

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 18, 2005

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:

Robert Hatley Rich Lester Bill Saxton Maria Klemack Vaughn Radi

1. Mr. Lester moved to dispense with the reading of the previous meeting minutes and approve as written; seconded by Mr. Hatley.

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

2. President Saxton recognized the Mayor who introduced Mr. Bill Lota of COTA for a presentation. Mr. Lota provided an update on what the Authority is doing. They have five major management objectives, the first being to restore the financial solvency of COTA. He explained that they have been running in a deficit three of the past four years and they cannot allow that to continue. They are attempting to reduce costs without reducing services. He commented that in May, they extended the #15 bus route to serve the WalMart area and are working diligently with WalMart to get the ability to route that run through their facility. They are focused on their operational excellence, improve their on-time performance, their reliability, customer service and safety. He said he rode the #15 this morning from downtown to Grove City and were able to interview 12 customers. They want to see additional service, on-time performance and an additional bus stop west of I-71. In the short term, we may be hearing from Jim Hutcherson to secure a bus stop in the vicinity of McDonalds. Secondly, they are working to restore COTA's reputation. They have instituted a comprehensive ethics policy, where the entire board and himself voluntarily file a full ethics disclosure statement to the Ethic's Commission. They are trying to conduct all of their business in the public domain, because they are funded by the taxpayers and owe it the constituency to be open and above-board. Third, they are working diligently to resolve their labor negotiations. They are trying to reach an agreement without work stoppage. Fourth, they are working on the North Corridor Transit Project, which is a project to study transit alternatives between Route 3 and S.R. 315. They don't know the mode, but will be issuing a contract for a Draft Environmental Impact Statement, Wednesday, and hope to have it resolved sometime in the third quarter of 2006. Finally, they are working to develop a comprehensive transit plan that would provide transit options for all Central Ohio citizens. This would include expanded bus service, longer hours, more busses, more routes, the expanded Project Mainstream for the disabled, and transit centers, and some option in the North Corridor. *Mr. Hatley* asked what their plans for the Park and Ride were. Mr. Lota said they believe they need to maintain that as a Park & Ride. Mr. Hatley said he thought there was a "For Sale or Lease" sign on the property. Mr. Lota said if it was still there, they would get it down. Mr. Hatley asked if they own the property. Mr. Lota said yes. At one time they were looking at disposing of a portion of it. It was purchased with Federal Transit Administration funds and if there is any sale, the monies must go back to that fund. They are now of the opinion that they should not sell any of it. *Mayor Grossman* commented that the City has

created some pull off areas for busses with the Stringtown Road construction, and hopes that they can work through the details with Wal-Mart so they can bring their busses right next to the building, so they don't have to walk the distances they do now to access COTA on the service road. She commended him for listening to the needs of Grove City and the services needed for our community.

The Mayor then introduced Mr. Greg Wilder, representative from State Auditor Betty Montgomery's office, who presented an Award to the Finance Dept. for the City's 2002 Audit. The Mayor commended Bob Behlen, Dir. of Finance, and his staff for their commitment to excellence in financial accounting and to the community. She then introduced Jason Ellis, Chair for the G.C. Relay for Life event. Mr. Ellis presented a check to Mr. Vince Jenkins, Cancer Society Representative for the G.C. Event, in the amount of \$70,935.30.

3. The Chair read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-73-05 (Appropriate \$1,000.00 from the General Fund for the Current Expense of Police Equipment) was given its first reading. Second reading and public hearing will be held on August 01, 2005.
2. Ordinance C-74-05 (Appropriate \$4,777.54 from the Sewer Fund for the Current Expense of Development Costs associated with the Buckeye Grove Sewer Agreement) was given its first reading. Second reading and public hearing will be held on August 01, 2005.
3. Ordinance C-75-05 (Authorizing the Issuance of Notes in the amount of not to exceed \$8,450,000.00 in anticipation of the Issuance of Bonds for the purpose of Designing and Constructing Buckeye Parkway, South of White Road and a new road to be known as Pinnacle Club Drive to connect Buckeye Parkway with State Route 104, with all necessary appurtenances, including drainage, landscaping, traffic control devices, lighting, and related improvements, and Appropriating Funds therefore, and Retiring Notes previously issued for such purpose, and approving the form of Official Statement) was given its first reading. Second reading and public hearing will be held on August 01, 2005.

