

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 17, 2006

Regular Meeting

The regular meeting of Council was called to order by President Lester, 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:

Larry Corbin Rich Lester Richard Stage Ted Berry

1. Mr. Corbin moved to excuse Ms. Klemack; seconded Mr. Berry.

Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes

2. Mr. Corbin moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Berry.

Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

3. President Lester read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-53-06 (Appropriate \$30,000.00 from the General Fund for the Current Expense of Preliminary Engineering for the Buckeye Parkway/S.R. 665 Intersection) was given its first reading. Second reading and public hearing will be held on August 7, 2006.

Mr. Stage noted that this is one of the changes requested in the Tax Budget and he appreciates the Administration taking the initiative to have this as an appropriation.

The Chair recognized, Mr. Berry, in the absence of Ms. Klemack - Chairman of Safety, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-43-06 (Enact Section 533.14 of the Codified Ordinances Prohibiting Registered Sex Offenders from Residing within 1,000 feet of a School Premises, Licensed Day Care Center, a City-Owned Park or Recreational Facility and Limiting Access to Certain City-Owned Premises) was given its second reading and Mr. Berry moved it be postponed to August 7; seconded by Mr. Stage.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes

The Chair recognized, Mr. Corbin, Chairman of Lands, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-45-06 (Accept the Annexation of 1.383 acres located at 3788 & 3800 Mayfair Drive to the City of Grove City) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner, explained that this is for two single family residential homes that are in need of sanitary sewer and wish to annex to receive all city services.

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

Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes

2. Ordinance C-46-06 (Approve the Replat of Pinnacle Club Section 1, Phase 2 located South of White Road and East of Buckeye Parkway) was given its second reading and public hearing.

Mr. Jeff Miller, EMH&T, commented that they would like Council to consider this as an emergency and waive the 30 day grace period.

Mr. Berry asked why it needed to be an emergency measure. Mr. Miller stated that the reason for the emergency is to accommodate homes that have already been sold in this Section. He said home sales are flat right now in Central Ohio, yet they have sales for the models of homes for this area. This would assist in making sure those people don't walk away from the sale. Mr. Berry asked if they could not sell any lots in the area right now. Mr. Miller said no.

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

Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	No

Mr. Corbin moved it be approved; seconded by Mr. Berry.

Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

3. Ordinance C-49-06 (Approve a Special Use Permit for United Dairy Farmers located at 3555 Broadway for Gasoline Sales) was given its second reading and public hearing.

Mr. John Johnston, architect representing UDF, explained that there are two special use permits for United Dairy Farmers. One is for gas sales and the other is for outdoor seating. They go along with the Development Plan request. He said they plan to tear down the facilities and rebuild a new convenience facility and gasoline canopy operation. There would be an outdoor area to enjoy ice cream, etc.

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

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes

4. Ordinance C-50-06 (Approve a Special Use Permit for United Dairy Farmers located at 3555 Broadway for Outdoor Seating) was given its second reading and public hearing and Mr. Corbin moved it be approved; seconded by President Lester.

Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes

5. Ordinance C-51-06 (Approve a Special Use Permit for Parker's Tavern located at 3998 Broadway for Outdoor Seating) was given its second reading and public hearing.

Mrs. Pam Parker, petitioner, explained that she was made aware that there may be an issue with the next door neighbor because there are residents in it. She stated that the property next door is zoned commercial. They will do their best to keep the noise down, but because this is a commercial area, she believes it should be granted.

Mr. Jack McClure, owner of property next door, stated that he had concerns about the noise. He has three tenants in that building and fear that he could lose those renters if things get out of hand. He has also heard it is going to be a biker bar. He said he would like to see a trial period for the outdoor seating.

Mr. Stage stated that he visited the Tavern today and spoke with Mr. Parker. He expressed his concern with the outdoor speakers and said he could not support the ordinance with the speakers being available at all. He said he thought Mr. Parker agreed to take them down. *Mr. Parker* said he could agree to take them down, but he really doesn't think it is fair. He went by three other bars today and they all have outdoor seating and speakers. No one is complaining about them. He said if you have residential people living in a commercial district, they have to put up with the commercial business. He said if they want peace and quiet, move into a residential district. He said if he has to take the speakers down to obtain the permit he will, but he doesn't think it is fair.

