

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 20, 2009

Regular Meeting

The regular meeting of Council was called to order by President Berry 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 Maria Klemack-McGraw Ted Berry Mike Uhrin Greg Grinch

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

Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes

2. The Chair read the agenda items and all items were approved by unanimous consent. Ms. Klemack-McGraw moved to add Resolution CR-36-09 under Service; seconded by Mr. Grinch.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes

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

1. Ordinance C-41-09 (Appropriate \$70,140.00 from the General Fund for the Current Expense of White Road Reconstruction) was given its second reading and public hearing.

Mr. Honsey, City Administrator, explained that this is for engineering services. They will coordinate with ODOT and Jackson Township on this project and submitting a Grant Application. This puts us in position to seek the funding and develop the partnerships needed for the project.

President Berry noted that this adds a bike path and improves the roadway. He said it goes a long way to improve the safety on that portion of the road.

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

Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes

2. Ordinance C-42-09 (Appropriate \$20,250.00 from the General Fund for the Current Expense of Phase 1 Design Services for Tanglebrook Street Lighting) was given its second reading and public hearing.

Mr. Honsey explained that this was also for engineering services. Once designed, it will add 20 lights with a controller to this part of the subdivision. It is part of a multi-year plan to get this subdivision serviced with street lights.

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

Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

3. Ordinance C-43-09 (Appropriate \$45,000.00 from the General Fund for the Current Expense of NPDES Phase II Compliance) was given its second reading and public hearing.

Mr. Honsey explained that this is part of a Federal mandate to control the storm water pollution before it is released into the streams. Mr. Keller, Consulting Engineer, said it targets the stream management, the storm water management plan and standard compliance of the regulations.

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

Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes

4. Ordinance C-44-09 (Appropriate \$596,690.00 from the General Fund for the Current Expense of Windsor Park Improvements) was given its second reading and public hearing.

Mr. Honsey noted that a lengthy presentation was done at a previous meeting. He noted that this would provide for an entrance off Broadway, with additional improvements. Mayor Stage said it is the most significant improvement we have done at this park in some time.

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

Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes

5. Ordinance C-48-09 (Appropriate \$5,225,000.00 from the General Fund for the Current Expense of Right-Of-Way Acquisition for Phase 3 of the I-71/S.R.665 Interchange and Corridor Improvement and declare an emergency) was given its first reading.

Mr. Honsey, City Administrator, explained that the City finds itself in an unusual position, as we need to move fast to accommodate ODOT and the Federal Government and take advantage of their aggressive

timelines. He said the appropriation is 100% reimbursable to the City. He said this action provides the dollars necessary to obtain the land acquisition necessary to upgrade the interchange, hopefully to go to construction in 2010. Ms. Reichard, Dir. of Service, gave a PowerPoint presentation to show the cited need. She showed the traffic conditions and crumbling concrete of the bridge. She explained the schedule, which is very aggressive. We need to get to ODOT by the end of this month, so they can file their paperwork by August 15. She said the hope is to sell this project in 2010 and build it in one construction season, 2011.

There being no additional questions or comments, Mr. Uhrin moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Ms. Klemack-McGraw.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes

Mr. Uhrin moved it be approved as an emergency; seconded by Mr. Corbin.

Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes

Ordinance C-49-09 (Direct the Certification to the County Auditor of the Expense of Cutting Weeds on Private Property) was given its first reading. Second and public hearing will be held on August 3, 2009.

7. Resolution CR-33-09 (Confirm the Appointment of Members to the Income Tax Board of Review) was given its reading and public hearing.

Mr. Turner, Dir. of Finance, explained that every city with a municipal Income Tax needs to have this Board of Review, so a citizen can appeal a decision made by the City. He said the Mayor appoints the members and Council is required to confirm them.

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

Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

8. Resolution CR-34-09 (Accept a Community Gift from the Eyerman Family) was given its reading and public hearing.

Mayor Stage recognized Mr. and Mrs Eyerman. Mr. Louis Eyerman said this 1912 Model T Ford has been in the community for 69 years. He said they decided to give it to the City because they feel it needs to stay in the community, and it has a lot of history. Mayor Stage commented that it is a beautiful piece of work and it will go into the Museum at the Huntington Bank Building. Council thanked the Eyerman family for the donation.

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

Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes

The Chair recognized Ms Klemack-McGraw, Chairman of Service, for discussion and voting under said Committee.

- 1. Ordinance C-50-09 (Authorize the City Administrator to enter into an Agreement and cooperate with the Ohio Department of Transportation for the Construction of Phase 3 – I-71/S.R.665 Interchange and Corridor Improvements and to declare an emergency) was given its first reading.

