

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

May 07, 2001

Regular Meeting

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

Chris Fulton Vaughn Radi Steve Bennett Budd Eversman Maria Klemack

1. Mr. Fulton moved to dispense with the reading of the minutes for the previous meeting and approve as written; seconded by Mr. Eversman.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. President Bennett recognized Mayor Grossman for several presentations. The Mayor presented a Proclamation to the Police Department and declared this week as Police Week. She then recognized Mr. Calvin Adams, General Manager of Wal-Mart and presented him with a Proclamation for all of Wal-Marts community support.
3. President Bennett read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-21-01 (Rezone 7.9 acres located west of Lewis Centre Way from IND-2 to IND-1) was given its second reading and public hearing.

There being no representation, Mr. Radi explained that a portion of the lot is zoned IND-2. It is a leftover piece and this reduces the zoning from heavy to light industry. President Bennett commented that this is more of a housekeeping issue, so that the entire parcel is zoned IND-1.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

2. Ordinance C-31-01 (Approve a Special Use Permit for an Outdoor Concert for the Relay For Life Event located at the Grove City High School Track Field for June 15 & 16, 2001 only) was given its first reading. Second reading and public hearing will be held May 21, 2001.

3. Ordinance C-32-01 (Approve the Rezoning of 94.1 acres located on the South side of Orders Road and West of I-71 from R-1 to PUD-R) was given its first reading. Second reading and public hearing will be held on June 18, 2001.

Mr. Radi stated that even though this is just the first reading, there are approximately 20 people signed up to speak in opposition of this Ordinance. He explained that the Rules of Council allow for three opponents and three proponents on an issue. He said he would take the first three that signed up. If any of them wanted to defer to someone else, they could.

Ms. Kathleen Faught, Orders Rd., explained that her property borders the property in question. She said she is opposed to this rezoning because she does not want multi-family, rental property bordering the residential area for a variety of reasons. Some of those reasons and concerns were about traffic on Orders Road and drainage, as this area floods. She said if PUD-R zoning gets granted, she would like language that would limit it to single-family homes only (like Hoover Crossing, Briarwood Hills, Martha's Wood, etc.) and no rental properties at all. She also voiced opposition to the Preliminary Development Plan because it borders residential property and across the road from a potential single-family lot. She asked who would buy an upscale home across from apartments. In addition, the plans show a future boulevard going through that would put, at least, 1,000 cars per day on Orders Road, which cannot handle the traffic it gets now.

Mr. David Hellard, Orders Rd., stated that he is vehemently opposes this rezoning. He said he has spoken to dozens of people and they all oppose apartments in the area. As far as the number of people in attendance tonight, he asked for a show of hands of those who oppose this. He stated that not everyone signed up to speak and there are more than 20 in attendance that oppose this. He feels there can be no justification for rezoning this property to PUD-R, except to make it economically attractive to Southcross Properties. Both the developer and their counsel stated that they must build apartments to make the area profitable enough for them to develop it. He said we do not have to change the character of our residential zoning and ruin the residential character of the neighborhood just to accommodate a developer's greed. More importantly, he believes the Ohio Ethics Law (Sec. 102.03) may have been violated in the Planning Commission's rezoning process. Mr. Dye, Chairman of Planning Commission, stated that he had been retained as Southcross Properties legal council. Even though he reclused himself from the discussion and voting during their meeting, Mr. Hellard feels that Mr. Dye has been in a position to consult and influence the rest of the Planning Commission members. He believes this rezoning may be the product of an illegal process and asked Council to absolutely reject it, as well as investigate what type of illegal influence may have been involved.

Ms. Sheila Zinn, Williamsburg Ct., stated that she has been a resident in the area for about 35 years and a willing participant to the change that has occurred. For the most part, she thinks it is wonderful, but this is not wonderful. She said her friends from surrounding communities that come to visit comment on Grove City's long term planning. She said she was shocked to see a proposal of apartments in the middle of already constructed homes. She believes this forebodes a scary feeling for residents that live close to vacant land, as she does. The property is next to her is zoned residential and she always felt comfortable that there would only be homes next to her. But, will there? She said she is not against apartments. In fact, she would be happy to share the wonderful community we have. However, she asked why they couldn't be placed in an area with Condo's, etc. and not just slapped down in the middle of what has

already existed. She asked that the quality of life that exists in Grove City now, be considered and what this development will do to that quality of life to those people in the area.