Mr. Berry asked the Chief of Police if there is a complaint about sound, how does the Police Dept. handle that. Chief Deskins stated that they respond to all calls and assess the situation. Based on how the city ordinance is written, they respond accordingly. He stated that it would not be unusual for the officer to advise the business owner or home owner that there has been a complaint about the noise and most will reduce the noise voluntarily. Mr. Clark, Dir. of Law, said he didn't know exactly what the Code said, but there is a regulation for noise that can be heard so many feet from the property line. He commented that most of the noise complaints he has seen in Mayor's Court have been in residential districts. Mr. Parker reminded Council that this is a commercial district and the only residents close to him are those that live upstairs. He said if the music would be loud enough to bother the residents on Jackson Street, it would bother him. He said they have had bands in the bar, usually during the week, and have never received a complaint. He said they have had people set outside and have never had a complaint. He said he tries to keep things pretty reasonable. He also indicated that it is not a biker bar. He said he is tired of hearing this stereotype. There are many business owners in this town that own

motorcycles and have \$50,000 - \$60,000.00 in them. He said they have cleaned up the place since buying it, and feels that only a little speaker for the outdoor area is not harmful.

Mr. Stage noted that this Permit goes with the property, so Council must think about not just what Mr. Parker will do, but what the next owner will do. He said he would support the ordinance with two changes: 1. To remove the speakers; and 2. The permit would be good for one year. Mr. Parker said he could not agree to a one year limit. He said they will have \$5,000 - 6,000.00 in the patio and it wouldn't be worth it.

Mr. Stage moved that Section 1 be amended to exclude stipulation #3 from Planning Commission's recommendations and add a stipulation that the permit be limited to two years. Motion died due to the lack of a second.

President Lester asked about the operating hours for the outdoor patio. He said he understands that this is a commercial district, but there are living circumstances that he feels they need to be considerate about. He said he would be comfortable supporting the ordinance if they can amend the hours for the patio operation. He said Plank's outdoor seating is in the front and the noise competes with traffic and doesn't feel it is the same as his request for a patio in the rear. Mr. Parker said it would be difficult for him to kick people out of the patio before the rest of the bar closes at 2:30 a.m.. The indoor portion only has a seating capacity of 70 people and if it is full, those customers have nowhere else to go but home. It said it doesn't make sense to run a business that way. President Lester said that is the point for the Permit. He said if it is posted that outdoor seating is until midnight, it give the police credence to have them vacate the premises. Mr. Clark noted that this would not be a police issue. It would be a zoning issue and a citation would have to be issued by the Building Division.

Mr. Berry said if noise is the issue, he suggested that the speakers be turned off at midnight during the week and 1:00 a.m. on the weekend. Mr. Parker said they could agree to that. He said there is nothing around him that is open after 6:00 p.m. He said it is just too hard to close it completely because they have to go to the liquor board to expand their permit. He said there is much to this patio addition.

Mr. Corbin suggested that Mr. Parker postpone this item until the next meeting so some of these issues could be worked out. He said he is afraid this will not be approved if it is voted on now. Mr. Parker said he would agree to Mr. Berry's suggestion.

Mr. Berry moved that Section 1 be amended to include the following stipulation: 1. Operating hours for the outdoor speakers shall be until Midnight on Sunday through Thursday and until 1:00 a.m. on Friday and Saturday; seconded by President Lester.

Mr. Lester	Yes
Mr. Stage	No
Mr. Berry	Yes
Mr. Corbin	Yes

Mr. Stage then questioned the dumpster behind the tavern. He said he would like to ask Mr. Parker approach the city and ask them to approach the owner of the property, which is leased by the city behind the Tavern, to pave the gravel area and place the dumpster on that area with some screening. Mayor Grossman commented that she took part in the negotiations for the lease of that property and the owners were very specific that they did not want permanent structures or concrete installed, except for what was already installed. She said Planning Commission suggested that they coordinate something with some of the other business owners in the block and asked if he had an update on that. Mr. Parker said he did approach Lilly's and they were not agreeable. He said he could use their's because the bar

would be left unattended if the bartender left to dump trash somewhere else. The Mayor commented that the City is negotiating to purchase Huntington Bank and perhaps something could be worked out when that occurs. Mr. Parker said he doesn't like it either, but can't do much about it.

President Lester reiterated his concern over the hours of operation for the outdoor seating, since the Permit does stay with the property. He moved to amend Section 1 to include a stipulation to limit the hours of operation for the outdoor patio from 12:00 p.m. to 12:00 a.m. Motion died due to the lack of a second.

Mr. Stage asked Mr. Parker to explain where the dumpster sits now. Mr. Parker approached Mr. Stage and showed him where it sits using the pictures Mr. Stage had. He said it is on Huntington's property, where it sat under the old owner.

