

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 15, 2013

Regular Meeting

The regular meeting of Council was called to order by Clerk Kelly at 7:00 p.m. in the Council Chambers, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Jeff Davis Maria Klemack-McGraw Steve Bennett Melissa Albright

1. Ms. Kelly, Clerk of Council, opened the floor for a Temporary Chair.

Ms. Klemack-McGraw moved to appoint Steve Bennett as Temporary Chair; seconded by Ms. Albright.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. Mr. Bennett moved to excuse Mr. Berry from the meeting; seconded by Mr. Davis.

Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

3. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

4. The Temporary Chair recognized Mayor Stage who administered the Oaths of Office to: Mr. Dan Snyder as Tree Commission member; Lisa Dugan as Keep Grove City Beautiful committee member.

5. The Temporary Chair read the agenda items and they were approved by unanimous consent, except for Ord. C-31-13, which Mr. Bennett moved be postponed to 9/16/13; seconded by Ms. Albright.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes

The Temporary Chair recognized Mr. Bennett, Chairman of Finance, for discussion and voting under said Committee.

1. Ordinance C-46-13 (Appropriate \$1,077,000.00 from the County \$5 License Fund for the Current Expense of Southwest Boulevard Improvements) was given its second reading and public hearing.

Mr. Turner, Dir. of Finance, explained that these are the funds received from the County and need to be appropriated for this project.

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

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. Ordinance C-47-13 (Appropriate \$385,000.00 from the S.R. 665/I-71 Tax Increment Equivalent Fund for the Current Expense of Public Infrastructure Improvements to S.R. 665 to ensure optimal traffic flow and pedestrian access/connectivity) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that this will find these to be valid public improvements under the TIFF and to then appropriate the Funds out of the TIFF to pay for those improvements.

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

Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

3. Ordinance C-48-13 (Authorize the City Administrator to enter into a Contract with the American Federation of State, County and Municipal Employees Local 116, Ohio Council 8, AFL-CIO) was given its first reading. Second reading and public hearing will be held 8/5/13.
4. Resolution CR-36-13 (Waive the provisions of Section 139.05 of the Codified Ordinances for the Broadway/Town Center Intersection Improvements) was given its reading and public hearing.

Mr. Smith, Dir. of Law, explained that this was a project in the Budget. They did put it out for competitive bid but received none. They are asking to waive the competitive bid process in the hope to garner interest in another way.

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

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

The Temporary Chair recognized Mr. Davis - Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-49-13 (Authorize the Charitable Solicitations Board to Issue a Permit to the Leukemia/Lymphoma Society per Section 371.06(b)(2) of the Codified Ordinances) was given its first reading. Second reading and public hearing will be held on August 5, 2013.

The Temporary Chair recognized Ms. Klemack-McGraw - Chairman of Lands & Zoning, for discussion and voting under said Committee.

1. Ordinance C-44-13 (Approve the Special Use Permit for Kroger Fuel for Outdoor Sales located at 2410 Stringtown Road) was given its second reading and public hearing.

Ms. Jordon Horn, Real Estate Manager for Kroger, explained that they met with Mr. Boso and staff last week. They would like to revise their request to have only the U shaped merchandiser, an ice machine and a pop machine. All wrapped in an earth tone color. Nothing would be placed in the front or be seen from Stringtown Rd. There would be no signage on the U shaped merchandiser.

Ms. Albright asked what was eliminated. Ms. Horn said they eliminated another soda machine, two smaller case machines for water & energy drinks, and pallet cases out by the pumps that would sell water or fuel products.

Mr. Bennett asked Mr. Chuck Boso about the signage restrictions. Mr. Boso said during their meeting he said he didn't want to see any signage on any of the outdoor devises or in the Kiosk. Ms. Jordon said they agreed to this limitation.

Mr. Bennett moved to amend Section 1 to include the following stipulation: 1. There shall be no signage on the Kiosk, ice machine, pop machine, or "U" shaped merchandiser; seconded by There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Klemack-McGraw.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes

Ms. Jordon clarified that they would apply for a Kroger sign on the canopy. This was agreed to.

Mr. Bennett moved to amend Section 1 to include a second stipulation that: 2. Outdoor sales shall be limited to the Kiosk, one ice machine, one ice machine and a "U" shaped merchandiser, all wrapped in an earth tone color and placed as shown on the new rendering (dated 7/15/13); seconded by Ms. Klemack-McGraw.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes

2. Ordinance C-50-13 (Approve a Special Use Permit for Outdoor Seating for Massey's Pizza Sports Bar and Grille located at 4015 Parkmead Drive) was given its first reading. Second reading and public hearing will be held on August 5, 2013.
3. Ordinance C-51-13 (Approve a Special Use Permit for Outdoor Sales for T&T Service Center located at 4353 Broadway) was given its first reading. Second reading and public hearing will be held on August 5, 2013.

