

GROVE CITY, OHIO COUNCIL
MINUTES

October 04, 1993

Regular Meeting

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

Brian Buzby William Ferguson William Buckley John Mountain Charles Cotton

1. Mr. Buckley moved to dispense with the reading of the minutes and approve as written; seconded by Mr. Ferguson.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes

The Chair recognized Mr. Cotton, Chairman of Lands & Zoning, for discussion and voting of legislative agenda items under said committee.

1. Mr. Cotton moved that Resolution CR-53-93 be removed from the table and added to the agenda; seconded by Mr. Ferguson.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

Resolution CR-53-93 (Approve Development Plan for Tanglebrook, Reserve "B") was given its reading and public hearing.

Speaking to this resolution was Mr. Terry Flannigan, owner. He and his engineer, Bob Wolfe - Wolfe Engineering, made themselves available for any questions and requested a favorable decision of Council.

Mr. Cotton asked Mr. Ferguson if he had any other questions that were not answered in Caucus? Mr. Ferguson stated that he was satisfied and had no other additional questions.

There being no additional question or comments, Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

2. Mr. Cotton moved that Resolution CR-33-93 be removed from the table and placed on the agenda; seconded by Mr. Mountain.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	No
Mr. Cotton	Yes
Mr. Buzby	Yes

Resolution CR-33-93 (Reconsider approval of Arrowleaf Run, located at east end of Shirlene Drive) was reconsidered for approval.

Speaking to this resolution was Ms. Donna Bickel, 2073 Shirlene Drive. She said she was very unhappy with this project. She said that the additional traffic on Shirlene Drive will be unbearable since there will be no other way for renters to get in and out. In addition, the schools are already overcrowded and additional apartments in the Grove City area will only add to the problem. She requested that condominiums be placed in this area rather than apartments. She commented that they already had the Parkmead Apartment complex in the neighborhood and they didn't need another one.

Ms. Joan Rasor, 2018 Michelle Dr. - spoke as a resident and realtor in Grove City. She said that the property value in the area would decline if such a complex was developed. Since Kathryn Place was built, they have already seen an increase in crime in their neighborhood and is against the Arrowleaf Run project.

Mr. Dale Ouzts, 2038 Michelle Dr. - said he bought his house because of the ravine and doesn't want to see it destroyed. He also cited traffic problems and lack of cooperation on the developer's part as reasons he was against the project. He said he personally went to the developer and asked for cooperation and doesn't feel there is any.

Mr. Stanley Ray, 2048 Michelle Dr. - said he was a 35 year resident of Grove City and has seen the, sometimes painful, evolution of the City. He feels that if this project is accepted it would be contrary to the positive development that is taking place. He realizes that something will be built on this property, but, is looking for the developer to be cooperative with the neighbors as to what that something is.

Mr. Clark, Director of Law, announced that Council was reconsidering this development on his recommendation. He stated that Council has the legislative duty of enacting zoning and building codes. Administration has a duty to see that those codes are met. In this instance, the Administration has determined that the Code has been met. He realizes that there is still a question of the number of units allowed, however, compromises were reached with the developer and the Administration on this and other aspects of the project. He explained that the Developer has rights per the 14th Amendment of the Constitution and since this property is zoned properly and all Code requirements are met, unfortunately we don't have much to deny this project with. It is his feeling that if the developer takes this to court he could come away with more units and possibly monetary damages.

Mr. Buckley stated that the Planning Commission denied this project because of the number of units not meeting our Code and he is relying on Planning Commission to determine if a plan meets Code.

Mr. Clark reiterated that the Administration feels that it does meet Code.

Mr. Buzby asked if he was correct in understanding that the Planning Commission did pass a Preliminary Development Plan that had 46 units? Mr. Clark replied that it was his understanding that they did. Mr. Buzby stated that because of the Preliminary approval, he is worried that it can be used to say we indicated to the developer that the project was "a go". Although he feels that the City would prevail in a court case, he said that this project has gone through many compromises and feels if he's wrong and the court would overturn Council, we may get more units and he is not willing to risk the compromises that have been reached.

Mr. Ferguson asked Mr. Clark to explain the citizens rights. Mr. Clark stated that if they didn't like the decision Council made, they could vote for new council members at the next election. Mr. Ferguson said something about a 30 day waiting period and Clerk Kelly reminded him that this was a Resolution and went into effect immediately. Mr. Cotton said the citizens should go speak to an attorney to find out what their rights were.

Mr. Michael Brandt, representing the developer, addressed Council. He stated that the property has been zoned for multi-family for a long time. He addressed the question about the ravine, stating that it would still be there as well as many of the woods. He requested that Council look favorably on the reconsideration of this project.

There being no additional questions or comments, Mr. Cotton moved that it be approved; seconded by Mr. Mountain.