Mr. Radi thanked all of those in attendance for this issue and contributing to the thoughts and concerns.

4. Resolution CR-29-01 (Approve the Development Plan for the Landings at Quail Creek, located East of Hoover Road and South of Quail Creek Blvd.) was given its reading and public hearing.

Mr. Joel Rhoades, Epcon Group, was present. Mr. Radi commented that this was postponed from the last meeting, due to some concerns. Prior to reviewing those, he reviewed the stipulations set by Planning Commission. Mr. Rhoades agreed to stipulations 1 – 7, but asked that #8 be removed because this street is not on their property, nor do they have a contractual relationship with the developer who is obligated to install it. Secondly, it is their understanding, and believes that City staff has a copy of an agreement between another party and that property owner that requires the completion of this street. Mr. Radi asked Mr. Stage, City Admin., if he has been in contact with Mr. Rhoades and Mr. Morrison about this. Mr. Stage said yes. They have no problem removing the stipulation, as they now have proper documentation in insure that the road is going to go in. Mr. Eversman asked if there was a reason why we didn't ask Skilkin Properties to have this section of road to be in by a certain time. Mr. Stage said he wasn't here when that project got approved, but believes that the developer wanted to hold off some of the front-end expenses and until the lots got sold, that would trigger the need for the street. The reason it came up under this project, was the need to relocate a sewer line. Mr. Radi addressed the concerns from the last meeting on drainage. He asked Mr. Blackburn, Dir. of Service, if he had met with the residents and Epcon on this issue. Mr. Blackburn said yes and some changes have been made over the last 7 to 10 days. Mr. Radi asked if all the concerns have been addressed. Mr. Blackburn said yes. Mr. Stage then addressed the issue of a defined barrier between Epcon's property and the Stark property. He said there would be a delineation of the southern property line of a combination of fencing and landscaping.

President Bennett moved to amend Section 1 to read, in part, “. . . contingent upon stipulations 1 thru 7, set by Planning Commission . . .”; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

Mr. Fulton asked for further clarification of the south property line, relative to the existing tree line and any additional landscaping along this area. Mr. Rhoades stated that they have committed to not doing anything that would remove trees, along this creek line, on their property. In addition, they discussed with Mr. Blackburn and Mr. Stark supplementing with a combination of landscaping and fencing along Mr. Stark's property line. President Bennett commented that it was his understanding that the Stark's primary concern is the invasion of pedestrians into the creek area, which is wholly on their property. This is for liability concern. They are also concerned with the placement of drain entry into the creek. Mr. Rhoades stated that the initial Development Plan had two storm water outlets, from their

6. Resolution CR-31-01 (Approve the Preliminary Development Plan for Southcross Properties located South of Orders Road and West of I-71) was given its reading and at the written request of the property owner's attorney, Mr. Radi moved that it be postponed to 5/21/01; seconded by Mr. Eversman.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

Mr. Stage commented that some of the people in the audience are questioning why there is no response. Mr. Radi explained the procedure again. He stated that rezoning will have a public hearing on June 18, 2001 and full discussion will take place at that time. Discussion will take place on the Preliminary Development Plan on May 21, 2001. President Bennett suggested that they postpone the preliminary plan until June 18 and bring both issues up at the same time. Ms. Kelly, Clerk of Council, stated that the petitioner requested the May 21 date due to timing obligations that the developer has on the ground. Also, the plan is a Preliminary and a final Development Plan must also be approved through Planning Commission and Council.

The Chair recognized Mr. Fulton, Chairman of the Service Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-27-01 (Authorize Attorney Joseph W. Hull to Petition the Franklin County Board of Commissioners to Annex 24.371± acres from Jackson Township known as 3025 and 3005 Demorest Road to the City of Grove City, Ohio) was given its second reading and public hearing.

Mr. Joe Hull, attorney, was present to answer any questions.

There being no questions or comments, Mr. Fulton moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

2. Resolution CR-32-01 (Waive the Provisions of Section 528.07(b)3 of the Codified Ordinances for the Annual Homecoming Celebration on July 27, 2001 on the Streets of Town Center) was given its reading and public hearing.

