

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

June 5, 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 Jeff Warner

1. Mr. Hurley moved to excuse Mr. Schreck; seconded by Mr. Warner.

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

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

Mr. Hurley	Yes
Ms. Grossman	Yes
Mr. Warner	Yes
Mr. Milovich	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-32-95 (Accept Plat of Park Square, located on the northeast corner of Stringtown and McDowell Roads) was given its second reading and public hearing.

President Grossman requested that she be excused from voting since she is a personal friend of the Developer, even though she has nothing to gain from this project. Mr. Warner moved to excuse President Grossman from voting; seconded by Mr. Milovich.

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

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

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

2. Ordinance C-33-95 (Accept Plat of Concord Lakes, Section 1, Phase 1 located on the south side of Big Run South and east of Holt Road) was given its first reading. Second reading and public hearing will be held on June 19, 1995.

3. Ordinance C-34-95 (Accept Plat of Concord Lakes, Section 1, Phase 2 located on the south side of Big Run South and east of Holt Road) was given its first reading. Second reading and public hearing will be held on June 19, 1995.
4. Resolution CR-52-95 (Approve Final Development Plan for Victorian Plantation located at 3775 Jackson Pike) was given its reading and public hearing.

Mr. David C. Distlehorst, owner, was present to answer any questions. Mr. Hurley reviewed the stipulations set by Planning Commission and Mr. Distlehorst gave his approval to those.

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

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

5. Resolution CR-53-95 (Approve Final Development Plan for Zoofari/Debcha Kennels located at 3553 Grove City Road) was given its reading and public hearing.

Mrs. Debra Alabaugh, owner, was present to answer any questions. Mr. Hurley reviewed the stipulations set forth by Planning Commission and noted that the first stipulation (planting of evergreen trees) had already been completed. He then raised questions regarding enclosing the dumpster and fencing behind the dog "condo's". Mrs. Alabaugh stated that enclosing both of these areas was part of the original request before Planning Commission. The dumpster will be enclosed with a six foot, dog eared privacy fence and the fence for the "condo's" will match the existing six foot, pointed privacy fence. Mr. Hurley asked what the distance was that they intended to go off the back of the dog "condo's" to place the fence? Mrs. Alabaugh said far enough to allow fire equipment to get behind them. Mr. Hurley then asked if, from the back of the kennels, the fence would go two or three feet? Mrs. Alabaugh thought that this was too narrow for a ladder to get in and said she would also want it large enough for a ride-on mower to be able to turn around. Mr. Hurley said the intent here is to enclose the "condo's" and Mrs. Alabaugh concurred. She said she did not want to go back twelve or fifteen feet, she just wants enough room to get a riding mower in - make a turn and maintain the facility. Mr. Lotz, Chief Building and Zoning Official, commented that they like to see three feet. Mrs. Alabaugh said three feet was not enough room to get a riding mower in. Mr. Hurley asked if five feet was enough? Mr. Alabaugh said she did not know. Mr. Hurley reiterated the intent to enclose the "condo's" which was part of her request and asked if a stipulation that a similar six foot fence, installed within a distance to maintain the area in the rear of the dog "condo's" was acceptable? Mr. Alabaugh said that was fine. Mr. Lotz said if a distance was going to be given it should be stated. Mr. Hurley agreed and asked what that distance should be. Mr. Lotz said that six feet should be sufficient. Mrs. Alabaugh said she did not know about six feet and asked Mr. Clark, Director of Law, if this was a Code requirement or what they were talking about? Mr. Clark said we were talking about a request, by her, for a fence across the back to enclose it. The City doesn't want to see it go back to the property line or 20 feet. Mrs. Alabaugh said she did not want to go back that far either. Mr. Clark said they want to enclose it with something reasonable - 6', 3'. He said her concerns were understood and feels Council is addressing them. Mrs. Alabaugh said that her intention is not to turn this into kennels, she just wants to be able to maintain it. Mr. Clark said the stipulation would then be six feet. Mr. Hurley asked if the existing fence was stained or painted? Mrs. Alabaugh said it was naturally weathered. Mr. Hurley then reviewed the stipulations again, adding the enclosure of the dumpster and the enclosure of the kennels with a similar six foot fence, extended no more than six feet from

the back of the dog condo's". Mr. Alabaugh said that should work. She then asked about the enclosure of the porch. Mr. Hurley said that was part of her development plan and no stipulations were placed on it. If the screened-in porch was part of the Plan, it will be approved with this Resolution. The stipulations address areas that were not part of the Plan.