The Chair recognized, Ms. Klemack, Chairman of Safety, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-76-05 (Repeal Section 521.20 of the Codified Ordinances of Grove City, Ohio titled Smoking Prohibited and Enact a New Chapter 522 titled Smoking Prohibitions) was given its first reading. Second reading and public hearing will be held on August 01, 2005.
2. Ordinance C-77-05 (Amend Section 1135.12(j)(2) of the Codified Ordinances of Grove City, Ohio titled Nonresidential District Requirements) was given its first reading. Second reading and public hearing will be held on August 01, 2005.

Mr. Frank Reed, attorney for the City, explained that he has worked with the Director of Law & City Administrator to prepare an ordinance to address the concerns of the Mayor & Council over sexually oriented businesses. He noted that Council has been provided with several different studies that have been completed by other municipalities around the country, and he asked that they look over these again. These studies show the secondary effects of crime and secondary effects of property values and the effects they have on properties when they are located in an area that has sexually oriented businesses, as defined

by the Statute. He read the titles of the seven studies (National Law Center for Children & Families on Sexually Oriented Businesses, 2000, 33 pgs.; Report to the American Center for Law and Justice on the secondary impacts of sex oriented businesses; An Analysis of the effects of sexually oriented businesses on the surrounding neighborhoods in Dallas, TX; Special Investigative Unit w/Cleveland Police Dept.; Houston City Council Sexually Oriented Business Committee Report; Adult Use Study, Newport News; Report on Sexually Oriented Entertainment & Related Businesses for two counties in KY) provided to Council and suggested that they consider these studies very carefully when deciding whether or not to amend this ordinance.

Mayor Grossman commented that as Grove City continues to grow, the City need to be as proactive as it could. This is a very family based community, one that takes pride in valuing high morals and families. She feels Mr. Reed has prepared legislation that will protect the people of Grove City and thanked him for his efforts. Mr. Reed thanked the Mayor and noted that Mr. Clark, Dir. of Law was very instrumental also, and thanked him.

3. Resolution CR-54-05 (Authorize the Chief of Police and the Mayor to Apply for Funding from the D.A.R.E. Grants Program) was given its reading and public hearing and Ms. Klemack moved it be approved; seconded by Mr. Radi.

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

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

1. Ordinance C-71-05 (Approve a Special Use Permit for a Drive-Thru for KeyBank located on the northwest corner of Hoover Road and Buckeye Grove Blvd.) was given its second reading and public hearing.

Mr. John Woche, representing KeyBank, explained that they have worked with the City on this difficult, triangular shaped, site to provide a plan that satisfies everyone.

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

2. Ordinance C-72-05 (Approve a Special Use Permit for Automotive Related Services for Enterprise Rent-A-Car located at 3521 Broadway) was given its second reading and public hearing.

Ms. Jennifer Hendrick, representative, stated that they have been servicing Grove City from the Columbus area and just the right property has opened up that fits their needs. *Mr. Hatley* asked how many cars they would have on the lot. Ms. Hendrick said from 0 to 15, as a maximum. They keep their lots very light. Mr. Hatley asked if there would be any maintenance on the lot. Ms. Hendrick said no,

they do all of that at a vendor. *President Saxton* said there was some question as to whether they had approval from Corporate to move forward, with the denial of painting the brick building. Ms. Hendrick said they understood the reason for not painting the building and has been fighting the good fight with Corporate. They do have approval to move forward without painting the exterior. President Saxton asked for their commitment to move into this building without painting. Ms. Hendrick said yes. *Mr. Radi* asked how many parking spaces were available. Ms. Hendrick said there are 31 spaces. *Mr. Lester* asked if the cars are personally driven in or is a car hauler used. Ms. Hendrick said they have a designated amount of drivers that just shuttle cars from office to office. They have a day plan because this is a bi chore as part of their business. Mr. Lester confirmed that there would be no car hauler. Ms. Hendrick said they don't haul them. They just drive them in. Mr. Lester asked Mr. Clark, Dir. of Law, if the property is used for just this business, then the Special Use maintains its attachment to the property unless the business changes. Mr. Clark explained that the Special Use is for automotive related services. Unless it is abandoned for six months, another auto related service could be placed on this property. Mr. Clark asked if the ATM machine would remain. Ms. Hendricks said yes. Mr. Clark asked if cars would be placed in that area. Ms. Hendricks said no, they would use parking spaces only. Mr. Lester reviewed the five stipulations set by Planning Commission. Ms. Hendricks agreed to all. Mr. Lester explained that there is some concern with making sure there is a commitment by Enterprise, because once it this is approved, another business could come in without any approval from Council. Ms. Hendricks said they are 100% committed.

