

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

April 16, 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. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Albright.

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

2. President Berry recognized the Mayor who asked for everyone to stand in honor of the three casualties in Afghanistan – one from our hometown, Master Sergeant Shawn Hannon. He said there was a processional from Rickenbacker. It was a somber day, but one that the family appreciated. He asked that God bless those still in protecting our right to life.

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-19-12 (Appropriate \$918,756.50 from the Capital Improvement Fund for the Current Expense of the Phase 3 I-71/S.R. 665 Improvements) was given its first reading. Second reading and public hearing will be held on 5/7/12.

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

1. Ordinance C-20-12 (Amend Section 155.02 of the Codified Ordinances titled Examinations; Preferences; Seniority) was given its first reading. Second reading and public hearing will be held on 5/7/12.
2. Ordinance C-21-12 (Repeal Chapters 705 titled charitable Solicitations and 719 titled Itinerant Vendors and Replace Chapter 720 titled Peddlers) was given its first reading. Second reading and public hearing will be held on 5/7/12.

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

1. Ordinance C-10-12 (Amend the Zoning Text for the Pinnacle Club of Grove City as adopted by Ord. C-126-03) was given its second reading and public hearing.

Mr. Joe Ciminello, owner, was present. Ms. Klemack- McGraw reviewed the stipulation set by Planning Commission and Mr. Ciminello agreed to it. He explained that about a year ago they asked the Text be amended to allow twin singles. Since then, they have had a developer come to them wanting to do detached condos and that is the reason for this request.

Mr. Phil Finkhouser, Epcon Group, explained the stand alone units they want to offer.

Mr. Bennett confirmed that the text change for setbacks is for this area only. Mr. Ciminello confirmed this.

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

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

2. Ordinance C-11-12 (Rezone 0.654 acres located at 3722 Grove City Road from R-1 to D-1) was given its second reading and public hearing.

Mr. Paul Cook, Elm St., said he canvassed the area and most everyone around this property would like to keep it single family rather than apartments. He said they wish to maintain their neighborhood with homes and presented a petition showing same.

Ms. Albright noticed that the zoning on the ordinance shows R-1 but the survey shows R-2. Ms. Kelly, Clerk of Council, confirmed that the zoning classification is R-2.

Mr. Kerry Ferguson, co-owner, explained that they bought the property a couple of years ago and the house that was on it was in poor condition. It sat ten feet off the road and blocked vehicle view. The lot is very large and believes the plan being offered is a good balance between what the City wants and what they have to work with.

Ms. Kelly noted that the zoning map shows this property zoned R-2 and this ordinance should also reflect that classification.

Mr. Berry asked what the Administration's opinion is. Mr. Boso, City Admin., stated that the Development Department recommended approval. They reviewed the area and found four-families and other apartments in and around the area. They believe it is an appropriate use for the area.

Mr. Ferguson said they are trying to develop something nice and believe they are doing the right thing for the community.

Mr. Berry moved to amend the ordinance throughout to change R-1 to R-2; seconded by Mr. Bennett.

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

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

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

3. Ordinance C-18-12 (Approve a Use to be located at 65 Sunshine Drive) was given its second reading and public hearing.

Ms. Klemack-McGraw explained the reason for this ordinance and shared her opinion by reading a statement on the matter. She believes that the use proposed compares favorably with most of the SD-4 permitted uses and is less intense than some of the other SD-4 uses. She believes it is clearly appropriate and feels we should be encouraging such uses. She said it is her opinion that the Former City Administrator handled this matter poorly. She believes that the property owner has suffered enough and this ordinance should be amended to be an emergency and approved with all due haste.

Mr. Bennett explained that through some negotiations, Council has been presented with a replacement ordinance to streamline the text. In light of this, Mr. Bennett moved to replace the existing C-18-12 with the new version presented tonight; seconded by Mr. Davis.

