

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

June 21, 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. Ms. Klemack 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 recognized Ms. Irene Metheney, Building Division Secretary, who received Certification from the International Code Council as a ICC Permit Technician. She noted that there are only two in the State of Ohio.

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 second reading and public hearing.

Mr. Mike Keller, City's Consulting Engineer, explained that after coordinating the project with MSI on the playground development, it was decided to move forward with Phase 2 and Phase 3 on permits to bring the projects together better. Specifically, in two main areas. One was the roadway. Instead of doing just a third of the road, they constructed the entire loop roadway under Phase 1. Originally, there was \$40,000.00 budgeted for the roadway. The other main area was the grading plan. The original plan was to re-grade the pond and enlarge it to allow recreation activities at the pond site. Phase 4 of the original plan had a sledding hill, which they moved into Phase 1. With that, they over excavated the pond, which allowed them to pull out an additional 30,000 cubic yards of fill material. That material would had to have been hauled onto site in Phase 4, which would have cost \$120,000.00. The other overruns were for the playground equipment at around \$150,000.00.

Mr. Lester asked about irrigation for the mound. Mr. Keller stated that MSI is only irrigating the playground site. Everything outside the playground, the City is doing. Right now there is no planned irrigation. Preliminary discussions were about using a mobile system. They haven't priced any of that out yet. Mr. Lester said as along as there is something planned, he is

comfortable.

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

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

2. Ordinance C-49-04 (Establish the Park Donation Fund pursuant to Generally Accepted Accounting Principals) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Ms. Klemack.

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

3. Ordinance C-53-04 (Authorize the City Administrator to Purchase Property located at the Southeast corner of Park Street and Arbutus and to Appropriate \$350,000.00 from the General Fund for same) was given its first reading. Second reading and public hearing will be held on 8/02/04.

4. Resolution CR-44-04 (Authorize an Early Retirement Incentive Program for the Public Service Department of the City of Grove City, Ohio) was given its reading and public hearing.

Mr. Dan Guttman, attorney for City, explained that the City Administration is suggesting this for approval. It meets the City's obligation to the AFSCME Union, on an early retirement incentive program. He explained the AFSCME contract provision surrounding the retirement program and noted that the newest contract no longer has this provision. He explained the options that the City has in offering such a program. Of those options, it was felt that the best option for the City was to offer this program to only a subordinate unit of the city, rather than to the entire city. He explained that a subordinate unit is defined as a legislatively recognized department. He said the city can offer this program to just a select few, like just the AFSCME employees. In order to narrow the plan to those in the contract, it would need to be offered to a Department Unit. In this case, that unit is the Service Department. In 1999, the City offered a similar plan to all employees of the city. At that time, the cost to the city was about \$700,000.00. This time, if the city were to offer the package to all employees, it would cost about \$1,735,000.00. If it is only offered to the Service Dept., the cost is about \$863,000.00. *Mr. Hatley* asked how accurate those estimates were. *Mr. Guttman* stated that they are quite accurate, as PERS sent the City a software program to assist in determining the figures. *Mr. Hatley* commented that an employee has to notify the city they intend to retire, but can choose a date up to one year from the date this program is implemented. So, the longer they wait, the more costly it could be for the city. *Mr. Guttman* said that would be correct. *Mr. Hatley* commented that, as a city, we have an obligation to the contract. However, he feels that without the AFSCME provision, we wouldn't even be considering a buyout.

There being no additional questions or comments, Mr. Hatley 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 recognized Ms. Klemack, Chairman of Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-54-04 (Amend Section 720.01 of the Codified Ordinances of Grove City, Ohio titled Peddler Definitions) was given its first reading. Second reading and public hearing will be held on 7/06/04.
2. Ordinance C-55-04 (Amend Section 1301.02 of the Codified Ordinances of the City of Grove City, Ohio titled Model Codes Adopted) was given its first reading. Second reading and public hearing will be held on 7/06/04.

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

1. 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 second reading and public hearing and Mr. Lester moved it be approved; seconded by Mr. Hatley.

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

2. 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 second reading and public hearing.