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

Mr. Berry	Yes
Mr. Corbin	No
Mr. Lester	No
Mr. Stage	No

Mr. Stage said he appreciates what Mr. Parker is trying to do and hopes he comes back and they can work with him. Because it goes with the property, he just couldn't vote for it, as is.

6. Ordinance C-52-06 (Approve a Special Use Permit for Dick's Sporting Goods located at 1656 Stringtown for Weapon Sales) was given its second reading and public hearing.

A representative of Dick's Sporting Goods was present. Mr. Clark explained that Council is concerned because the Special Use Permit is permanent with the ground. The fact that Dick's tells them verbally that they are only going to sell rifles and shotguns might be fine for them, but if the property is sold, they want to make sure that these are the only items that would be allowed for sale. He said he would like to work on language to reflect that and asked if they also sold black powder. The representative said yes. Mr. Clark stated that the Code has four contingencies that must be met before a Special Use Permit for the sale of weapons can be issued. He recited those and explained that there may be a question about if they are 50' from a business that is used to store, sell or distribute flammable materials. He said there may be a problem with the contingency that it is to be located in a building with no other use and with the contingency that the building shall be separated by a distance of not less than 30' and no closer to any abutting lot than 60'. Mr. Clark said this boils down to common sense and he believes Council has the ability to do that. He said if they limit it to rifles and shotguns it may take out any problems that Council might have. Mr. Corbin asked if they would be comfortable without selling black powder. The representative said yes.

Mr. Phil Hartman, attorney for Dick's, stated that they want to make sure that they would be able to sell the ammunition that goes along with the sale of those types of guns.

Discussion took place over the language to use for such a stipulation and the other items that they sell, which the Chief pointed out are considered weapons under the definition in the Ohio Revised Code. In order to make sure everything is covered, Mr. Clark suggested it be postponed. Mr. Hartman pointed out that they have an opening date of 8/10. Mr. Clark suggested that they pass it as an emergency at the next meeting and noted that even with passage tonight, it would not be effective in time for the opening date.

There being no additional questions or comments, President Lester moved it be postponed to 8/7/06; seconded by Mr. Stage.

Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes

7. Ordinance C-54-06 (Approve the Rezoning for 6.373 acres located west of Hoover at Holton Road from SD-3 to M-1) was given its first reading. Second reading and public hearing will be held on August 21, 2006.

Mr. Jim Swanson, representing a newly formed ground in the past couple of days, voiced their concern over the rate of growth and the tax incentives offered to increase that growth in the city. Specifically, the object to the rezoning of this property. They would like to see the city purchase it and use it for recreational uses. Reports state that Grove City is the fastest growing community in Central Ohio, yet a recent article showed that green space in the community puts us in the middle of the pack. He said they don't want to see all the green space gobbled up and would like them to explore this option before any decision has been made.

Mr. Frank Cellura, resident directly across the street, commented that change and development is inevitable. The City has done a wonderful job and taken deliberate steps to make things pleasing to the eye. However, because we have a new golf course doesn't mean that you can wash away the green space of an existing one. Sound city planning would say that when you have a recreational use of that size, with a growing population, that you need to set aside some of that ground for the existing use. He said he is not against development, but feels that something could be done to accommodate green space. He also noted that traffic along Hoover Road is becoming more congested and challenging.

8. Resolution CR-43-06 (Approve the Development Plan for United Dairy Farmers located at 3555 Broadway) was given its reading and public hearing and Mr. Corbin moved it be approved; seconded by Mr. Stage.

Mr. John Johnston, representing UDF, was present to answer any questions.

Mr. Stage questioned the dumpster and asked if it could be reconfigured to make a rear entrance. Mr. Johnston stated that to turn it around and serviced through the alley, it would cause a 90 degree angle and cause a safety issue for their employees. He explained that the new building is going to set further back from the street. The dumpster will be enclosed with a gate on three sides and a gate in front. There will be landscaping around it and along the northerly property line. He said he would not be in favor of moving it. Mr. Stage asked if there would be outdoor sales or outdoor storage. Mr. Johnston said they don't have either.

There being no additional questions or comments, the vote was called.

Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

9. Resolution CR-44-06 (Approve the Exterior Renovations for Tristano's Pizzeria located at 3306 Columbus Street in the Historical Preservation Area) was given its reading and public hearing and Mr. Corbin moved it be approved; seconded by Mr. Stage.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes

10. Resolution CR-45-06 (Approve the Sign Request for Grove City Jeweler’s LLC located at 3975 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Ms. Jackie Vanswall, petitioner was present and stated that she agreed with all the stipulations of Planning Commission. Mr. Berry asked why one of the signs needed to be taken down. Ms. Vanswalls stated that she was told that there was too much signage on the building.

