

**CITY OF GROVE CITY, OHIO
COUNCIL MINUTES**

April 17, 1995

Regular Meeting

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

*Mike Milovich Todd Hurley Cheryl Grossman
John Schreck Jeff Warner*

1. President Grossman recognized Mayor Stage for a presentation.

Mayor Stage read a proclamation in recognition of the Grove City Little Hounds Cheerleaders who competed, for the first time, in the Cheerleaders of America National Championship, Jacksonville FL, and placed seventh out of 14. He also lead them in a cheer. President Grossman also presented the Squad and Coaches with a Resolution commending their excellent season in dance and cheer competitions.

2. President Grossman recognized Sherol Saxton, President of the Grove City Visitors & Convention Bureau, for a presentation. Ms. Saxton presented members of the Veterans groups with a check for \$5,000.00 from the Visitors and Convention Bureau for the Memorial. She then presented them with a personal check in memory of her Father who was a navel pilot and her stepfather who served in World War II. In addition, the members of the Community Club also presented a check to the Veterans for the Memorial in the amount of \$1,000.00

3. Mr. Warner moved to dispense with the reading of the minutes and approve as written; seconded by Mr. Schreck.

Mr. Milovich	Yes
Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes

4. President Grossman moved to add Resolution CR-34-95 to the agenda; seconded by Mr. Milovich.

Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes

5. President Grossman recognized Mayor Stage who recognized Mr. Don Plank. Mr. Plank sat in for Director of Law, Tom Clark, who is on vacation this week. Mayor Stage then administered the Oath of Office to Mr. Steve Gibson and Mr. Bob Lathrop, members of the Tree Commission. He then noted a Proclamation dedicating April 24 - 29, 1995 as Arbor Week. Mr. Lathrop recognized Kyle, who helped him with the street tree inventory over the summer for an Eagle Scout badge.

6. President Grossman moved that Resolution CR-34-95 (Commend the Little Hounds Cheerleaders) be approved; seconded by Mr. Milovich.

Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes
Mr. Hurley	Yes

The Chair recognized Mr. Hurley, Chairman of the Lands & Zoning Committee for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-7-95 (Rezone 4200 - 4206 Broadway from D-1 to PUD-R) was given its second reading and public hearing.

Mrs. Alice Thompson, owner, was present for questions. There being none, Mr. Hurley moved it be approved; seconded by Mr. Warner.

Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes
Mr. Hurley	Yes
Ms. Grossman	Yes

2. Ordinance C-17-95 (Accept the annexation of 0.289 acres located on Hibbs Road) was given its second reading and public hearing and Mr. Hurley moved it be approved; seconded by Mr. Warner.

Mr. Warner	Yes
Mr. Milovich	Yes
Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Schreck	Yes

3. Ordinance C-19-95 (Accept Plat of Southpark Place Extension, east of Gantz Rd.) was given its second reading and public hearing.

Mr. Steve Wolf, representing Pizzuti, was present to answer any questions. There being none, Mr. Hurley moved it be approved; seconded by Mr. Warner.

Mr. Milovich	Yes
Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes

4. Ordinance C-20-95 (Accept Plat of Martha's Wood, east of Hoover & south of White Roads) was given its second reading and public hearing

Mr. Terry Andrews, C.V. Perry Co., was present to answer any questions. There being none, Mr. Hurley moved it be approved; seconded by Mr. Warner.

Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes

5. Resolution CR-32-95 (Appeal the decision of the Board of Zoning Appeals granting a Variance for a Highway Sign for the Waffle House located on Broadway) was given its reading and public hearing.

Prior to any testimony being given, Mr. Plank swore in all speakers.

Mr. Ted Kapp, representing Waffle House, explained that, back in September when they first started looking at the ground, he approached Mr. Lotz about a high rise sign. At that time, Mr. Lotz said it would be fine, but, the Sign Code was going through revisions that would prohibit high rise signs and provided him with the forms to make application before those revisions became effective. However, Mr. Kapp said he could not apply prior to the revisions without deceiving the City about who owned the property. He said he had a signed contract from Marathon, but, due to environmental concerns, his company would not sign until they had proof that the site was clean. That proof was not received until after the Sign revisions were effective. He contacted Mr. Lotz and asked him how they could handle this now and Mr. Lotz referred him to the Board of Zoning Appeals. Mr. Kapp said he thought he had answered all the concerns at the BZA Meeting and would have answered Council's concerns, had they been there. He said they were only asking to be competitive with what is there now. He said 90% of their business is from the freeway that this sign is very important to them.

President Grossman asked if they use the Menu Boards on the Highway? Mr. Kapp said yes. President Grossman stated that the reason Council was not at the BZA Meeting was because of a School Board Meeting they had been invited to. Mr. Kapp said the highway signs can be misleading. For instance, the highway sign for this area advertises the Burger King which is down the road. He said if people don't see the high rise sign, they tend to keep going. He said they didn't feel that their sign would affect the aesthetics there now and only want to be competitive with existing companies. Mr. Warner said he brought up a good point regarding competitiveness, however, any other new company would have the same argument and how many variances do they allow for a decision that was pondered at great length. Mr. Kapp appreciated Mr. Warner's stand and he could have made application prior to the revisions taking effect, but, he felt it was better to be honest with the City. Mr. Warner asked if Waffle House had any other restaurants without high rise signs? Mr. Kapp said yes, but, the surrounding businesses also have the same signage.