Mr. Scott McComb, member of the Grove City Foundation, stated that this groups mission is to benefit the children and families in Grove City. This is the main philanthropy event for the Foundation. For the past five years, they have provided a summer clinic for children, through South Western City Schools. Approximately 90 students will receive this therapy, during the school break, for \$10.00 per session (the Foundation picks up the rest of the cost). Another area of assistance was to provide \$1,000.00 to an area resident who was stricken with a disease

that affected the brain. Mr. Soto supports his mother and had mounting medical bills to pay on an above minimum wage job. They were also able to provide food vouchers to some burn victims. Mr. McComb said they are very strict during this event and have had volunteers from Sertoma, Firefighters & Police Officers. He said they haven't had any problems in the past and anything they can do to comply and keep the tradition going, they will be happy to do.

Mr. Fulton asked if Mr. McComb was aware of any problems from last year. Mr. McComb said that with such a large group, there might be some flow from other establishments into this area. However, they do not control that. He said if there were no other place, those establishments would have great difficulty in complying with their own regulations. He believes this benefits all. As for problems, he said he doesn't know of any. They work very closely with the Parks & Rec. Dept, and all City departments to provide emergency access, etc. President Bennett commented that in years past, he believes this group has done a fine job in trying to restrict and maintain their boundaries to try and restrict people from bring beer in and out of those boundaries. Mr. Radi asked how many officers would be on hand. Mr. McComb deferred to Captain Deskins. Captain Deskins stated that they do a Special Events Plan and have several officers that man the area with a high presence. They do not advertise the exact number of officers, but have shown that there have been an adequate number in the past years. After the event, they review the Plan, for next year, and make sure they have all areas covered. Mr. Radi asked how those who are involved in the actual selling of beer handle those people who have obviously had their limit. Mr. McComb said there is a very strong police presence for that reason. They also have refused to serve those types of individuals. He explained their process of getting carded, getting your hand stamped and purchasing tickets. Then, you take your ticket to the beer truck, where they check for a stamp, take the ticket and serve the person. Mr. Fulton asked if they sell the beer up to the time the band stops playing. Mr. McComb said that ticket sales stop around 9:45 and the serving stops about 30 minutes before the band ends. Mr. Eversman pointed out that the reason for the 11:30 time limit is to allow those partaking of the beer, to be able to finish their drink without being in violation. This is also why sales are stopped earlier than the waiver allows. Mr. Stage, City Admin., reviewed the times with Mr. McComb again and Mr. McComb reiterated that this is what they have done the past few years. Mr. Stage stated that the Ordinance says "the Speech and Hearing Center" and asked who would be applying for the liquor permit. Mr. McComb stated that the Speech and Hearing Center and the Grove City Foundation are one in the same. They go by both names, but they did change it to The Grove City Foundation last year and this is the name they would be applying for the permit under.

Mr. Eversman moved to amend the Ordinance to replace "The Speech & Hearing Center" with The Grove City Foundation; seconded by Mr. Fulton.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

There being no additional questions or comments, Mr. Fulton moved it be approved, as amended; seconded by Mr. Eversman.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	No
Mr. Bennett	Yes

3. Resolution CR-33-01 (Waive the Provisions of Section 903.01(b) of the Codified Ordinances for the Annual Alumni Softball Tournament on July 20 & 30, 2001 at Fryer Park) was given its reading and public hearing.

Mr. Rick Brunton, representing the Sertoma Club, was present to answer any questions. Mr. Eversman asked if things would be handled the same as last year. Mr. Brunton said yes. President Bennett stated that, if passed, this does not allow for casual carrying of alcohol in coolers or anything else. Mr. Fulton asked if they had any problems last year. Mr. Brunton said not in their beer area. Mr. Fulton asked when sales end. Mr. Brunton said, typically, at the end of the last game. Since there are no lights at Fryer Park, nature provides a time limit, about 9:00 p.m.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	No
Mr. Bennett	Yes
Mr. Eversman	Yes

The Chair recognized Ms. Klemack, Chairman of the Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-28-01 (Amend Various Sections of Chapter 1136 titled Landscaping) was given its second reading and public hearing.

