

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

May 17, 2004

Regular Meeting

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

Rich Lester Bob Hatley Bill Saxton Maria Klemack Vaughn Radi

1. Mr. Lester moved to dispense with the reading of the previous meetings minutes and approve as written; seconded by Mr. Radi.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

2. President Saxton recognized the Mayor who introduced Commander Glen Hickman, who announced the Memorial Parade and invited everyone to attend. He said the parade would begin at 11:00 a.m., beginning at Our Lady of Perpetual Help, stopping in front of City Hall to change out the flags and continuing to Grove City Cemetery for the final ceremony. He also announced a ceremony at Concord Cemetery w/Auditor Joe Testa at 3:00 p.m. Additional ceremonies are set up for that day and he encouraged everyone to show their support for the troops on this day.
3. President Saxton read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-39-04 (Authorizing the Issuance of Notes in the amount of not to exceed \$8,279,000.00 in anticipation of the Issuance of Bonds for the purpose of Designing and Constructing Buckeye Parkway, South of White Road and a New Road to be known as Pinnacle Club Drive to connect Buckeye Parkway with State Route 104, with all necessary equipment and appurtenances, including drainage, landscaping, traffic control devices, lighting, and related improvements, and Appropriating Funds therefor, and Approving the Form of Official Statement and declaring an emergency) was given its second reading and public hearing.

Mr. Emmett Kelly, attorney for Bricker & Eckler representing the City, explained that this is part of the City's obligation for road improvements for this project, as agreed to under the Pre-Annexation Agreement.

There being no additional questions or comments, Mr. Hatley moved that the Rules of Council be suspended and the waiting period waived; seconded by President Saxton.

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

Mr. Hatley moved it be approved as an emergency; seconded by Mr. Radi.

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

- Ordinance C-40-04 (Authorizing the Issuance of Notes in the amount of not to exceed \$7,925,000.00 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 related improvements, Appropriating Funds therefor, Retiring Notes previously issued for such purpose, Approving the Form of Official Statement, and declaring an emergency) was given its second reading and public hearing.

Mr. Kelly explained that this is the re-issuance of Notes for the road improvements mentioned. Mr. Hatley noted that we are retiring a bond for \$6.7 mills and issuing a new one for \$7.9 mills. Mr. Kelly said that was correct. The new bond includes a little new money for additional improvements.

There being no additional questions or comments, Mr. Hatley moved that the Rules of Council be suspended and the waiting period waived; seconded by Ms. Klemack.

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

Mr. Hatley moved it be approved as an emergency; seconded by President Saxton.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes

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

- Resolution CR-35-04 (Waive the provisions of Section 903.01(b) of the Codified Ordinances for the Annual Alumni Softball Tournament on July 24 & 25, 2004 at Fryer Park) was given its reading and public hearing.

Mr. Steve Bennett, representing a large group of Grove City residents and the Sertoma Club, voiced support of the continuation of beer sales, in conjunction with the Annual Alumni Softball Tournament held at Fryer Park. He explained that for over a decade, the Sertoma Club has handled beer sales after being approached by the City to help correct problems with illegal consumption of beer in the park. The Sertoma Club pays for police officers to monitor activities in the park; maintain a designated area in Fryer Park for the sale of beer; and handles the balance of food concessions. There have been no cases of alcohol abuse, unruly conduct, injury or driving problems associated with the sale of beer at Fryer Park or in the Town Center. He said he had heard there was some objection within Council because of the message it sends to the children. Mr. Bennett stated that this is an Adult event, with the overwhelming majority being over 21. They are law-abiding citizens and are aware of the responsibility of alcohol consumption and do a good job of being responsible for their actions. He commented that many families patronize restaurants where alcohol is being served. They go there without feeling they are sending a negative message to their children. He said he was also told that other communities don't allow beer in their streets. He said Columbus does for many events. He said last year beer sales were denied for the Homecoming Celebration in the Town Center. The turnout was down by 2/3rds and those charity groups, selling food, had dismal results. He said this hurts the recipients of those funds. Those children we are trying to protect are the same children that are not receiving hearing aids, speech therapy and other relief because the funds are no longer available. Thousands of dollars from this event are returned to community charities including: Meals-On-Wheels, STAR Scholarship, Young Life and DARE. He said he is hopeful that Council isn't listening to a select few and sees the vast good that is being provided. He reminded them that they are a representative body, sent here to do as the citizens ask and not provide parental control. He pointed out that Murfin Fields would be selling beer again this year, with the proceeds to benefit kids. He said they respectfully request that Council support this Resolution so that the many good things with this event, that have become tradition, are not tossed by the way side. He pointed out that there are many people in the audience tonight in support and many more who have signed petitions. There are 427 signatures - all Grove City residents, over 21. This was accomplished in less than one week and shows a lot of sentiment. He pointed out that there are ministers, business owners and ages clear up to 70 that signed in support. He provided the President of Council with the petition.

