

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

April 20, 2015

Regular Meeting

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

*Jeff Davis      Ted Berry      Steve Bennett      Laura Lanese*

1. President Berry moved to excuse Ms. Klemack-McGraw; seconded by Mr. Bennett.

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

2. Mr. Bennett moved to dispense with the reading of the minutes from the previous two meetings and approve as written; seconded by Ms. Lanese.

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

3. 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-18-15 (Levying Special Assessments for the Construction of Various Sidewalks in the City of Grove City – 2013 Program) was given its second reading and public hearing.

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

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

2. Ordinance C-19-15 (Levying Special Assessments for the Construction of Various Sidewalks in the City of Grove City – 2014, Part 1 Program) was given its second reading and public hearing.

Mr. Roger Burket, 4224 Beechgrove Dr., voiced objection to his sidewalk assessment. He said two weeks ago he was asked how old the concrete was. He said concrete doesn't have an expiration date. He commented that 7 of 10 sidewalk panels were labeled "cosmetic" and had one dot or two paint dots, exactly in line with the markings on the worksheet showing "cosmetic". He said there has to be some reason for marking the sidewalks with one dot then two dots. He shared his speculation for the why some panels had more than one dot. He said his sidewalk was marked with paint three times. The second and third time was after his meetings with city officials. The sidewalks were marked with one dot only at those times. He said something changed. He feels that he is getting told he is getting

sidewalks whether he liked it or not. Mr. Berry asked what Mr. Burket is asking for. Mr. Burket said he wants a reduction based on the square footage for panels that are not "cosmetic". Mr. Boso, City Admin., said he asked for a reduction from \$493.70 to \$250.05. Mr. Bennett asked Administration for their recommendation. Mayor Stage said they stand by their recommendation. He said Mr. Burket has not been singled out. They have put in five miles of sidewalk around the City. Mayor Stage said he spoke to Mr. Burket and thought he agreed with the need and is surprised he is back. Mr. Berry asked what the City paid for Mr. Burket's sidewalk. He asked Mr. Burket if he felt he was properly notified about the sidewalk program. Mr. Burket said yes, he got the nasty-gram. Ms. Kelly, Clerk of Council, noted that the cost paid by the City for Mr. Burket's sidewalk was \$743.75.

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

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

3. Ordinance C-20-15 (Levying Special Assessments for the Construction of Various Sidewalks in the City of Grove City - 2014, Part 2 Program) was given its first second reading and public hearing.

Ms. Kelly, Clerk of Council, noted that there were two written objections filed, but she has not heard from either of them. They were notified of the meeting. Mr. Smith, Dir. of Law, explained that the Ohio Revised Code requires Council to review the written objections. It doesn't require them to be here to speak. He said Council did review all objections at their last meeting.

Mayor Stage noted that he did meet with one of the objectors who just recently purchased the property. He said it is an unusual situation, but doesn't see that there is anything we can do. Ms. Kelly noted that there was a second property that this happened to also. That new owner went back to the seller and took care of it. Mr. Berry commented that proper notice was given and it sounds like the ball was dropped elsewhere.

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

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

4. Ordinance C-21-15 (Appropriate \$950,000.00 from Various Funds for the Current Expense of the Orders Road Reconstruction Project) was given its second reading and public hearing.

Mr. Turner, Dir. of Finance, explained that we appropriated monies last August for this project, under C-46-14. However, the money was not encumbered due to not having a contractor for the project yet. He said this appropriation includes an additional \$500,000.00 that is being requested of the Franklin County Engineer, from the \$5.00 License Fee Fund. They hold those funds for reimbursement of eligible projects, which this one is.

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

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

5. Ordinance C-22-15 (Providing for the Issuance and Sale of Bonds in the Maximum Principal Amount of \$14,000,000.00 for the purpose of Paying the Costs of Constructing a Public Library together with all related appurtenances thereto) was given its second reading and public hearing.

Mr. Turner explained that this allows us to issue Bonds in the maximum amount of \$14,000,000.00 for the Library. It would be for a maximum of 30 years, with a maximum interest rate of 6%.

