

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

March 02, 1998

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:

Vaughn Radi Steve Bennett Mike Milovich Budd Eversman Chris Fulton

1. President Milovich recognized Mayor Grossman for several presentations. The Mayor recognized Mrs. Margaret Chase, coordinator, and the students of the Highland Park Elementary School P.A.R.K. Program. This group chose to hold a fund raiser for the Humane Society and raised over \$300.00. Miss Ryan Cremeans, student, wrote a song, "It's for the Animals", and performed it for Council. The Mayor presented Mrs. Chase and the students with a Proclamation for their efforts. She then recognized Bob Lathrop, Urban Forester, who recently became a Certified Arborist. A Proclamation was also presented to Mrs. Lathrop, teacher at Monterey Ele., and some of her students for the "Read Across America" campaign. Finally, Diane Haimerl, Chairman of "From Our Hearts" campaign reported on the 24 hour vigil, which collected \$1,174.37 and 5,499 lbs. of food. A check was presented to Mr. Clark with a picture of the event. This will benefit the Food Pantry for Grove City, Harrisburg and Orient.

2. President Milovich moved to add a memorandum from Todd Hurley, dated 2/17/98, regarding "2000 Compliance" to the Minutes as Attachment "A"; seconded by Mr. Fulton.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

3. Mr. Radi moved to dispense with the reading of the minutes for the previous meeting and approve as written; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

4. In accordance with the Rules of Council, President Milovich entertained a motion to reject and remove from the Agenda, Ord. C-15-98. Said motion was moved by Mr. Eversman; seconded by Mr. Radi.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

President Milovich read the Agenda and all remaining items were accepted by unanimous consent.

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

1. Ordinance C-6-98 (Accept the annexation of 1.62 acres located at the northwest corner of McDowell and Edwards Roads) was given its second reading and public hearing and Mr. Bennett moved it be approved; seconded by Mr. Fulton.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

2. Ordinance C-10-98 (Accept the Plat for Broadway Commercial Center) was given its first reading. Second reading and public hearing will be held on March 16, 1998.
3. Ordinance C-11-98 (Rezone 3737 Marlane Drive from IND-2, Heavy Industry to PUD-I, Planned Unit Development, Industrial) was given its first reading. Second reading and public hearing will be held on April 06, 1998.
4. Resolution CR14-98 (Approve the Preliminary Development Plan for Gateway to the City located at 3737 Marlane Drive) was given its reading and public hearing.

There being no representation, Mr. Bennett read the stipulations set forth by Planning Commission. Mr. Kohman, City's Consulting Engineer, commented that the first two, regarding fire connections and a hydrant, have been amended.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

5. Resolution CR15-98 (Approve the Preliminary Development Plan for Quailcreek Condominiums located north of Quail Creek Blvd. and east of Quail Run Drive) was given its reading and public hearing.

Mr. Phillip Fankhauser, Epcon Group, said they have reviewed and agreed to all the stipulations set forth by Planning Commission. Since that meeting, their engineer has located the trees on the North side of the property and assured Council that these 307 trees would not be disturbed. Also, when the Final plan is submitted, they will include a comprehensive and detailed landscaping perimeter plan and will ask for flexibility on the east & west setbacks to 30'.

Mr. Bennett asked how many children live in their first development. Mr. Fankhauser stated that with all their Epson communities, the typical percentage is 97% of those who have no school age children. Mr. Bennett asked how many three bedroom units this development will have. Mr. Fankhauser said they estimate approximately 50% three bedroom units and 50% two bedroom units. He said for those who suggest 3-bedroom units would encourage a family, more than 90% of their unit holders move from a single-family dwelling and are scaling down. They choose the 3-bedroom so that one room can be utilized as a study, den, TV room. Mr. Radi asked what the square footage of a two and three bedroom unit was, and what the percentage of one and two car garages. Mr. Fankhauser said they like to allow the market to dictate that as they move through the property. If it is typical of other developments, 80 - 90% of the units will have two car garages. Square footages will range from 1,170 (villa) - almost 1,700 (largest 3 bedroom). He showed color photographs of their "Classic" design, which has been built behind Kroger on Hoover Rd.; and their "Cathedral" design, which they started about 2 1/2 years ago. The picture for this was taken in Westerville. Mr. Eversman asked what would happen to the percentage of buildings for the project if the 30' setback was not approved. Mr. Fankhauser said it is unsure at this point. They have certain standards on green space between buildings and, although it hasn't been tested, said they may lose one or two buildings. Mr. Bennett questioned the notification to be given to the potential buyers the lots on the west side. Mr. Fankhauser said there are, currently, three single-family lots available on the west property line. He said the developer of those lots has agreed to disclose to the buyers the fact that condominiums, 30' from the property line, are scheduled to be constructed. The property to the east is in negotiations with a retirement home. President Milovich thanked them for looking into the detail of preserving the trees and maintaining a 60' setback on the north line. He also applauded their efforts on the two (2) previous projects in the City and looks forward to the same quality and standards with this one.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