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

- Resolution CR-53-05 (Approve the Development Plan for KeyBank located at the northwest corner of Hoover Road and Buckeye Grove Blvd.) was given its reading and public hearing.

Mr. Jonathon Woche, representative, displayed a rendering of the building. He explained that they have worked out many issues with the Administration and there were seven stipulations from Planning Commission that they agreed to. They have submitted a Landscape Plan, per those stipulations.

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

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

- Resolution CR-55-05 (Approve Amendments to the Development Plan for Discount Tire Company located at 1710 Stringtown Road, as approved by Res. CR-56-04) was given its reading and public hearing.

Mr. Scott Richardson, Asst. V.P., requested additional signage to the east and west side of the building,

as most of the businesses already have. *Mr. Hatley* questioned signage for both sides. *Mr. Richardson* said they are more interested in the west side, but would like both if possible. *Mr. Hatley* confirmed with *Mr. Richardson* that there is already signage on the South side of the building and a monument sign for this business. *Mr. Hatley* stated that he thought the request before Council was for one side only. *Mr. Richardson* said they want the west side, but would also like the east side. *Mr. Hatley* asked why this wasn't requested in their original Development Plan. *Mr. Richardson* said he didn't know. It must have been an oversight. *Mr. Hatley* asked how many stores they have in Columbus area. *Mr. Richardson* said seven. *Mr. Hatley* asked how many signs are on the other stores. *Mr. Richardson* said at least three, and typically four. *President Saxton* noted that there would be a building placed on their east/west side and questioned if the sign would even be seen, once buildings are placed on either side. *Mr. Richardson* said that is why they believe they need the sign. They want to distinguish themselves like the rest of the buildings in the area. He said when you travel from the east or west side, you really don't know what the business is. *Mr. Radi* clarified that the request submitted is for a sign on the west side only. He expressed his displeasure for developments that submit a plan and later on, come in and request amendments, and piece-meal their project. He realized that Council must review these requests on a case-by-case basis. He's just not fond of it in most cases. He said he doesn't have a problem with additional signage in this case, but would like to know if there were any specific reasons for Planning Commissions disapproval. Mayor Grossman commented that Planning Commission had concerns for alteration from the original Development Plan and the precedence it sets. They try to be very thorough so there isn't the inconsistency that *Mr. Radi* referenced. *Mr. Hatley* asked if we didn't make an exception with WalMart to add a bank sign. Mayor Grossman said yes. *Mr. Hatley* asked if it was necessary to add language to clarify that this was for the west side only. *Ms. Kelly* commented that the application only shows the addition of one sign on the west side, but Council could amend Section 1 to include a stipulation to that effect, if desired.

Mr. Hatley moved to amend Section 1 to include the following stipulation: *1. Sign being approved is for the west side of the building only;* seconded by *Mr. Lester*.

<i>Mr. Lester</i>	Yes
<i>Mr. Hatley</i>	Yes
<i>Mr. Saxton</i>	Yes
<i>Ms. Klemack</i>	Yes
<i>Mr. Radi</i>	Yes

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

<i>Mr. Hatley</i>	Yes
<i>Mr. Saxton</i>	Yes
<i>Ms. Klemack</i>	Yes
<i>Mr. Radi</i>	Yes
<i>Mr. Lester</i>	Yes

5. Resolution CR-56-05 (Approve the Preliminary Development Plan for the Village at Gantz Meadows located at 2080 and 2066 Home Road) was given its reading and public hearing.