Mayor Stage noted that part of the proceeds of these Bonds will be to reimburse the City for some of the property expenses we have incurred. He said the issuance of debt, particularly with the interest rates the way they are, is in our best interest.

Ms. Lanese asked the Administration to provide a public tally of the funds as they are being used to keep an account of what is being spent and where it is going. The Mayor said yes, they do have a worksheet and will see that it is distributed and published.

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

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

6. Ordinance C-23-15 (Make Amendments to Chapter 161 of the Codified Ordinances titled Employment Provisions for City Employees) was given its second reading and public hearing.

Mr. Bill Veda, Deputy City Admin., explained that they review this Section of Code each year. This shows amendments that will align the benefits with the various different union contracts. They are also including the Class Plan within this table. Finally, they are asking to remove seasonal employees and only have part-time and full-time employees. This would also UN-classify the part-time employees, to reduce costs in testing and timing, since positions are in the lower pay range and has more turn-over.

Mr. Bennett asked if the wage bands are consistent with surrounding areas. Mr. Veda said yes. They are competitive with surrounding municipalities, and they compared it to the MORPC study.

Mayor Stage noted that this does not appropriate money or give any raises. It just adjusts the pay ranges. He said an example to support taking part-time out of be classified was the ability to hire a person to help in the Development Dept., which took nine months.

Ms. Lanese asked if we could put the MORPC study on our website. She asked if we look at specific cities for comparison. Mr. Veda said not all positions align, but they do look at Columbus, Dublin, Westerville, etc.

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

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

7. Ordinance C-24-15 (Accept the Donation from Meijer and Appropriate \$1,000.00 for the Division of Police Crime Prevention Programs) was given its second reading and public hearing.

Chief Robinette commented that this is a simple donation from Meijer for the Crime Prevention Program.

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

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

8. Ordinance C-28-15 (Appropriate \$2,500,000.00 from the General Fund for the Current Expense of the Columbus Street Extension and Grant Avenue Improvements) was given its first reading. Second reading and public hearing will be held on May 04, 2015.

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

1. Ordinance C-25-15 (Enact Chapter 718 titled Food and Beverage Street Vendors) was given its second reading and public hearing.

Mayor Stage said after looking at how they could manage street vendors, they feel there are weaknesses in the Code. He said they took a stab at putting together a piece of legislation. He said the vendors who come in for Arts-in-the-Alley and The Wine Fest, would be exempt by virtue of the Special Event Permit. Anyone else will fall under the provisions of this law.

Mr. Bennett said he has been inundated with calls from residents and existing businesses objecting to this.

Mr. Vedra explained the intent of the legislation. He said they don't want to adversely impact special events or to local businesses. He reviewed the 12 requirements that must be complied with. He said this is their best attempt to put something together to keep it from getting beyond our scope to handle. He said they know there is interest to have these vehicles here and this is their best attempt to allow them with some restriction. He said they would modify it down the road if needed.

Mr. Smith explained that in Section 718.07 says they must comply with all zoning districts and regulations. Essentially, it limits where on private property these types of food trucks could be located.

Mr. Bennett voiced concerns over this legislation. He said he doesn't want to take away business from our stationary businesses. He said there are some health concerns that can be handled through the County and some may not. He said his preference is to prohibit all vendors except during Special Events.

Mr. Davis asked if there was any opposition to this from the Chamber or the Town Center Inc. Mr. Vedra said there was a concern about asking for a menu, but no real objections.

Mr. Bennett asked what methods could be used to remedy issues when a vendor is not being compliant. Mr. Vedra said this would not allow the vendor to have the truck to remain overnight. There would also be an approval by the property owner. Mr. Bennett asked if this would provide more ability to get rid of non-compliant vendors. Mr. Vedra said yes.

Ms. Lanese asked if other communities were surveyed. Mr. Vedra said yes. Mayor Stage noted that this was softened to accommodate the Chamber and Town Center. He referenced the penalty Section too.

Ms. Molly Dubose, food cart vendor, voiced support for this ordinance. She said Food Carts can draw business to other stores around, not necessarily restaurants, by advertising where they are going to be and people follow them. She said the Little Theater Off Broadway inquired about their Food Truck and they were going to put it up when the restaurant nearby is closed. Some communities sponsor Food Truck Events. She said she lives in Grove City and would like to do business here.