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

Ms Albright asked Mr. Plank to explain what happens if this gets approved as an emergency measure. Mr. Plank said the ordinance would go into effect immediately and would eliminate the ability for a referendum. However, the ordinance before them does not have emergency language.

Mayor Stage asked how we will know the difference between what was originally proposed and what is before Council now. Mr. Bennett explained that the following changes were made to the original ordinance: 1st Whereas statement adds "which zoning district permits the uses set forth in the Standard Industrial Classification numbers attached as Exhibit B and made a part hereof;"; the 5th Whereas statement changes #1 to read: "The use includes the operation of is referred to by representatives of the persons/entity that will be operating the use as a "green technology refuse processing facility" that processes shredded tires, plastics, roof shingles or other similar materials through microwave energy reduction, a process described generally in United States Patent No. 7,927,465. The use may involve the collection of the materials set forth herein.", removes 2, 3, 4, 5, 5a, b, c, d, & 7; and changes Section 1 to read: "So long as The use as described herein is hereby approved for the property, so long as said property is zoned SD-4 (Miscellaneous), the use as described herein is hereby approved for the property in addition to any and all uses permitted in the SD-4 zoning district." Mr. Plank also commented that the original ordinance was drafted based on the information provided to the City. At the first reading, Mr. Davis requested that we meet with the property owner. As a result of that meeting, Council has before them a more streamlined version, which he believes to be much fairer – simply because conditions were included that would not have applied to any other use in the SD-4 zoning district, but that was the information at the time. So, having discussions at that requested meeting, resulted in what is before Council now.

Mr. Bennett referenced a letter that Council received from Mr. Curry, property owner, to Pastor Tolar of the Presbyterian Church, which delineates items that he will and won't do to assist the church. Ms. Albright noted that Mr. Curry was in the audience and asked if he wished to speak.

Mr. Berry asked Mr. Boso what the opinion of the Administration was on this issue. Mr. Boso stated that when this matter came before Planning Commission, he voted in favor of this use. Mayor Stage said the opinion of the Mayor is that typically when we have a situation of this nature, there is a lot of early work that is presented and reviewed by the Administration. He said he is glad we are where we are because there is a lot work and a lot of right things done. He thinks this caught the Planning Commission off guard, due to the depth of understanding this situation and some of the circumstances involved. He said this is not typical of how we do a normal new technology in our City. He said they are in agreement with it and thinks Council should proceed.

Mr. Bennett also referenced a letter of support from the Chamber of Commerce.

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

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

Mr. Davis commented that this has been a very emotional topic for months and he is very appreciative of the nature of people that have sat down together and come to the resolution before them. He appreciates the property owner's compromise with those in opposition. He said there is one outstanding issue, still. He hopes that this brings closure to the federal lawsuit as well.

4. Ordinance C-22-12 (Rezone 109.83 + acres located at 5525 Hoover Road from SD-1 to M-1) was given its first reading. Second reading and public hearing will be held May 21, 2012.
5. Resolution CR-10-12 (Approve the Development Plan for the Pinnacle Club Golf Villas located on Pinnacle Club Drive) was given its reading and public hearing.

Mr. Joe Ciminello, owner, was present. Ms. Klemack- McGraw reviewed three stipulations which Mr. Ciminello agreed to.

Mr. Bennett asked if there are enough materials secured to make sure there is no change part way through the project as has been done on other projects by this developer. Mr. Ciminello said they will make sure there is enough. He said it is very important to them that these units be an extension of the clubhouse. Mayor Stage asked for clarification on the landscaping. Mr. Ciminello commented that the two-inch caliper is double what is required for a single-family home. He said they are also going to go with a hedge right behind the sidewalk that will go all around this community area. He said all the lawns will have irrigation, as well. Mayor Stage said they don't want to complicate what they think is the right tone for landscaping and the Administration will work with them on the two trees.

Mr. Bennett agreed and moved that Section 1 be amended to add: ". . . , except for stipulation #3 and including the following stipulation: 1. Landscaping to be review and approved by the Urban Forester as it relates to street trees for the detached units"; seconded by Ms. Albright.

