

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

March 19, 2007

Regular Meeting

The regular meeting of Council was called to order by Clerk of Council Kelly 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:

Larry Corbin Maria Klemack-McGraw Richard Stage Ted Berry

1. Ms. Kelly opened the floor for nominations for a Temporary Chair for this evening's meeting.

Mr. Corbin moved to appoint Ms. Klemack-McGraw as Temporary Chair; seconded by Mr. Berry.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

Ms. Kelly turned the meeting over to Ms. Klemack-McGraw.

2. Ms. Klemack-McGraw moved to excuse Mr. Lester from the meeting; seconded by Mr. Stage.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

3. Ms. Klemack-McGraw moved to excuse the Mayor; seconded by Mr. Stage.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

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

Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes

5. Ms. Klemack-McGraw read the agenda items and moved that Ord. C-25-07 be removed; seconded by Mr. Berry.

Mr. Corbin asked why the need to remove this. Ms. Klemack-McGraw read a statement explaining that she voted to purchase the building based on the understanding that the purpose was to move the

Parks & Rec. Dept. It is now suppose to be used for the Building Div. & Dev. Dept. She said Administration needs to be more forthright with Council and she feels there was little or no good explanation for changing this purpose. She feels this should not be placed back on the Agenda until Council is satisfied with the explanation.

Mr. Berry commented that he believes a Town Center Comprehensive Plan should be completed first and doesn't believe the delay would hinder the operation of the city departments. *Mr. Stage* noted that since he voted to deny the purchase of this building he, too, would support the motion.

There being no additional comments, the vote was called.

Mr. Corbin	No
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

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

1. Ordinance C-23-07 (Direct the Appropriation of Certain Fee Simple Interests and/or Easements and/or Other Such Interests in Certain described Real Property for the Improvement and Widening of S.R.665 and the Construction related thereto and to declare an emergency) was given its second reading and public hearing and Mr. Stage moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Corbin.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

Mr. Stage moved it be approved as an emergency; seconded by Mr. Berry.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

2. Ordinance C-24-07 (Establish the London-Groveport Road Issue Two Fund and Appropriate \$1,235,265.00 from said Fund for the Current Expense of Construction) was given its second reading and public hearing.

Mr. Behlen, Dir. of Finance, explained that this money is not of the city. It is a grant and we must set up a separate fund for accounting purposes.

Mr. Stage noted that other than the assessment funds and the proceeds of TIF revenue, which will be accrued over many years, is coming from the city. It is a very sizable investment.

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

Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes

3. Resolution CR-14-07 (Authorize the City Administrator to enter into an Intergovernmental Agreement with the Franklin County Board of Commissioners to Accept a Sub-grant to Fund Equipment and/or Services to Implement Wireless 9-1-1 Reception Capabilities) was given its reading and public hearing.

Chief Deskins explained that this is a wonderful opportunity of the community. Currently, 911 calls from a cell phone are answered by the Sheriff's Dept, Columbus Police, or the State Highway Patrol. This grant (\$141,000.00) will pay for all the equipment expenses and set up Grove City's Police Division as a primary answering point for the southwest quadrant of the service area. He commented that it comes at an opportune time, as they are currently making upgrades to the ground 911 call system.

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

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

4. Resolution CR-15-07 (Accept & Approve the Report of the Assessment Equalization Board appointed to hear objections concerning proposed Special Assessments for the S.R. 665 Improvement Project) was given its reading and public hearing.

Mr. Rich Simpson, attorney for City, explained the process for an assessment, citing that Council took the first step last fall by passing the Resolution of Necessity. The methodology was determined at that time. Notices were sent to affected property owners and provided an opportunity to dispute the assessment. Objections were received and Council appointed an Assessment Equalization Board. That Board met on 2/26/07 and heard all objections. Their report is attached and this Resolution asks Council to accept their determinations.