Ms. Jill Tangeman, attorney for petitioner, showed the location on a board, neighboring the existing Village at Gantz Park condo project. The proposal is to develop a similar condo project with 48 units on the site. They will be identical in terms of architecture and design to those in the Village at Gantz Park. They are already working through the many stipulations set by Planning Commission for their Development Plan request.

Mayor Grossman asked that Ms. Tangeman convey to Triangle that there have been many complaints from the residents of the Village at Gantz Park and she expects the pavement and drainage issues to be corrected before they submit a development plan on this next project. She said she would be making an inspection to make sure every issue is corrected before addressing this new project. Ms. Tangeman said she would certainly relay that message and be in contact to make sure the issues are addressed.

Mr. Lester commented that buildings 4 and 7 don't provide a turn-around for vehicles and suggested adding a hammerhead for each one of these units. They would have to back up several hundred feet without it. He then reviewed the many stipulations set by Planning Commission. Ms. Tangeman accepted these. Mr. Lester commented that stipulation #10 suggests an emergency access go through the adjacent site. He suggested that Triangle notify the property owners prior to the issuance of the Development Plan, if that is how the emergency access is provided. Ms. Tangeman stated that they are already working through that issue with the Village @ Gantz Park Homeowner's Association.

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

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

6. Resolution CR-57-05 (Approve a Sign Request for the Grove City Area Chamber of Commerce located at 4069 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Fred Hollingsworth, representing the Chamber was present. Mr. Lester reviewed the one stipulation set by Planning Commission, which Mr. Hollingsworth agreed to.

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

7. Resolution CR-58-05 (Set Forth the Municipal Services that can be furnished to 4.09 acres located at 4400 Anglebrook Dr. & 3207 Demorest Rd. upon its Annexation to the City) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by Ms. Klemack.

Mr. Clark, Dir. of Law, commented that this property is in need of emergency water. In the past, the Service Director has allowed for the tapping of the water line in emergency situations. This time, they have entered into an agreement with the property owner to formalize this process.

There being no additional comments, the vote was called:

Mr. Radi	Yes
Mr. Lester	Yes

Mr. Hatley	Yes
Mr. Saxton	Yes
Ms. Klemack	Yes

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

1. President Saxton announced that Council was aware that many residents of the Hoover Crossing subdivision wanted to speak about letters they received regarding a Homeowner's Association. He explained that Council has no authority over Homeowner's Associations, but they wanted to assist the residents in getting some answers. So, he asked David Dye, representing Homewood & PSAM, to be here to explain the issue. He recognized Mr. David Dye at this time.

Mr. Dye explained that he runs a company called Professional Subdivision & Association Managers. They have been managing Homeowners Associations in Central Ohio since 2000. He is also an attorney and has done legal work for Homewood Corporation. They also manage 7 or 8 of their subdivisions. He explained that the development of Hoover Crossing & Hoover Park came through the City in the early 1990's. Since the mid-1980's, developers have seen a request from Cities for open space, entry features, etc. When Hoover Crossing & Hoover Park were approved, there were portions of the common spaces that were designated for the City to take care of and those for a Homeowner's Association to take care of, long term. As the lead developer, Homewood Corp. implemented Deed Restrictions. As the thought process, throughout Central Ohio, over who should take care of these common areas changed, so did the Deed Restrictions. From 1991 until now, Hoover Crossing has been developing and over that time period there have been several iterations of the Deed Restrictions that Homewood was using as its standards. As a result, the Deed Restrictions for Section 1 were different from Section 2, were different from Section 3, etc. There were some similarities, but there were differences. However, from the beginning and through all of the sets of Deed Restrictions applied to Hoover Crossing, there was a reference to a Homeowners Association being created to take care of the common areas not being taken care of by the City. Homewood Corp. recognized that those differences in the Deed Restrictions created different burdens upon each Section of the subdivision. Homewood found that the deed restrictions could be amended, under certain circumstances, in several ways. One way was by request of the City. Homewood asked Mr. Dye to contact the City and ask them to request an amendment to the deed restrictions to provide uniformity. The City did send a letter requesting this and the restrictions were amended as they relate to the process by which the Association operates, and to affect several different technical aspects that may have varied from one Section to another. The rest was left alone. The Amendment also states that anything built in conformity with the Deed Restrictions at the time it was built, shall remain. So, if a fence were put up that complied before, it wouldn't have to be torn down now. He pointed out that there is an underlying reality that each homeowner bought in a deed-restricted community. Homewood put Hoover Crossing on its list this year of subdivisions that needed a Management Agency. They asked Mr. Dye if he felt comfortable managing this, since he lives there. Mr. Dye said he reflected on that and since most of the complaints his company receives from other communities is the fact that the Management Co. is out of town and never in the community to see what goes on, he felt like he could help with that if his company were to manage the association. So, he negotiated a fee, which is less than his usual fee, and contracted with Homewood. He explained that as long as Homewood is building houses in the subdivision, they exercise the voting right for the homeowners association. He said if it weren't his company managing it, it would be someone else's company. Mr. Dye recognized Mr. John Bain, CEO of Homewood, who was also present to answer questions that he could not. He said he would like to prove to the residents that PSAM is a good company and who are dissatisfied with the way this has begun. He said he has never received such a response from a subdivision. He apologized for any meanness homeowners found with the letter, but part

