

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

March 07, 2016

Regular Meeting

Council Members met at 6:00 p.m. to review a proposal from Ms. Kelly and Mr. Hurley, IT Director, about improvements to the video system in the Council Chambers.

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, with Ms. Lanese moving to rearrange the Agenda to place the Safety Committee behind Lands; seconded by Mr. Davis.

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

3. President Schottke recognized Mayor Stage for a Proclamation recognizing the 150th anniversary of Grove City becoming an incorporated Village, in March, 1866. There will be a celebration on June 4 & 5 at Century Village to commemorate this important milestone.

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

1. Ordinance C-14-16 (Appropriate \$2,055,350.00 from the General Fund for the Current Expense of Redeveloping Abandoned Track Facilities as recommended by the Racetrack Development Committee) was given its second reading and public hearing.

Mr. Davis explained that this will pay for a number of projects in and around Beulah Park. He noted that we will get this money back from the State once we apply for reimbursement. Mr. Boso, City Administrator, further explained that the State has granted \$3,000,000.00 to the City for the redevelopment of Beulah Park due to the track relocation. The projects have been approved and monies will reimburse the General Fund once it is received.

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

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

2. Ordinance C-15-16 (Appropriate \$168,800.00 from the Lumberyard Urban Redevelopment Tax Increment Equivalent Fund for the Current Expense of Debt Service Payment) was given its second reading and public hearing.

Mr. Davis explained this is the first payment on the Bond.

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

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

3. Ordinance C-16-16 (Authorize the City Administrator to enter into an Agreement with the American Federation of State, County and Municipal Employees Local 1116, Ohio Council 8, AFL-CIO and to Appropriate Funds for the Increased Costs) was given its second reading and public hearing.

Mr. Eric Boyd, staff representative with AFSCME Ohio Council, who spoke in favor of the contract. He said it passed 15-5 by local employees. He explained that there is an increase in the insurance premium that will impact the lower paid employees more, but they will receive an increase in pay.

Mr. Berry said after speaking with Mr. Smith, Dir. of Law, he explained that Council is not allowed to amend the contract. Mr. Smith confirmed that any changes would need to go back to AFSCME for a vote. Mr. Boyd said all the contracts are presented as a package deal. He said it would have been nice to reject the insurance premium increase, but that would have meant a rejection of the wage increase. Mr. Berry said he will be voting no because he doesn't feel the increase in insurance is justified and believes the employees don't deserve that. Mr. Boyd said he agreed that the insurance premium increase is not financially justified. Unfortunately, that is not all that goes into the negotiations.

Mr. Bennett said he is very aware of what is happening with insurance premiums, but his concern is with the lower paid employees and said the overall increase is more than 5%.

Mr. Schottke commented that the City could have made other adjustments to the insurance plan without their approval and feels the Union understands the package.

Mayor Stage said they have had an outstanding relationship with ASFCME, and looking at the big picture, there is a rich plan and package that goes into this. He said they respect the collective bargaining agreement and asked for support of the ordinance.

Mr. Davis shared the highlights of the new contract.

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

Mr. Berry	No
Ms. Lanese	Yes
Mr. Bennett	No
Mr. Schottke	Yes
Mr. Davis	Yes

4. Ordinance C-19-16 (Appropriate \$50,000.00 from the Capital Improvement Fund for the Current Expense of Constructing a Shelter House for the Mirolo Dream Field at Mount Carmel Stadium) was given its first reading. Second reading and public hearing will be held on 3/21/16.
5. Ordinance C-20-16 (Levying Special Assessments for the Construction of Various Sidewalks in the City of Grove City, Ohio) was given its first reading. Second reading and public hearing will be held on March 21, 2016.

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

1. Ordinance C-102-15 (Approve the Rezoning of 7.4+ acres located North of Home Road and East of Turnberry Court from R-1 to IND-1) was given its second reading and public hearing.

Ms. Laura Comek, Attorney for petitioner, was present to answer any questions. Mr. Bennett asked what the intended use of the property is. Ms. Comek said the intent is to build a new building for Kirk Williams and expand the business. It would also provide a better buffer next to the residents.