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

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

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

- Resolution CR-11-12 (Approve Amendments to Subarea A3 of the Development Plan for the Pinnacle Club of Grove City located South of White Rd as approved by Resolution CR-24-04) was given its reading and public hearing.

Mr. Joe Ciminello, owner, was present. Ms. Klemack-McGraw reviewed the stipulations from Planning Commission. Mr. Bennett commented that this has the same landscaping stipulation and moved that Section 1 be amended to include "... except for stipulation #3 and include the following stipulation: 1. Landscaping to be reviewed and approved by the Urban Forester as it relates to the street trees."; seconded by Mr. Berry.

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

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

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

- Resolution CR-15-12 (Approve the Development Plan for Fusion Japanese Steakhouse located at 4124 Buckeye Parkway) was given its reading and public hearing.

Mr. Matt Twig, representing Fusion Steak House, was present. Ms. Klemack-McGraw reviewed the stipulations from Planning Commission and Mr. Twig agreed to all of them.

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

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

8. Resolution CR-16-12 (Authorize the use of the Design/Build Project Delivery System for the Demolition of the Value Inn) was given its reading and public hearing.

Mr. Smith, Dir. of Law, explained that this would allow the administration to use the Design/ Build process to help save the City money on demolishing a motel. He said this is the first step in the process and additional approvals would come back to Council. The City has a Court Order to allow them to demolish it if the property owner does not by May 1, 2012. He explained the process.

Mr. Berry asked what happens if the property does not sell for the value to knock the building down. Mr. Smith said if it doesn't sell it will sit there. Our lien isn't going anywhere. It will free up a good chunk of real estate along a major thoroughfare. He said the other option is to let it sit and continue to deteriorate and continue to be a bigger burden to everyone around it. Mr. Bennett said he understands that the owner has been contacted many times to bring this property up to Code. Mr. Smith said the Administration has been working since 2007 to get this property cleaned up. It wasn't until the last Court Order that finally got the Judge to agree to this action. Ms. Albright asked if demolition is the least expensive option. Mr. Smith said Mr. Mike Boso may know better, but there has been a lot of talk to get buyers in there to fix it up. Even if that is done, it may continue to have issues because of the age of the structure. Ms. Albright asked if we are in last position for the lien. Mr. Smith said when we spend the money the lien can be certified and will go into position. He said he doesn't know about the mortgage and what is owed on the property.

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

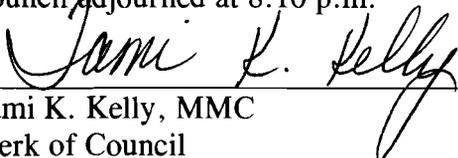
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

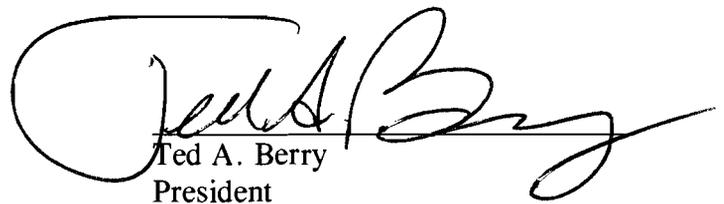
The Chair asked that any new business to be brought before the attention of Council be done so at this time.

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

1. Mayor Stage said he does not have a statistical report. He thanked Mr. Jim Albright for securing 175 flags for the ceremony for Master Sgt. Hannon. He said there will be a processional tomorrow between 12:00 and 12:30 as Master Sgt. Hannon leaves Grove City. He thanked Mr. Vedra, Safety Director, and the Police Dept. for all the planning.
2. Mr. Turner, Dir. of Finance, stated that monthly financials were distributed to Council.
3. Council also expressed condolences to 1st Sergeant Shawn Hannon's family.
4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:10 p.m.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
President