Ms. Reichard, Dir. of Service, explained that is the companion piece to C-48-09. It is the agreement with ODOT for the project and lays out the parameters. Mr. Honey pointed out that the need for an emergency exists for this also, due to the timeline.

There being no additional questions or comments, Ms. Klemack-McGraw moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Grinch.

Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes

Ms. Klemack-McGraw moved it be approved as an emergency; seconded by Mr. Corbin.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes

- 2. Ordinance C-51-09 (Authorize the City Administrator to enter into an Agreement with the Ohio Department of Transportation for the I-71/White Road Project) was given its first reading. Second reading and public hearing will be held on August 3, 2009.
- 3. Resolution CR-35-09 (Declaring a Necessity to make a Public Improvement to be paid in part from Special Assessments for the purpose of relocating, widening, reconstructing, and improving Haughn Road from West of I-71 and North of S.R.665; West to Gateway West Drive, Including the Intersections therewith, with relating signage and striping, bike paths and sidewalks, storm sewer and drainage, utility relocation and improvements, curb and gutters, street lighting, and site improvements, Paying Engineering, design and legal expenses related thereto) was given its reading and public hearing.

Ms. Richard showed a slide of how the road will be relocated. Mr. Honsey explained that this is a friendly assessment, with SWACO. They will pay the majority of the costs for the roadway improvements on their property. He said the format they are using is an assessment. Ms. Reichard said they did have the bid opening on this project and it has come in 35% under the Engineer’s estimate.

Mr. Smith, Dir. of Law, explained that this is the first step in the process and there will be an Ordinance forthcoming for the next step.

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

Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes

4. Resolution CR-36-09 (Support FedEx Grove City Operations) was given its reading and public hearing.

Mayor Stage explained that this is a unique situation and of significant importance. He explained that FedEx is being challenged in the way it operates. There is a 230 word insertion into the Federal Aviation Administration's appropriation, and in it, it could possibly change the way FedEx operates. He said FedEx Ground is one of our major corporations and we appreciate having them here.

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

Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

The Chair recognized Mr. Grinch, Chairman of Lands, for discussion and voting under said Committee.

1. Ordinance C-46-09 (Approve a Special Use Permit for True2Form Collision Repair Centers, LLC for Auto Related Services located at 3965 Brookham Drive) was given its second reading and public hearing and at the request of the petitioner's attorney, Mr. Grinch moved it be postponed to 8/3/09; seconded by Mr. Uhrin.

Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes

2. Ordinance C-47-09 (Authorize the City Administrator to enter into an Economic Development Agreement with the Stonehenge Company for the Lumberyard Project) was given its second reading and public hearing.

Mr. Rob Starrett, resident, voiced opposition to this project. He opposes the rental supplement. He asked if any letters of intent have been signed. He asked what the interest would be that Stonehenge would pay on the supplemental monies. He believes we could use that money for better things. He also has a problem with the Performance Bond. This is the first time he has seen one that doesn't cover the entire cost of the project. He said one million dollars doesn't cover enough.

Mr. Boso commented that this is a public/private partnership. For the city's portion, he doesn't believe we will have more than \$1 million out at any one time during the project. As for the private side, Mr. Dioun said they have a set of contingencies they must meet. There is also a lending institution between him and the city to lessen the risk to the City. Mr. Boso explained the process of the partnership and said there is no interest to be paid on the supplemental monies fronted to Stonehenge. Mr. Starrett said this economy is another reason to back off. We are not at the bottom of this downturn.

Ms. Karen Dover, voiced concerns over this project. She feels we should step back and review it before moving forward. She referenced the Town Center Report from Frank Elmer that recommends no parking garage, with alternatives for parking that would be more strategic and align with all the businesses in the area and be less expensive. She shared her concern with the placement of the buildings. She said the Plan hasn't changed much since its introduction. She said she has a huge problem with spending public funds on a plaza that is poorly located, that turns it back on the rest of the Town Center, and is divided from the square where events are held. She would like to see this delayed and have some strategic thought put into a few elements that could be changed, so this project would not turn its back onto the rest of the business owners downtown.

President Berry asked if we have looked at these issues. Mayor Stage said yes. Mr. Boso said the Economic Development Agreement has nothing to do with the Development Plan. Council did unanimously approve the Preliminary plan, but the final Development Plan still needs to go through the process.

