

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

June 7, 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. Hatley 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 read the agenda items and they were approved by unanimous consent.
3. President Saxton recognized the Mayor who presented the Finance Dept. with the Certificate of Achievement in Financial Reporting Award, from the Government Finance Officers Association. Mr. Behlen, Dir. of Finance said they have been receiving this since 1989. Less than 1% of all government Finance Departments in the nation report at this level and receive this award.

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

1. Ordinance C- 48-04 (Appropriate \$377,203.00 from the General Fund for the Current Expense of Construction of the All Children’s Adventure Playground at Fryer Park located on Orders Road) was given its first reading. Second reading and public hearing will be held on June 21, 2004.
2. Ordinance C-49-04 (Establish the Park Donation Fund pursuant to Generally Accepted Accounting Principals) was given its first reading. Second reading and public hearing will be held on June 21, 2004.

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

1. Ordinance C-20-04 (Authorize the Approval of a Pre-annexation Agreement for 151.2 acres located East of S.R. 104 and North & West of S.R. 665) was given its second reading and public hearing and at the written request of the petitioner’s agent, Mr. Lester moved it be withdrawn; seconded by President Saxton.

Mr. Hatley	Yes
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Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Radi	Yes
Mr. Lester	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 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-45-04 (Amend Ordinance C-18-83 to Remove Land in the Community Reinvestment Area No. 1) was given its second reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

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

- Ordinance C-46-04 (Approve the Special Use Permit for Gala Events located at 4461 Broadway) was given its second reading and public hearing.

Ms. Lisa Graber, restaurant owner, explained that they just took over this business a couple of years ago and they want to expand the business. They would like to use the portico area for outdoor seating for the restaurant and for banquets. She explained that they do lease the building and they have the support from Mr. Beavers, property owner. She requested approval of the Permit.

Mr. Saxton asked how they were going to block off the area. Ms. Graber said they would be establishing a white picket fence area around the perimeter of the portico and using concrete planters. Mr. Hatley asked if this was all right with the Fire Dept. Ms. Graber said as far as she knew it was. There is still access on the front of the facility for a drive-thru area. Mayor Grossman pointed out that the Fire Dept. does review all requests before Planning Commission and they didn't have any problems. Mr. Lester confirmed with Mr. Boso, Dev. Dir., that even with the Special Use Permit, this business would still have to follow the Code with respect to noise and other requirements. Mr. Boso stated that was correct.

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

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

5. 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 second reading and public hearing.

Mr. Brad Ettore, developer, explained that was here for Plat approval for the first phase of his development. However, an issue has been raised with the naming of the streets, which is different from what was already approved by Council. He said that the fact that this was even brought up challenges the validity of the approval process. He believes this is a violation of his rights, since these streets are being paid for by private funds. He believes it is his right to name the streets he builds and it's not up to a government official to decide what they want those to be named. This issue was brought up in Planning Commission and, at that time, an official wanted all four sides of the square to be one name. He was asked to check with the Fire Dept. and, at that time, the Fire Dept. submitted a letter that they wanted an individual name for each side of the square. This is less confusing for fire and EMS runs. He received a second letter from them with the same opinion when they were told it was being reconsidered. Mr. Ettore noted that he is aware that a third letter has been issued from the Fire Dept. now stating that they would accept the streets if they were only two names. However, he believes it would be a disservice to the community. Also, to change the streets to show two names, as required by the Development Director, does not comply with Section 1101.04 which states: *the angle of the intersection of any two streets must not vary more than five degrees from perpendicular*. He said his square is laid out with four 90-degree angles. Therefore, by this definition there are two different streets, making an intersection.

