

GROVE CITY, OHIO COUNCIL  
MINUTES

June 7, 1993

Regular Meeting

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

*Brian Buzby*

*William Buckley*

*John Mountain*

*Charles Cotton*

1. President moved to excuse Mr. Ferguson from this evenings meeting; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

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

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

3. President Buzby moved to add Ordinance C-57-93 to the agenda; seconded by Mr. Mountain.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

Ordinance C-57-93 (amend Section 725.10(a) titled Rates for Collection of Garbage and Refuse of Residential Households) was given its first reading. Second reading and public hearing will be held on June 21, 1993.

President Buzby explained that this concerns the refuse collection rates for Grove City, taking into account that Solid Waste Management Authority just increased its rates for delivery of trash to its facilities effective July 1, 1993. We now have to think about adjusting our rates.

President Buzby also announced that the Trash Committee will be meeting on June 14, 1993 in the basement of City Hall at 7:00 p.m. if anyone is interested in attending. This meeting will hopefully put together a report to be presented to Council on June 21, 1993.

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

1. At the request of the applicant, Mr. Cotton moved to withdraw Ordinance C-39-93 and remove it from the agenda; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

2. Resolution CR-47-93 (Approve Development Plan for Buckeye Boys Ranch Family Life Center) was given its reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Mountain.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

3. Ordinance C-49-93 (Accept the annexation of 1.653 acres located at 3775 Jackson Pike) was given its second reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

4. Ordinance C-50-93 (Approve the special use permit for Community Motor Company located at 3085 Broadway) was given its first reading. Second reading and public hearing will be held on June 21, 1993.
5. Ordinance C-51-93 (Approve the special use permit for a Dog Grooming Salon located at 3538 Broadway) was given its first reading. Second reading and public hearing will be held on June 21, 1993.
6. Ordinance C-52-93 (Accept plat of Elginfield, Section 1) was given its first reading. Second reading and public hearing will be held on June 21, 1993.
7. Ordinance C-53-93 (Accept plat of the dedication of Hoover Road and Quail creek Boulevard) was given its first reading. Second reading and public hearing will be held on June 21, 1993.
8. Ordinance C-54-93 (Accept plat of Ziner Farms) was given its first reading and Mr. Cotton called for this to be an emergency measure.

Mr. Cotton explained that a series of legislation for this development has already been passed and called for any discussion. There being no discussion, Mr. Cotton moved that the Rules of Council be suspended and the waiting period waived; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

Mr. Cotton moved that this ordinance be approved as an emergency; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

9. Ordinance C-55-93 (Amend Community Reinvestment Area #1 to include new land) was given its first reading. Second reading and public hearing will be held on June 21, 1993.
10. Resolution CR-33.93 (Final Development for Arrowleaf Run located east of Shirlene Drive) was given its reading and public hearing.

Speaking to this resolution was Mr. Richard Tranter, attorney representing Belper Company. Mr. Tranter stated that this plan originally came before Council on May 3, 1993 and at that time, Council postponed the issue and requested that a synopsis of events from Planning Commission be provided. With that request, Mr.

Tranter took the opportunity to provide his own synopsis of events for Council and FAXED it to the clerks office on Friday, June 4, 1993. He hoped that they had the opportunity to review his letter. He explained that in July, 1991 a preliminary development plan was approved by Planning Commission for a 46 unit complex. After many reviews, the result is the final development plan before you. He also explained that this parcel was split from what is now known as Katheryn Place. Katheryn was not approved until 1992, yet was permitted to have 12 units per acre. When reviewing the Planning and Zoning department's file for Katheryn Place, two letters were found. One on letterhead, the other a draft and not on letterhead. The one on letterhead shows the density as 12 units per acre, the draft says 10 units per acre. President Buzby asked when the preliminary development plan for Katheryn Place was approved? Mr. Lotz informed him that it was 1988. President Buzby asked if any part of Katheryn Place was in the floodway? Mr. Tranter said he could not tell from their development plan. Mr. Lotz indicated that the elevation for Katheryn Place is very different and much higher. The only portion of their property that is in the floodway is the creek. Mr. Lotz also commented on the letters, stating that he doesn't know how it happened or if either one was ever sent out. In addition, he clarified the zoning for each parcel - Katheryn Place has A-1a and Arrowleaf Run has A-1. Mr. Tranter said that all they were asking for was a uniform view of the zoning code and fairness for his client. President Buzby pointed out that the code stipulates 10 units as a maximum number per acre and not necessarily what is permitted. Mr. Tranter referred to what he called a "Draft Ordinance" showing changes to the code that he felt were tailor made for his client's development and would render it undevelopable. It showed a change from 10 units per acre to 8 units per acre. Mr. Cotton stated that this was nothing new. At one time the code did read 8 units per acre. Mayor Stage commented that at one time there was a prohibition on new apartments altogether in Grove City. Mr. Tranter said that his client made application for 46 units per acre and requested fundamental fairness. He felt that what was good for Katheryn Place should be good for the next developer. He also stated that in a measure of good faith, the developer feels that they can develop the site with 40 units and requested that Council consider this.