Mr. Hatley asked what percentage of their overall contribution to charities comes from the beer sales and what comes from the food. Mr. Ron Johnson, Sertoma member, said it is about 50/50. He shared some percentages from the past several years. Mr. Bennett shared that this event is licensed by the State of Ohio and they come down to check it out. They card everyone and if anyone shows signs of inebriation they are cut off. Participants/spectators do not have the opportunity to get drunk on their beer. That is not what they are there for.

Mr. Joe Hull, commented that he has been around this organization since 1977 and is very proud of Sertoma. He believes they do a tremendous amount for the community. He gave some history about the beers sales, which started in 1988. There are 85 teams that are involved. It is extremely popular and successful in bringing back Grove City Alumni. It keeps them as residents and hopefully gets them as new residents. If anything, it confirms that this is a great place to live and a great place to come and enjoy. He said he is aware of the concerns, but when you think about other family events, there is beer at the Clippers and other ballparks and events. He said beer is not an illegal item. It's not something that people consider to be morally wrong, it is a matter of choice. He believes this is a philosophical issue. He goes back to the history and the difficulties of enforcement. A reliable, charitable organization is there to provide that service during the tournament and turn the money back to the community. If that service goes away, then all those

people will be without and may be enticed to bring it into the parks themselves. He said he doesn't condone this. It would be illegal, but with that many people he believes it will occur. The police will have a greater enforcement job and do we really want them to have to stop everyone, check every cooler, and cite them or refuse entrance. He asked if we are doing a disservice to our residents by denying them the opportunity to enjoy this, while its under control and servicing a charitable organization or do we force them to perform an illegal act. The balance must be weighed. It isn't an easy decision, but Sertoma feels strongly that the positives of them selling the beer far outweigh the negatives of the philosophical approach of allowing beer in the park. Mr. Hatley asked where else in Columbus could he go and play softball and drink beer. Mr. Hatley said he doesn't know what Columbus does in their parks. Mr. Hatley said you cannot consume alcoholic beverages in a city park or do they sell it.

President Saxton asked Ms. Conrad, Dir. of Parks & Rec., to report on her findings about other community's policies on alcohol in their parks. Ms. Conrad reported that she did phone the City of Columbus and other suburban communities that have ball diamonds and they have no beer sales in those city parks. Mr. Radi pointed out that other communities have large events, like this. Ms. Conrad said the only beer sales that were allowable, that she could find, were in Columbus on the Riverfront; Dublin for their Irish Festival and one other; and in Bexley for two festivals.

Chief of Police Deskins commented that, from the beginning, Sertoma did step up to assist with this event and he has tremendous respect for this club and its members. There have been either no or extremely small amounts of problems that they can't remember. They have always hired the recommended number of officers for the event without compromise. However, as the Chief, he cannot support the waiver of a City ordinance for a certain event. He believes it sends a mixed message to the officers and the community. He said it would be easy for him if he could say that this event was a drunken brawl with lots of problems, but it isn't. Each year, with the Event Planning the Dept. does, it gets better. However, philosophically, he does have a problem with waiving an ordinance that for 363 days it is illegal, but for 2 days it is o.k. He said many of the reasons that worked in the past do not work today. People try to sneak beer in all the time. They will give people to opportunity to come in to voluntary compliance like they do every other day of the year. He asked how this speaks to the rest of our ordinances.

