet the zoning requirements for the building on Sunshine Park Place. She wonders why the application is still being considered. She said a substantial amount

of money, time and effort has been spent on developing ideas for improving the Town Center. How this business would affect any future plan for that area is a reasonable question for elected official to consider. She also feels property values could be affected. She asked Council to consider the impact of their decision on the quality of life and property values in the area. Mr. Berry clarified that there is no application or issue before Council now.

3. Ms. Diane Cordle, voiced concern over the air quality with the tire reclamation business being proposed. Her main concern is the health of the residents. She said we can't go back and fix peoples health. She also voiced concern over the type of fuel to be generated by this business.
4. Mr. Charles Brown expressed his concern for an unproven commodity in the middle of a residential area. He asked that Council do what is best for all of Grove City.
5. Mr. Bill Ferguson said he is embarrassed by the way this community has treated Mr. Sloan. He said he has done his homework and spoke with two chemical engineers about the microwave process. Those engineers said it is safe. There are safeguards in place to take care of any hazards. He said it upsetting to see the misinformation, hate messages, etc. He said people should be allowed to present information. He said he put effort into getting information. He said we need to attract not attack businesses.
6. Mr. Terry Jones spoke about the opposition to the silo. He said it is his understanding that the meeting held last week was no different from the malicious content that is posted on the "Stop the Silo" Facebook page. He said this page states that it is being created to bring attention to the issue. While he agrees with citizens rights to organize and fight for what they believe in, but this page is anonymous and filled with misinformation and out right lies. He said the meeting was described as a lynch mob rally with deceitful and unrelated misinformation. He said there is no mountain of burning tires or a smoke stack associated with this business. There is no burning of rubber. There is no delivery of materials 24/7. It is not 3-mile Island; the trash burning power plant; or the BP oil spill. They are purposefully misrepresenting Entire Energy and circulating false information. Equally disturbing is the character assassination that the Silo Opposition has leveled against three of the Council Members. They also maligned and persecuted a local business man. He pointed out that the BZA, who are appointed by the Mayor, approved and granted the silo variance. He questioned why those people and the Administration are not being persecuted as well. He pointed out that this business is not asking for any grants, loans, tax abatement, or any free or discounted building space. He is only asking to use an existing building that is zoned for this business without any intrusion.
7. Mr. John Ekes, he said when he moved here, the Town Center was an idea. He said it was a work in progress. It will always be a work-in-progress. There needs to be an atmosphere that allows that to happen. Creative people with good ideas, moxy and a willingness to invest will keep coming. He can't see where an industrial business creates and adds to that atmosphere of the Town Center.
8. Mr. Rich Sloan, Entire Energy, said he really appreciated those in the audience who wore green shirts tonight to show support. He noted that he was at the AEP building today and out in front, there is a huge turbine called Filo6. It was built in 1956 and converted water to steam. It powered homes in Grove City and all over Central Ohio for decades. It was the first of its kind. It was innovation, Ohio style. He said Grove City has the opportunity to do the same thing, on a much smaller scale. He responded to some of the concerns voiced by the speakers. It is an entirely clean process. He said there are no smoke stacks. There is no combustion. Everything happens in a sealed, nitrogen environment. There are no safety or explosion issues, due to the rigorous engineering of the system. There would be no sound audible outside the building. There is no odor. There is a turbine that will make electricity to power the business and extra electricity that meets the renewable standard of the State of Ohio. He said the carbon black material is not considered a hazardous material by the U.S. Dept. of Transportation and other countries. He said it is not an airborne health risk according to the

U.S. government. He said he is a customer of Planks & Lilly's. He said he wants his 21 employees to also enjoy these places. He believes this is a great thing to invigorate the downtown area, when so much development has moved to the other side of the highway. He believes this is a great opportunity for a facility that will be discrete and everything will be contained inside. The truck traffic will be minimous relative to the truck traffic already on Grove City road.

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

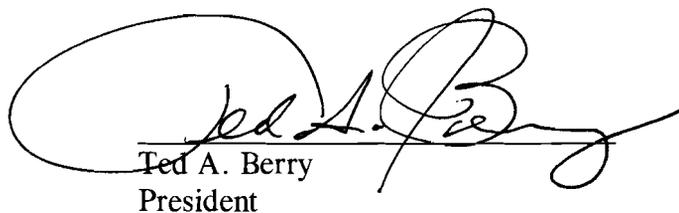
1. Mr. Boso, City Admin., noted that, with respect to Entire Energy, the City's zoning official has made a determination that this business does not fit under any of our zoning classifications. Given the newness of this business, that isn't surprising. He said the Owner can apply to Planning Commission to allow for this use, but has not done that yet. He anticipates many further discussions.
2. Council thanked everyone for coming and voiced support for Issue 8.
3. President Berry announced that the next regular meeting of Council would take place on Tuesday, 2/21, in observance of President's Day. He also announced that Council would be reinstating a Caucus session prior to the regular meeting, beginning with the 2/21 meeting and that session would start at 6:30 p.m. He then announced that Council would be meeting at 5:30 on 5/21 to hear an update on the Records Law from its Director of Law.

President Berry also announced that Council is working on a new forum called Grove City Unplugged. Mr. Davis commented that the idea is to have topical issues of importance regionally, bring in experts in particular fields after the regular council meeting, have an informal discussion between the speaker, council, the administration, and the public. He said he hopes it bring a different dynamic and be able to show that the policy makers are on top of their game. He hopes people will stick around. Ms. Albright said Dr. Wise has been contacted to speak at the first session on the entire school system and Issue 8. She said a key element to this forum is that each speaker will be asked to answer the question: "How do you want to be part of our community?"

4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:30 p.m.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
President