Mr. Schottke asked if they have spoken with area residents. Ms. Comek said yes. They have had many meetings with the surrounding residents and committed to the Condo Association across the street that they will share plans with them as they become available.

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

2. Ordinance C-10-16 (Approve the Rezoning of 3927, 3931, 3935, 3937 Front Street from R-2 and IND-1 to PUD-C) was given its second reading and public hearing.

Mr. Bennett explained that this is a clean-up measure to change the zoning to match existing uses. There being no additional questions or comments, Mr. Bennett moved it be approved; seconded by Ms. Lanese.

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

3. Ordinance C-18-16 (Accept the Annexation of 22.6 acres located at 1345, 1351, and 1393 Stringtown Road to the City of Grove City) was given its second reading and public hearing and Mr. Bennett moved it be approved; seconded by Mr. Schottke.

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

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

1. Ordinance C-17-16 (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 will be held on 3/7/16.

Ms. Lanese recognized Mr. Berry for an explanation about proposed amendments to this ordinance.

Mr. Berry moved to waive the Rules of Council to allow all those who signed up to speak to do so for three (3) minutes; seconded by Ms. Lanese.

Mr. Davis	Yes
Mr. Schottke	No
Mr. Berry	Yes
Mr. Bennett	No
Ms. Lanese	Yes

Mr. Berry explained that there are several amendments that have been submitted for consideration. One would change the penalty to a civil penalty; one would change the effective date to 1/1/2017; another would add hobby breeders and USDA Class A licensed breeders with conditions and eliminate the use of brokers or suppliers. Mr. Schottke said he has an amendment to spay/neutering to the replacement ordinance if it is approved.

Mr. Richard Cohen-Smith, resident, stated that by voting yes, Council has the opportunity to right the wrong made in December allowing Petland to sell dogs from high volume breeders; by voting yes, they have the opportunity to choose morality over cruelty; to offer hope to all “puppy mill” mothers. He said these are not farm animals. These are companion animals that are invited into a home and become part of the family. Council has the opportunity to be the Central Ohio leader, inspiring other communities, to join the effort to eradicate the inhumane puppy industry. He said all of Central Ohio is watching what we do tonight. He said do not give in to the lobbyists but, instead, listen to the will of their constituents. He said there can be no compromise or common ground, and there can be no amendments that prolong the suffering of these companion animals. He said they must take a just and ethical stance and vote “yes” with no amendments.

Mr. John Toothman, who works on Broadway, shared his story over purchasing a Petland puppy. He asked Council to vote yes with no amendments.

Ms. Ruth Audette Crow, resident, said she was a victim of Petland. She shared the story of all the problems with the puppy she purchased and the answers from Petland - who told her she could only return the puppy for potential refund. She checked out the breeder in Missouri and found it “was

one of the worst" 25 years ago and it is the same today. She said Petland may not have known then, but there is no excuse now. She said she went to the new store to give them another chance and took out a golden retriever puppy. It was born in Missouri. She found that the license had been revoked in 2013 for the breeder, yet she was assured that Petland only purchased from licensed breeders. She said Shame on Petland. They are hurting people every day. She asked Council to help these animals.

Ms. Mary Johnson, Pharmaceutical Specialists in Grove City area, said she has brought thousands of dollars to Grove City with her business. She explained that USDA Inspectors don't have enough staff or funds to do proper inspections. She said you can't put any credence in the USDA. She asked that they vote yes for the ordinance.

Ms. Mary O'Connor-Shaver, representing Ohio Voters for Companion Animals, Inc. and Rescue Me Ohio, shared facts about breeders and the Federal Acts concerning this industry. She said their research shows that Petland is consistently missing the animal inventory to show to perspective buyers. She asked Council to vote "yes" for C-17-16. She said they only support the amendment by Mr. Schottke.

Ms. Heather Swint said she doesn't understand how Council can this is a Federal Government problem or it is not for this Council to tell a company how to run their business. She said the ordinance just before this one, did just that with Speedway. She urged Council to vote for C-17-16, as submitted. She said we may not be able to regulate the sales outside our City, but we can within our boundaries. She said the people of Grove City do not want puppy mill puppies sold here. They do not want to support the lifestyle that the dogs are forced to endure. We have two pet stores that have chosen to not support high volume breeders and are successful. Mr. Samples has admitted that they can be successful without selling puppies in their stores. She asked why we can't be one of the leading cities and adopt the humane shelter model and stop supporting the lifestyle of puppy mills.