Mr. Radi commented that he has been on Council since 1997 and has voted against this each year. For a number of years, he was the lone vote. He said he has a great deal of respect for Mr. Bennett and Mr. Hull, but he can't compare going to Appleby's with this event. He said it may be a moral question, but he doesn't think there are many of those left to stand on. He said many police officers have thanked him over the years for his vote and he didn't even know they knew who he was. He has also received compliments from residents for his vote on this issue. When you are a Council Member, you have a responsibility to do what is best for the great good of the community. He doesn't feel that allowing beer in the parks is for the greater good of the community.

Mr. Hatley said he doesn't believe it is a philosophical issue. He believes it is about being consistent and about liability. He said things change. Fifteen years ago the drinking age wasn't 21 and you could smoke in almost any building. Now, you can't smoke in some States. He said he respects Sertoma and believes they do a great job. They are a creative group and he believes they can come up with a new fundraiser. We live in a world of "sue your brother" and the liability is upon the City and Sertoma. For the small amount of money made compared to the death of someone, he doesn't think there is any kind of comparison. When he ran two years ago, he knocked on a lot of doors. He didn't have anyone tell him to vote for beer sales, but he did have people ask him not to. He said for some reason beer becomes the issue and Council is not allowing Sertoma to

make money and trying to dictate what people can do and can't do. This isn't the issue, but if beer is the #1 issue for having an event then we need to question why we are really having the event. We are never going to get over the image of "Grovetucky" if beer is the #1 reason for having such an event.

President Saxton stated that he sponsored this Resolution because they asked him to and felt they had the right to voice their opinion. However, he did inform them last week that he would not support this issue. He said he spoke to a member of the School Board and believes that this sends the wrong message. He doesn't believe it makes sense to support the DARE program and turn around and sell beer to their mothers and fathers. He appreciates what Sertoma does and said he would support them in any other way possible.

Mr. Lester stated that he has been part of the event on both sides. He said Sertoma is a great organization and he supports all of their members. However, he believes that this event has grown beyond the bounds. He feels we send the wrong message and it makes the police job harder. In hearing all the discussions and after discussing this issue with neighbor's of Ward 2, friends, family and some police, he has received the opinion that the tournament has grown to an enormous fashion and can't continue to allow the alcohol sales to go on. With that, he made the decision in July not to support this when he was running for the seat and that is where he stands today.

Ms. Klemack commented that, as the only female and as a mother of four, with all due respect of the Council Members and Administration, she believes in Sertoma and the service they provide the community. She believes that selling beer at an adult function that only happens once a year and brings residents to Grove City to have fun, should not be opposed. The Police Chief stated that there have been no problems all these years. If anything, it shows our youngsters that we are responsible adults, you can have beer and not get drunk.

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

Mr. Radi	No
Mr. Lester	No
Mr. Hatley	No
Mr. Saxton	No
Ms. Klemack	Yes

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

1. Ordinance C-41-04 (Approve a Special Use Permit for the City of Grove City for an Outdoor Concert in conjunction with the Wendy's International Cycling Classic event located at Sesquicentennial Park) was given its second reading and public hearing.

Mr. Radi asked what time the concert would take place. Ms. Kim Conrad, Dir. of Parks & Rec., stated the time would be from 7:00 p.m. to 10:00 p.m.

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

Mr. Lester	Yes
Mr. Hatley	Yes

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

- Ordinance C-42-04 (Approve a Special Use Permit for Union Savings Bank for a Drive-Thru Window located at 4090 Hoover Road) was given its second reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

- Ordinance C-43-04 (Accept the Plat of Grant Run Estates, Section 4 – Phase 2) was given its second reading and public hearing and Mr. Lester moved it be approved; seconded by Mr. Hatley.

Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes

- Ordinance C-44-04 (Authorize the City Administrator to Deed a Portion of Road Right-Of-Way to Stringtown Partners North, LLC.) was given its first reading. Second reading and public hearing will be held on June 7, 2004.

- Ordinance C-45-04 (Amend Ordinance C-18-83 to Remove Land in the Community Reinvestment Area No. 1)) was given its first reading. Second reading and public hearing will be held on June 7, 2004.

- Ordinance C-46-04 (Approve the Special Use Permit for Gala Events located at 4461 Broadway)) was given its first reading. Second reading and public hearing will be held on June 7, 2004.

- Ordinance C-47-04 (Approve the Plat for Margie’s Cove, Section 1 located at the Northwest corner of Hoover & Orders Roads)) was given its first reading. Second reading and public hearing will be held on June 7, 2004.

- Resolution CR-36-04 (Approve the Development Plan for Plum Run Crossing located at the northeast corner of Seeds and Zuber Roads) was given its reading and public hearing.

Mr. Joe Hull, attorney for petitioner was present and requested that this item be postponed until June 7, 2004.

There being no additional questions or comments, Mr. Lester moved it be postponed until June 7, 2004; seconded by Ms. Klemack.

Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	Yes

Mr. Hatley	Yes
Mr. Saxton	Yes

9. Resolution CR-37-04 (Municipal Services that can be provided to 151.2 acres located at the Northeast corner of S.R. 665 and S.R. 104 upon its Annexation to the City) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

10. Resolution CR-38-04 (Authorize the City Administrator to enter into an Enterprise Zone Agreement with Bacou-Dalloz USA, Inc.) was given its reading and public hearing.

Mr. Matt Shad, Franklin County Development Dept., provided full details of the procedure and the Agreement. This is a new French company, bringing their first distribution center to the United States. They make Safety Equipment and are proposing investing \$3.5 million in tangible personal property. In addition, they are guaranteeing \$15 million of average monthly inventory, which will not be abated through the Enterprise Zone as they are seeking Foreign Trade Zone status. They propose bringing 95 jobs into the building and guaranteeing \$3.0 million in annual wages, once fully staffed. They promise to lease the building for 15 years. The abatement proposed is for 10 years for 50% of the personal property tax values. This would save the company about \$256,000.00. However, in guaranteeing tax collections, the city and schools will benefit at \$1,205,000.00. Because of the structure of the Agreement, the City will be sharing approximately 50% of the benefit with the schools. In this case, the schools come out ahead, netting \$323,000.00 more than what they would have received through the property taxes alone. The school district is in support of this Agreement and he has a letter showing that support. Once Grove City Council approves this Agreement, it will be sent to the Franklin County Commissioners for their final approval. It is scheduled to be heard by the Commissioners next Tuesday.

Mr. Hatley asked if there was an annual Audit that was conducted. Mr. Shad said yes. There has been a Tax Incentive Review Council set up to review all agreements set up. They will monitor the levels of investment, the job creation and payroll numbers that have been promised against what the performance was on an annual basis. If a company does not meet those numbers there are Claw Back provisions and a Public Benefit threshold to recoup some of that money. Mr. Hatley commented that this is a great company. When he first heard it was French he was a little concerned, but after doing some research he found that they greatly support the communities. When 911 took place, they donated thousands of pieces of equipment to Charitable Organizations including the American Red Cross and Salvation Army. He commended them for this and welcomed them to Grove City. Mr. Saxton commented that they have already contributed to the Education Foundation scholarship, which he thanked them for.

Mr. Chuck Boso, Dir. of Development, explained that this is the first Agreement since establishing an Enterprise Zone in Grove City. He said without this Zone he doesn't believe Grove City would have had the opportunity to bring this company here. He said this is a quality company and negotiations went very easily. We are also partnering with SWCS and certainly appreciate their support. He said they are in negotiations with another company that may come to fruition in another month or so.

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

Mr. Lester	Yes
Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes

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, the Chair recognized members of Administration and Council for closing comments.

1. The Mayor reported on upcoming events.
2. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:15 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President