

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

August 21, 2000

Regular Meeting

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

*Chris Fulton Vaughn Radi Steve Bennett Budd Eversman Maria Klemack*

1. Mr. Eversman moved to dispense with the reading of the minutes for the previous two meetings and approve as written; seconded by Mr. Radi.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. President Bennett read the agenda items and they were approved by unanimous consent.

**The Chair recognized Mr. Radi, chairman of the Lands & Zoning Committee, for discussion and voting of legislative agenda items under said committee.**

1. Ordinance C-2-00 (Approve a Special Use Permit for MAACO Auto Painting & Bodyworks located west of Broadway and South of Home Road) was given its second reading and public hearing.

Mr. Robert Miller, petitioner, explained that this has been delayed due to the completion of a Development Plan. He was advised to present these two issues at the same time. The Development Plan was submitted to Planning Commission at their last meeting, and at their request, he withdrew that Plan – made some changes and resubmitted for their consideration at their meeting tomorrow. The second issue that has held this up, as well as the completion of the development plan, is the Flood Plain issue. This property is in a 100-year flood plain and the petition to FEMA to remove it from that area was submitted in 1992, but never completed.

He expects that to be done in the next 30 to 60 days. He said Council can either vote on the Special Use Permit this evening, or postpone it to the next meeting when the Development Plan should be forwarded from Planning Commission. He has no objection to another postponement.

There being no additional questions or comments, Mr. Radi moved to postpone this Ordinance to 9/5/2000; seconded by President Bennett.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

2. Ordinance C-44-00 (Rezone 5.7± acres located west of Marlane Drive from SD-3 to PUD-I) was given its second reading and public hearing.

Mr. Paul McKnight, petitioner, explained that this is the ground for the Gateway Business Park. This is an ongoing pursuit with the City to exchange ground. In order to accomplish the exchange, the ground needs rezoned properly.

Mr. Radi asked Mr. Stage, City Admin., for comments. Mr. Stage said, as part of the total development for the Gateway Business Park, there was a swap of acreage between the City and Mr. McKnight. The property the City has is developable and the property Mr. McKnight has is not, for this project. In order to compliment his office park, it was agreed that the land would be swapped, a note negotiated for the difference in the price of the value of the land, and the Community Improvement Corporation would manage this. The rezoning of Mr. McKnight's property would become SD-3 and the City's property would become PUD-I.

Mr. Eversman commented that additional agreements must take place before the land is swapped and wanted to make sure that Mr. McKnight understands that these ordinances will only change the zoning. Mr. McKnight confirmed his understanding.

Mr. Radi commented that there is text attached to this rezoning that is incorrect and confirmed with the Administration that they recommend that the text be removed from the ordinance. Mr. Stage said yes, that is what they recommend – after clarification from Mr. Clark, Dir. of Law. Mr. Fulton asked about the text and Mr. Stage stated that there would be text attached to the next piece of legislation for Council to approve. This text is no longer valid. President Bennett asked Mr. McKnight if he understood that Council was still looking for text and Mr. McKnight said yes. He said revised documents have been submitted and he and Mr. Stage have agreed. They just didn't get it done in time for this meeting.

There being no additional questions or comments, Mr. Radi moved that Section 1 be amended to remove "with Text (dated 3/17/98 & 5/23/00)"; seconded by President Bennett.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

3. Ordinance C-45-00 (Rezone 3.7± acres located west of Marlane Drive from PUD-I to SD-3) was given its second reading and public hearing. Mr. Paul McKnight, petitioner, was present. This is the companion ordinance to C-44-00.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

4. Ordinance C-54-00 (Amend Ordinance C-2-86 to Remove Land in Community Reinvestment Area No. 2) was given its second reading and public hearing.

Mr. Stage explained that he has received correspondence from the attorney representing Shoney's. They are requesting that this be postponed in order to give them time to take any corrective action they can so this won't be removed from the CRA. Mr. Fulton asked if a response would be prepared. Mr. Stage said a verbal response has been made and Mr. Eck (attorney) will respond in writing. Mr. Fulton requested a copy of the response.