Mr. Berry said he also shared concerns. He said it is one of those cases where you need to pass something so it doesn't get out of hand, but at the same point, we will have vendors that will be competing against those who have invested in bricks & mortar in our community. He said he would like to see a permit fee of \$20.00 per day, so we are getting something back and you would know where those trucks are located each day.

Mr. Berry moved to amend Section 718.03(c)1 to \$20.00 per day. Mr. Vedra asked about Section 718.04(a) which states that permit would be valid for ninety days. Mr. Berry said that would be eliminated. Second to the motion – Mr. Bennett.

Mayor Stage asked how the \$20.00 fee was decided. Mr. Vedra said other communities were higher, but they felt this would not be overly burdensome.

Chair Davis recognized Ms. Dubose who indicated that the proposed fee was not unreasonable. She has paid more and has paid nothing for certain events. She did suggest a discounted fee for Grove City residents, like they have at the Big Splash.

The vote was called on the motion to amend Section 718.03(c)1:

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

Mr. Bennett asked how we assess taxes to these vendors and how would we collect any income tax. Mr. Boso said any earnings within the City are taxable. Mr. Turner said there are some exceptions and it would be very difficult to collect from these types of vendors. Mayor Stage said getting the permit would provide a tracking device. Mr. Vedra said there may need to be a modification to the fee later on.

Mr. Berry moved to amend Section 718.03(c)1 to state that any owner living with the corporation limits of the City of Grove City shall pay \$10.00 per day; an owner outside Grove City shall pay \$20.00 per day; seconded by Mr. Bennett.

Mr. Smith, Dir. of Law, said he believes it may be difficult to prove residency.

The vote was called on the motion:

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

Mr. Davis asked how this will affect the shaved ice vendor. It was determined that they would have to get a daily permit. He said is uncomfortable about doing legislation on the fly. He said he understands there is some sense of urgency, but there are a number of questions in his mind that haven't been answered. Mr. Vedra said he misspoke earlier about parking overnight. The legislation applies to

public streets and public parking lots only. So it would not apply in the example given earlier. Mr. Bennett clarified that a vending truck could park at K-Mart and be a permanent fixture. Mr. Chuck Boso said that was correct. Mayor Stage said this could always be amended. Mr. Mike Boso said Home Depot had a truck and they were told that the zoning did not allow it, so it was removed. Mr. Bennett asked the Law Director if Council did nothing, is it within the City's legal rights to say these are not allowed. Mr. Smith said yes, but there are Chapters for specific uses like ice cream vendors. He said this is a business regulation, not a zoning issue. All zoning requirements would still apply. Mr. Berry asked if the shaved ice vendor is legal today. Mr. Vedra said there is some question as to whether that is permitted.

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

Mr. Smith commented that he doesn't see where it says the vendor would have to tell the City where they will be located each day.

Mr. Berry moved to amend Section 718.03(b) to include that the location be added to the application; seconded by Mr. Bennett.

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

The Vote was called on the main motion to approve, as amended:

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

2. Resolution CR-17-15 (Confirm the Appointment of Phil Honsey to the Central Ohio Transit Authority Board) was given its reading and public hearing.

Mayor Stage explained that the COTA By-Laws rotate the appointment of a member by municipality. This year it is our turn. The COTA By-Laws also require approval by Council.

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

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

**The Chair recognized Ms. Lanese, in the absence of Ms. Klemack-McGraw, Chairman of Lands, for discussion and voting under said Committee.**

Ordinance C-26-15 (Amend Section 1135.09(b)(4) of the Codified Ordinances titled CBD – Central Business District) was given its second reading and public hearing.

Mr. Smith explained that this cleans up the permitted uses within the CBD and adds Libraries.

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

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

2. Ordinance C-27-15 (Establish a Racetrack Redevelopment Committee) was given its second reading and public hearing.

Mr. Smith explained that pursuant to the guidelines drafted by the State, this Committee needs created. Part of their duties is to identify the project area where the funds were to be located and prioritize the projects. He said the members must include a representative of the community; a collaborative partner; a non-voting member from the Ohio Department Services Agency.