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

Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes

11. Resolution CR-46-06 (Authorize the City Administrator to enter into a Conservation Easement Agreement) was given its reading and public hearing and Mr. Corbin moved it be approved; seconded by Mr. Stage.

Mr. Corbin	Yes
Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes

12. Resolution CR-47-06 (Authorize the City Administrator to negotiate a Contract with Skilken for the Development of the former Lumberyard Site) was given its reading and public hearing and Mr. Corbin moved it be postponed to August 21, 2006; seconded by Mr. Stage.

Mr. Lester	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

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

- Ms. Shelly Williams, resident on Grove City Road, explained that a new group has been formed called the Town Center Alliance for the purpose of giving voice to the visions, vested interest and concerns of several of Grove City’s town’s people who will be directly affected by the development in the Town Center. These people want to be represented before the final decisions are made for the Town Center development. She said a meeting is being set up for them and invited Council and the Mayor to attend to come and listen only. She asked that they be included in the future decision.
- Mr. Jeff Williams, stated that this Alliance came about because of the lack of communication between the Council and the homeowners and business owners who are directly affected by this plan. He said his wife spoke to the Mayor and was told that this was in its infancy, but then said the project

was on the fast track. Tonight there is a resolution on the Agenda to enter into negotiations with Skilken. He asked if there would be any discussion on this. He said the only proposal he has seen were the ones shown in the newspapers. He asked that they be given 90 days to organize themselves and be provided an opportunity to voice their concerns.

President Lester explained that the Resolution is strictly to enter into negotiations with a developer. It does not approve a plan. The regular procedures for approving a plan will be followed. The options submitted so far may not be what ends up on the Development Plan. He explained that the Committee was charged to come up with a short list of potential developers, which they have done. Council is going to have a meeting with these developers to provide more information to Council. While this meeting would be open to the public, it would not include discussion from the public. There would be another meeting for the general public to hear from the developers and provide their comments and concerns at that time. Once those two meetings have been conducted, Council would then entertain the resolution submitted by the Administration. He said it may be on the fast tract, but it doesn't mean that they do it wrong. He said he clearly hears what is being said and by having that Public meeting, it will further enhance what Council is trying to accomplish and have all the publics input on it.

Mr. Berry thanked them for coming and offer to work together. He suggested that their group use the same facilitator the City is using. President Lester stated that Ms. Kelly would be happy to provide the name and information of the facilitator and the group can decide if they want to hire him.

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

1. Mayor Grossman submitted a partial Mayor's Report and Mr. Stage moved to accept same; seconded by Mr. Berry.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Mr. Lester	Yes

In closing, she reported on road improvements and congratulated Jim & Marsha Ricketts for Kenstar's 25th anniversary in the Town Center, as well as their marriage of 30 years.

2. Mr. Stage stated that while he didn't ask for the Minutes to be amended, he did ask for clarification of some points that were in the Minutes by Dr. Bostic. He said that he feels that the comments in the Minutes somewhat tainted the meeting. He is asking for clarification that was given by Mr. Cramer in a letter to him. He said that there was information that wasn't presented that would have been helpful in understanding the complexity of this transaction. He feels that they were given "a sky is falling" situation. He said the consultant that gave Council that feeling is going to be paid because this issue has gone through. He said he has worked with Mr. Cramer for many years and has nothing against him. However, he believes there was a conflict of interest. The second item is that there is a Pre-Annexation Agreement that was very specific as to the flow. There was another Pre-Annexation agreement with two other parties and isn't sure if they have been contacted to agree to this change. He said he did not want to go back and ask for the Minutes to be amended because it was, in fact, what was said. However, he thinks it has been helpful to get the comments from Mr. Cramer and would like to have those placed in the Minutes, along with the letter he wrote to Dr. Bostic for clarification. It is his opinion that this is not "a sky is falling" situation. Finally, he said he asked that the issue be postponed to this evening's meeting and when he picked up his packet, found a letter from Bricker and Eckler noting that it could have been done tonight. It would have been nice to have the time to get further clarification.

3. Council members thanked the residents for being here and hoped to work with them to provide better clarification on the projects of concern.
4. After additional comments from the Mayor, Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:31 p.m.

Tami K. Kelly, MMC
Clerk of Council

Richard D. Lester
President