Mr. Brian Winslow, Petland representative; said he understands this is an emotional issue. This emotion creates a layer of confusion where all logic and reason is thrown out the window. He said some Council Members believe that all USDA licensed breeders need to be banned as a source of pets for pet stores because the regulation and oversight is not adequate. So, a recent compromise proposal was made that would permit pet stores to source from small scale, hobby breeders. He said that was rejected because they are not regulated and is no oversight. He noted that the ordinance only allows for pets to be sourced from shelters and rescues. These sources are not regulated at all. He said there is no paper trail to show that these dogs are obtained from guaranteed humane sources. He believes this is an extreme double standard. He said this ordinance, puppy mill puppies become a more likely source for Grove City residents. He said the U.S. Humane Society has testified that they have only raided unlicensed, unregulated breeders. They have never raided a licensed, regulated kennel. He asked that Council consider the unintended consequences of this ordinance. He said he supports the amended version offered by Mr. Bennett. Ms. Lanese said she supports the shelter model only because she feels it provides consumer protection. They assume they will be getting a higher quality puppy, based on the price. They know what they are getting when they go to a shelter. She feels this is the only way she can protect the residents of Grove City. Mr. Schottke asked how Petland answers the accusations that their company buys from "puppy mills". Mr. Winslow said he showed pictures of the breeders they buy from at the last meeting and they go far beyond the Federal standards. Mr. Schottke asked if they would be willing to give up the use of distributors such as Hunte. Mr. Winslow said they would be willing to buy direct from Class A Breeders and give up Class B breeders. Mr. Schottke asked that they consider what people are saying and rethink their business model.

Mr. Bennett pointed out that this ordinance is not just for Petland. It's a regulation for all Pet Stores in the City of Grove City.

Mr. Anthony Samples, Petland representative, commented about the golden retriever that was mentioned earlier tonight. He said the breeder is 91 years old. He did give up his USDA license, but only had two puppies and Petland did buy one. He stated that Petland was blessed with a wonderful Grand Opening. He said if Council wants to know what Grove City residents think of their store, they only need to look at their store. He shared a petition with over 1,000 names asking Council to vote "no" from just their opening. He said the silent majority has spoken. He reminded Council that they granted Petland a Special Use Permit last month without restrictions. He asked Council to honor their word that they gave when they approved that Special Use Permit. *Ms. Lanese* commented that during the Grand Opening, she sold two puppies, and one of the two was a rescue puppy. She said she believes this proves the point that they can be successful with a rescue only model. Mr. Samples said Opening Day is very different from the normal operation of a store and did not agree with *Ms. Lanese's* assessment. They tried this at their Chillicothe store and the rent structure is completely different there. He said they have approached every local rescue and they will net work with them. He said those operations usually have very few puppies and they want to keep them for themselves, as they are the most desirable to sell. He said they have given 25% of their kennel space to adoption puppies. He said a 100% rescue operation will not work. *Mr. Berry* said perhaps shelters/rescues would be willing to partner with them if there was a monetary agreement to help both entities. Mr. Samples said they are willing to work with any shelter/rescue operation that is willing to work with them. Mr. Berry said they just heard that they bought a pet from an unlicensed breeder. He said Petland has an opportunity to change their business model and be the most successful pet store that is doing it right and have support from every person present tonight. He said he knows they are good people. Mr. Samples said they are all about raising the standards and would love for all the bad breeders go out of business.

Ms. Carley Eaddy, Dogs Rule owner, expressed her appreciation of Council for taking the time to review this issue from all sides. She said she has seen all types of dogs with all kinds of issues. She asked Council to consider the pet-friendly reputation we have in the City as they consider this ordinance.

