

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

February 07, 2005

Regular Meeting

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

*Rich Lester    Robert Hatley    Bill Saxton    Maria Klemack    Vaughn Radi*

1. The Chair recognized Mayor Grossman who administered the Oath of Office to Gary Schrecengost as Sergeant. She also presented him with the Blue Shield Award that is given by the Chief for Exemplary Service. Chief Deskins commented that Sgt. Schrecengost was very instrumental with the Department's Accreditation Renewal. She recognized the 2004 Police Officer of the Year, Greg Barber and the 2004 Civilian of the Year, Laurie Grener. These honors are given by their peers. She also presented Officer Pat Shaw with the Life Saving Award for his bravery in going into a burning home and waking up the husband and wife, saving their lives.
2. President Saxton then recognized Mr. Bill Meyers, retired Columbus Health Commissioner & resident of Grove City, requested that Council introduce and enact a Clean Indoor Air Act with no exceptions. He wrote to Council in July and received a prompt reply from President Saxton indicating that he wanted to see what happened with Columbus. The voters of Columbus upheld the Ordinance passed by Columbus City Council. He said he came to the Special Meeting of Council and some of them left disappointed. He argued the points given at that meeting by other speakers as reasons not to impose a ban. He said businesses won't self regulate when it is perceived not to be in their best interest; constitutional rights are not being violated, as such an Act does not ban smoking, it only takes it outside; the State Legislature won't address the issue, as they are dependent on the revenues. He said the fundamental role of government is to protect the health, safety and general welfare of the community and it is appropriate for government to do this. He then quoted from an article in the New York Times from 2/6/05, citing the change in public opinion since the two-year old Act went into effect. He asked for language identical to Columbus and offered his assistance.
3. Mr. Lester moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Hatley.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

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

**The Chair recognized Mr. Hatley, Chair of Finance, for discussion and voting of legislative agenda items under said Committee.**

1. Ordinance C-05-05 (Appropriate \$24,607.00 from the Community Environment Fund for the Current

Expense of the Keep Grove City Beautiful Program and to Authorize the City Administrator to enter into a Recycle Grant Agreement with the Solid Waste Authority of Central Ohio) was given its first reading. Second reading and public hearing will be held on February 22, 2005.

2. Ordinance C-06-05 (Appropriate the Outstanding Fund Balances and Certain Project Funds for Current Expenses) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
3. Ordinance C-07-05 (Amend Section 161.09 and 161.10 of the Codified Ordinances titled Employment Provisions for City Employees) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
4. Resolution CR-07-05 (Withholding Consent for the Remission of Taxes, Penalties and Interest on an Application for Real Property Tax Exemption filed under Section 3 of Sub. H.B. 362 of the 125<sup>th</sup> General Assembly) was given its reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Lester.

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

**The Chair recognized, Ms. Klemack, Chairman of Safety, for discussion and voting of legislative agenda items under said committee.**

1. Ordinance C-08-05 (Amend Section 192.01 of the Codified Ordinances of Grove City, Ohio titled Hotel Tax, Definitions) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
2. Ordinance C-09-05 (Amend Various Section of Part 11 of the Codified Ordinances of Grove City, Ohio titled Planning and Zoning) was given its first reading. Second reading and public hearing will be held on February 22, 2005.

**The Chair recognized, Mr. Radi, Chairman of Service, for discussion and voting of legislative agenda items under said committee.**

1. Ordinance C-10-05 (Amend Section 939.08(b) of the Codified Ordinances of Grove City, Ohio titled Sewer Connections; Permits Required; Inspections; Fees) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
2. Ordinance C-11-05 (Amend Section 951.02 of the Codified Ordinances of Grove City, Ohio titled Permits and Fees) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
3. Resolution CR-08-05 (Adopt the Solid Waste Management Plan for the Solid Waste Authority of Central Ohio) was given its reading and public hearing.

Ms. Terri Merriman, representing SWACO, was present to answer any questions. Mr. Radi

mentioned that the Mission of SWACO stated that they are committed to finding ways to reduce the waste stream and asked for an example. Ms. Merriman stated that Columbus has just announced a “Blue Bag” program with no additional fees. So, they will begin a recycling program for 10,000 households and by the end of the year increase that to 20,000. She said they also work closely with Chuck Boso and Dr. Bostic in finding companies to take the trash and gas to do something else with it. Mr. Radi asked about the odor that comes from the facility. Ms. Merriman said they are aware of this and have “Odor Trackers” in different subdivisions, who have been trained to assist with the odors. She said they also use a spray on the trash at times to neutralize the smell.