Mr. Stage asked Mr. Simpson if he was part of the discussion to determine the methodology. Mr. Simpson said yes. Mr. Stage asked if it were true that the cost of the rights-of-way could have been included in the assessment, which is not. Mr. Simpson said yes. Mr. Stage also noted that the total cost of the improvement has not been assessed either. Mr. Simpson explained that this is a non-voluntary assessment, and as such, the most that the city can assess is 98%, less the cost of intersections. In this case, the City determined to assess 38% of the cost, based on a three lane improvement rather than a larger lane improvement with different aspects. Mr. Stage asked how long the property owners will have to pay on the assessment. Mr. Simpson said the assessment will go on the Tax duplicate in approximately 2020, each year for 27 years, at an interest rate equal to the interest the city pays to borrow the money (about 4.5%). Mr. Stage asked if that assessment would be eligible for deduction in an itemized world. Mr. Simpson said he was not a tax lawyer and didn't know.

Mr. David Watkins, attorney representing Strader's & Mouth of Wilson, stated that he takes exception to the fact that the City could have assessed for more of this project. He said the City can only assess for the benefit, which the engineering firm & city determined was 38%. He said Strader's and Mouth of Wilson did not object to the 38%. The City also determined the calculation would be 90% usage and 10% road frontage. Strader's & Mouth of Wilson have no objection to this. What they do object to is the use of the

Institute of Traffic Engineer's Manual, 7th edition, to determine the average daily trips. They had actual counts for Strader's and believe they have 82 trips per day rather than the 602 used for the assessment. If they had been allowed to present their evidence at the Hearing, the Board may have determined that this count is too high. The Mouth of Wilson piece is agricultural now. He understands that the city has the right to consider future use, and EMH&T determined that it would probably become a shopping center. Mr. & Mrs. Strader doesn't disagree with this either. However, they don't believe that the immediate use was taken into consideration. In any of these situations, the Strader's aren't arguing that the property should not be assessed nor the overall dollar amount of the assessment project. The primary objection is the manner in which the hearing was held. He believes it should have been a full evidentiary hearing, with witnesses being sworn and cross-examination of witnesses. *Mr. Berry* asked what Section of the ORC he is referring to. *Mr. Watkins* cited 727.15. He said they do not object to the assessment or the general parameters. They do object to the way it was applied to their properties. He believes the Board had a duty to look at specific properties and make decisions on specific properties. He doesn't believe they did that. The Board relied on the Engineer's statements and feel this is pure error. *Mr. Stage* referenced a letter *Mr. Watkins* submitted dated 3/19/2007.

Mr. Berry asked if *Mr. Watkins* was denied being heard at the Board meeting. *Mr. Watkins* said they were denied being heard in a judiciary setting, but they were not denied the opportunity to speak. *Mr. Berry* said he has a copy of Section 727.15 and there is nothing in that statute that dictates how that hearing is to be held. *Mr. Watkins* said there was case law.

There being no additional questions or comments, *Mr. Stage* moved it be approved; seconded by *Mr. Corbin*.

<i>Ms. Klemack</i>	Yes
<i>Mr. Stage</i>	Yes
<i>Mr. Berry</i>	Yes
<i>Mr. Corbin</i>	Yes

5. Resolution CR-16-07 (Approve a Term Letter for the Development of the Lumberyard site) was given its reading and public hearing.

Mr. Mo Dioun, Stonehenge Co., explained that at the time of their selection, they were asked to bring forward a Term Letter for their commitments and arrangements with the city. For the last number of months, they have been working with the Administration and believe they have captured the essence of the foundation of this arrangement. There are two proposals – one being a purchase arrangement, the other a lease arrangement. He said there is still a lot of work to be done, but thinks the foundation has been set and the fundamentals correct. *Mr. Berry* asked if the next step would be a development plan to the Planning Commission. *Mr. Dioun* said they have been holding back on the detailed design until the financial parameters were in place. If this is approved, they will begin that design work and hope to be in a position to go to Planning Commission in a few months.

Mr. Corbin stated that he would like to see a financial comparison between this plan and that of the Skilken proposal. *Mr. Stage* commented that the intent of this Term Letter being brought back to Council was to get as much hearing out into the community as possible. *Mr. Boso*, Dir. of Dev., commented that before the final contract was negotiated, Council asked that a Term Letter stating the financial considerations be brought back to them. He explained that in either scenario, Stonehenge guarantees a certain amount. There are still a number of things to be finalized before the Contract is submitted to Council for approval. He said the Skilken project was different. There was no public plaza or garage. They requested a TIF and were going to relocate Grove City Road with those TIF funds. They were not going to utilize the CRA. *Mr. Corbin* said he would like to see a dollar for dollar comparison.