There being no further questions or comments, Mr. Radi moved it be postponed to 10/2/00; seconded by Mr. Eversman.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

5. Ordinance C-57-00 (Accept the Annexation of 99.0± acres located on S.R. 665) was given its second reading and public hearing.

Mr. Joe Hull, attorney for petitioner, requested that this item be postponed to 10/2/00.

There being no further questions or comments, Mr. Radi moved it be postponed to 10/2/00; seconded by Mr. Fulton.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

6. Ordinance C-62-00 (Accept the Plat of Gateway Business Park – West Campus, Phase 1 located on State Route 665) was given its second reading and public hearing.

Mr. Bill Tippman, petitioner, was present to answer any questions. There being none, Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

7. Ordinance C-68-00 (Approve an IND-1 Zoning Classification for a 1.955 acre parcel located at 5929 Haughn Road upon its Annexation) was given its first reading. Second reading and public hearing will be held on October 2, 2000.

Mr. Joe Hull, attorney for petitioner, explained that this parcel has an existing, small, warehouse on it and it is located contiguous to the Ruscilli property that is zoned PUD-I. They are requesting the zoning classification that fits the existing use.

Mr. Stage noted that this parcel is outside the Community Reinvestment Area.

8. Ordinance C-69-00 (Accept the Annexation of 1.955 acres located at 5929 Haughn Road) was given its first reading.

Mr. Joe Hull, attorney for petitioner was present. He explained that the petitioner is requesting an IND-1 zoning classification upon its annexation and requested that Council set the second reading and public hearing for this annexation for October 2, 2000, so it will correspond with the related piece of legislation.

There being no objection, Mr. Radi set the Second Reading and Public Hearing for 10/2/00.

9. Ordinance C-70-00 (Approve a Special Use Permit for a Car Wash located at 3060 London-Groveport Road) was given its first reading. Second reading and public hearing will be held on September 05, 2000.

Mr. Adam DeHart, engineer for petitioner, explained that they were requesting a special use permit for a car wash that is an ancillary service to the existing gas station/service mart.

Mr. Eversman pointed out that the markings on the road, shown on this plan do not accurately reflect the actual roadway markings. Mr. DeHard stated that those were there purely for presentational purposes. He asked that any concerns be forwarded to him, as he will be out of the country at the time of the second reading. However, there will be someone here for the second reading.

10. Ordinance C-71-00 (Accept the Plat of Hennigan's Grove, Phase 1 – Section 2 located North of Hibbs Road) was given its first reading. Second reading and public hearing will be held on September 05, 2000.
11. Ordinance C-72-00 (Accept the Plat of Hennigan's Grove, Phase 2 – Section 1 located North of Hibbs Road) was given its first reading. Second reading and public hearing will be held on September 05, 2000.

President Bennett asked Mr. Blackburn, Dir. of Service, if Reserve "B" will be dedicated to the City and if it will be the City's to maintain. Mr. Blackburn said yes.

12. Resolution CR-49-00 (Approve the final Development Plan for Gateway Business Park – West Campus, Phase 1 located on State Route 665) was given its reading and public hearing.

Mr. Bill Tippman, petitioner, was present. Mr. Radi read the stipulations and Mr. Tippman agreed to all. Mr. Stage commented that with regard to stipulation #4, the City is in receipt of a letter acknowledging that they will get ODOT approval, prior to signing a development agreement with the City.

Mr. Fulton asked about stipulation #6, regarding Landscaping. Mr. Tippman said a plan had been submitted to Mr. Lathrop, Urban Forester. Mr. Lathrop confirmed receipt and his approval of the plan.

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

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

13. Resolution CR-51-00 (Set Forth the Municipal Services that can be furnished to 77.524 acres located at the northeast corner of Haughn and Orders Roads, upon its annexation to the City) was given its reading and public hearing.

Mr. Radi commented that a letter from the agent for the petitioner was received and confirms that the petitioner is aware of the distance of the water & sewer lines and still wishes to annex into the city.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

14. Resolution CR-53-00 (Approve the final Development Plan for Master-Mart/Sunoco Car Wash located at 3060 London-Groveport Road) was given its reading and public hearing.