Ms. Teresa Landon, Executive Director of Ohio SPCA and Humane Society of Allen County, voiced support and asked that C-17-16 be adopted as proposed. She shared their experiences with dogs from many areas. She said Council has to decide if they want to condone or contribute to what goes on behind closed doors at puppy mills. She said the issues are not one of anti-business; puppy pricing or geographical points of origin; or weather breeders who have been shut down have sold to Petland in the past. The decision is an ethical and moral issue. It has everything to do with being humane. The issue has to do with thousands of dogs and cats losing their lives because there are not enough homes. She said they can take an important step to help stop the never-ending selling of breed and selling, and be a voice for those who cannot speak for themselves.

Ms. Laura Blum, resident, asked that Council pass this legislation. She shared what she has experienced and seen, first hand, with over populated pet shelters. She said over 4,000,000 dogs and cats enter shelters every year. Taxpayers spend around \$2.4 billion every year to impound, euthanize and dispose of these animals. Rather than add to this overwhelming problem, we should be doing all we can do to reduce the number of unwanted animals. She said this should be dealt with at the Federal level. However, while National organizations work to get this issue on the agenda, we said at the local level, we can send a message that breeding dogs and cats in inhumane conditions is not acceptable. She asked that Council consider the wishes of their constituents and pass this legislation.

Ms. Mona McKinniss asked for the passage of this legislation. She supported the addition of spaying/ neutering puppies. She doesn't support the addition of Class A Breeders as a supplier. She said Rescue Operations will only sell pets that have been spayed or neutered. She said Petland didn't even try to respect the wishes of the community by obtaining puppies from responsible operation, even during their Grand Opening. The entire focus is about making money.

Ms. Jenn O'Brian, resident, described the inhumane conditions, in her view, she experienced in Amish country in Ohio. She said we have to stop the businesses that are purchasing puppies from these places. It is the only way to put an end to this problem. She said the point is that Petland is contributing to the problem. To say this is a State issue is turning a blind eye. She believes this will lay the groundwork for this issue to be addressed at a State and Federal level.

Mr. Bennett moved to replace C-17-16 with C-17a-16; seconded by Mr. Schottke.

Mr. Bennett said no one hates the conditions of puppy mills any more than he does. He has three rescue dogs. He explained a replacement ordinance that this has been reviewed by the U.S. Humane Society and while they would like to see no pets sold anywhere, they did say this is the best piece of legislation they have seen. He said he feels this does what is attempting to be done and answers the questions people have objections to, except perhaps for USDA monitoring. He said that is pathetic and needs addressed. He feels this strikes an appropriate compromise and an opportunity to move forward.

Mr. Schottke said change has to come from within. He said he has spoken to his neighbors and many residents. He said no one on Council likes puppy mills. He said this replacement ordinance addresses the dealing with brokers; to only deal with USDA Class "A" licensed breeders. He said there has to be some good kennels out there. He asked Mr. Samples if they would be willing to create an advisory group of Grove City residents to go with Petland to view kennels and if there are things that are unacceptable, advise on making changes and aide Petland on getting puppies for the pet shop. Mr. Samples said absolutely. Mr. Schottke said that would be a change in the business model. He noted that people asked for a business model change to offer adoption/rescue animals. He said they have already done so in this store. He said there needs to be other people to help put animals in the store that can be adopted. Finally he said there needs to be a way to spay/neuter any puppies that come through. He said instead of denying things let's help change the business model.

Mr. Berry commented that there is a reason Grove City doesn't have adult businesses. He feels the amendment is not enforceable. He shared the past smoking ban ordinance as an example of the City passing legislation to protect their citizens. He said he is not blaming Petland for puppy mills. He said he is blaming the system for how puppies are gotten. He doesn't support this amended ordinance because it is not enforceable. He said there is no middle ground on this issue. Right is right.

Ms. Lanese voiced opposition over hobby breeders, which she feels is worse. She believes this is a breeder that flies under the radar and get around the laws. She said she has tried to reconcile this issue with all the information received. The only way she can reconcile the differences between what Petland has shared and what others have shown, is from an anonymous USDA call who explained that breeders have two locations - the one they show for inspections and the one where all the other dogs are located. She said an advisory committee would be far too expensive and doesn't support this concept.

Mr. Bennett commented that since this was initiated, there have been questions of enforcement for any of this. He said he understands approving feel good legislation. However, this will not shut down one puppy mill.

Mayor Stage commented that we have had great success with Citizen Committees. Council could postpone action on this legislation and form a committee to look at this issue. Ms. Lanese said if she thought a Committee would be able to offer anything more, she would consider it.

