

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

May 15, 2006

Regular Meeting

The regular meeting of Council was called to order by President Lester, 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                  Rich Lester                  "Ike Stage                  Ted Berry*

1. Mr. Corbin moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Stage.

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

2. President Lester recognized the Mayor who introduced Mr. Rennie Molino and the Employer Support of National Guard and Reserve group. She noted that Derrick Lotz, an employee of the City, just returned today from serving in Iraq. The ESNCR presented the 5 Star Award to the City. The Mayor presented them with a Proclamation. She then presented a Proclamation to this year's co-chairs for the American Cancer Society's Relay for Life event and declared May Cancer Awareness Month.
3. President Lester read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-10-06 (Providing for the Construction of Certain Public Improvements within the City by creating a Tax Increment Financing Area encompassing certain parcels of real property, declaring improvements to such parcels to be a public purpose, exempting such improvements from taxation, requiring the owners of such parcels to make service payments in lieu of taxes, providing for the distribution of the applicable portion of such service payments to the South-Western City School District, establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the deposit of the remainder of such service payments, describing the public infrastructure improvements made, to be made or in the process of being made by the City that directly benefit, or that once made will directly benefit, those parcels and Approving and Authorizing the Execution of Township Compensation Agreements) was given its second reading and public hearing.

Mayor Grossman commented that, as they continue to meet with ODOT on the major improvements to the S.R. 665 interchange, in the last year alone the construction cost has increased by 25%. She said she continues to relay her concern for the safety of that intersection, with cars backing up one mile to exit and for the cars traveling over the narrow bridge. She said the Administration is in full support of this TIF and of the amendments to be presented tonight.

Mr. Bill Lotz., Jackson Township Trustee, commented that they have been in negotiations for quite some time on this Agreement. The final document, dated May 15, is acceptable by the Township. He said their tax dollars will go toward the improvements of S.R. 665 and I-71. None of their revenue will be spent on private development. He said they feel this is the way for the Township to do their part in assisting with the improvements to the area. He said Grove City is 80% of the Township and they want to participate. He said it is a good Agreement and hopes Council approves it, as drafted.

Mayor Grossman pointed out that this is a non-school TIF and funds that would be directed to SWCS will not be impacted.

Mr. Arthur "Budd" Eversman, Zuber Rd., requested that prior to voting on this ordinance, he urged them to amend Exhibit "B" and remove bullet points two and three. He said these two items reference the relocation of utility lines, utility towers, and streams on the land parcels. He said the public will not benefit from these expenses being included, since they are primarily on private property. The TIF should not be used to subsidize private development. He noted that Trustee Lotz just spoke and stated that he did not want Township money used for private property development. He said there is little doubt that Meijer intends to build, as trees have already been cleared and money has already been spent on this parcel. He said it is not in the best interest of the taxpayers to further subsidize Meijer. Council will still have the ability to set whatever assessment they want to charge Meijer, and other parcels, as well as rebating parts back of assessments paid. He urged them to show to the public that they do not want to subsidize developers and remove the second and third bullets from Exhibit "B". Mr. Berry asked the Administration if they would be in agreement with Mr. Eversman's suggested amendment. Mr. Chuck Boso, Dev. Dir., explained that Meijer has indicated that they will write a check to the City for \$1.5 million upon signing an Agreement. They will be reimbursed from the Tax on their building. He stated that they would be in agreement with the removal of the stream relocation bullet, yet leaving in the bullet for relocating the electric lines. Even if these provisions are left in the document, Council still must approve a separate ordinance for a Meijer TIF Agreement. Mr. Berry asked why they would want the utility language left in. Mr. Boso indicated that Meijer would not enter into an Agreement and give the City \$1.5 million if they were not going to get consideration to have any funds back. He said the City anticipates receiving a Grant from Issue II funds. If we don't receive the \$1.5 million from Meijer for the matching funds, the City would have to take \$1.5 million from the General Fund for find it somewhere else. Mr. Berry noted that this Ordinance is only an enabling ordinance with TIF Agreements to follow.

Mr. Corbin moved to amend Sections 10 and 11 to reflect the following and to renumber all following Sections in sequential order: 10. Any contract providing for construction of any part of the public infrastructure improvements identified in Section 5 of this Ordinance and pursuant to which monies in the Fund shall be expended for the costs thereof shall be hereinafter approved by this Council & 11. This Council determines that it may hereafter, but prior to the commencement of construction of the improvement to be so funded, determine to assess the real property that may be benefited by a public infrastructure improvement identified in Section 5 of this Ordinance for a portion of the cost of that public infrastructure improvement; seconded by Ms. Klemack.