Mr. Gary Curry, resident and business owner, asked why we need a \$1 mill. Bond on the Developer. Mr. Boso said any project requires a Bond. Mr. Curry asked what it would cover. Mr. Boso said it would cover the developer's handling of the City's property and the construction he will be responsible for. Mr. Curry asked if we had current financials on the Stonehenge Company. He said we may not want to enter into this if the company is not solvent. Mr. Boso said the Developer is required to obtain term letters from a Bank to show the loan. If he can't borrow that money, we won't have an agreement. Mayor Stage said that is why we added the stipulation that those letters must be acceptable to the City. Mr. Curry said it was his understanding that we do not have an Agreement with Stonehenge for the construction of the project. Mr. Honsey said that was correct. Mr. Curry commented that there is a potential that the developer could be part way through building the garage and not finish.

Mr. Berry asked if, basically, the garage cannot be started until Stonehenge receives his bank notes and we have approved the contingencies. Mayor Stage explained the requirements of a bank and said it is possible that the garage could start before we have a Note signed. Mr. Curry asked if we would be paying a separate consulting firm to oversee the project, like Gahanna did. Mr. Boso explained that Stonehenge would be the construction manager for this project. Mr. Curry asked what Stonehenge would be paid for that service. Mr. Boso explained the terms of that Agreement are being compiled.

President Berry asked if there were any other speakers on the list. Mr. Grinch stated that there are, but they are all opponents and we have heard from three opponents, per Council Rules. President Berry moved to suspend the Rules of Council to allow the remaining speaker's time to address Council; seconded by Ms. Klemack-McGraw.

Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes

Ms. Sandy Engelman, resident, commented that the Mayor said we are in good financial shape and compares this project to the time when we constructed City Hall. She doesn't believe that the times are the same. She believes finances are much worse now. She said she has watched and listened and read the Agreement. She said this is too expensive right now. There is too much liability for the tax papers. There is not enough protection from the outside developer. She said they should listen to those who elected them and revisit this when the economy improves. She said projects that provide services and opportunities to residents in need should be their top priority.

Mr. Ron Huber, resident, asked about the selling of public property without a public auction. He said he didn't know that you could give away public property without going through a public auction. Mr. Smith, Dir. of Law, said generally that is correct. However, Council has the right to impose other provisions under Home Rule. Mr. Huber wondered why you would want to waive the auction provisions. Mr. Huber then questioned the Construction Manager costs and asked Mr. Boso if 5 - 10% a normal price. Mr. Boso said that is being negotiated. Mr. Huber pointed out the potential high price for the construction manager services, which goes to Stonehenge. Mr. Huber then asked if the property was tax abated. Mr. Boso said yes, 15 year abatement. Mr. Huber pointed out the developer would also get that savings.

Mr. Warren Gard said he agreed with Karen Dover. He said we paid Mr. Frank Elmer to do a Study and Frank said this is a white elephant. No tax dollars should be used. Mr. Gard said it looks like a bailout to him. He questioned the developer's funding of the project and pointed out that if he goes, we are setting here with a garage. He said it's like The Field of Dreams, but nobody ever comes.

Mr. Dick Rutherford referenced his letter to the Editor in the GC. News and still objects to this project. He wonders why it is being pushed so hard. If it is a viable project now, why wouldn't it be six months or a year from now? He believes it would be very wise to take a thimble of caution, and get a handle on what is happening throughout the Country, not just Grove City.

President Berry thanked everyone for these who spoke tonight, called and sent e-mails on this issue. He said he knows that there is a fear of the economy. Many firms are bottoming out, but many are making investments, reinvesting, relocating to the mid-west. He said we are kind of in a crossroads, because our City isn't being affected as much as other communities across the State. He said the City is left with the dilemma of investing and positioning itself to be ready when the economy bounces back or wait. If we don't invest in the downturn, you may be too late to bring the companies in when the economy shifts. Right now is the busiest time in the world of Higher Education to invest in smaller communities. He has a concern over investing in garage before we get signed leases. He asked the Administration if we can hold off on building the garage until the bank documents are signed to prove the building is actually going to be built. Mayor Stage said anything is possible. He said there are many colleges we are in discussions with and a potential for thousands of new people in the downtown area. He said we have a chicken/egg problem. If we don't build the garage first, there won't be anywhere to park when we tear up the parking lot to build the buildings. He said this college concept is very unique and can bring more development. He said there is a practical reason to get the parking garage built first. President Berry asked if we have signed leases or letters from the colleges. Mayor Stage said no, they only have letters of intent.

