

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

August 7, 2006

Regular Meeting

The regular meeting of Council was called to order by Clerk of Council Kelly, 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                      Richard Stage                      Ted Berry*

1. Ms. Kelly opened the floor for a motion for a Temporary Chair for this evenings meeting.

Mr. Stage moved to appoint Ms. Klemack as Temporary Chair; seconded by Mr. Corbin.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

Mr. Stage moved to excuse Mr. Lester; seconded by Mr. Corbin.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

Ms. Kelly turned the meeting over to Ms. Klemack.

2. Ms. Klemack recognized the Mayor for a Presentation. Mayor Grossman presented the 2006 Green Thumb Award to this year's recipients: Ward 1 - Gino & Carol Pulsinelli; Ward 2 - Clyde & Pauline Mason; Ward 3 - Ida Adams; Ward 4 - Rebecca & Tyler York; Jack. Twp. - Richard & Janice DeSteffano; Small Business - Village Merchant General Store; Gateway - Village @ Hunters Crossing, Nancy Rich. Council and the Mayor congratulated all the winners.
3. Mr. Corbin moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Stage.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

4. Ms. Klemack read the agenda items and they were approved by unanimous consent.

**The Temporary 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 second reading and public hearing and Mr. Stage moved it be approved; seconded by Ms. Klemack.

Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes

Mr. Stage thanked the Administration for getting this on the Agenda.

2. Ordinance C-55-06 (Authorize the City Administrator to Enter into an Agreement to Purchase 3378 Park Street and Appropriate \$210,000.00 from the General Fund for said Purchase, Inspection and Closing Costs) was given its first reading. Second reading and public hearing will be held on August 21, 2006.

Mr. Stage commented that in reviewing the Agreement, he had a few comments that he would like the Administration to consider and change the agreement to reflect them. He explained that the Sales Agreement includes perpetual use & maintenance on the ATM. He said ATM's have a high level of value and asked that the Agreement be revised to put a cap on when the ATM could be removed. He said it also has a 25 year non-compete clause, but with a perpetual ATM, no other banking institution will locate there, which makes the 25 year clause a perpetual clause too. He then voiced concern over the liability around the ATM. He said inasmuch as we are giving Huntington rights to the alley and building, there is liability inherent with an ATM and he asked that there be some restriction to the City's liability added. Finally, he said he didn't see anything in the Agreement that addressed the vault door or the safety deposit boxes. He questioned if it was part of the purchase. *Mayor Grossman* stated that the safe will remain. A decision about the safety deposit boxes has not been made yet. Mr. Stage said it is the vault door that he questions because it has value to that particular premise. He suggested that both of these items be addressed in the Agreement.

3. Resolution CR-48-06 (Authorizing Participation in the ODOT Cooperative Purchasing Program) was given its reading and public hearing and Mr. Stage moved it be approved; seconded by Ms. Klemack.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

**The Temporary Chair, Chairman of Safety, recognized Mr. Berry 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 public hearing.

Mr. Berry moved to replace this Ordinance with the one marked "Revised"; seconded by Mr. Stage.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

Mr. Clark stated that he is aware that other cities have passed similar legislation. He said there is always interpretation issues with new law and this is new law. He said he has tried to balance the issue of interpretation and enforcement of the law. It isn't the best, but certainly not the worst.

Mr. Berry moved it be approved; seconded by Ms. Klemack.

Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

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

1. 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.

Mr. Steve Smith, attorney for Dick's Sporting Goods, explained that they have been in contact with Mr. Clark, Dir. of Law, and have agreed to a couple of stipulations to be added. They have also met with the Fire Department and have been told that they have no problem with the issuance of this permit. He requested that this ordinance be approved as an emergency, since it was postponed at the last meeting, and so they can have this in place prior to the opening on Friday, 8/11/06. This would allow them to function when the open the doors.

Mr. Clark stated that this is an ordinance, which goes into effect 30 days from now. Passing it as an emergency would waive the right for citizens to file a Referendum. It is a question of timing, as they cannot sell weapons until the 30 day period ends and they want to sell them on opening day. It is up to Council to decide if it is an emergency issue.