of the responsibility of the management company is to tell the homeowner the rights and responsibilities of the Association. It is necessary to inform the people of that.

Mr. Bain commented that he supports and agrees with everything Mr. Dye said. He stated that he was the reason, in a large part, for not starting the Association right away. He said they tried to manage the restrictions from their office and did this in good faith. He sees now that it wasn't a good idea. Now, they do start the homeowners associations with the sale of the first home and those people pay \$100 - \$200.00 right from the start. It's a fact that if you have lived in Hoover Crossing for ten years, you have benefited by about \$1,500.00.

Mr. Radi asked if the dues entitled you to be a member of the Association. Mr. Dye explained that the Deed Restrictions make you a member and the dues are for a distributive share of the operating cost of the Association. Mr. Radi asked how those costs are derived. Mr. Dye said budgets are prepared based on the actual costs of taking care of the hardscape. Bids are let and contracts are awarded. He explained what areas they are responsible for and what would be done in each. Mr. Radi said it looks like the southwest entrance on Hoover Road is on City property. Mr. Dye said that was correct. Mr. Radi asked if the Homeowners Association is responsible for taking care of that. Mr. Dye said yes. That is fairly typical. He said a good portion of those improvements sit on or within the City's right-of-way. Mr. Radi asked when the homeowners have a say on who manages, what the budget is, etc. Mr. Dye explained that there needs to be a Turn Over Meeting, which takes place when the developer says so or no longer owns property in the subdivision. Mr. Radi pointed out that Homewood still owns the northwest corner of Haughn Road. Until they sell it, they could hold control until they no longer own that piece or any other property. Mr. Bain said they would turn over the Homeowners Association when they no longer have any single-family lots to sell.

Mr. Hatley commented that he first learned of this the first of June. He has spoken to many residents and it seems that most are not angry about the formation of an Association or the Deed Restrictions. They are objecting to how all of this came about. Mr. Hatley asked Mr. Bain what percentage of lots they are still developing. Mr. Bain said this still have about 15% left in Hoover Crossing and about 20% in Hoover Park. Mr. Hatley asked Mr. Dye if he drafted a letter for the City to sign to make the Deed Restrictions compatible. Mr. Dye said he provided a draft with some suggested language to the City to call for the amendment and bring into conformity the various Sections. Mr. Hatley asked Dr. Bostic how the letter came about. He asked it were basically Mr. Dye's draft. Dr. Bostic said that was correct. Mr. Hatley commented that part of the resident's concern is that Mr. Dye serves on Planning Commission. He said he didn't know if another attorney had a letter drafted if the City would take their word for it. They may.