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

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

**The Chair recognized, Mr. Lester, Chairman of Lands, for discussion and voting of legislative agenda items under said committee.**

1. Ordinance C-03-05 (Amend the Zoning Text for 13.628 acres located West of Farmbank Way and North of Southwest Blvd., as adopted by Ord. C-04-04) was given its second reading and public hearing and at the written request of the petitioner, Mr. Lester moved it be withdrawn; seconded by Mr. Radi.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

2. Ordinance C-04-05 (Accept the Annexation of 0.50 acres located at 3930 Casa Blvd.) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner was present and explained that the property owner is desirous of obtaining City water. She owns a parcel on Ventura that touches this parcel. Any easements needed would be obtained.

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

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

3. Ordinance C-12-05 (Approve the Plat for Plum Run Crossing, Section 1, Phase 1, located on the NE corner of Seeds & Zuber Roads) was given its first reading. Second reading and public hearing will be held on February 22, 2005.
4. Ordinance C-13-05 (Approve the Rezoning of 15.45 acres located North of Holton Road and West of

Snowy Creek Drive from SF-1 to PUD-R) was given its first reading. Second reading and public hearing will be held on March 21, 2005.

5. Ordinance C-14-05 (Approve the Zoning Text Amendment for Gateway Business Park East, located North of State Route 665) was given its first reading. Second reading and public hearing will be held on March 21, 2005.
6. Resolution CR-02-05 (Approve Amendments to the Development Plan for Broadway Commerce Park located West of Farmbank Way and North of Southwest Blvd. as approved by Res. CR-83-04) was given its reading and at the written request of the petitioner, Mr. Lester moved it be withdrawn; seconded by Ms. Klemack.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

7. Resolution CR-09-05 (Approve the Sign Request for Premier Property Inspections located at 4026 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Charles Faught and Mr. Louis Willard, petitioners were present and requested approval as approved by Planning Commission.

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

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

8. Resolution CR-10-05 (Approve the Development Plan for Outlot 23, located in Parkway Centre North, north of Stringtown Road & east of I-71) was given its reading and public hearing.

Mr. Sean Cullen, Continental Development, was present. Mr. Lester stated that there were 18 stipulations set by Planning Commission. Mr. Cullen agreed to all of them. President Saxton asked Mr. Keller, EMH&T, if the drive-thru was acceptable. Mr. Keller confirmed that it was.

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

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

9. Resolution CR-11-05 (Approve the Development Plan for Stringtown Road BP, located at 1881 Stringtown Road) was given its reading and public hearing.

Mr. Mike Martinelli was present. Mr. Lester noted that there were 8 stipulations set by Planning Commission. Stipulation #7 references the movement of a tree, which is not their responsibility to physically move the tree, but if it isn't done in a timely manner by the Agreement with the City, it will be their responsibility to see that it is taken care of. Mr. Martinelli said he understood. Mr. Lester then questioned stipulation #8, referencing modifications to the canopy over the gas pumps. Mr. Martinelli said they would clean and repaint the existing canopy with the BP, fresh image paint, as they require. Mayor Grossman clarified that what is white will remain white and what is green will remain green. Mr. Martinelli said yes, it would. Mr. Martinelli then questioned stipulation #5. He said he didn't agree to supply an easement for the length of the property from east to west. It was clarified by Mr. Keller that most of the sidewalk will be located on Bob Evan's parcel, however, there will be a need for curbing on the southeast corner that would be on the BP site.

Mr. Lester moved that Section 1 be amended to include: “. . . , except for Stipulation #5 and #8 and the following stipulations: 1. Existing canopy shall be cleaned and painted in Company colors of green and white, with the existing green repainted green and existing white repainted white; and 2. An easement shall be provided at the southeast corner, as needed, to facilitate curb ramps.”; seconded by Mr. Radi.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

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

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

- Resolution CR-12-05 (Approve the Preliminary Development Plan for 4401 Broadway) was given its reading and public hearing.

Mr. Steve Bowshier, attorney for petitioner, was present. Mr. Hatley commented that this project has changed several times and on one of the plans it talked about storage facilities at the rear. He asked if there were still plans for this. Mr. Bowshier stated that this is only a Preliminary Plan, and at this time, they only have one anticipated tenant, which is not a storage facility. He said that doesn't mean it won't come up again, but for now, they don't have a storage facility tenant.

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

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

11. Resolution CR-13-05 (Approve the Preliminary Development Plan for a 1+ acre parcel located south of Lamplighter Drive) was given its reading and public hearing.