Mr. Eversman stated that this is a project that they have been working on for quite a while. There are still some points to clarify and asked that Mrs. Kelly gather the comments, so amendments can be offered. He moved to postpone this until May 21, 2001; seconded by President Bennett.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. Ordinance C-33-01 (Amend the Codified Ordinances of Grove City, Ohio to include a new Chapter 1143 titled Exterior Building Alterations or Modifications) was given its first reading. Second reading and public hearing will be held on May 21, 2001.

The Chair recognized Mr. Eversman, Chairman of the Finance Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-29-01 (Amend Sections 161.09 and 161.10 of the Codified Ordinances titled Employment Provisions for City Employees) was given its second reading and public hearing.

Mr. Stage commented that this is a housekeeping matter and appreciates Council's consideration.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

2. Ordinance C-30-01 (Appropriate \$520,000.00 from the General Fund for the Current Expense of Property Acquisition) was given its second reading and public hearing.

Mr. Eversman explained that this was for the purchase of the Grove City Lumber Yard.

Mr. Stage requested that this be postponed until the May 21st meeting. It will be necessary to perform a Phase II Environmental Assessment and he hopes they will have most if that in place, by that time.

There being no additional questions or comments, Mr. Eversman moved it be postponed to 5/21/01; seconded by Mr. Radi.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

3. Ordinance C-34-01 (Appropriate \$37,000.00 from the General Fund for the Current Expense of Remodeling City Hall) was given its first reading. Second reading and public hearing will be held on May 21, 2001.
4. Ordinance C-35-01 (Appropriate \$12,190.00 from the Community Environment Fund for the Current Expense of The Keep Grove City Beautiful Program and Authorize the City Administrator to Enter into a Recycling Grant Agreement with The Solid Waste Authority of Central Ohio) was given its first reading. Second reading and public hearing will be held on May 21, 2001.

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

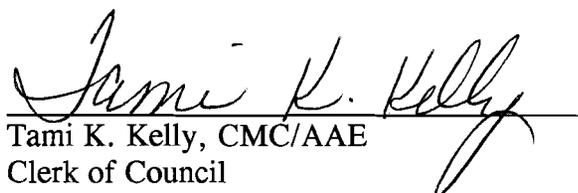
1. The Mayor submitted the Mayor's Monthly Report and Ms. Klemack moved it be accepted; seconded by Mr. Fulton.

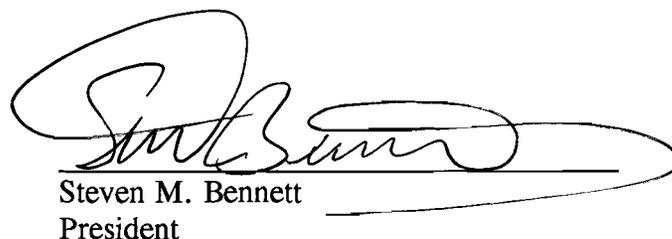
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

In closing, the Mayor reported that the Administrative Search Committee interviewed Mr. Stage last Friday. At their unanimous recommendation, the position was offered and Mr. Stage agreed to continue as City Administrator on a more permanent basis. She commented on the Balloon Festival Kick-Off and various other events.

2. Mr. Stage commented on his appointment. He said it has been difficult to balance both positions. After 15 months of saying he did not want the position, he said the turning point came for him during the Budget process when staff members encouraged him to accept the position permanently. He said he really wanted to go back to the days when Chuck was here and he could be Development Director, however, due to the learning curve and the request of the Search Committee, Mayor and staff, he has agreed. He also provided a list of active projects EMH&T were working on. He announced that Jackson Township has a resolution on its agenda to appropriate \$270,000.00 for the Holt/Big Run Roads improvement. Since they do not need the City to participate on the Borrer Road improvements, the City now has an additional \$150,000.00 to add to the Holt/Big Run project. He said the Township has also agreed to assist with sidewalks on White Road. He reported on a couple of other projects.
3. The Council Members and City Staff congratulated Mr. Stage on his appointment and offered their support. Mr. Eversman commented that, though there may be disagreements on views, which should not be construed as not supporting the office. Council also commented on Student Government Day, which was last Friday. Council also stated that they are listening to those with concerns over the Orders Road project.
4. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:42 p.m.


Tami K. Kelly, CMC/AAE
Clerk of Council


Steven M. Bennett
President