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

Mr. Stage moved to amend Exhibit B to include the following bullet point: construct and improve additional roadways benefiting the Parcels to ensure optimal traffic flow; seconded by Mr. Corbin.

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

Mr. Stage moved to replace the attached Township Compensation Agreement with the one dated May 15, 2006; seconded by Mr. Corbin.

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

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

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|-------------|-----|
| Mr. Stage   | No  |
| Mr. Berry   | No  |
| Mr. Corbin  | Yes |
| Ms. Klemack | Yes |
| Mr. Lester  | Yes |

Mr. Stage stated that the reason for his no vote is due to the change in the Township Agreement, which removes the windfall provision.

- Ordinance C-28-06 (Appropriate \$20,999.80 from the Cleveland Avenue Community Development Block Grant Fund for the Current Expense of Reconstruction) was given its second reading and public hearing and Mr. Stage moved it be approved; seconded by Ms. Klemack.

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

- Ordinance C-29-06 Appropriate \$81,271.85 from the Bond Retirement Fund for the Current Expense of Payment of Debt Services) was given its second reading and public hearing and Mr. Stage moved it be approved; seconded by Mr. Corbin.

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

- Ordinance C-33-06 (Authorize the Issuance of Notes in the amount of not to exceed \$8,327,000.00 in anticipation of the issuance of Bonds for the purpose of improving Stringtown and White Roads by widening, repaving, and constructing drainage improvements and related infrastructure with landscaping, traffic control devices, lighting, and appropriating funds therefor, retiring notes previously issued for such purpose, approving the form of Official statement and declaring an emergency) was given its first reading. Second reading and public hearing will be held on June 5, 2006.

5. Ordinance C-34-06 (Appropriate \$2,000.00 from the General Recreation Fund for the Current Expense of the P.A.R.K. Art Program) was given its first reading. Second reading and public hearing will be held on June 05, 2006.
6. Ordinance C-35-06 (Appropriate \$4,078.00 from the Drug Law Enforcement Fund for the Current Expense of Police Equipment) was given its first reading. Second reading and public hearing will be held on June 05, 2006.

**The Chair recognized Ms. Klemack, Chairman of Safety, for discussion and voting under said committee.**

1. Ordinance C-30-06 (Repeal and Replace Chapter 709 of the Codified Ordinances titled Cable Television Systems) was given its second reading and public hearing.

Mr. Greg Dunn, City's Legal Counsel, stated that this is a complete change to the Chapter in order to deal with cable television and competitive video. If this is approved, he believes that Grove City will be the first city in the United States to have three (3) competitive broadband services.

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

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

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

1. Ordinance C-32-06 (Authorize the Admin. Assistant to Execute a Competitive Video Service Agreement with the Ohio Bell Telephone Company) was given its second reading and public hearing.

Mr. David Kandel, AT&T, was present to answer any questions.

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

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

Mr. Kandel commended Council for their vote and the Administration for their forward thinking, as this will be the first Video Services Agreement in Ohio and the Mid-West. He said this Council and Administration understand the value of advanced technology and how important it is to the community.

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

1. Ordinance C-31-06 (Accept the Annexation of 0.654 acres located at 4166 Hoover Road) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner, was present to answer any questions. He explained that this is a single-family home that Council approved a PSO zoning for. It is intended to be a doctor's office.

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

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

2. Ordinance C-36-06 (Approve a Special Use Permit for Creative Mobile Interiors located West of Seeds Road for Motor Vehicle Services) was given its first reading. Second reading and public hearing will be held on June 5, 2006.

Mr. Corbin turned the meeting over to President Lester for the next item and requested that he be allowed to abstain from voting. President Lester moved to excuse Mr. Corbin from voting; seconded by Mr. Stage.

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

3. Resolution CR-18-06 (Approve the Development Plan for Cardinal Place located at 4414 Broadway) was given its reading and public hearing and at the request of the petitioner, President Lester moved it be postponed to June 19, 2006; seconded by Ms. Klemack.