Mr. Grinch commented on the concern over the economy. He said if you have the money, this is the best time to buy a home or car because of the low interest. He said we are on sound financial footing as a City. We have an opportunity and the timing is right to act.

Ms. Maria Klemack-McGraw commented that many of the calls she received thought the vote tonight was for the garage. She said that has already been approved and is only one part of the overall plan. She

said we have been working on this project for over four years. She said the garage is meant to address the parking needs of the Town Center and be a buffer for the rest of the project from the active railroad. She said Stonehenge was selected for their high quality of development. She said to wait for the economy misses the point. The purpose is to encourage and improve economy. This public/private partnership represents a good bargain, with adequate protection, for the City.

Mr. Uhrin said he has been conducting a survey for several weeks. He sent over 600 and received over 100 back. What he found interesting is that with all the meetings held on this project, there are still 25% that don't know anything about it. He shared additional results, one being that 66% say to move forward in some way.

President Berry said he is supportive of the project and supportive of the parking garage, if and when we have leases to support it.

Mr. Grinch moved to amend the Exhibit "A", Article 1, 4, f to include "acceptable to the City Administrator"; seconded by Ms. Klemack-McGraw.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes

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

Mr. Berry	No
Mr. Uhrin	Yes
Mr. Grinch	Yes
Mr. Corbin	Yes
Ms. Klemack-McGraw	Yes

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

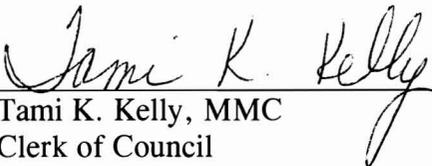
1. Mr. Starrett registered a complaint over spending \$25,000.00 to support the Levy when it could be used to support something that could benefit 100% of the residents. He then asked if Council was aware that the District took sports and music away from our kids when it only costs \$34,799.00 to pay for these programs and they have a surplus in their athletic and music funds of \$739,270.00. President Berry stated that Council did not vote to allocate money. They did approve a Resolution of Support for the levy and for an informational campaign. Mayor Stage said we have used money to save jobs several times. Mayor Stage asked for clarification of his question. Mr. Starrett asked why the City didn't stay neutral. Mayor Stage said, of the Grove City voters, there was 49% in favor in the last election. He said this is an economic development issue. The City's motive is to preserve jobs and our quality of life. The School District pays \$100,000.00 in income tax revenue to the City. Any business that pays that amount, we would go to the mat for.
2. Mr. Terry Jones commented that when the City makes a decision on something as big as this, it affects others in the surrounding districts. These people are tax payers and consumers. He said the Mayor and the CIC have given \$25,000.00 to the SWCS Pro-Levy Campaign to help increase the property tax. In addition, the City is using another \$25,000.00 from the Bed Tax to run their own property tax increase campaign. He said this is an outrage. He asked – where is the anger? He said the Mayor,

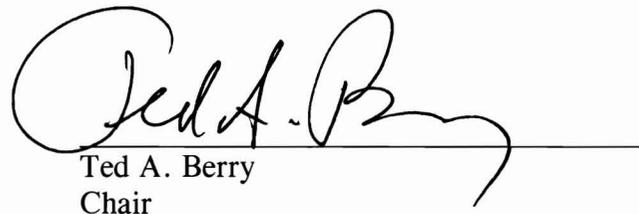
Council and many Grove City Business owners have disregarded 57% of the community voters. They have no respect for the majority vote. He asked, what must they do to show SWCS, the Grove City Mayor and Council that we are fed up with the political strong-arming? He said they have shown that they are not public officials given to fairness. He said they owe Grove City nothing. Why should 57% of the voters spend money in a city that despises them? He said there are times when oppressed citizens need to resort to extreme actions to preserve their self-respect and their quality in the community. He said they also have some new information that questions to use of the CIC Funds.

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

1. Mayor Stage read a statement concerning Department Heads being used as guest speakers for candidates for election. He said Department Heads are available to any candidate meeting or fundraiser, as a guest speaker in the area that they manage. Requests need to go through the City Administrator. He said they are considering have a candidate's night, where those seeking election can come in and ask questions of City Officials and find out about conflicts of interest, where to place signs, etc. He announced that this weekend is the Alumni Weekend.
2. Ms. Richard said the Service Dept. is enforcing the Sign code for those in the right-of-way. Letters will be sent to offenders and fines imposed on the worst ones.
3. Council thanked the Eyerman's for their donation of a 1912 Model T Ford.
4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:45 p.m.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
Chair