Mr. Stage moved to amend Section 1 to include the following stipulations:

1. The sale of firearms as defined as any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant shall be limited to: rifles (carbines) and shotguns (G.C. Code Section 549.01(g)). The sale of handguns as defined as any firearm that has a short stock and is designed to be held and fired by the use of a single hand shall be prohibited (G.C. Code Section 549.01(h)(1)).
2. The prohibition and limitations outlined above shall not limit the ability of the applicant to sell knives, bow and arrows, other hunting gear, air powered guns, or other like items.

Seconded by Mr. Corbin.

Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes

Mr. Stage commented that he believes that it would be the applicant's liability to go ahead and sell weapons during the 30-day referendum period. If a referendum would be filed, they would have to stop. Mr. Smith stated that his client works with every city they go to. That is another reason they met with the Fire Dept. He said his firm has advised them of the law with respect to the 30-day grace period. If this is not passed with an emergency measure, his client will not do anything that is contrary to Grove City law. That is not how they do business.

Mr. Berry confirmed with Mr. Clark that passing this as an emergency would waive a citizen's right to file a Referendum petition.

Ms. Kelly noted that the Ordinance was not written to be an emergency measure and Section 2 should be amended to include an emergency clause.

Mr. Stage moved to amend Section 2 to include the emergency clause, citing the reason as being the need for a multi-billion dollar operation to be able to have their full inventory available to the public; seconded by Ms. Klemack.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	No

Mr. Corbin moved that the Rules of Council be suspended and the waiting period waived; seconded by Mr. Stage.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	No
Mr. Corbin	Yes

Motion failed due to the lack of a 4/5ths vote.

Mr. Corbin moved this ordinance be approved; seconded by Mr. Berry.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

2. Ordinance C-56-06 (Accept the Plat for Buckeye Parkway, Holton Road and Mallow Lane Dedication and Easements) was given its first reading. Second reading and public hearing will be held on August 21, 2006.
3. Resolution CR-49-06 (Approve a Certificate of Appropriateness for the Exterior Modifications to 3989 Broadway located in the Historical Preservation Area) was given its reading and public hearing.

Mr. Stage requested that he be excused from voting due to financing this project. Mr. Berry moved to excuse Mr. Stage from voting on this item; seconded by Ms. Klemack.

Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes
Mr. Corbin	Yes

There being no representation present, Mr. Corbin noted there were three stipulations with the approval of this item.

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

Mr. Stage	Abstain
Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes

4. Resolution CR-50-06 (Approve the Development Plan for The Inn at Grovebrook located west of Hoover, at Holton) was given its reading and Mr. Corbin moved it be postponed to September 05, 2006; seconded by Ms. Klemack.

Mr. Berry	Yes
Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes

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

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

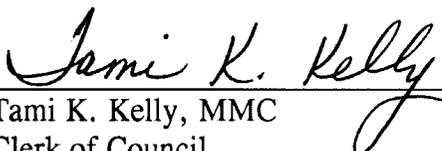
1. Mayor Grossman submitted the Mayor's Monthly Report and Mr. Stage moved to accept same; seconded by Ms. Klemack.

Mr. Corbin	Yes
Ms. Klemack	Yes
Mr. Stage	Yes
Mr. Berry	Yes

In closing, she reported that the City has received an AA Bond Rating and expressed her gratitude to Mr. Behlen for all his work in the Finance Dept. She said we are one in 17 cities in the State that have such a distinguished rating. She also reported on road improvements and upcoming events. She noted that the lots were drawn for the Parade of Homes, which will be held at Pinnacle next year.

2. Mr. Stage stated that the new Bond Rating was commendable. He also noted that the Alumni weekend went very well, including the Friday night event downtown.
3. Temporary Chair Klemack announced that there will be a Special Meeting of Council on 8/17/06 at 7:00 p.m. in the Council Chambers for residents to hear about the Lumberyard proposals.
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 8:36 p.m.

  
Tami K. Kelly, MMC  
Clerk of Council

  
Maria C. Klemack-McGraw  
Temporary Chair