Mr. Dioun stated that he cannot discuss someone else's plan. After his firm was selected, he had a

meeting with each one of the Council Members to explain why their preliminary plan worked the best. He said he received consensus from Council during those meetings.

Mr. Stage pointed out that this resolution is non-binding and the final contract will come back to Council for approval. Mr. Dioun stated that the fundamentals of the arrangement are sound and they are ready to move forward. He said they can't expend resources without Council's approval of the fundamentals. Mr. Corbin commented that he is not against the project; he just wants to see the numbers.

Ms. Reichard, City Admin., commented that in working with Mo, they want to incorporate this into the Town Center Master Plan, the vision of Council and the residents. This will all happen concurrently.

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

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

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

1. Ordinance C-26-07 (Determining to Proceed with a Public Improvement in the City of Grove City, Ohio to be Paid for in part by Special Assessments, to wit; Widening, Reconstructing, and Improving State Route 665 between North Meadows Drive and Hoover Road) was given its first reading. Second reading and public hearing will be held on April 02, 2007.

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

1. Ordinance C-13-07 (Approve the Rezoning of 4976 Grove City Road from SF-1 to PSO) was given its second reading and public hearing.

Mr. Jack Thomas, petitioner, and his real estate agent Steve Beaver were present. Mr. Thomas said he is asking for PSO zoning so he could sell the property to a doctor or another professional. He is not trying to sell it to a gas station or for a strip mall. Mr. Beavers commented that Mr. Thomas has lived at this home since 1967. Rockford has taken over the area and this corner is quite busy. The new homes around the property are adversely affecting Mr. Thomas' property. He stated that there are several businesses along Grove City Road and some of those who are objecting to this rezoning are the very people who run those businesses.

Dr. Peter Feldkamp, contiguous property owner, voiced his objection to this rezoning. He said it is the same request that was denied in November, 2006. He said there is plenty of commercial north on Holt Road. He said every home owner on the three other corners object to this rezoning. He also has 30 signatures from other contiguous property owners objecting to this, who understand that this request is for a professional office building and not a gas station or strip mall. He asked that it be denied once again.

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

Mr. Berry	No
Mr. Corbin	No
Ms. Klemack	No
Mr. Stage	No

2. Ordinance C-22-07 (Accept the Annexation of 0.50 acres located at 3188 Ventura Blvd.) was given its second reading and public hearing and Mr. Corbin moved it be postponed to 4/16/07; seconded by Mr. Stage.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

3. Ordinance C-27-07 (Approve a Special Use Permit for a Drive-Thru located at 4450 Broadway) was given its first reading. Second reading and public hearing will be held on April 2, 2007.
4. Ordinance C-28-07 (Amend the Zoning Text for The Pinnacle Club of Grove City as adopted by Ord. C-126-03) was given its first reading. Second reading and public hearing will be held on May 7, 2007.
5. Resolution CR-17-07 (Approve the Development Plan for Parkway Centre East Out lot #41) was given its reading and public hearing.

Mr. Sean Cullen, Continental Real Estate, was present. This property is zoned C-2 and in working with the City Attorney, it was felt that rezoning this to PUD-C would allow this Center to adhere to the same design standards as Parkway Center South and North. They have already submitted that request to Planning Commission for the remaining out-parcels.

Mr. Berry asked if there would be a traffic study done for the Buckeye Parkway intersection. Mr. Cullen said he could not speak to it, but thought Mr. Keller could answer that question. Once the road is completely through, there may be one done. Mr. Stage commented that a “No right turn on red” sign exists at the I-71/Stringtown light due to ODOT and they will not remove it.

Mr. Corbin explained that a new elevation drawing has been submitted and moved to replace the west elevation drawings (Pg. A2.1) with those submitted this evening; seconded by Mr. Berry.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

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

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

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. Mr. Berry stated that he & Ms. Klemack-McGraw are working on a Draft piece of legislation to address their concerns on utility lines. He will be submitting it to Council for their comments.
2. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:02 p.m.

Tami K. Kelly, MMC
Clerk of Council

Maria C. Klemack-McGraw
Temporary Chair