Mr. Don Plank, attorney for petitioner, was present, along with Mr. Pat Rafter of Creative Housing. Mr. Plank reviewed the zoning history of the overall area between Stringtown & White Rd., east of I-71. Today there is commercial development North and South on Stringtown Road. When the Parkway Centre was planned, they included an east/west street, now known as Lamplighter Dr., which separated the commercial from the multi-family. This project continues with that pattern and places multi-family on the south side of Lamplighter Dr. More importantly, it keeps commercial traffic off of White Road. He believes that it is intended to keep White Road residential in character. This project is one acre with two, four unit buildings, equating eight units to the acre. Elevations have also been provided at this stage to show the architectural standards that are being committed to for this use. He stated that, at some point, they would request a variance to the parking requirements, as they do not need all the spaces required by the Code. He then turned it over to Pat Rafter, who explained that they were founded 12 years ago as a non-profit organization to develop housing for people with mental retardation. He explained that choices for aging parents with mentally retarded children are very limited. He said they began to acquire single-family homes and now have 350 properties. They stay close to their families and communities, as opposed to being sent away. There are about six in Grove City now. This particular project focuses on people in motorized wheelchairs to have the capability to live in an apartment setting. Those places do not exist, for the most part, in our communities. These would be super accessible and promote the independence of the people living there. He said they work closely with the Franklin County Board of Mental Retardation. They are the ones who indicate to them what they need to develop. This particular quadrant of Franklin County is in need, in the next couple of years, for apartments that are fully accessible for people in motorized wheelchairs. He explained that Franklin County identifies the people who come in, screen the people who would live in the property, and arrange for support services. Creative Housing's role is as a developer and property manager. This particular site holds a lot of promise for them. They believe they need to develop in Grove City for its population. The site is ideal with the mix of commercial and residential and has a perfect blend of items that they could want for one of their developments. Mr. Plank stated that he has met with Epcon and has agreed to this project. If Council needs a letter, he will get it for the Development Plan submittal. Also, they have Joe Ciminello's approval, who is developing the golf course and has an option on this ground. It was important to them that they include a use for the handicapped, because they are typically not considered when development occurs. They felt it was the right thing to do, but with the architectural standards established for the area.

Mr. Radi asked if Epcon's development is fully sold out. Mr. Plank said he didn't believe it was, but not sure. Mr. Radi asked for clarification of stipulation #1 regarding use specific stipulations. Mr. Plant stated that they agreed to state in the Zoning Text that these would be for mentally handicapped individuals. Mr. Radi asked Mr. Clark, Dir. of Law, if that would be enforceable. Mr. Clark said he hasn't seen this before and isn't sure if it would be enforceable. Mr. Plank stated that he has done it a number of times. They will be built for handicapped individuals, with one person per unit. It may be converted from a handicapped accessible unit, but economically it makes no sense. Mr. Radi asked if they have done this anywhere else. Mr. Rafter said they have built four in north, south, east, west, sections of the County and this particular building is being developed at two sites in Columbus and one in Whitehall. Mr. Radi commented that he has voted against the last four multi-family projects that have come before Council. Mr. Plank said they call them apartments, but the stay for these individuals is around seven years. He said they do not drive and it becomes permanent housing for most of them. Mr. Radi said he just wants them to understand that he has not been a proponent of multi-family apartment units and while he has a sensitivity to the user and understand the special needs that these individuals have, he isn't sure it is something that he should look at or not. *President Saxton*

commented that he understood this area was to be used for office space. The former property owner was also told this ground would be developed into office buildings and shown a specific building. Mr. Plank stated that the building shown to the property owner was for a specific tenant who will not come to this area without significant tax abatement. With all that has gone on with this area, they didn't feel they could ask the School District for tax abatement. He said there is better commercial ground/office space available. President Saxton said they have to stop somewhere and believes that the end of the Epcon project is a good place to stop. Mr. Plank asked if Mr. Saxton would take retail all the way down to White Road. President Saxton said he didn't know. He believes we have enough apartments in Grove City. The Casto Group is planning to ask for a change to their development and turn the apartments into condo's. Other apartment owners have indicated that they plan to sell because of the high occupancy rate. Mr. Plank said he understood the issue about apartments, but that really isn't what is before Council. It is a one-acre parcel that they call apartments because that is the only thing they can call it, per the City Code. It is not apartment living. *Mr. Lester* commented that he couldn't support the project because it technically is apartments. He has heard enough from his constituents that we don't need any more apartments. Mr. Plank stated that The Epcon Group has shown interest in developing another project to the east. Mr. Lester said this is one acre of many acres that they have the ability to be responsible to the community. They view it as apartments and so does the Code. That is why he can't support it, at this time. Mr. Plank asked if he brought in the many acres with all condominiums, except for the one-acre parcel, if that would be more acceptable to Council. Mr. Lester stated it would make it easier for him to look at the entire project, rather than one acre under a microscope. Mr. Radi commented that if this had been brought in with the original Schottenstein project, he wouldn't have a problem with it. He is looking at it now as spot zoning. He is not in favor of taking out one-acre and putting in apartments when they don't know what is happening with the rest of the piece. Mr. Plank asked if he planned the whole piece, if he would be more favorable to. Mr. Radi said he would definitely look at it.