Mr. Hurley then asked Mr. Lotz, Chief Building & Zoning Official, for any comments. Mr. Lotz said Mr. Kapp explained it pretty well. Mr. Kapp has a letter from his department informing him of the Sign Code revisions and what direction he needed to take to secure a high rise sign. He did not apply before the Revisions went into effect and that application was denied and forwarded to the Board of Zoning Appeals. Mr. Hurley referred to Section 1133.02 of the Codified Ordinances and read the six (6) stipulations that must be met before a variance can be granted. It is his opinion that this variance doesn't meet these requirements. Mr. Hurley also noted that Mr. Kapp was aware when the new Sign Code would go into effect and the fact that he was aware has no bearing since the application came in after the effective date. Mr. Kapp asked which of the requirements they did not meet? Mr. Hurley said he felt that granting a variance to a high rise sign three (3) months after passage of the revisions was a violation of the Spirit of the Code. Mr. Kapp said they didn't come

in to upset the apple cart, but, he couldn't have applied before the revisions took effect and be honest with everyone. He approached the City ahead of time and tried to be honest with the City. Mr. Hurley understands and appreciates that, but, another business in the area approached the City on a high rise sign and they chose not to do the high rise sign.

Mr. Warner asked if there were any projections of the potential hardship? Mr. Kapp said no, but it gives other businesses in the area an advantage. Mr. Warner asked if they will continue to pursue this site? Mr. Kapp said he didn't know. The Company will decide whether to go ahead with the project or not.

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

Ms. Grossman	Yes
Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes
Mr. Hurley	Yes

The Chair recognized Mr. Milovich, Chairman of Finance, for discussion and voting of items under said committee.

1. Ordinance C-21-95 (Appropriate \$8,896.05 from the Drug Enforcement Fund for the Current Expenses) was given its first reading. Second reading and public hearing will be held on May 1, 1995.
2. Ordinance C-22-95 (Appropriate \$7,500 from the Community Development Fund for the Current Expense of promoting the BIA New Home Show) was given its first reading. Second reading and public hearing will be held on May 1, 1995.
3. Resolution CR-33-95 (Accept a D.A.R.E. Vehicle) was given its reading and public hearing.

Mr. Milovich stated that Columbus Auto Resale, Inc., through its agent, Steve Funk, has donated a 1991 Firebird for the D.A.R.E. Program. Officer Terri Russlander, D.A.R.E. Officer, commented that the best thing for the D.A.R.E. Program is the community support they receive and to see it, you can look outside and see the Firebird. She said the kids love it as well as people in other communities who have asked for it to be at their events. Next, she will be at a Kite Fly in Hilliard.

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

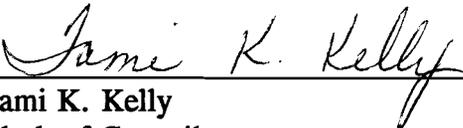
Mr. Schreck	Yes
Mr. Warner	Yes
Mr. Milovich	Yes
Mr. Hurley	Yes
Ms. Grossman	Yes

President Grossman 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 Grossman recognized members of Administration and Council for closing comments.

1. Mayor Stage thanked Mr. Stan Smith, Chamber representative, for his gracious introduction at the last Chamber Meeting where he was the keynote speaker. He announced the Tree Walk which will be held on Sunday, April 23 at 1:00 p.m. at the High School.
2. Mr. Behlen, Director of Finance, reminded Council of the Capital Improvements for next year and said if they had any questions, please let him know.
3. Mr. Lathrop, Tree Commission, announced events for Arbor Week. The 3.1 mile Tree Walk will cover 71 types of trees; April 26th is the Arbor Contest Planting and the two students who win will have a tree planted on their school grounds in their name; April 27th in Upper Arlington will be the day the Tree City USA Award is accepted; April 28th is the Tree Planting at the Senior Center along with a Tree Give-A-Way, in conjunction with Grove City Lumber.
4. Mr. Shannon Hamons, Director of Development, commented on Timberland - a new company coming to SouthPark. He noted that it is a very socially responsible company and will add approximately 100 new jobs.
5. Mr. Jim Blackburn, Director of Service, announced the Public Open House on the reconstruction of Hoover Road for Wednesday, April 19, 1995. The construction on Ashgrove was to begin today, however, it has been delayed a week. Finally, the sidewalks on Brookgrove have been started.
6. Mr. Chris Fulton, Director of Safety, publicly recognized Officer Russlander for the D.A.R.E. Program. He said the Program is only as good as the officer behind it and she does an excellent job.
7. President Grossman recognized Kyle and his mother Holly who was present for the Council Meeting for a Scout project. She then thanked Mr. Milovich, Mr. Warner & Mayor Stage for taking part in the Glad Bag-A-Thon project.
8. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 8:55 p.m.



Tami K. Kelly
Clerk of Council



Cheryl L. Grossman
President