President Buzby stated that when Mr. Tranter came in before, he argued that Planning Commission approved a preliminary plan for 46 units and his client relied on that for the final. When the final plan was submitted with 46 units, it was denied. Now the argument has to do with the development of Katheryn Place and suggests some sort of bias. He asked if Council has now heard all arguments or, if tabled, will there be a new argument next time that will require Council to start the review process over again? Mr. Tranter said that Council will not hear anything new unless they have questions. President Buzby explained that there is discretion built into the Code and just because someone else got something, it's not a guarantee that Council will treat every case the same because there are different parameters to each case. We have to act in the interest of the public health, safety and welfare and we are given discretion in the Code. Ms. Sue Peterson, attorney for Belper, stated that there was another issue. She indicated that Planning Commission told them that density was not an issue, all the problems were engineering.

Mr. Clark, City Attorney, stated for the record that the Planning Commission conducts a legislative act, not an administrative act per our Code. Mr. Tranter stated, for the record, that he totally disagrees with the Code and feels that this is a quasi judicial administrative proceeding. Mayor Stage asked Mr. Kohman how many hours have been spent on this project to date? Mr. Kohman said he didn't know how many hours, however, there have been three to four plan reviews with three separate engineers and those engineers, to a certain degree, stated that the lot is not conducive to the number of units proposed. Mayor Stage asked the same of Mr. Lotz. Mr. Lotz said over forty hours have been spent on this project. Mayor Stage asked if that was normal for any project? Mr. Lotz said no. Mayor Stage commented that the City has put in quite a lot of hours on this project and they were not devious or prejudice.

There being no additional questions or comments, Mr. Cotton moved that this resolution be tabled; seconded by Mr. Buzby.

Mr. Buckley	No
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

11. Resolution CR-44-93 (Approve development plan for the dedication of Hoover Road and Quail Creek Boulevard) was given its reading and public hearing.

Mr. Roland "Lum" Edwards, engineer, was present to answer any questions of Council. There being no questions, Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

12. Resolution CR-45-93 (Approve final development plan for the Willows at Quail Creek) was given its reading and public hearing.

Mr. Phil Fankhouser, developer, was present to answer any questions of Council and took the opportunity to thank Planning Commission, Administration and Council for the fair and professional manner with which they conducted business. There being no additional questions or comments, Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

13. Resolution CR-46-93 (Approve development plan for Bible Baptist Church Multi-Purpose Building) was given its reading and public hearing .

The Reverend for the church was present for questions or comments from Council. There being no questions, Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

14. Mr. Cotton moved to remove Ordinance C-42-93 from the table and add it to the agenda; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

15. Mr. Cotton moved to remove Resolution CR-41-93 from the table and add it to the agenda; seconded by Mr. Buckley.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

16. Resolution CR-41-93 (Approve development plan for Tuffy Auto Service Center) was given its reading and public hearing.