Mr. Schottke moved to amend the motion on the floor to amend C-17a-16 to include #4 that states: "Any dog or cat sold, bartered or otherwise transferred shall receive a certificate for a spay/neuter at the appropriate age of the puppy or kitten, as determined by the consulting veterinarian"; seconded by Mr. Berry.

Ms. Lanese	Yes
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	No
Mr. Berry	Yes

There being no additional questions or comments, the vote was called on the motion to replace C-17-16 with C-17a-16 (as amended).

Mr. Berry	No
Ms. Lanese	No
Mr. Bennett	Yes
Mr. Schottke	Yes
Mr. Davis	No

Mr. Davis said he would like to amend the effective date to 1/1/17. He said he is well aware of his initial vote and Council's vote on the Special Use Permit. He said several of the other communities that have passed similar legislation implemented an effective date later than 30 days. He said this allows a business to have a chance to change and gives them nine months to do so.

Mr. Davis moved to approve C-17-16; seconded by Mr. Berry.

Mr. Davis moved to amend Section 2 to say: "This ordinance shall take effect on 1/1/17"; seconded by Mr. Bennett.

Mr. Berry said he cannot support this amendment. He may be willing to agree to 30 or 60 days, but not nine (9) months. Mr. Davis said you don't start a business without an investment and he is hesitant to pretend it doesn't exist. Ms. Lanese said if Petland has given any indication that they could switch to this model she would be willing to give them extra time, but that isn't what Petland is telling her.

Mr. Berry moved to amend the amendment on the floor to 90 days from the date of approval; seconded by Ms. Lanese

Mr. Bennett	No
Mr. Schottke	No
Mr. Davis	No
Mr. Berry	Yes
Ms. Lanese	Yes

There being no further questions, the vote was called on the motion to amend Section 2 to change the effective date to 1/1/17.

Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	No
Ms. Lanese	No
Mr. Bennett	Yes

Ms. Lanese moved to amend (d) Penalty to read: "Whoever violates division (b) or (c) of this Section shall pay a civil penalty of not more than one thousand dollars (\$1,000.00) for each such violation"; seconded by Mr. Berry.

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

Mr. Berry moved to amend (b) to include: "(3). All cats and dogs must be spayed/neutered prior to leaving a retail store" seconded by Ms. Lanese.

Mr. Berry	Yes
Ms. Lanese	Yes
Mr. Bennett	No
Mr. Schottke	No
Mr. Davis	No

After Council gave their final comments on this ordinance, the vote was called to approve C-17-16, with the approved amendments.

Ms. Lanese	Yes
Mr. Bennett	No
Mr. Schottke	Yes
Mr. Davis	Yes
Mr. Berry	Yes

Mayor Stage read sections of the Charter pertains to the rights of the mayor and informed council that he will take the allowable 10 days to consider vetoing this ordinance. He asked that Council consider putting together to review this. He said there has been zero discussion about enforcement of this ordinance and he will be sitting down with the Safety Director and Law Director to discuss that.

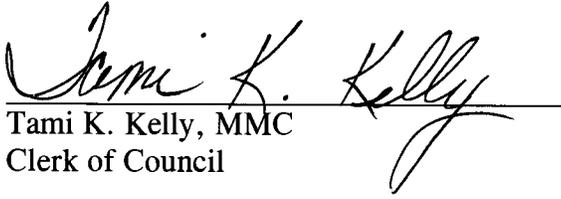
2. Ordinance C-21-16 (Amend Various Sections of Chapter 1137 of the Codified Ordinances titled Supplemental Zoning Requirements) was given its first reading. Second reading and public hearing will be held on March 21, 2016.

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

Council adjourned at 10:06 p.m.



Tami K. Kelly, MMC
Clerk of Council



Roby Schottke
Chair

CITY OF GROVE CITY, OHIO
COUNCIL CAUCUS NOTES

March 07, 2016

Prior to Caucus, Council met with Ms. Kelly and Mr. Hurley to review an idea for the viewing of the Council Agenda during the meetings. The idea is to install a large screen behind the Dais and provide each member with a tablet to use during the meeting only.

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

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