

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

September 19, 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:

*Rich Lester    Bob Hatley    Bill Saxton    Maria Klemack*

1. Mr. Lester moved to excuse Mr. Radi from this evening's meeting; seconded by Ms. Klemack.

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

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

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

3. President Saxton recognized the Mayor, who introduced Michelle Demmy and her staff from Rec. School who has received accreditation from the National Association for Young Children. The Mayor and Council expressed their congratulations to the Staff on a job well done.
4. 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-91-05 (Appropriate \$45,000.00 from the Bond Retirement Fund for the Current Expense of Issuance Expenses) was given its first reading. Second reading and public hearing will be held on 10/3/05.
2. Ordinance C-92-05 (Appropriate \$9,096.73 from the General Fund for the Current Expense of Police Vehicle and Equipment Repair) was given its first reading. Second reading and public hearing will be held on 10/3/05.
3. Ordinance C-93-05 (Appropriate \$4,777.55 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 10/3/05.
4. Ordinance C-94-05 (Appropriate \$29,000.00 from the State Highway Fund for the Current Expense of Salt Purchase) was given its first reading. Second reading and public hearing will be held on 10/3/05.

5. Ordinance C-95-05 (Appropriate \$58,762.04 from the Community Environment Tree Fund for the Current Expense of Tree Installation) was given its first reading. Second reading and public hearing will be held on 10/3/05.
6. Ordinance C-96-05 (Direct the Certification to the County Auditor of the Expense for Cutting Weeds on Private Property) was given its first reading. Second reading and public hearing will be held on 10/3/05.
7. Resolution CR-71-05 (Accepting the Amounts and Rates as determined by the Budget Commission and Authorizing the necessary Tax Levies and Certifying them to the County Auditor) was given its reading and public hearing.

Mr. Robert Behlen, Dir. of Finance, explained that these are the proposed Tax Rates for 2005, which are collected in 2006. It is an annual process authorized by the Ohio Revised Code, and the City Charter provides criteria for certain tax amounts. This year's rates show no increase over last year.

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

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

8. Resolution CR-72-05 (Appoint Robert Hatley to the Audit Committee) was given its reading and public hearing.

President Saxton moved to excuse Mr. Hatley from voting; seconded by Mr. Lester.

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

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

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

President Saxton recognized Ms. Sheryl Brunton whose term ends on the Audit Committee and thanked her for serving as Council's appointee.

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

1. Ordinance C-89-05 (Amend Section 523.07(a) of the Codified Ordinances titled Cleanliness: Hotels; Lodging Houses, etc.) was given its second reading and public hearing.

Mayor Grossman explained that this and the next ordinance are in partnership with the Franklin County

Board of Health. It will give them the ability to inspect all hotels/motels in the city on a semi-annual basis. The current ordinance provides for inspections on a complaint driven basis.

Mr. Hatley asked if this is something that other municipalities have or will have in place. Mayor Grossman said yes.

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

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

2. Ordinance C-90-05 (Enact Chapter 520 of the Codified Ordinances titled Hotel/Motel Sanitation) was given its second reading and public hearing and Ms. Klemack moved it be approved; seconded by President Saxton.

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

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

1. Ordinance C-88-05 (Approve the Special Use Permit for Giant Eagle Inc. for a Gasoline Station located at 2170 McDowell Road) was given its second reading and public hearing.

Mr. Jack Reynolds, attorney for petitioner and property owner was present. Mr. Lester reviewed the two stipulations set by Planning Commission, which Mr. Reynolds said his clients agree to. Mr. Lester thanked Mr. Reynolds for the additional information he requested. He said he wanted to make sure there were no adverse effects to all the tenants in the Center. Mr. Reynolds also noted that Council received a letter signed by most of the tenants voicing support for the Special Use Permit for Giant Eagle.

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

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

2. Ordinance C-97-05 (Accept the Annexation of 7.0 acres located East & West of Hoover, and North of Home Roads to the City of Grove City, Ohio) was given its first reading. Second reading and public hearing will be held on 10/3/05.
3. Ordinance C-98-05 (Accept the Annexation of 10.0 acres located at 2066 & 2080 Home Road to the City of Grove City, Ohio) was given its first reading. Second reading and public hearing will be held on 10/3/05.
4. Resolution CR-65-05 (Approve the Development Plan for Giant Eagle Gas Station located at 2179

McDowell Road, in the Derby Square Shopping Center) was given its reading and public hearing.