Speaking to this resolution was Mr. William Bovin, attorney representing Tuffy. He referred to a letter from the Mental Retardation Center stating that they had no objection to Tuffy being their neighbor. He indicated

that this business causes no emissions and is a low traffic use, which is needed for the site. He presented pictures of the site and explained that even though there seems to be a large amount of land, the flood plain prohibits a large development from being placed on the site. He stated that Tuffy prides itself on being good neighbors. As requested by Planning Commission, they have modified the building to accommodate their concerns by going to a tan exterior color rather than the traditional yellow.

In viewing the pictures, Mr. Cotton asked how many of the existing trees would be disturbed. Mr. Bovin said none. In fact, they have added an elaborate landscaping plan for the front of the building. Mr. Buckley asked what the exterior will be made of. Mr. Bovin indicated that it would be colored split-faced block. President Buzby stated that the Planning Commission approved the Development Plan, but, denied the Special Use Permit. In terms of topography, he asked if there was another use for the site? Mr. Boso said that there are multiple uses, but, a restaurant was not; nor would a drive-thru/fast food restaurant; an office building is possible. Mr. Lotz elaborated by stating that quite a bit of this site is in the flood way and the flood way fringe and is unusable without a major investment in site improvements. President Buzby asked if the zoning was fine? Mr. Lotz said yes - "It is obvious it will be some kind of commercial use." Mr. Buckley asked about signs. Mr. Boso indicated that signs would be approved at a later date. Mr. Mountain asked if there was an egress so people wouldn't have a problem turning left? Mr. Bovin said yes. Mr. Buckley asked if the awning color could be changed? Mr. Bovin stated that they have taken so much color out of the plan that the awning is all that is left.

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

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

17. Ordinance C-42-93 (Approve special use permit for Tuffy Auto Service Center) was given its second reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Buzby.

Mr. Mountain	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

**The Chair recognized Mr. Buckley, Chairman of Finance, for discussion and voting of the legislative items under said committee.**

1. Ordinance C-56-93 (Appropriate \$150,000 from the Sewer Fund for the current expense of site clean-up) was given its first reading.

Mr. Buckley explained that this was to pay for the clean-up of the old sanitary sewer site located on Hoover Road. There being no additional questions or comments and since this appropriates for current expenses, Mr. Buckley moved it be approved; seconded by Mr. Buzby.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

**President Buzby asked that any New Business to be brought before Council, be done so at this time.**

There being no New Business, President Buzby recognized members of Administration and Council for closing comments.

1. Mayor Stage submitted his monthly report and requested it be approved.

President moved to accept the Mayors Report; seconded by Mr. Buckley.

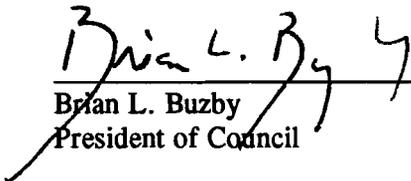
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Buckley	Yes

Mayor Stage commented on the increasing number of underage drinking citations. There were 17 juveniles cited for underage consumption, 4 OMVI's and one was 14 years of age. He said this is a very sad and discouraging event in the City. He said that this Friday was graduation and the police department would be out in full force as this kind of action will not be tolerated.

2. Mr. Lotz informed Council that Wal-Mart was putting an addition on to its facility and that this was part of the original development plan.
3. Mr. Hamons announced that the Columbus Visitors and convention Bureau has put out a new map of the area and Grove City has a half-page ad on it. already, the Grove City Visitors and Convention Bureau have received calls as a result of the ad.
4. Mr. Fulton reiterated Mayor Stage's concerns. He said that people buying alcohol are of age and then giving it to minors and this is the problem that has gotten worse.
5. Mr. Babbert told all to watch WCMH, 5:30 Live with Cabot Rea tomorrow as the Gardens at Gantz will be featured. He also stated that the latest Parks & Rec. brochure is out and has been very receptive.
6. Mr. Buckley again mentioned the Trash Meeting set for June 14, 1993 at 7:00 p.m. He said this would be a work session for the committee in order to prepare a report for Council.
7. After additional comments from Administration, the Chamber and Council, Mr. Buzby made a motion to adjourn; seconded by Mr. Buckley. Motion carried.

Council adjourned at 9:05 p.m.

  
 Tami K. Kelly  
 Clerk of Council

  
 Brian L. Buzby  
 President of Council