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| Mr. Corbin  | Abstain |
| Ms. Klemack | Yes     |
| Mr. Lester  | Yes     |
| Mr. Stage   | Yes     |
| Mr. Berry   | Yes     |

Ms. Patti McIntire, Stephen St., stated that she and other residents are hopeful that Council is pursuing negotiations with the Developer to purchase the property at fair market price. However, if that doesn't occur, she called Mr. Clark today about criteria for a Referendum Petition. That process has started. She asked Mr. Clark for specific information on how to affix the ordinance to the petition. President Lester referred her to the Franklin County Board of Elections. She said Ms. Peggy Howell, supervisor at the Board of Elections, referred her to the City Attorney. She also asked what date to use in counting the 30 day time frame. Mr. Clark indicated that the city has never had a Referendum filed in his tenure. He indicated that he would have to review the Ohio Revised Code and get back with her on his & the city's role. However, she should obtain her own legal counsel to advise her on this issue. She then asked about the Petitions that were turned in at the last meeting, which were against this development. President Lester asked who they were turned in to. Ms. McIntire stated Ms. Kelly, Clerk of Council. President Lester stated that they would be on file in the Clerks office. She then referenced the comments from the representative from the Health Department at the last meeting. She asked why the residents in Hoover Crossing were not informed about tying into the sewer when it was being developed. She wonders why this

project is being sold as the panacea of the sewer problem for Castle Farms. Mayor Grossman indicated that Hoover Crossing and Hoover Park was developed in the City and were built with city sewer and water service to them initially. Castle Farms were developed in the Township and do not have city sewer and water.

Ms. Sherrie Cunningham, member of the Park Board, shared a statement from the entire Park Board. It stated that they agree that green space is needed and valued in Grove City. However, the amendment to this Resolution to require more green space in lieu of monetary compensation should be reconsidered for the following reasons: 1. The shape of the space is not adequate to enhance Windsor Park (i.e. space restrictions and lack of access to property); 2. The drainage and sewer problems, which may cause the City liability and cost the City dollars that could be better used for other projects; 3. The Park Board has not had input as to the feasibility of this acquisition, yet spent many hours consulting over the Master Plan Update for P&R development; 4. This legislation sets precedent for allowing developers to exchange land that is undesirable and/or not viable for our Park needs in exchange for development approval; 5. The original plan for this developer to donate .9 acres and a monetary compensation to meet open space requirements, brings a much greater benefit to the park system than the amendment that was passed on May 1 – requiring the open space dedication to be in land only. She said the Park Board hopes that Council will consult with the Board regarding these types of decisions, prior to creating legislation, so that viable property will be obtained for the City.

President Lester turned the meeting back over to Mr. Corbin.

4. Resolution CR-29-06 (Approve an Exterior Alteration to Gallicchio’s Studio located at 4123 Broadway in the Historical Preservation Area) was given its reading and public hearing and Mr. Corbin moved it be approved; seconded by Mr. Lester.

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

5. Resolution CR-30-06 (Approve a Sign Request for iforce located at 3946 Broadway in the Historical Preservation Area) was given its reading and public hearing and Mr. Corbin moved it be approved; seconded by Ms. Klemack.

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| Mr. Lester  | Yes |
| 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.**

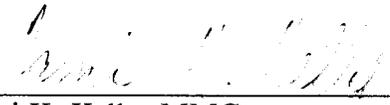
1. Mayor Grossman submitted the remainder of the April Mayor’s Report and Mr. Stage moved to accept same; seconded by Mr. Lester.

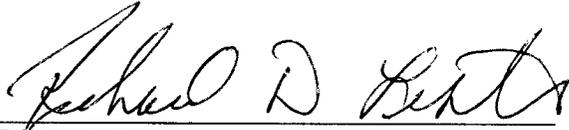
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| Mr. Stage   | Yes |
| Mr. Berry   | Yes |
| Mr. Corbin  | Yes |
| Ms. Klemack | Yes |
| Mr. Lester  | Yes |

The Mayor congratulated Council and the Administration on the forward thinking and action taken for Project Lightspeed with AT&T. She reminded everyone that Relay for Life will be June 13 & 14. She announced upcoming events.

2. Mr. Berry thanked the Administration for working so hard on the TIF, but it is something that he is philosophically opposed to. He then stated that over the last several months have received complaints from new residents about their home builders. He is going to submit those to the Mayor for review and bring them to Council for consideration when those developers bring new projects.
3. Mr. Stage asked Ms. Cunningham if there was a vote of the Park Board that the 0.9 acres was acceptable. It was indicated that there was not. He also voiced appreciation to all who worked on the TIF. He said he is a Pro Tiffer, but feels that the perpetuity built in to the revenue sharing, without being able to go back to the Township, is a long term error that will come back to haunt the City. He congratulated AT&T for Project Lightspeed and is glad Grove City is the first.
4. After additional comments from the Mayor, Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:00 p.m.

  
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Tami K. Kelly, MMC  
Clerk of Council

  
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Richard D. Lester  
President