Mr. Jack Reynolds, attorney for petitioner and property owner, explained that this is the companion piece to C-88-05. He said the Planning Commission forwarded two stipulations that they agree to.

Mr. Hatley asked if it were possible for Giant Eagle to put in the gas station and not occupy the old Big Bear unit. Mr. Pat Arolio, with Giant Eagle, stated that their lease is a single lease for the whole property. If they only opened the gas station, they would still be paying for the entire site. Mr. Hatley asked how long the lease was for. Mr. Arolio said with extensions, 35 years. Mr. Dorsky, property owner rep., said yes, the contract doesn't stipulate the gas station as a contingency and it could open without the grocery store. Mr. Arolio explained that the gas station is a service they provide their customers. Gas is very competitive and not profitable enough to just open the gas station. Mr. Lester asked what the primary term of the lease was. Mr. Dorsky said 10 years with a number of options. He mentioned that Giant Eagle is spending millions of dollars to convert this portion of the building into their type of grocery store and not something that they would easily walk away from. Mr. Hatley asked what their timetable for opening was. Mr. Arolio said they hope to start on the building in October and open by March, 2006.

Mr. Lester clarified that the signs provided in the packet are not part of the Development Plan approval. Those will be taken care of through the regular process in the Building Division. He also noted that there are no outside sales mentioned and would not be allowed without a separate Special Use Permit approval. Mr. Arolio said they understood.

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

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

5. Resolution CR-73-05 (Appeal the Decision of the Board of Zoning Appeals Granting a Variance for a Sign for Grove City High School located at 4665 Hoover Road) was given its reading and public hearing.

Ms. Kathy Buckerfield, GCHS Principal, thanked Council for listening to them. She introduced Christian Jedawin, 2004 Graduate; Jeff Clark, Asst. Principal; and Mark Waller, Property Services. Mr. Jedawin provided the history on this project, which began in 1995. He showed a drawing of the sign & its location and explained it is a two-faced electronic sign that they want to use to communicate with the community on. Mr. Clark then explained the safety concerns with the sign. He said they placed it approximately at the center of the parking lot, in the easement, as far back as possible for safety. He explained that he checked with other schools in the area and found Hilliard and Gahanna had the same restrictions as Grove City. Variances have been granted in those communities with restrictions. He explained that a sign changing every 5, 10 or 15 seconds is a safety issue and they agree it isn't safe. He said allowing one message per day doesn't fit their rationale. He said they agreed to change the message every five (5) minutes to allow for the safe passing of traffic. With this amount of time between messages, a driver wouldn't anticipate a message change. They would not scroll, bleed, blink, etc. any of the message. They also have guidelines to limit the types of messages that would be allowed (no personal messages).

Council asked Chief Deskins to provide the Police Department's opinion on this sign. Chief Deskins

said that his Division reviewed this on a safety basis. He said there is quite a bit of history with the traffic in front of Grove City High School. In the last three years, there have been 26 crashes in front of the school. He said there has been construction during part of that time, but one fact that was overwhelming was that in the last year, there have been 9 accidents – six (6) of which were for assured clear distance. This area already has an issue with driver attention and turned the discussion over to Lieutenant Robinette. Lt. Robinette said they must consider who is using the area and that is a large number of inexperienced drivers. He shared concerns over lighting, but cited the main concern as being anything that would draw attention from the driver. Mr. Hatley asked how the sign at Central Crossing High School is different. Lt. Robinette said their sign is located at a stop light. Mr. Hatley asked how this would be different from signs on the highway. Lt. Robinette said those are large and positioned so they are distracting to the driver.

President Saxton noted that the Central Crossing High School sign was in place prior to the property being annexed to the City. He commented that no one supports the schools as much as he does, but believes this sign would set a precedent. There have been four similar signs denied. He said he has no problem with GCHS having a sign, but not one that changes messages and scrolls. He said if it only had one message per day, he would support it.

Mr. Hatley commented that at the first BZA meeting, their concern was on safety and asked the school district to get with the police to work out the issues. In the August Minutes, no one from the school had gotten in touch with the police. He asked Lt. Robinette what his opinion of the sign was, now that he has had a chance to review it. Lt. Robinette said his comments at the BZA were suggestions to improve the sign if it had to be installed. He said anything that distracts from the driver is not favorable. Mr. Hatley confirmed that Lt. Robinette was not in favor of the sign. Lt. Robinette said yes. Mr. Hatley asked Mr. Jeff Clark why the school should have a sign when the church or school just down the road would not be allowed to have one. Mr. Clark said they are a very large, organized high school with a host of events. He said what they do is different from a business or church. Mr. Hatley said he doesn't understand what the difference between them and any other business or church who is illuminating scrolling messages and advertising an event. He doesn't see how this is justified. Mr. Clark said his point was, with over 1,000 people their need is greater. He said the sign wasn't meant to be unsafe. He believes it is as safe as they can make it, to meet their objective.