President Saxton stated that it was his understanding that Mr. Ettore met with Mr. Boso. During that meeting, Mr. Boso asked him to make the streets one name and he agreed to that. President Saxton stated that they had a letter from the Chief of Police recommending that Lori's Way and Rockglen Place as well as Keefer Lane and Donallen Place be combined into two names rather than four. It goes on to cite that changing the name of a street at a curve rather than at a stop only serves to confuse Safety personnel and the general public. He then noted two letters from the Jackson Township Fire Dept. The first recommends that each side of the square have a different name. The second, and most recent, recommends that Lori's Way continue to the stop sign as well as Keefer Lane. He asked Mr. Ettore why he wants to change the names of the streets back. Mr. Ettore stated that he was told he had to change the street names. When he stated that this was already reviewed and discussed at length during the Development Plan process and the configuration with four names was agreed to, he was told that it didn't matter. The Development Director didn't like the layout and it needed to be changed. He then explained that he had named the streets after his family members and the Fire Dept. is in agreement with them. Mr. Ettore said the Dev. Dir. told him he didn't care, it had to be changed. *Mr. Boso*, Dir. of Dev., commented that he doesn't take any part of this job personally. He looked at a plan, that was approved before he was hired, and reviewed the street layout. He told Mr. Ettore that he didn't care what the names of the streets were, but there shouldn't be four names around a loop. He showed other streets in the community with the same format. The Code refers to an intersection. These streets don't intersect. They are loops. He said he looked at the plan from a safety standpoint. In the Development Plan process, streets are not named. When you name and dedicate streets, it is done in the Platting process. Developers suggest names, but they are reviewed to make sure the new names are not similar to existing streets and changes are made accordingly. *Mr. Hatley* clarified the procedure with Mr. Boso and confirmed that this Plat approval is a regular step in the whole process for a subdivision. He asked how frequently changes are made at the Plat stage. Mr. Boso commented that some developers don't even name the streets until the Plat is submitted. Mr. Hatley commented that he would like to see the confusion reduced by not changing street names at odd intersections (using Columbus St & Stringtown Rd as an example). Mr. Ettore commented that the precedent has been set for naming streets both ways. *Mr. Radi* asked how long each street would be or approximately how many lots

would be on each street. Mr. Ettore stopped to review the drawings. He reiterated the fact that he felt as though he had no choice but to submit a plat with only two names. After doing so, he felt uneasy and made some calls to see what his rights were. That is why he submitted a separate drawing showing the names as they were on the approved Development Plan. He also quoted Section 1101.05 of the Code that states streets running east and west are to be named differently than streets running north and south. He said his streets are clearly set at 90-degree angles and feels the original names meet this Code section.

President Saxton asked Chief Deskins to comment. The Chief stated that he was asked to review this situation and he did have a conversation with Fire Chief DuCharme. After sharing his concerns, Chief DuCharme agreed with his position. He said it does get confusing when street names change on a curve. He said not only does the street name change but the house numbers change and will jump considerably.

Mr. Hatley asked Mr. Clark, Dir. of Law, when the streets are officially approved and can they be changed from the original plan. Mr. Clark stated that streets are officially approved at the Plat process. The Plat is the official record and is recorded at the Court House. It is the final process where streets are concerned.

Mr. Radi thanked the Chief and commented that Council must consider the safety. He appreciates the fact that the developer has the right name streets, but overall it is the safety that is important. He said when the name changes and the house numbers jump, that is where the problem comes in. It does get confusing and he has seen it happen.

Mr. Lester stated that he agreed with the Chief about safety. Whenever you create two separate intersections with the same names, it is confusing. He said there are a lot of reasons to approve it in either form.

Additional discussion began to take place. President Saxton called for the Question – that all discussion stop and a motion to approve the plat be submitted; seconded by Mr. Hatley.

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

Mr. Lester summarized the issue. Council has a Plat before them that was approved by Planning Commission. They also received another plat that Mr. Ettore would like Council to replace the one before them with. Mr. Ettore said that was correct. Mr. Lester moved to replace the Plat forwarded from Planning Commission with the Plat from Mr. Ettore that shows street names of Donallen Place, Lori's Way, Rockline Place; seconded by Ms. Klemack.

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

After a few additional comments, Mr. Lester moved it be approved; seconded by Mr. Hatley.

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

6. Ordinance C-50-04 (Approve the Special Use Permit for Victorious Living Christian Center located at 2735 Columbus Street for an Outdoor Concert) was given its first reading. Second reading and public hearing will be held on June 21, 2004.
7. Ordinance C-51-04 (Approve the Plat for Claybrooke Crossing, Section 3 located west of Haughn Rd. and north of Orders Rd.) was given its first reading. Second reading and public hearing will be held on June 21, 2004.
8. Ordinance C-52-04 (Approve the Plat for Buckeye Parkway, Jackson Pike and Pinnacle Club Drive Dedication and Easements) was given its first reading. Second reading and public hearing will be held on June 21, 2004.
9. Resolution CR-13-04 (Approve the Preliminary Development Plan for Plum Run Subdivision located East of S.R. 104 and North & West of S.R. 665) was given its reading and public hearing and at the written request of the petitioner's agent, Mr. Lester moved it be withdrawn; seconded by Mr. Radi.