This letter was drafted to change the deed restrictions, which no one knew anything about. Then the letter Mr. Dye drafted, he sent the residents a bill from his company to pay for the Association. He said this doesn't sound right. He said in his subdivision, once 75% of the homes were developed, CV Perry turned over ownership to the homeowners to develop a Homeowners Association. He said if Mr. Bain would be willing to give up his participation, and let the people decide who the management company is, instead of the first knowledge of this being a bill stating that if you don't pay a lien could be place on the house. He said he doesn't understand the process and if it were the same for all of Homewood's other subdivisions, they would have all kinds of uprisings. He then asked Mr. Dye about the unsatisfactory rating for PSAM by the Better Business Bureau. Mr. Dye stated that he refused to join the Better Business Bureau because of his dealings with them for his clients. He said he has found it to be a very politically motivated organization that he doesn't agree with all their principals. He said his business has a negative rating because of three letters complaining that they didn't believe they needed to be part of a Homeowners Association. He contacted these individuals directly, rather than sending a letter back to the BBB. He explained that when you don't send a letter back, the BBB checks a box. When you receive three of those, you get a negative rating. Mr. Hatley commented that he is concerned with how

this whole thing came about and the appearance of impropriety.

Mr. Lester stated that he lives in Hoover Crossing and was aware that there were deed restrictions. They, however, only say that there may be a homeowner's association. He said had the letters been generated by Homewood and the homeowners been allowed to create their own association, there wouldn't be this upheaval. He believes that is what the residents want to have happen. He asked Mr. Dye how the deed restrictions could be changed without the property owners' knowledge or notification. Mr. Dye said the Deed allowed for mechanisms to change the restrictions. In general, deed restrictions are impossible to change unless the terms of the restrictions provide for it. When the document provides the mechanism for which it can be amended, you as the purchaser are on notice that the document could be changed based on those circumstances. Mr. Lester referenced on page 2 of the deed restrictions, Item E, that it states the City must initiate a request. He said he didn't hear that the City initiated the letter. He wants that point clarified. He said the residents just want to own and maintain the Homeowner's Association. Another point is that there is an irrigation system being fixed and he has a hard time taking ownership of something that isn't in good working order. Before the Homeowner's Association takes over anything, the developer should go through and fix everything before handing it over. He also feels that the Association should not have to pay to maintain something that is on City property. He noted that there was no accountability for the fees. He believes the homeowners would like to know the details of these fees (i.e. who, what, how much). Mr. Lester asked if there is money left over from the dues, where does it go. Mr. Dye said it is the Association's money. It's not Homewood's or PSAM's money. If the money is not spent on the line items, it stays in the Association's account. Mr. Lester asked if there was a variance mechanism. Mr. Dye said yes. An application comes to the Management Agency for review and approval. Mr. Lester asked if the surrounding property owners get notice and have a say. Mr. Dye said no. If there were a question, it would go to the Trustees of the Association. Mr. Lester said there needs to be some resolution to allow the home owners to take this over and do it themselves.

President Saxton commented to Mr. Bain that he has known him for a long time and have always known him to be an honorable man. However, he believes Mr. Bain has created a problem and the only way to solve it is for it to be turned over to the homeowners. There is no need for Homewood to retain ownership now. Over 70% of the lots are sold and it needs to be turned over. He asked Mr. Bain to help Council work through this. Mr. Bain said he would take the request under advisement. He noted that he was the one who asked Mr. Dye to go to the City Officials and request a letter for uniformity.

Mayor Grossman commented that she just came into possession of an e-mail this afternoon that states, in part, that someone at Homewood made an error when the deed restrictions were filed with for both communities and some of the Sections in each of the subdivisions that do not mandate membership in the Association or payment of annual assessments. She said she cannot express her disappoint in Mr. Bain and Homewood Corp. enough, to come in after the fact, when it was clearly stated by Homewood's attorney that someone in their organization made a mistake. She said she concurred with President Saxton, that Mr. Bain must work this out. It is not fair what has been done to every person in these subdivisions and it isn't what she, as Mayor, will tolerate. It is inexcusable & inappropriate to make these people spend their time tonight protecting their homes from having liens placed on their homes. She asked Mr. Bain and Mr. Dye to stay to the end of this meeting.

Dr. Bostic, City Administrator, commented that the letter that came to the City seemed to be a reasonable and rational request. It did not appear to be outside the sphere of what the City should do. He said he reviewed the letter and referred it to Legal Council. He asked Mr. Clark to comment. Mr. Clark said he felt that the key is the evolution of subdivisions. Many do not have entry features or common areas. As subdivisions incorporated these amenities, the City had some concerns about maintenance and maintaining these areas. The City felt there were some inequities within the Sections of these

subdivisions. When Mr. Dye came to the City with a solution, they thought it was fair to everyone to make sure everyone was treated equally. That is the purpose behind the letter.