Mr. Sean Mason, Centex Homes, was present to answer any questions. Mayor Grossman asked Mr. Mason to share the percentages of their top of the line homes to middle line. Mr. Mason stated that, at this point, they have sold 18 of their Classic homes (larger), 15 of the Cornerstone series and 10 condominiums. He said the Section before Council tonight is slated to be all of their larger home series, which is a change from their original plan.

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

3. Ordinance C-52-04 (Approve the Plat for Buckeye Parkway, Jackson Pike and Pinnacle Club Drive

Dedication and Easements) 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

4. Ordinance C-56-04 (Accept the Annexation of 33.1 acres located at 4450 Rensch Road) was given its first reading. Second reading and public hearing will be held on 7/06/04.
5. Ordinance C-57-04 (Accept the Annexation of 13.6 acres located South of Rensch Road and West of Broadway) was given its first reading. Second reading and public hearing will be held on 7/06/04.
6. Ordinance C-58-04 (Approve the Plat for Ledgestone at Indian Trails located North of S.R. 665) was given its first reading. Second reading and public hearing will be held on 7/06/04.
7. Ordinance C-59-04 (Approve a Special Use Permit for Goddard School for a Day Care Center located at 2585 London-Groveport Road) was given its first reading. Second reading and public hearing will be held on 7/06/04.
9. 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, commented about a Development Plan Text change with respect to garage doors. He presented language that would require the first door (one double or two singles) to be recessed or set forward from the main structure a minimum of 16” and a maximum of 8’. Any additional garage door would be recessed or set forward from the main garage a minimum of 12” and a maximum of 24”, as requested Council made such an amendment. He also presented a revised Landscape page that included additional landscaping along their north boundary and to some of the lots along their north property line. He requested that Council replace page L2.01, dated June 21, 2004, from that in the original development plan submitted. With these changes, he believes they have met all the concerns and are ready to move forward.

President Saxton stated that there is one other concern. Mr. Lester stated that they would like to add a provision to the Development Standards Text that no contiguous parcel would have the same exterior appearance, in color, design or overall appearance. Mr. Hull stated that they had no problem with that.

Mr. Jeff Wahl, attorney for FedEx Ground Package Systems, stated that he has brought up concerns before about the requirement to have mounding and trees between the industrial and residential zoning districts. He understands they have added the trees. There isn’t mounding on the plan and asked if Council feels it is adequate. President Saxton stated that mounding could not be added, due to the floodplain along that property line. The additional trees were the best they could do.

Mr. Radi voiced appreciation to the developer for bringing an updated landscape plan to Council so quickly. He said with the addition of the trees, it will make a nice buffer or separation to the north

property and will enhance the development in many ways.

There being no additional questions or comments, Mr. Lester moved that the Development Standards Text be amended as follows:

Under Section I, Item 2 (e) 4., the language be replaced as follows: “The first double door or first two single doors of the main garage shall either be recessed or set forward from the main structure a minimum of 16” and a maximum of 8’. Any additional door shall be recessed or set forward from the main garage a minimum 12” and a maximum of 24”.

Under Section I, Item 2, the following be included: “(h) No contiguous parcel shall have structures with the same exterior appearance in design, color, style or overall appearance.”

Seconded by President Saxton.

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

Mr. Lester moved that Landscape Sheet L2.01, page 3 of 8, be replaced with the one dated 6/21/04, and presented this evening; seconded by Mr. Radi.

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

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

10. Resolution CR-45-04 (Approve the Development Plan for Chipotle Mexican Grill located in the Parkway Centre South Shopping Center) was given its reading and public hearing.

Mr. Stephen Saheda, representing Chipotle, was present. Mr. Lester reviewed the stipulation regarding landscaping that was set by Planning Commission. Mr. Saheda agreed to this and stated that they plan to get a drawing to the Urban Forester this week. Mr. Lester asked about the square footage and if it was the standard building. Mr. Saheda said it is a little larger, at 2,600 sq. ft. He said there is a little larger interior dining area.

There being no additional questions or comments, 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

11. Resolution CR-46-04 (Approve the Development Plan for Goddard School located at 2585 London-Groveport Road) was given its reading and public hearing.

Ms. Kelly, Clerk of Council, informed Council that Mr. Moberger, representative for Goddard School had to leave and requested this be postponed to July 6, 2004 so that both it and the Special Use Permit approval would come before Council at the same time.