4. Ordinance C-52-13 (Approve the Rezoning of 0.447 acres located at 2655 Columbus Street from PSO to C-1) was given its first reading. Second reading and public hearing will be held on August 16, 2013.
5. Resolution CR-37-13 (Waive the provisions of Section 529.07(b)(3) of the Codified Ordinances for Parker's Tavern in the Town Center) was given its reading and public hearing.

Ms. Pam Parker, owner, stated that no one is working with them. Messages have been left for Mike Boso and Kyle Rausch with no return calls. She explained that they applied to Les Spring and was given a verbal o.k. as long as they stayed three feet back from the curb and used the same type of fencing across the street. They would also need liability insurance for the patio. She said they ordered the fence and obtained the insurance. Then, Mike Boso came out and said they wanted to route pedestrian traffic through the patio. She said no other patio is set up like that. She wants to know why they are being treated differently than any other business in the Town Center. She said they have spent money for fencing based on a verbal approval and now they can't use it. She expressed resentment for being treated differently.

Mr. Chuck Boso, City Admin, explained that he approves the Encroachment Agreements and was not aware of the conversation they had with Mr. Spring. He said he asked the Safety Director to review the area and asked Mr. Vedra to share what he has found. Mr. Boso said every property is different and the dimensions are different for each area. Every patio may not be the same.

Mr. Veda, Dir. of Safety, stated that he feels they all share the same vision of a Town Center that is easily transverse by pedestrians and supports local businesses. He said the proposal was for a fence that the Administration felt impeded the pedestrian traffic. He said he knew that Mr. Spring spoke to the Parker's but wasn't aware of any written agreement. He said he was asked to look at this and there are differences for this property than the Garden Café. He said the Administration is working to put together a Master Plan to address the whole Town Center. He said the businesses that have current Encroachment Agreements are only good for one year and will be asked to come into compliance with the Master Plan, when completed. He said they are afraid they will have a maze when other businesses ask for similar permission to use the City's property.

Mayor Stage commented that in the case of Tossed N Grilled, the city probably over extended the encroachment usage because it was difficult for pedestrians to get through this weekend.

Mr. Davis said he doesn't understand how we got here and have a disgruntled business owner. He said we are not Columbus. There are only about 20 buildings. Mr. Vedra said the Parker's were told they did not have an approved Plan. He said there isn't a good alternative for this one, so they are trying to find the best solution. They want to have a Plan on paper as others come in. They are working on it as quickly as they can.

Ms. Albright said she understands that we don't want to create a maze, but suggested that Parker's be looked at as a different situation. Mr. Smith reminded Council that this is on City property. However this gets configured, there will be some type of opening for Parker's Tavern and it is an issue that goes along with having such a Liquor Permit. It is the owner's responsibility to address it.

Mayor Stage said we have been very accommodating to allow for outdoor seating. However, the dynamics are changing. We have an issue that we need to figure out what is going to be the best for the City and the public.

Mr. Chuck Boso said as more of these requests come in, you have to look at ingress/egress and all the issues. He apologized to the Parker's for no one getting back to them.

Mr. Bennett said there seems to be many issues and suggested postponement. Ms. Klemack-McGraw noted that the resolution only waives the liquor provisions. She suggested moving forward and allowing the Administration to work on the Encroachment issues. Mr. Smith said theoretically, yes. The resolution only waives the open container provisions in the designated area, with further restrictions. They still have to have the encroachment agreement, which will further dictate the space. He said this is just one step in the process. Mr. Bennett asked if the Exhibit should be removed or does it hinder anything. Mr. Smith said the Exhibit designates the area where the liquor provisions would be waived. The Resolution requires an Encroachment Agreement, which is only good for one year and dictates the area for what the City will permit. They also need an extended Liquor Permit, which will dictate the area where liquor can be served. If you remove the Exhibit, you still have to designate the area where the open container law is waived.