Mr. Hurley then made a comment regarding the Development Plan. He said that a petition of approximately 40 - 50 names was presented to the Planning Commission when this Plan was presented. He said that basically, the heart of that petition was concern over dogs barking. The statement he wanted to make was that what is at issue tonight is the Development Plan. The zoning and the use of the property is not at issue. We are here to determine if the Development Plan meets our standards. The zoning and particular use of the property was determined eight years ago, so the dogs barking is not pertinent to this discussion. Personally, he represents the area this Kennel is in and he has been contacted by many of the residents concerning the barking dogs. It has been brought to his attention that these "condo's" have helped reduce the noise. He did mention that if he had been on Council eight years ago, he would not have approved this use as he does not feel it is appropriate for the location. However, his vote this evening will be based on the issue at hand.

There being no additional questions or comments, Mr. Hurley moved to amend the resolution to include stipulation #3 - dumpster to be enclosed; and #4 - "condo's" to be enclosed by a six foot fence, no further than six feet from the rear of the "condo's"; seconded by Mr. Milovich.

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

Mr. Hurley moved it be approved, as amended; seconded by Mr. Warner.

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

6. Resolution CR-54-95 (Services that can be provided to a 26.74± acre tract, located north of White Road and east of I-71, upon its annexation to Grove City) was given its 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

In the absence of Mr. Schreck, the Chair was recognized for discussion and voting of items under the Safety Committee.

1. Ordinance C-31-95 (Amend Section 1323.15(a)(2) titled Sign Area Measurements) was given its second reading and public hearing.

Mr. Hurley stated that he felt the wording to allow additional building signage was somewhat confusing and moved to make the following amendments: (3)(a) Each business shall be allowed one (1) square foot of building signage per lineal foot of building frontage with a maximum square

footage of 200 square feet and (3)(b) &(c) be removed from the ordinance; seconded by Mr. Warner.

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

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

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

2. Ordinance C-35-95 (Approve the editing and inclusion of certain ordinances a parts of the various component codes of the Grove City Codified Ordinances, revising Traffic and Criminal Code provisions to conform to State Legislative Changes and declare an emergency) was given its first reading.

Mr. Hurley and Ms. Kelly, Clerk of Council, explained that replacement pages for the Codified Ordinances have been received and this will bring the Code up-to-date with the amendments Council has already passed by regular ordinances.

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

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

President Grossman moved it be approved as an emergency; seconded by Mr. Warner.

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

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

1. Ordinance C-30-95 (Appropriate \$13,477 from the General Fund for the Current Expense of Police Payroll as it relates to the DARE Program) was given its second reading and public hearing.

Mr. Milovich explained that the City has been informed by Betty Montgomery, Attorney General, that they have been awarded \$13,477.00 in matching grant funds for the D.A.R.E. Program. He then recognized Chief McKean who introduced Ms. Alisha Gray, representing the Attorney General for the State of Ohio, Betty Montgomery. Ms. Gray is with the Children's Protection section and is the DARE Grants Administrator. Ms. Gray extended thanks and greetings on behalf of Betty Montgomery. She explained that this is the second year for DARE and is hoping to see another

grant application from Grove City. They received 141 grant applications last year and gave out 1.8 million dollars with the program. She said Attorney General Montgomery has given her commitment to local law enforcement in their efforts and wants to continue that with regard to working with Youth At Risk and the DARE Program. Their co-sponsorship with the Chiefs of Police and the Department of Education is continuing and they sent out 1780 applications this year. They gave a grant workshop a couple of weeks ago and had approximately 74 individuals attend. She again thanked Council and Administration and said "keep up the good work".

President Grossman asked that Ms. Gray extend Council's gratitude to Attorney General Montgomery. She said this is an excellent program and is very proud that Grove City can be a part. Mayor Stage also commented by thanking Ms. Gray. He said the Chief shared with him a survey by a group of Ohio teachers and principals regarding the DARE Program. It indicated that DARE is welcome and 96.9% of the teachers said please continue it. Mayor Stage said Grove City was one of early communities to participate in DARE. We believe in it, wish we could do more and appreciated any assistance.

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

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

2. Ordinance C-36-95 (Appropriate \$560.00 from the Senior Stage Fund for Current Expenses) was given its first reading. Second reading and public hearing will be held on June 19, 1995.