There being no additional questions or comments, Mr. Lester moved it be postponed to July 6, 2004; seconded by Ms. Klemack.

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

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

1. Ms. Becky Hook voiced her concern, and the concern of many other surrounding residents, over a contiguous property found at 3227 Columbus Street. She cited many problems with the property and stated that they have called the Fr. Co. Board of Health and the City Administration. The property owner has been warned and cited, but the problems remain. Their primary concern now is the untreated water. She asked that the pool be taken down or the water treated and maintained. She said she has thrown “Shock” in it twice because the mosquitos are so bad they can’t use their backyard. She said she received six bites today when she went over to get some water out of the pool. She showed Council a water bottle full of green, algae water. She then showed a bottle of clean water she got out of her fishpond. She asked that the City take care of this and not give him 30 days. He has had three and one half years. A copy of a letter voicing the concerns, and signed by area residents, is attached to these Minutes.

Mayor Grossman said she has been working with Ms. Hook on this. She said it is deplorable and she is disappointed that it continues to exist. She asked Mr. Mike Boso, Chief Building & Zoning Official, to address some of the citations and correspondence from the city. *Mr. Boso* stated that this is the first he has heard of it and hasn’t check on all citations, but he was aware of one letter that went out on June 11 and gave a compliance of July 9, 2004. Ms. Hook stated that the letter requires that the pool be drained. The property owner has drained the pool as far as it can be, but there is still six to eight inches of water left. There is also vegetation, trash, and the solar liner has deteriorated and pieces have blown everywhere. It isn’t safe.

President Saxton asked Dir. of Law, Tom Clark, what we can do. Mr. Clark said we need to follow the provisions of the Code. Other options are to contact the Health Department. Ms. Hook said they have done that and the Health Dept. calls the property owner to tell him they are coming out the day before. The property owner then goes out and throws “Shock” in the pool. She asked if we could remove the pool and assess the property. Mr. Clark said we couldn’t do

that without a Court declaring the pool a nuisance. She asked how that could be done. He said as a joint property owner, she could petition the Court for conjunctive relief.

Mr. Hatley asked what happens when the compliance date comes. Mr. Boso explained that they would go back out and do an inspection. If it has not been complied with, they would be cited to Mayor's Court. Mr. Hatley asked if we called the Board of Health if that would have any more influence. Mr. Boso and Mr. Clark said they would have to follow the same procedure.

Mr. Radi asked why the property owner would have to go to court to have the property declared a nuisance. Why can't the City do it? Mr. Clark said the city could do it. Mr. Boso has chosen to cite them with violations of our Code and send it through Mayor's Court and/or Environmental Court. We could go to Environmental Court asking them to declare it a nuisance, but he feels this would be setting a precedence that could result in a problem for the city. Mr. Radi commented that this is a pool that isn't being used and a major safety issue in many ways and believes it sets it apart from other issues we deal with. President Saxton suggested that we continue with the process that Mr. Boso has started and if Ms. Hook wants quicker action, she can pursue filing her own injunction at the same time. Mr. Clark said he couldn't see why not. He said he would get together with Mr. Boso to develop the best course of action.

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

1. The Mayor provided Council some information on adopting legislation for a Smoke Free City. She said the City of Columbus is in the process of considering this now and several other communities will be introducing legislation this week. Others are also considering this. She invited Council to attend a meeting tomorrow morning at 9:00 a.m. with Smoke Free Coalition representatives. She expressed condolences to the family of Brian Anderson, Jackson Township Fire Dept. She also reported on upcoming events.
3. President Saxton and the rest of Council recognized Boy Scout Troop 392 of St. John's Church who are working on their Citizenship badge. They thanked Ms. Hook for voicing her concerns. Mr. Hatley commented that we had the first reading on an ordinance to purchase property next to the library, which he thinks is good, but he isn't sure it solves the problem of the library. He said they have funding issues, but also issues of space. One of the things the City will be considering in the next several weeks is to examine if there is a more permanent solution than just adding parking spaces and doing something else. He said if anyone has any ideas please let them know. President Saxton announced that the next regular meeting of Council would be on Tuesday, July 6, in observance of Independence Day.
4. 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