Ms. Albright noted that the resolution limits liquor sales to 11:00 p.m. She asked if that was consistent, as she has sat outside at other places. Mr. Smith said it is consistent with those on City property, however, Planks is all on private property and is not dictated by the City. She asked Mr. Vedra if this could all be taken care of before the next Council meeting. Mr. Vedra said they would be working on it tomorrow. Mr. Boso said they should have a recommendation by the next meeting. Ms. Klemack-McGraw said the Parker's are trying to get this done before the Alumni celebration and the next meeting would be after that time. Mr. Davis asked the petitioner about their time line. Ms. Parker said they need to get the fence up before calling Liquor Control. She just doesn't understand why now. Mr. Davis said he believes it is not about them, they just got caught as the City recognized there are larger issues with these requests. He said he regrets the communication issues.

After further discussion, Mr. Bennett moved to amend Section 1 to delete the words "shown in Exhibit A" and replace with the words "as depicted in the Encroachment Agreement and Liquor Permit"; seconded by Ms. Albright.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

There being no additional questions or comments, Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

6. Resolution CR-38-13 Waive the provisions of Section 529.07(b)(3) of the Codified Ordinances for Tossed N Grilled in the Town Center) was given its reading and public hearing.

There being no petitioner present, Mr. Bennett said he understood this to be a request to allow for liquor sales in the existing fenced area. Mr. Chuck Boso said that was correct.

Mr. Davis asked if this owner is aware that the work of Mr. Veda may compromise their area. Mr. Boso said by virtue of the Encroachment Agreement being only one year, they should.

Mr. Smith noted that this is only for the front. The side area is on private property.

Mayor Stage stated that this is a problem today and if this resolution is approved, the problem is compounded. It makes an assumption that this is o.k., and he said it is not o.k. There is a congestion issue.

Mr. Davis said this is an issue that is coming to light due to their request. How would it be addressed, without this request? He said it is not an alcohol issue alone. It is a front patio issue. Mr. Vedra stated that in this case, he was working with Tossed N Grilled and realized that they did not have an Encroachment Agreement in place. He was trying to get them into compliance and the request for this waiver came in. Mr. Davis said he supports the comprehensive review because he believes we are going to get more of these requests.

Ms. Albright asked if the placement of the fence for Tossed N Grilled was approved. Mr. Boso said yes. Ms. Albright said it appears that we just didn't leave enough room for pedestrian traffic.

Mayor Stage suggested that this be tabled, so they can get this problem addressed. He said they have an area on the side to serve alcohol and seating on the private property.

Mr. Smith commented that because this is a resolution and can be dealt with quickly, he suggested it be removed rather than postponing it to a date certain, since we don't know when this issue will be taken care of.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be removed; seconded by Ms. Albright.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

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

1. Mr. Robie Shotke complimented Council on working with T&T and problem solving at the last meeting. He thought that was a wonderful example of a win/win exercise. He also noted that Council has gotten people excited about the moving of the Library and is wondering when the rest of the Pizzuti plan would be discussed.
2. Mr. Ted Simon, T&T owner, said he has had no communication since the Planning Commission meeting. He said City Staff was asked to come out and help him draw a map and make a proposal. On July 3, he got an e-mail of a depiction that is not functional. He said he came to the office and shared a hand drawing that is more functional for motor homes. He has heard nothing about his drawing. Mr. Boso explained that he made a motion to approve with stipulations and that was forwarded to Council. He said the depiction in the rendering shows the motion he made. Mr. Smith said the recommendation of Planning Commission cannot be changed, until Council hears it. He said at the next meeting on 8/5, Council can review and make changes if needed.
3. Mr. Brian Liff, opponent to the JEDD, left a handout with the Clerk for all members of Council.

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

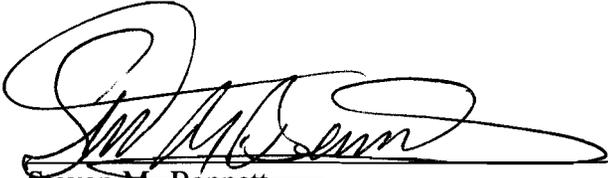
1. Mayor Stage submitted the Mayors Court statistical report. Mr. Bennett moved to waive the Rules of Council and accept this portion of the Mayor's Report; seconded by Mr. Davis.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Bennett	Yes

He commented that the Audit has been completed and submitted to Council. The Finance Director also has the CAFR and it is available to the public. He said the 4th of July celebration went well. He noted that we received awards for the best Suburban Fireworks and Arts show from City Scene Magazine.

Council adjourned at 8:30 p.m.


Tami K. Kelly, MMC
Clerk of Council


Steven M. Bennett
Temporary Chair