Mr. Adam DeHart, agent for petitioner, was present. Mr. Radi read the stipulations set by Planning Commission, which Mr. DeHart agreed to. He commented that Stipulation #1 has been done and he has confirmed with Ruscilli that notice.

There being no additional questions or comments, Mr. Eversman moved it be postponed to 9/5/00 in order to be heard at the same time as the Special Use Permit request ; seconded by Mr. Fulton.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

15. Resolution CR-54-00 (Approve a Certificate of Appropriateness for the Exterior Renovation of Tonys Pizza located at 3984 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Scott Schweitzer, city's zoning officer represented the petitioner due to the inability of Mr. Minaco being able to leave the shop this evening. He explained that he toured the Historical district with Mr. Earl Nicholson (local historian) and this building was determined to have no historical significance. He showed samples of the four-inch, double-dutch vinyl siding proposed and the green color, which matches the HPA Color Chart. He also shared photos of other buildings in the HPA with the same vinyl siding. The existing exterior is T-1-11 siding and it is coming up at the bottom, due to moisture. He is attempting to improve the building and the District by upgrading the exterior. President Bennett commented that there are parking spaces and a drive isle that is next to the building. He has a concern that holes may get poked in it due to car doors etc. Mr. Schweitzer said he would make the owner aware of this. Mr. Radi asked if this was for all four sides of the building. Mr. Schweitzer said this would be for the two sides and the rear. The front will remain brick. President Bennett asked Mr. Schweitzer to also notify the owner of the sign code, as new signage has been placed at the business. Mr. Schweitzer said he would do that.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

16. Resolution CR-55-00 (Approve the Amendment to the final Development Plan for Jackson Middle School located at 2271 Holton Road) was given its reading and public hearing.

Mr. Michael Bobby, SWCS, explained that the original, approved plan called for anodized fencing to be placed around the outfield of the baseball diamond and the football track area. They are requesting that this be amended to a galvanized fencing. They have not been able to locate an anodized fence product and the black vinyl fencing will cost an additional \$8,000.00. Mr. Fulton asked if they felt there would be an aesthetical difference. Mr. Bobby said they don't believe so. They have quite a bit of galvanized fence around the district. It may get painted, but doesn't become a fabric-covered fence.

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

17. Resolution CR-56-00 (Approve the Amendment to the final Development Plan for Capital Park South – Building 4, located on Lewis Centre Way) was given its reading and public hearing.

Mr. Brian Marsh, Prologis, explained that this change would allow for additional trailer parking at the south end of the property. Mr. Radi reviewed the stipulations set by Planning Commission. Mr. Marsh agreed to all of them.

Mr. Fulton asked Mr. Stage about the dedication of a road. Mr. Stage explained that there is a street, to the south of Bulk 4 that was to be dedicated to the City and has yet to be done. Mr. Marsh said their plan is to submit a Re-subdivision Plat, and a draft has been sent to the City for review, which would combine the properties. As soon as that is complete, they would also submit for the dedication of the roadway. Mr. Clark, Dir. of Law, clarified that stipulation #1 would be taken care of through the re-subdivision plat and not through lot split and combination processes. In addition, the road would be dedicated at that time. Mr. Marsh said that would be correct. Mr. Fulton wanted to make sure that this parking would not be shared by the two buildings. Mr. Marsh said that was correct. Its intended use is for Building 4.

President Bennett asked if the Administration is acceptable to this. Mr. Stage indicated that the Administration is not agreeable with this arrangement, but what makes this different is the fact that the property to the south is not developed yet. As it becomes developed, this can be blended in and from a practical standpoint, he doesn't believe this is going to make any difference. If it were a parcel set out in the middle, they would not be in favor. However, given these circumstances, they agree.

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

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

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

1. Ordinance C-25-00 (Amend Section 1136.06(d) of the Codified Ordinances titled Interior Vehicular Use Areas) was given its second reading and public hearing.