Mr. Ferguson	No
Mr. Buckley	No
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

3. Ordinance C-83-93 (Accept plat of Rush Creek, located west of Demorest Road) was given its first reading. Second reading and public hearing will be held on October 18, 1993.
4. Ordinance C-84-93 (Accept Dedication Plat for Demorest Road Extension) was given its first reading. Second reading and public hearing will be held on October 18, 1993.
5. Resolution CR-65-93 (Approve development plan for Electro General Plastics Corp.) was given its reading and public hearing.

Mr. Pat Castro was available for any questions and requested a favorable decision of Council. There being no questions, Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes

6. Resolution CR-66-93 (Approve development plan for Derby Square, Phase II) was given its reading and public hearing.

Speaking to this resolution was Joel of Capital Real Estate. He indicated that all the contingencies set forth by Planning Commission have been met and showed a rendering of the new addition.

Mayor Stage stated that the VIP Lounge patio must stay locked and not used as an entrance. Since this new project puts a walkway between this and the new building, has the owner of VIP been informed that he cannot use this as a new entrance. Joel indicated that this will not be used as an entrance. The owner is aware that he must keep the patio locked at all times. This walkway is only a passage from the parking lot in the rear to the store entrances. Mayor Stage stated that if VIP tries to use the patio for an additional entrance, it will be dedicated a nuisance immediately.

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

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

The Chair recognized Mr. Ferguson, Chairman of Safety, for discussion and voting of the legislative items under said committee.

1. Ordinance C-80-93 (Amend Section 1135.10(g) & (h) titled Residential District Requirements) was given its second reading and public hearing.

Mr. Holt, Chairman of the Planning Commission stated that this was recommended by Planning Commission and if approved, will help prevent problems like Arrowleaf.

Mr. Buckley asked Mr. Clark if he was "O.K." with this? Mr. Clark answered that it is better to have it on than not.

Mayor Stage commented that several years ago there was a moratorium on apartments in Grove City and it may be time to do so again.

Mr. Buzby stated that it would be helpful to know where multi-family zoning exists in the City. Mr. Lotz stated that there is none at the present time. We do have some spots zoned PUD-R, but, all multi-family zoning is now gone.

There being no additional questions or comments, Mr. Ferguson moved that it be approved; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

The Chair recognized Mr. Buckley, Chairman of Finance, for discussion and voting of the legislative items under said committee.

1. Ordinance C-85-93 (Appropriate \$37,000 from the General Recreation Fund for Current Expenses) was given its first reading and since it appropriates for current expenses, Mr. Buckley moved it be approved; seconded by Mr. Mountain.

Mr. Babbert commented that this ordinance will appropriate the additional monies that have been collected by the Parks and Rec. Dept. that were not budgeted in 1993. Mr. Buckley announced that this money pays for other programs that do not pay for themselves.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

2. Resolution CR-67-93 (Accept 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. Behlen, Director of Finance, announced that in looking at the debt service for 1994, the required amount to collect to cover our debts is down and this allows for a reduction in the millage which is being passed on to the residents by reducing the property tax.

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

Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

3. Mr. Buckley moved to add Ordinance C-86-93 and C-87-93 to the agenda; seconded by Mr. Mountain.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes

4. Ordinance C-86-93 (Authorize the issuance of not to exceed \$2,960,000 of bonds for the purpose of advance refunding Bonds issued in 1989) was given its first reading. Second reading and public hearing will be held on October 18, 1993 and, at that time, an emergency will be asked for.

Mr. Behlen explained that in 1988 we financed to the Town Center, improving North Broadway and take out the Indian Trails Wastewater Treatment Plant. By refinancing this debt in today's market, we will be able to save \$199,000. 00

5. Ordinance C-87-93 (Authorizing an amended and restated lease between the City and the G.C. Area Community Improvement Corp. in connection with the issuance of a maximum principal amount of \$4,000,000 Certificates of Participation) was given its first reading. Second reading and public hearing will be held on October 18, 1993 and, at that time, an emergency will be asked for.

Mr. Behlen explained that this ordinance was also to refinance debt on City Hall and the Safety Complex. This refinancing will save \$204,000.00

President Buzby recognized Mr. Mountain, Chairman of Service, at this time.

1. Mr. Mountain moved that Resolution CR-64-93 be added to the agenda; seconded by Mr. Buzby.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

Resolution CR-64-93 (Declare necessity of constructing certain sidewalks) was given its reading and public hearing and Mr. Mountain moved that it be amended to include all the addresses listed in the Ordinance on Brookgrove Drive; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

Mr. Mountain moved that Resolution CR-64-93 be approved as amended; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

President Buzby asked that any New Business to be brought before Council, be done so at this time.