6. Resolution CR16-98 (Approve the Final Development Plan for Gateway Business Park, Building #3, located at 5800 North Meadows Drive) was given its reading and public hearing.

Mr. Tim Kelton, Ruscilli, displayed, as requested by Council Member Bennett during the Preliminary Plan, the materials that will be used for the exterior. A color rendering of the exterior architecture was submitted. The only other issue was the screening of rooftop mechanicals. The drawings show screening around each unit and after reviewing the possibility of heightening the parapit, they feel that putting an entire screen wall around the top will enhance the massiveness of the building. They request that screening be allowed, as shown on the drawing.

Mr. Bennett asked if the height variance of the building includes the screening. Mr. Kelton said he did not believe so. The 39' height is to the top of the roof pitch and height of the parapit wall.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

7. Resolution CR17-98 (Approve the Final Development Plan for Scioto Meadows, Section 3, located on the east side of Hibbs Road) was given its reading and public hearing.

Mr. Richard Talbott, owner, was present to answer any questions. Mr. Bennett read the three stipulations set forth by Planning Commission and Mr. Talbott agreed to the first two. However, he said the third is like shooting in the dark. He said they would work with the Township and make reasonable upgrades to the road. If an agreement cannot be reached, he will come back to the City for assistance. Mr. Bennett asked if there were any concerns regarding the 35 mph speed limit on Hibbs Rd. with the homes so close and having so many curb cuts. Mr. Talbott said the speed limit use to be 50 mph and with the improvements they are making to the sharp turn to the north, he feels it will reduce the cut-through traffic. He doesn't feel there will be any more hazard than with any other collector street in a subdivision.

Mr. Fulton asked what will be done to the site so that homes can be built. Mr. Talbott said approximately 19,000 yards of fill will be brought in and only a select number of homes will be able to have walk-out basements. Most will have crawl spaces. Mr. Eversman asked how deep the lots were. Mr. Talbott said 210 feet. Mr. Eversman asked what the elevation at the back of the lot was. Mr. Talbott said about 685, which is 12' lower than base flood elevation. Mr. Bennett requested that somewhere in the homeowner's documentation, they are made aware that permanent structures (i.e. sheds) cannot be placed in these back yards. Mr. Talbott said that sounded like something that could be addressed in the Deed Restrictions. Mr. Fulton asked if the turn-arounds were an option to the buyer. Mr. Talbott said yes. Mr. Fulton asked what the progress with Jackson Township was. Mr. Talbott said there have been a couple of meetings. There is a question about the overlay of the road.

Mr. Bennett moved to amend Section 1 to include the following stipulation: 1. A note be placed in the Deed Restrictions regarding construction in the floodway; seconded by President Milovich.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

Mr. Bennett asked Mr. Kohman for the City's viewpoint. Mr. Kohman, City's Consulting Engineer, commented that when this project came to the City, they requested the Developer contact the Township and County. These entities are aware of the number of curb cuts and have accepted that. There is an ongoing discussion regarding widening the road and Mr. Talbott contributing funds to overlay the entire road after the infrastructure improvements are in place.

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

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

8. Resolution CR18-98 (Set Forth the Municipal Services that can be furnished to an 81.40 acre tract located north of Zuber & east of Seeds Roads, upon its Annexation to the City) was given its reading and public hearing.