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

10. Resolution CR-36-04 (Approve the Development Plan for Plum Run Crossing located North of Zuber Rd. and East of Seeds Rd.) was given its reading and public hearing.

Mr. Joe Hull, attorney for petitioner, requested this item be postponed until the next meeting in order for them to review the proposed Development Standards Text changes.

There being no additional questions or comments, Mr. Lester moved it be postponed until 6/21/04; seconded by Ms. Klemack.

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

11. Resolution CR-40-04 (Approve a Sign Permit for Action Special Tees located at 4050 Broadway in the Historical Preservation Area) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

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

12. Resolution CR-41-04 (Amend the Development Plan for Walgreen’s located at 2110 Stringtown Road to Screen Roof Top Mechanicals) was given its reading and public hearing.

Mr. Hatley asked why this wasn’t caught during the inspection process and corrected at that time. Mr. Boso, Dev. Dir., said he believes that the structure goes up, along with the supports, and the mechanicals go in last. When that came to light, it was brought to the attention of the developer. Mr. Hatley confirmed that it was already too late by the time the City discovered it. Mr. Boso said that was correct.

Mr. Mark Ford, architect for Walgreen’s, explained that there were a series of mistakes/misunderstandings with this issue. This is the first Walgreen’s they have been commissioned to do. Walgreen’s gets their mechanical units from different vendors and they are all different sizes. When they received a call from the City that they were in violation, they received a section of the Code that referenced ground mounted mechanicals rather than roof top mechanicals. Once this was straightened around, their solution was to screen each unit individually, since raising the parapet wall was too difficult. He said the bottom line is they didn’t intentionally violate the Code . They were sent larger mechanical units that anticipated. Since it isn’t feasible to raise the parapet wall, they are now proposing to relocate one of the units to the center and add a screen that would surround all the units. The color of this screen would match the building color.

Mr. Radi commented that it is incumbent upon someone who brings a project to the City to recognize what is required by the Code and conform with it. He asked if it is required to show the roof top mechanical units on the Development Plan. It was noted that if there are to be roof top mechanicals, it is requested that they be shown. However, with these plans, they were not shown and therefore, it was assumed that there would be none or they would not be seen. Mr. Radi asked if the Code requirement for roof top mechanicals addresses where those mechanicals can be seen. The answer was no. The Code states that all roof top mechanicals shall be screened with a parapet wall to be as high as the tallest mechanical unit.

Mr. Ford commented that he didn’t come down to Grove City to see all the mistakes everyone else made, he was trying to see what others had done to screen them. He realizes that the Code has changed since then, but he wanted to see what had been approved in the past. Mr. Lester commented that in this situation, with the history of Stringtown Road and the progression of the Code, if it wasn’t shown on the exhibits, Planning Commission assumed there would not be anything visible. That is what has brought us to where we are now, with a recommendation of approval with three stipulations.

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

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

13. Resolution CR-42-04 (Approve a Sign Permit for Grove City Computer located at 3951 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. George Bayshore, owner, was present. Mr. Lester reviewed the four stipulations set by Planning Commission, which Mr. Bayshore agreed to.

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

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

14. Resolution CR-43-04 (Municipal Services that can be provided to a 0.506 acre parcel located at 3767 Casa Blvd. upon its annexation to the City) was given its reading and public hearing.

Mr. Joe Hull, attorney for petitioner, explained that this is a single-family residence that wishes annexation to access city services.

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

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

**The Chair asked that any new business to be brought before the attention of Council be done so at this time.**

1. Ms. Paula Brooks, candidate for Franklin County Commissioner, introduced herself and stated that she is attending Council Meeting all over Franklin County to listen and learn.

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

1. The Mayor submitted the Mayor's Monthly Report and Mr. Radi moved it be accepted; seconded by Mr. Lester.

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

The Mayor recognized the passing of retired employee George Finley; recognized EMH&T for being listed as the #1 Consulting Engineer in Central Ohio; and reported on upcoming events.

2. Mr. Radi commented that one of his favorite events is the Memorial Day Parade and he was honored to be a part of that celebration, along with other members of Council. Ms. Klemack commented that school is out now and please watch for children playing in the street. She also invited everyone to participate in Relay for Life this coming weekend. Council congratulated Bob Behlen and his staff for their award.
3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:23 p.m.

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Tami K. Kelly, MMC  
Clerk of Council

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William E. Saxton  
President