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

Mr. Hatley	No
Mr. Saxton	No
Ms. Klemack	No
Mr. Radi	No
Mr. Lester	No

12. Resolution CR-14-05 (Approve the Preliminary Development Plan for 4110 LLC located at 4110 Demorest Road) was given its reading and public hearing.

Mr. Hatley requested that he be excused from participation of this Resolution. Mr. Lester moved that Mr. Hatley be excused from voting; seconded by President Saxton.

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

There being no representation, Mr. Saxton moved it be postponed to 2/22/05; seconded by Mr. Lester.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

Mr. Hatley	Abstain
Mr. Saxton	Yes

13. Resolution CR-15-05 (Approve the Development Plan for Drury Inn and Suites located south of Stringtown Road and east of I-71) was given its reading and public hearing.

Mr. Joe Pereles, V.P. of Dev. for Drury Inns, was present. Mr. Lester stated there were nine (9) stipulations from Planning Commission and understands that the facility is moving from six stories to seven. Mr. Pereles stated that it was originally six stories, 150 rooms and have increase the size to seven stories, 180 rooms. Mr. Lester asked if there is banquet space available. Mr. Pereles said there is approximately 2,100 sq. ft. of meeting space that can accommodate banquet space, or set up for other uses. The space can also be cut in half for two functions. President Saxton noted that there is no authority to approve the 32' sign as shown in the plans. Mr. Pereles said he understands that this would be removed. President Saxton stated that the City has a great need for space that could hold 225. Mr. Pereles said they have had discussions with the Mayor about that and possibly with their help could solve that problem, but this prototype doesn't have room.

Mr. Lester moved to amend Section 1 to include “. . . , except for stipulations #4 and #5, and that the pylon sign shown at the entryway at Bob Evans shall not be allowed.”; seconded by Ms. Klemack.

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

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

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

14. Resolution CR-16-05 (Approve the Development Plan for Mount Carmel Grove City Health Center located in the Gateway Business Park, north of State Route 665 & east of I-71) was given its reading and public hearing.

Mr. Tim Kelton, Ruscilli Development, was present. Mr. Lester said there was a fire protection issue with the project. Mr. Kelton said it has to do with the exact location of the fire loop. They are in communication with Jackson Township and it will be shown on the final plans. Mr. Lester said he had a question about the location of the second dumpster on North Meadows Drive, which appears to be removed from the building and looks like it may require off-street loading. Mr. Kelton said they would make sure that is checked in the final plans and relocate it so there is no off-street loading. Mr. Lester asked what would be in the building. Mr. Mike Kniff, VP for Business Development for Mt. Carmel, stated that it would contain an Urgent Care Center, a relocated primary care group, an imaging center, physician time share office, and space for lease or purchase by specialists physicians.

Mr. Lester moved that Section 1 be amended to include: “. . . , subject to the approval of C-14-05.”; seconded by Mr. Radi.

Mr. Hatley	Yes
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Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

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

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

- Resolution CR-17-05 (Approve the Development Plan for Creekside, Section 7, located north of Holton Rd.) was given its reading and at the written request of the petitioner's agent, Mr. Lester moved it be postponed to 3/21/05; seconded by President Saxton.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

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

**There being no new business, the Chair recognized members of Administration and Council for closing comments.**

- The Mayor submitted the Mayor's Monthly Report and Mr. Lester moved to accept same; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

In closing, Mayor Grossman asked that everyone go vote tomorrow and hopes everyone understands the importance of supporting the levy. She expressed condolences to the family of Kent Ozmun, former Dir. of Law and local attorney. She congratulated Mike Keller, EMH&T, for becoming an Associate Engineer.

- Council congratulated the Police Dept., reminded everyone to vote and President Saxton announced that the next regular meeting of Council would be Tues., 2/22/05, in observance of President's Day.
- After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:43 p.m.

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Tami K. Kelly, MMC  
Clerk of Council

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William E. Saxton  
President