President Grossman asked that any new business to be brought before the attention of Council be done so at this time.

1. Ms. Betty Lawless, Borrer Road, said she was sort-of here as a representative of the petition that was submitted to Planning Commission, at their last meeting, regarding Zoofari. She asked for clarification as to whether or not there was anything the residents can do regarding the barking dogs.

Mr. Hurley stated that there is a provision in the Code that addresses barking dogs and so on. In that situation, the resident is the aggrieved person, not the City and the aggrieved person must file the complaint. That complaint would then be heard in court. Mrs. Lawless said she understood what he was saying, she just wanted to make sure that if complaints were made there was a way to address the issue. Mr. Hurley said yes and that would be a court process.

Mayor Stage commented that he has had cases in Mayor's Court where neighbor's have filed against neighbor's for dogs barking. It is not something unusual. He also said that he has heard from residents that "the City doesn't care about the sound" and he wanted to make sure that everyone understands that the City is being sued now because they DO care about sound - that being Beulah Park and Capital Music Center. He assured her that there have been cases in his court regarding dogs barking. Mrs. Lawless then asked if the complaint is filed through the Police Department? Mayor Stage said yes. Mr. Chris Fulton, Director of Safety, then clarified that the officers must witness the offence before something can be done. So, it may not be that they won't do anything it's that they can't do anything unless they witness the offence. He suggested she call him or the Chief if she had any questions about the procedure and they would be glad to deal with it.

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

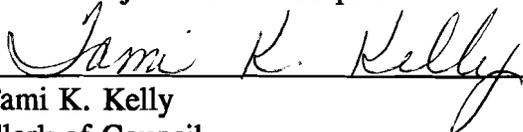
1. Mayor Stage submitted the Monthly Mayor's Report and requested it be accepted. Mr. Warner moved to accept the Mayor's Report; seconded by Mr. Hurley.

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

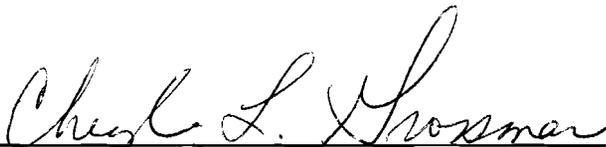
Mayor Stage reported that the AFSCME Contract has been finalized and these employees are outstanding. He attended a recognition luncheon today for Tigerpoly. They gave \$5,000.00 to Park Street Middle School. He said it just goes to show you what happens when you have outstanding corporate citizens. He applauded Tigerpoly for being awarded the Honda Best-of-the Best Award. He said the Memorial Day service went very well. There wasn't time to get the sound system hooked up for this, but, it will be for July 4th Celebration. Mayor's Court was featured on Channel 6 this evening. He felt it was handled extremely well by way of the media giving Mayor's Court a little more credit than is typically given. He then announced that a Senior Survey has been completed at the Senior Center and results will be distributed to Council shortly.

2. Mr. Fulton, Director of Safety, said that he has been traveling to the local carry-outs and introducing himself as well as explaining that the Police Department will be watching closely the sale of alcohol to minors, especially during the warm months and graduation.
3. Mr. Lotz, Chief Building & Zoning Official, said they are putting together a final version of Building & Zoning Code amendments and hopes to have them to Council soon.
4. Mr. Warner commented that he very much enjoyed the Memorial Celebration. It was heart-warming to see people along the street with their American Flags and the additions to Town Center added to that warmth. He commended the Service Department for the baskets and planters.
5. Mr. Milovich announced that there was a new presentation of the Legal Notices in the Record. Hopefully, this will make it easier for residents to find them and see what is going on in City Council. He also congratulated the Development Department in receiving two Best-In-Class Awards in the National Competition, sponsored by the Economic Development Council.
6. President Grossman said she was very pleased to be a part of the dedication of the Pavilion at Gantz Park last Saturday. There was entertainment from different musical groups from local schools. She said activities and events like this is what makes living in Grove City very special to her and announced that this Friday, 7:30 p.m., will be Youth Night at the Pavilion with different youth members in our community performing. She was also very pleased to see Grove City featured on Channel 4 - Heart of Ohio series and hopes to have that segment available, for anyone who missed it, to see at the next Council meeting.
7. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 8:50 p.m.



Tami K. Kelly
Clerk of Council



Cheryl L. Grossman
President