2. Mr. Mike Vukovich, Hoover Crossing, voiced concern over the amendments made to the deed restrictions. He said the restrictions did more than make things equitable. He asked if the City were to request a restoration of the deed restrictions, would Homewood consider it. Mr. Bain said they would have to think about that. President Saxton commented that there must be a Homeowner's Association and repealing the City's letter won't solve the issue. The problem is who governs the Association.
3. Mr. Keith Stenerson, Hoover Crossing, commented about restrictions in Section 8. He stated he believes that when a legal contract is changes, both parties are to be involved. Mr. Dye stated that the amendment actually required the restrictions in Section 8 would apply to Sections 1 – 7. This gave them the right to collect dues from all Sections, rather than just Section 8 (or less than all homes in the subdivision). He commented that there would be no retroactive collection of dues. Mr. Stenerson stated that he never knew there was a Management company. Mr. Dye stated that they just got retained June 1, 2005 for Hoover Crossing. Mr. Stenerson asked about the Management Agreement and a \$35.00 set-up fee. Mr. Dye stated that they have a Master Agreement with Homewood to provide management services and a Supplement to that Master is done for each new subdivision they take on. He said the Master allows for a \$50.00 set-up fee. The supplement for Hoover Crossing reduces that fee to \$35.00.
4. Mr. Steve Armstrong, Hoover Crossing, stated that this is a mass failure to communicate. He said the original owner of Hoover Crossing was C.V. Perry and their deed was with them. He questioned why there was no signature on the letter from PSAM and no street address. He said it makes one wonder what kind of operations is being run, when you are hiding. Mr. Dye commented that he doesn't know of anything that makes it unethical for not posting a sign in their yard or using a post office box. They receive several hundred pieces of mail per day & use a P.O. box because of the high volume of mail.
5. Ms. Kelli Schobelock clarified with Mr. Dye what was requested of the City with respect to the Homeowner's Association. She stated that the letter from the City didn't ask for all the other restrictions that have been placed on them (i.e. paying \$15.00 to plant a bush). She said the City's letter requests that an Association be formed, but she found where the Association was already incorporated in May. She believes the restrictions were changed beyond what the City requested and made stricter. She said she spoke to an attorney of Homeowners Associations who indicated that it is almost impossible to enforce deed restrictions that are made stricter after the home has been purchased. She said she doesn't feel she should have to come to their Company just to take out a dead tree.
6. Ms. Renee Weiskittle, Hoover Crossing, said there is a clear disconnect of who is doing what between Homewood and PSAM. She tried for months to get answers before putting up a fence. She got conflicting answers and then received a letter from PSAM that she was in violation. She asked how are they suppose comply when they can't get answers from anyone, when things get changed without notice, when there is a Design Review Board with separate specifications that they don't have. Mr. Dye commented that there is an exemption in the Amendments for fencing. So, if the fence was in compliance prior to the amendment, it stays in compliance.
7. Mr. Jim O'Block, Hoover Crossing, verified the ownership of property for the entrance features at Hoover Road. He asked if they were allowed to go onto those properties even though someone else owns them. Mr. Dye said the Association has the right to go on that land. He explained that easements were reserved for the construction of the entryway improvements. The Developer and Association have the right to maintain and the residents have the right to use.

8. Mr. Ted Berry, thanked Council for having this meeting and thanked Mr. Dye for being here. He commented that no one questions Mr. Dye's commitment to Grove City. However, he requested that Council consider not acting on any planning, zoning or building permit by MI or Homewood until they allow them to have their Association.
9. Mr. Neil Griesenauer, questioned what Homewood has to gain from all of this. He questioned Homewood's intentions.

At this point, President Saxton went around the room and allowed residents to ask any final questions or make any final comments.

President Saxton asked Mr. Bain to attend a meeting on Thursday, July 21, at 8:00 am with himself, one other Council Member and the Administration to try and get this settled. Mr. Bain agreed to a meeting.

There being no additional closing comments, the meeting was adjourned.

Council adjourned at 11:28 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President