

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

October 03, 2011

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 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:

Greg Grinch Maria Klemack-McGraw Ted Berry Steve Bennett Melissa Albright

1. Ms. Klemack-McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Mr. Grinch.

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. President Berry recognized Park Street Intermediate School for a presentation. Mr. Nelson and the students showed a short video of their trip to South Africa and shared stories of their experience. They stayed in Durbin, SA, with Host families. This is part of the International Alliance of Invitational Education that Park Street belongs to. They thanked Grove City and the rest of their sponsors for their support.

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

The Chair recognized Ms. Albright, Chairman of Safety, for discussion and voting under said Committee.

1. Ordinance C-45-11 (Amend Section 1309.04 of the Codified Ordinances of Grove City, Ohio titled Temporary Certificate) was given its second reading and public hearing.

Mr. Mark Schweikert, resident and President of the Condo Assoc., thanked Mr. Smith and Mr. Mike Boso for sitting down with him and agreeing to some suggested changes to this legislation. He said the residents of the Mews are happy with the changes and feels it will give the Building Division better tools to deal with this type of situation in the future. He said he believes Council has been provided with those suggested amendments and Mr. Smith confirmed that Council does have a copy.

Mr. Bennett noted that the ordinance references "Building Inspector" and asked if that meant any one of the inspectors or just the Chief Building Official. Mr. Boso said it would only be the Chief Building Official. Mr. Smith followed-up by explaining that the Code references this position by both titles, but mostly as "Building Inspector" so they went with that title for consistency.

Ms. Albright commented that this legislation addresses a specific issue that came up in one development and makes changes that addresses this for all situations. She asked Mr. Smith if there were any concerns with the changes. Mr. Smith said no. They went through Mr. Schweikert's suggestions and were able to craft language to include those while making sure they would apply to all situations for the city.

There being no additional questions or comments, Ms. Albright moved to replace this ordinance with the Amended version; seconded by Ms. Klemack-McGraw.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

Ms. Albright moved it be approved; seconded by Mr. Bennett.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

2. Ordinance C-46-11 (Amend Section 1133.07 of the Codified Ordinances titled Appeal of Board Decisions) was given its second reading and public hearing.

Mr. Robert McGraw, AICP, resident and husband to Ms. Klemack-McGraw, voiced opposition to this legislation. He said he was a professional certified land use planner; holds a masters degree in urban & regional planning; was a local government planner with experience with variances and Zoning Appeals Boards. He said variances were not intended to address mere inconveniences, rather practical undo hardships. He said the role of a BZA is not necessarily an easy one. They must balance the interest of an applicant against the interest of the community. BZA members are not always professionals in relevant fields. They may not always understand the ramifications or view all the possible facts that the community accepts. He said our Code, like others, allows for an appeal to City Council. He believes 21 days is too short a time frame from a community perspective. Since the Board only meets once per month, a member of the community must file an appeal based on an unapproved set of minutes. Thus forcing one to appeal the BZA decision on possibly less than accurate information. To demonstrate his point, he cited the Sept. BZA Agenda where it lists approval of the July minutes. He said reducing the time frame to seven days virtually eliminates community members awareness of a decision and being able to write up a case to reverse. He said this legislation also requires specifying the grounds for the appeal. He believes this would discourage community members who are not familiar with the ins and outs of the law. He said coupling this with a ridiculously short time to appeal seems to be clearly designed to hinder public involvement in the process. He said he believes it is imperative for good government to be open and transparent in its processes and encourage members of the community to be involved by making it easier to understand what is happening and easier to participate. The community must retain the right to have a final view over what standards may be set aside for unique or unreasonable hardship.

Mr. John Brant, BZA member, voiced support of this legislation. He said he served for 24 years as the executive secretary for the Ohio Board of Building Standards; he also has a law degree and a masters in political science. He supports this because every neighbor of the applicant has to be notified of their meeting. He feels seven days is enough because the draft minutes are done within about 16 hours of the meeting. He said applicants are impacted by time delays. Every day missed in construction is lost dollars. He said the Board deals mostly with additional storage and garage space. He said half of the variances they hear deal with signs, but he doesn't believe these are as important. He supports this because he doesn't want to hurt the community by having these delays. He said the BZA meets once per month, unless there is a holiday or if there are no appeals. Mr. Bennett asked how many pieces of business were on the July meeting agenda. Mr. Brant said he thinks they had 4 items, one of which they postponed to the next meeting. Mr. Bennett said he believes there were seven and his point is: once you find out what BZA decided, research the issue, contact the people and discuss the items, 21 days isn't enough time. Mr. Brandt said it is his understanding that Council is given the information at the same time the BZA members are. Mr. Bennett said getting things done fast doesn't mean that things always

get done right. He feels that limiting the time is an injustice to the citizens to have time to find out the decision and file an appeal.

Ms. Albright asked if Council receives the information at the same time as the BZA members. It was determined that there was a small delay in when Council receives the BZA packets. Ms. Albright asked Mr. Brant if any Council Members have contacted him before the meeting voicing any concerns. Mr. Brant said he hasn't had a phone call but doesn't believe he should. He feels concerned people should attend the meeting and have their concerns shared for the record.

Mayor Stage asked Mr. Brant to reiterate his qualifications and those of the other BZA members, which Mr. Brant did. Mayor Stage said he asked for this to show that the BZA members are qualified. He said the city hasn't always had the ability to appeal the BZA decisions to Council. He said the excuse he heard for the 21 days, is because of the minutes. He said people are notified within the neighborhoods. He said he sponsored this legislation because we held City Barbeque somewhat hostage until the 21st day. He said items for the BZA will get out timely.