Mr. Eversman, explained that he originated this legislation to make some minor changes to the interior parking islands. Ideally, it will affect small to medium lots, with little to no affect on large lots. He met with Mr. Lathrop twice to review the language so that it would be easily enforced. Mr. Lathrop made some valid suggestions to adding to the perimeter landscaping, which should be addressed separately, since it doesn't affect this section.

For clarification, Mr. Eversman moved that the words "over 60" be amended to "beginning with 61 spaces"; seconded by Ms. Klemack.

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

There being no further questions or comments, Ms. Klemack moved it be approved, as amended; seconded by Mr. Eversman.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. Ordinance C-73-00 (Amend Chapter 1135.09(A)(12) of the Codified Ordinances titled Special Use Permits to include Day Care Centers) was given its first reading. First reading and public hearing will be held on September 5, 2000.

**Mr. Fulton, Chairman of the Service Committee, took the floor for discussion and voting of legislative agenda items under the Finance committee.**

1. Ordinance C-58-00 (Authorize the City Administrator to enter into a Contract with the City of Columbus for Sewer Services) was given its second reading and public hearing.

Mr. Stage explained that in further discussions with the City of Columbus, there are additional changes that the attorneys for both cities are requesting. He requested that this and Ordinance C-59-00 be postponed to September 18, in order for additional work on the Agreements to take place.

Mr. Eversman encouraged the continuation of working toward including additional boundaries in the Area "A".

There being no additional questions or comments, Mr. Eversman moved that this and Ordinance C-59-00 (Authorize the City Administrator to enter into a contract with the City of Columbus for Water Services) be postponed until 9/18/00; seconded by Mr. Fulton.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

2. Ordinance C-63-00 (Authorize the City Administrator to Execute the Central Ohio Health Care Consortium Joint Self-Insurance Agreement) was given its second reading and public hearing.

Mr. Behlen, Director of Finance, explained that 12 other communities joined together to form their own health insurance company, as allowed by State Law. Basically, we enter into contracts each year to share medical resources. This is a three year contract and the fourth time we have entered into a contract of this nature with these communities. He said there are safeguards in place to protect the integrity of each community and to ensure that Grove City's funds are not going to pay for Worthington's claims, for example. By combining, they have been able to sign contracts with over 2500 doctors and many hospitals. He believes this is a good partnership.

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

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

3. Ordinance C-64-00 (Amend Part Nine of the Codified Ordinances of Grove City, Ohio to include a New Chapter 907 titled Rights of Way Administration) was given its second reading and public hearing.

Mr. Blackburn, Director of Service, explained that the City has been working with the law firm of Schottenstein, Zox & Dunn on a new Rights Of Way Administration Code. They have reviewed several versions, with the Dir. of Law, and he introduced Mr. Greg Dunn and Chris Miller, attorneys from Schottenstein, Zox & Dunn, to give an overview of this new chapter. Mr. Dunn explained that the necessity for this ordinance. He said the telecommunications industry has become deregulated and there is now a great demand to get into a communities right-of-way, which didn't exist before. Before, you has all the public utilities, phone being one of the, and you had a good working relationship with them. They were regulated by the PUCO and any costs the city put on them, the utility could put that in the rate base and recover it. Now, any rate you put on them comes directly out of the company's pocket and they are less cooperative. Some are not as thorough or in doing what is right for the community health, safety and welfare. This ordinance provides regulations for the City to deal with these issues. He believes this bring us into the modern age of communications without it becoming a burden and having people put things in willy-nilly. It covers aesthetics and every just about every other issue you could think of. President Bennett commented on how well put together this is. Mr. Fulton confirmed that this is just for city property. Mr. Dunn said yes, just the rights-of-way.