Mr. Joe Hull, attorney, was present to answer any questions. He said his client is aware of the potential cost to extend the water and sewer lines. President Milovich asked about zoning. Mr. Hull said this parcel is currently zoned PID in the Township. His client is currently in discussions with the property owner to the north and if that goes through, they would request an OLR zoning classification upon its annexation to the City.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

The Chair recognized Mr. Fulton, Chairman of the Service Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-12-98 (Amend Chapter 709 of the Codified Ordinances of Grove City, Ohio, titled Community Antenna Television Systems) was given its first reading. Second reading and public hearing will be held on March 16, 1998.
2. Ordinance C-13-98 (Issue a Permit and Franchise Agreement for Ameritech New Media, Inc., pursuant to Chapter 709) was given its first reading. Second reading and public hearing will be held on March 16, 1998.

Mr. Greg Dunn, special council to the City on cable television matters, commented that Ameritech has moved into this market and their largest system is in Franklin County. They are now moving into southwest Franklin County and are adding competition in communities, which brings the possibility for lower rates. He said the first Ordinance is updating the Code section, which was written in the 1970's. The second is a franchise agreement with all the same assurances. The only difference is that rather than duplicating things that Warner Cable has done (i.e. wire public buildings), they have agreed to pay an extra half percent of their gross income to Grove City. This has been done in other communities and it saves in duplication.

President Milovich commented that Council received a request to pass these items as an emergency. Mr. Dunn stated that he believes this would be desirable and Ameritech has asked for this. They have crews standing by, ready to begin construction. The quicker they can get started, the quicker service can be established in the community. Also, the crew may get assigned elsewhere and have to come back. In his opinion, when he has the crew ready, he likes to get them in and going when

it is good for the community. President Milovich suggested that Council entertain waiving the 30 day waiting period, but, allow it to have two readings, publication and a public hearing. Mr. Bennett asked if this involved running any new cable. Mr. Dunn said yes. It is a brand new, 250 mhz system, 100 channels. Mr. Fulton stated that since this is a new company coming in, there may be some comments from the residents and agreed that there should be a second reading.

Mr. Kehoe, Ameritech, provided a summary of the system. The project was launched four years ago, with Disney Corp. It is a totally new fiber optic system; separate from the phone system. It has a very high quality signal, compatible with the next generation - digital. The anticipate beginning construction in the third quarter of this year and be "on-line" by the first quarter of 1999. He said he feels that a second cable company brings a competitiveness to the market. He then gave Council a copy of their rate card. He then introduced Mr. Tom Cohan. Mr. Cohan said Ameritech has done a number of community-based surveys to find out what people wanted. Consistently, they wanted choice; more programming options; improved signal quality & reliability; more responsive customer service; service that was compatible with their cable-ready TV's & VCR's. In response, Ameritech has devised a system and a market to answer this. He noted that he was a Cable Television Regulator in the City of Boston for ten years and feels the Federal government's regulations have been a miserable failure. In 99% of the country, there is no second cable company stepping up to the plate. This results in higher rates, despite FCC's attempts to regulate pricing. Where there is a second operator, the rates have stabilized and often gone down. The most important benefit of a second operator, suddenly the old & new operators are very customer focused.

Mr. Radi asked if back yards will be dug up. Mr. Cohan said they will be following that path of the existing system. There is a new way to install cable by boring under the ground, rather than digging trenches. Mr. Fulton asked what other communities they are in. Mr. Cohan said there are about 15 franchises - Columbus, Upper Arlington, Worthington, Hilliard, Valleyview, Prairie Township, Blendon Township, etc.

The Chair recognized Mr. Radi, Chairman of the Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-14-98 (Amend Section 1301.02 of the Codified Ordinances of the City of Grove City, Ohio, titled Model Codes Adopted) was given its first reading. Second reading and public hearing will be held on March 16, 1998.
2. Resolution CR19-98 (Appeal the Decision of the Board of Zoning Appeals granting a Variance for Advertising Banners on Baseball Fields at Grove City High School) was given its reading and public hearing.