Mr. Bennett commented that the BZA is granted the ability to make changes on basis of need or specific hardships. He said Council was voted in by the people to be keepers of the Code. If they find that the Code needs to be preserved and override a decision of the BZA, they should have enough time to do the research and have enough time for the people to contact their Council Member who may feel a little intimidated by coming to City Hall.

Ms. Albright said she didn't disagree with Mr. Bennett's comment, but she is looking at this in perspective of needing to be good to our residents and people wanting to come into this community. She said in this age of technology, she thinks they could decrease the time period, as 21 days is a long time if they are waiting to make changes to their business.

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

Mr. Bennett	No
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	No
Mr. Berry	No

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

1. Ordinance C-47-11 (Approve a Special Use Permit for the Shoppes at Grove City for Outdoor Seating for Panera Bread located at 1786 Stringtown Road) was given its second reading and public hearing.

Mr. Jim Kerr, property owner, and Greg Nett, Director of Operations for Panera, were present. Mr. Nett said almost all their locations have an outdoor seating area. He said they are excited about Grove City and want to provide the best experience to the area. They want to be a great partner in the City.

Mr. Bennett voiced concern over placing this in the parking lot, due to personal experience with his wife getting hit by an SUV in this type of seating. He said he sees where there will be bollards and asked if they would be filled with concrete. Mr. Nett said that was correct. Mr. Bennett asked if they had been tested. Mr. Kerr said they have not been tested. They are the standard bollard that was recommended by the Development Department. Mr. Bennett said he just wants to make sure this will be a safe location. It was expressed that it would be safe.

Ms. Albright asked if this type of outside seating is unusual. Mr. Nett said some extend out into the parking lots and some are off to the side, but all have access to the parking lots and this is not unusual.

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

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

2. Ordinance C-48-11 (Approve an Amended Special Use Permit for McDonalds located at 2596 W. London-Groveport Road) was given its second reading and public hearing.

Ms. Ellen Baumann, representing McDonalds, was present. She said this would allow for a dual drive-thru. She said they have revised the canopy finish and the support structures of the drive-thru to be a dark finish that matches the existing brick.

Mr. Bennett said he frequents this particular location and when there is a delivery truck present, it is a nightmare getting around. He asked how traffic flow would work for the patrons with this addition. Ms. Baumann said they try to make deliveries not during the rush hours.

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

Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

3. Ordinance C-49-11 (Approve an Amended Special Use Permit for McDonalds located at 3370 Broadway) was given its second reading and public hearing.

Ms. Ellen Baumann, representing McDonalds, said this is the same request – just for a different location.

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

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes

4. Resolution CR-38-11 (Approve Amendments to the Development Plan for McDonalds located at 2596 West London-Groveport Road as approved by Resolution CR-60-99) was given its reading and public hearing.

Ms. Ellen Baumann, representing McDonalds, was present to answer any questions. Ms. Klemack-McGraw said there was a stipulation, but understands that this has already been addressed. Ms. Baumann said that was correct.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes

8. Resolution CR-39-11 (Approve Amendments to the Development Plan for McDonalds located at 3370 Broadway as approved by Resolution CR-55-96) was given its reading and public hearing and Ms. Klemack-McGraw moved it be approved; seconded by Mr. Grinch.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

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

1. Mr. Charles Terry, resident, voiced discontent over Parkway Center East, which has infringed upon their property. He said the Center is currently in violation of the Lighting Code, as their lights shine into Condo bedrooms. Now, the barrier mound has been cut down and he can see clear to Panera Bread on Stringtown. All the car lights shine in their windows. He said they have been promised trees but they don't feel this will help. He said they have been dealing with this since 2007 and have made very little progress. They would like to have a six foot fence. He said Continental has been dragging their feet for five years. He said Sean Cullen promised to work with the condo residents but hasn't. He said they are at the end of their rope. He asked for assistance.

Mr. Berry asked Mr. Honsey if he will be responding to these concerns. Mr. Honey said they would summarize the meetings they have had with the residents and provide that to Council. He said they had offered to purchase ground from the Condo Assoc., but was denied as they need 100% approval from the Condo Assoc. He deferred to the Law Director. Mr. Smith said continental did make verbal commitments for some fencing and he was asked to get this in writing. Mr. Smith said he is still working on that for the residents.

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

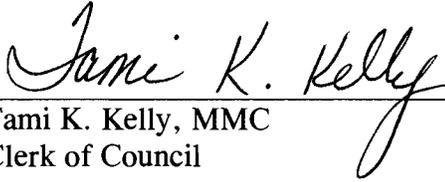
1. The Mayor submitted a partial Mayor's Monthly Report and Mr. Berry moved to accept same; seconded by Ms. Klemack-McGraw.

Ms. Albright	Yes
Mr. Grinch	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

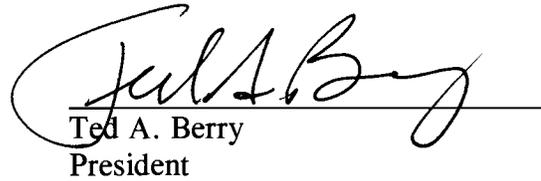
The Mayor expressed compliments to the Historical Society and our Parks & Rec. & Service Depts. for pulling off the Harvest Day event yesterday. He said it is becoming quite the event.

2. Ms. Kelly, Clerk of Council, announced that there was a liquor permit transfer request and Chief Robinette has no objection. Council had no objection.
3. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:20 p.m.



Tami K. Kelly, MMC
Clerk of Council



Ted A. Berry
President