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

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

**Mr. Eversman, Chairman of the Finance Committee, took the floor for discussion and voting of legislative agenda items under the Finance committee.**

1. Ordinance C-65-00 (Appropriate \$7,068.00 from the DARE Fund for Current Program Expenses) was given its second reading and public hearing

Mr. Eversman explained that this is money received by the City for express use of the DARE program and it is necessary to appropriate it for said use.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

2. Ordinance C-66-00 (Establish the Mayor's Court Computer Fund) was given its second reading and public hearing.

Mr. Eversman explained that this establishes a Mayor's Court Computer Fund and adds \$10.00 to fines in the Mayor's Court. Mr. Behlen commented that this fee would be used exclusively for the Mayor's Court facilities.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

3. Ordinance C-67-00 (Authorize the City Administrator to Execute a Grant Agreement with the Ohio Department of Natural Resources and Appropriate \$53,334.00 from the General Fund for the Current Expense of Improvements to Fryer Park) was given its second reading and public hearing.

Mr. Eversman explained that \$40,000.00 of this appropriation is being received through a grant. The money will be used for a shelter house and additional improvements to the Orders Road School at Fryer Park.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

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

1. Mr. John Hensley, Cleveland Ave. resident, thanked Council and the Mayor for Cleveland Avenue getting started. However, he shared pictures of two properties on the road that are not being maintained. With all the other improvements being made by the other property owners and the City, he is asking that something be done to make this property owner clean up and

maintain these parcels. It was determined that the Administration would look into this to see what could be done. In addition, he expressed concern over the speeding taking place in the alley behind their home. Captain Deskins commented that this is very important, but not unique to this area. He said they would do their best to enforce the laws.

2. Prior to the next speaker, President Bennett announced that Mr. Stage provided Council a draft of an ordinance that would amend Ord. C-49-00. He said Council would be reviewing this and work on trying to make this a workable issue.

Mr. Harry Williams, Yates Ave., voiced opposition to the new parking ordinance (C-49-00), specifically to the parking of Motor Homes (RV's). He said he doesn't appreciate the hardship that has been placed on them, their friend and neighbors who are recreation enthusiasts. Such action was said to be necessary to ensure the safety of residents, adequate parking in residential districts, and protect the streets from damage. During the past several weeks, he has contacted a number of people with regard to these issues. Mr. Blackburn was not able to recall any public services provided to streets due to damage by recreational vehicles. Captain Deskins could offer no record of complaints from residents over not have adequate parking due to recreational vehicles. Chief DuCharme's records indicated no instances in which the Fire Department equipment has had any problems responding to addresses, based on watercraft or RV's being parked on residential streets. In one instance, from Chief McKean, did he learn of a citizen who wrote, fearing for her safety, due to an RV parking on the street for 21 days. This could have been taken care of by the enforcement of the City's 24-hour parking law. Further, Chief McKean failed to identify any sudden or unexpected occurrence constituting an emergency, other than the fact that Chief McKean personally witnessed several small children riding bicycles in close proximity to one boat and was afraid that they would ride into the propellers. The Chief stated that Mr. Stage was unable to get the owner of the boat to voluntarily move the boat from the street. He said no one wants to see children injured. However, why weren't the children, or their parents, approached or even given a copy of a booklet, which he got from the Police Department, that promotes bicycle safety. He said instead, it was decided to bring the matter to Council, where much of Dublin's ordinance was employed in legislation to solve what was poorly perceived as an emergency for Grove City. He feels this legislation persecutes all owners of RV's and watercraft in Grove City and is a blatant misuse of power. He feels Council needs to decide if they are going to work for the elitist that are trying to make Grove City, Dublin South or work for the families of Grove City and take steps to promote, rather than impede, wholesome family recreation - such as camping and boating. If so, don't insult them and try to amend this legislation. Instead, take steps to repeal this ordinance.

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

1. Mayor Grossman commented on the recent Mud Volleyball Tournament, which benefits Lifecare Alliance in the City. Mosquito spraying will begin on August 23, and the DARE Cruise-In will be held on Sept. 9.
2. Mr. Stage and Council thanked those in attendance regarding the opposition to the parking ordinance. Mr. Stage commented that a meeting was held with the business owners on Hoover Road and it has been concluded that we can paint the median into the lanes and this will work for all concerned.

3. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:36 p.m.



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Tami K. Kelly, CMC/AAE  
Clerk of Council



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Steven M. Bennett  
President