1. Ms. Theresa Mills, 2319 Parkridge - addressed Council on the issue of sewage sludge incineration ash that the City of Grove City has placed on the ball diamonds at Windsor Park and Evans Field. This incinerator ash contains toxic heavy metals. She asked if they new if lead was present in all sewage sludge and incineration does not destroy lead, cadmium and mercury which are the three most poison. Incineration only concentrates these metals. According to Dr. Stanford Tackett, Professor at the Indiana University - the greatest immediate danger to humans from lead in sludge is DUST. Lead stays in the top layer of the soil. During dry spells, blowing dust settles in homes on all surfaces. During wet spells, mud - clinging to shoes is brought into the home where it turns to dust. When humans breath dust containing lead, the dust particulates are trapped in the small lung sacs where 100% of the lead is absorbed into the bloodstream. Lead ingested with food and water is absorbed through the stomach and intestines. She read the materials safety data sheet for

the material being placed on the ball diamonds. Under Section 6, it shows Health Hazard Data for acute and chronic. It gave emergency first aid procedures and precautions for safety and handling and use, which she read. This material has been tested on plants, but, cannot find a risk assessment for the effects on humans. Some people may say its OK to expose children to some lead poisoning, but, the parents of the children who are living or playing on this material do not get to make a decision as to the acceptability of this possible danger when it is placed on the fields. She asked that a moratorium be placed on this material or any other type of this material for use on any athletic field until a risk assessment is done based on human exposure.

Mayor Stage interjected and stated that this material would no longer be used. Ms. Mills asked what was going to be done with the big pile that was currently sitting over at Evans Park? Mayor Stage indicated that he did not know, but, it would not be placed on the diamonds. She asked why? He said for the reasons she just gave. She asked why it was done in the first place? Mr. Buckley stated that from the materials he has seen, they were told it was safe. Ms. Mills agreed that they were not given the appropriate information. Mr. Cotton asked what the schools used. Ms. Mills stated that she spoke with the school district around 4:30 p.m. today and they said that a couple of years ago they used a flume sand, but, it was not from the sewage sludge incinerators.

Ms. Mills asked for a couple of minutes and introduces Mr. John Boccieri, Administrative Aide to Representative Greg DiDonato, who is the sponsor of House Bill 180. Mr. Boccieri thanked Council for the opportunity to speak. He indicated that it hasn't been determined if this substance is good in high concentrations to the earth. It is detrimental to human life. Currently, Mr. DiDonato is sponsoring Bill 180 which is going to implement a 503 regulation - which covers several categories of disposal methods including incineration, land application and ocean dumping (recently banned). Incineration has problems because you are transferring the contaminants from one medium to another and what is left over still contains the toxins that were present in the sewage sludge. He read an article from a State Assembly member of New York which spoke of concerns of human contact with such substances. It hasn't been determined if this substance is safe.

Mr. Cotton asked of Columbus Recreation and Parks use this. Barry indicated that they did and many other municipalities around town. Ms. Mills stated that she called many of the municipalities on a list Mr. Babbert gave her and they were not aware that flume sand was actual incinerator ash. Barry asked her what they thought it was. She said that some of them were lead to believe that it was quarry sand. Mr. Boccieri stated that prior to H.B. 180 there were no regulations. Mr. Buckley asked what the proposed method of disposal would be? Mr. Boccieri said he wasn't sure - its is the biggest debate. A microbiologist from Pennsylvania spoke before the Representatives and stated that the best method of disposal, at this time, is landfill.

President Buzby recognized members of Administration and Council for closing comments.

1. Mayor Stage submitted the Monthly Report and requested that it be approved.

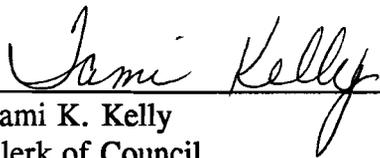
President Buzby moved to accept the Mayor's Report; seconded by Mr. Buckley.

Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

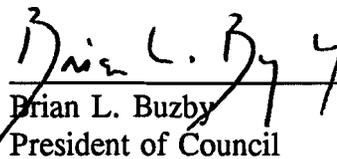
Mayor Stage commented that the "Kite Fly" was very successful this past Sunday.

2. Chief McKean wanted to thank the Mayor, Mr. Boso and Mr. Fulton for allowing him to attend the FBI Academy. He also wanted to publicly thank Sergeant Deskins for filling in for him while he was away.
3. Mr. Lotz announced that election time is upon us and signs are beginning to appear. He reminded candidates that signs are not allowed in the right-of-way and if any come up missing, his department just might have them.
4. Mr. Fulton wanted to congratulate Chief McKean on receiving such a good report card from the FBI Academy. The Chief received one (1) B and the rest A's and Mr. Fulton expressed how very proud they were.
5. After additional comments from Administration, the Chamber and Council, Mr. Cotton made a motion to adjourn; seconded by Mr. Mountain. Motion carried.

Council adjourned at 9:00 p.m.



Tami K. Kelly
Clerk of Council



Brian L. Buzby
President of Council