Ms. Lanese noted that our appointees would be Ms. Houk and Mr. Furr as representatives of the community; Mr. Ciminello as a collaborative partner; and Mr. Chuck Boso, as the Development Director.

Mr. Boso noted that this Committee is a recommending body and all suggestions will be brought to the legislative body for approval.

Mr. Bennett suggested passing this as an emergency to expedite the effective date for the Committee and get it started immediately.

Mr. Bennett moved to amend Section 4 to replace the language to provide for an emergency; seconded by Mr. Berry.

Ms. Lanese stated that she is routinely against emergency legislation, unless it is truly an emergency and she does not see this as an emergency.

A vote was called on the motion.

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

Mr. Bennett moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Berry.

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

Mr. Davis moved to change the language back in Section 4; seconded by Ms. Lanese.

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

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

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

3. Resolution CR-18-15 (Approve the Preliminary Development Plan for The Village at Gantz Meadows located at 2066 Home Road) was given its reading and public hearing.

Ms. Jill Tangeman, attorney representing the Developer, said they are seeking approval for condos that were originally approved for this property just before the housing market crashed. It has been sitting since then but they now have a bit of a different product that they would like to develop.

Ms. Lanese asked if they agree to the stipulations. Ms. Tangeman said yes.

Mr. Bennett asked why there was no clubhouse. Ms. Tangeman said because it is a small development and financing is a significant issue, they are proposing a pool and cabana house. This is the same as the original proposal.

Mayor Stage pointed out that this is a preliminary plan and it will need to come back. He pointed to the landscaping and asked that the proposed entrance be staked. Ms. Tangeman said they will include a split-rail fence and coordinate it appropriately with adjoining lots. She said they would stake the proposed entrance and noted it is the same location in the original plan that was approved.

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

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

4. Resolution CR-19-15 (Approve the Development Plan for Logitech Inc., located on Seeds Road) was given its reading and public hearing.

Mr. Todd Rieser, representing Logitech, was present and agreed to the stipulations recommended by Planning Commission. He said this will increase the size of the facility significantly.

Mr. Bennett asked about the landscaping along the creek. Mr. Rieser said it is very wooded along that edge and it will be maintained for screening.

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

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

- Resolution CR-20-15 (Approve the Development Plan for Grove City Dollar General located at 3065 Broadway) was given its reading and public hearing.

Mr. Jacob Horvath, representing Dollar General, was present. Ms. Lanese read the stipulations and Mr. Horvath agreed to all of them. He explained that the first time around this building footprint was not

available. He explained that this building is much smaller than the previous plan, which allowed them to place the building on the site better. He said they do meet the parking requirements.

Mr. Bennett asked what the material for the building is. Mr. Horvath said it is a concrete panel that can be made to look like brick, stone, etc. It is the same material originally proposed.

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

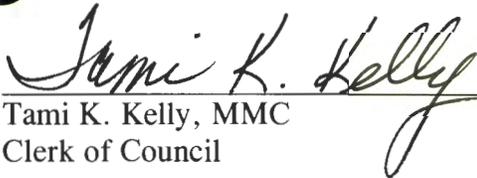
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Lanese	Yes
Mr. Davis	Yes

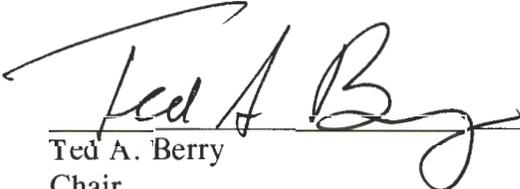
**The Chair asked that any new business to be brought before the attention of Council be done so at this time.**

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

1. Mayor Stage reported on a clean up event this weekend with ODOT; the Hoover Park Pond and Bike trail was approved by their HOA; a gift from Central Crossing ROTC was sent to him with a thank you for the City's grant; the medicine drop is this weekend; and various other events that have or will occur.
2. After comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:48 p.m.

  
Tami K. Kelly, MMC  
Clerk of Council

  
Ted A. Berry  
Chair