Mr. Jeff Ogden, provided copies of letters, from the surrounding neighbors, supporting the banners. He then showed a video he took showing the backs of the homes and what is seen of the baseball field from them. It showed the fence covered with a blue windscreen. The signs were hung on the inside and not visible. Mr. Eversman asked if the windscreen was written into the variance. Mr. Ogden said no. Mr. Bennett asked if the school has considered adding plantings to the High School property to buffer the residents. Mr. Ogden said no. Mr. Fulton wanted to confirm that the letters were from the same neighbors and owners of the back yards shown in the video. Mr. Ogden said yes. They sent letters to all the residents that back up to this and received six or seven responses.

Mr. Jim Havermill, Grove City High School Baseball Coach, commented that the purpose for the signs was to add money to their budget. They have other fund raisers throughout the year, but, this has been the most beneficial. The money is used to help offset some of the costs of their summer program. They have also used it to improve the facilities with the windscreen and a warning track. The idea came from other schools. Mr. John Martino, Athletic Director, voiced support for the project and offered to answer any questions.

Mr. Radi asked what the provisions of the variance were. Ms. Margie Gruber, BZA secretary, read from the BZA Minutes that signs are to be put up no earlier than 1.5 hours before a game and must be taken down one hour after the game. Mr. Fulton asked how that would be policed. Would it take a call from a neighbor? Mr. Boso, City Administrator, said he thinks that is exactly correct. Mr. Bennett voiced concern over the amount of time to get signs up and down, especially if they sell more. Mr. Havermill said the signs are constructed with clips for ease in getting them up and down. It takes a little longer to get them up. Getting them down goes quick.

Mr. Roger Rausch, appellant, wants to see the law enforced. He feels the spirit of the law means you don't take a business sign and place it somewhere else. Secondly, this organization had no respect for the law before and what is to say they will now. Mr. Fulton asked if he had been surveyed. Mr. Rausch said yes.

Mr. Eversman questioned the ability to add a stipulation regarding the windscreen and was informed that the BZA decision could be modified. With that, Mr. Eversman moved to amend Section 1 of the resolution to modify the decision of the BZA and add a stipulation that the windscreen must be up when the signs are up; seconded by President Milovich.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

Mr. Boso commented that someone could argue that this removed the stipulations set forth by BZA. President Milovich moved to amend the amendment to say that all other stipulations set forth by the BZA shall be upheld; seconded by Mr. Radi.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

There being no additional questions or comments, Mr. Radi moved it be approved, as amended; seconded by President Milovich.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

The Chair recognized Mr. Eversman, Chairman of the Finance Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-8-98 (Appropriate \$1,850.00 from the Street Fund for the Current Expense of Equipment Replacement) was given its second reading and public hearing.

Mr. Eversman explained that this will allocate the insurance settlement which was received for damaged equipment.

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

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

2. Ordinance C-9-98 (Appropriate the Outstanding Fund Balances and Certain Project Funds for Current Expenses) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by Mr. Fulton.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

3. Ordinance C-16-98 (Appropriate \$80,000 from the Street Fund for the Current Expense of Street Light Installation) was given its first reading. Second reading and public hearing will be held on March 16, 1998.

4. Ordinance C-17-98 (Appropriate \$130,000 from the Water Fund for the Current Expense of Water Line Construction) was given its first reading. Second reading and public hearing will be held on March 16, 1998.

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.

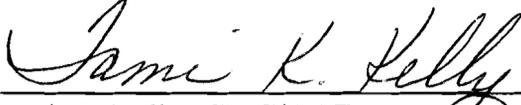
1. Mayor Grossman submitted the Mayor's Monthly Report and requested it be accepted. Mr. Fulton moved to accept the Mayor's Monthly Report; seconded by Mr. Bennett.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

Mayor Grossman reported that the F.O.P. has ratified their contract with the City. She extended her gratitude to the members of the bargaining unit. This will be brought to Council at their next meeting. She congratulated Bob Lathrop on his certification; Red Roof Inns on their 25th anniversary, noting that the first hotel built in the chain was in Grove City and room rates 25 years ago were \$8.50/night; appreciation was expressed to the Town Center Merchants and all the volunteers for "From Our Hearts"; and commended Highland Park's P.A.R.K. program.

2. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:40 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Michael Milovich, Jr.
President