Mr. Mark Waller commented that the original application was submitted to Scott Schweitzer, Bldg. Div., and he didn't have any problem with the message board. All Scott wanted was a landscape plan. Because of that, Mr. Waller went back to the school district and they decided to spend \$10,000.00 for a second sign. He said the only reason they didn't proceed with getting a permit at that time was because Mr. Schweitzer informed them of the Hoover Road construction project coming up. As for meeting with the Police Dept., he said they followed-up with the school safety officer rather than the City police. He said they could swing the sign perpendicular if that would make it safer. He said they are more than willing to do what is safe and even screen the lighting of the sign. President Saxton asked what five minutes between messages does. He said the car is gone by then. Mr. Clark said that was the point. That car isn't waiting for the next message. One message per day limits them to 185 messages in a school year. Five or six at a time, might be one event. If they have to choose one message, it doesn't serve the purpose.

Mr. Lester explained that this is an appeal of the BZA approval. The process is to hear the appeal of why this should be permitted. He said because this is a double faced sign, they have the ability to post two different messages on each side. He asked how many messages would be in the queue. Mr. Clark said six per day. He said the computer program is pretty powerful and can do whatever they want. Mr. Hatley asked if taxpayer money was used for this sign. Mr. Waller said it was Booster money, not tax dollars. Mr. Hatley asked Chief Deskins, based on what he has heard, is there anything that could

be done with this sign that would make it acceptable. Chief Deskins said that was a difficult question. It goes back to driver distraction and sign saturation, but in the end - no. Mr. Hatley asked if there was anything that said a regular sign is less distracting. Chief Deskins said they would have no heartburn if it were a regular sign. He said that is based on his professional opinion and based on statistical information.

Mr. Basil Kincaid(?) – resident, agreed with the Chief about sign saturation and this sign.

Mr. Lester asked Mr. Clark, Dir. of Law, if this variance is overruled, could the school district go back to the BZA with a new sign request. Mr. Clark said if it were a redesigned sign that still didn't meet Code and was denied by the Building Official, it would seem to him that they could ask for a variance on that application.

President Saxton asked Ms. Buckerfield if they were willing to limit the messages to one per day. Ms. Buckerfield said at this point, no.

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

Mr. Hatley	No
Mr. Saxton	Yes
Ms. Klemack	Yes
Mr. Lester	Yes

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

1. Mr. Fran Auld, resident, stated that he is 100% disabled and lives in Suffolk Grove Apartments. He voiced his concern with there being no sidewalks along Old Stringtown Road and along the northeast corner of Stringtown and McDowell. He said he called the Mayor and Service Director's office, but didn't get a return call. He said it is very dangerous to even cross Stringtown, but then he has to walk in the street. Mr. Darryl Hughes, Dir. of Service, stated that the City has a sidewalk/street improvement program and these areas are not on this year's list. He said he has added Old Stringtown Road, but it would take some time to get to it. The Mayor noted that a new bank on the corner of Hoover and Old Stringtown added sidewalks to a portion of the road and as new development comes in, sidewalks are installed. Mr. Auld said he understood, but sidewalks on only one side of the road were only half the job. They are needed on both. He then questioned the COTA bus stop on Stringtown and Buckeye Parkway. He said it is a long way to get back to WalMart and too far to carry groceries to catch the bus. The Mayor said the City is working with COTA to do everything they can to be able to stop right in front of WalMart, but they need permission from WalMart. She told him he could always use the Senior Center Van, which will take him anywhere in Jackson Township for \$1.00 each way. Council voiced their appreciation for Mr. Auld sharing his concerns.

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

1. The Mayor reported that she received an e-mail telling her that the soldiers in Iraq are aware of the recognition the City gave to Eric Bernholtz and were very proud. She expressed condolences to the Eberhard family on the loss of Walter. She congratulated Andy Furr and his committee on a very successful Community Parade.
2. Council expressed condolences to Mr. Radi and his family on the loss of his mother. They also

congratulated the Rec. School staff on their program and accreditation.

3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 9:36 p.m.

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Tami K. Kelly, MMC  
Clerk of Council

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William E. Saxton  
President