

RECORD OF PROCEEDINGS

Minutes of

GROVE CITY, OHIO COUNCIL

REGULAR

Meeting #10

COLUMBUS BLANK BOOK CO., COLUMBUS, O.

Form No. 1097

Held

October 5

19 70

1. The Council of the City of Grove City, Franklin County, Ohio, met in regular session on the 5th day of October, 1970, at 7:30 P.M., in the Council Chambers, located in the Municipal Building, 42 East Park St, Grove City, Ohio, with the following members present:

Orville Harkless
George Yates
Charles Ogg
Curtis Hamilton
2. A Memorial for Councilman Russell E. Canter, who passed away on September 21, 1970, was given by Robert C. Ellenberger, Pastor of Grove City Church of Christ.
3. Mr Harkless moves that this meeting be moved to the Brook Park Jr. High School Auditorium. Motion was not seconded.
4. President Yates then suggested that disucssion would now be held regarding the request of the people present...more police protection. He advised everyone that the Income Tax ordinance was on the agenda.
5. Mr. Harkless suggested the following:
 - (a) Hire 3 more dispatchers, bring our total up to 4.
 - (b) Stagger hours of our juvenile officer to include night time hours.
 - (c) Hire a Clerk-Matron to alleviate police officers book work and typing.
 - (d) Would like to see better utilization of all policemen from the Captain on down to be used as relief men on second or third trick. Doesn't see a great need for all the rank being on first trick.
6. R. E. Gunderman, local attorney, made the following statement: He was not arguing pro or con on the income tax issue, but:

He and B.J. Roach were on the finance committee of the Charter Revision Committee and studied the possibility of income tax or raising millage in the charter. There were some problems with the charter limitation. He made notes and felt the city attorney may want to look at them.

The power of council allows them to levy taxes and issue bonds as provided in the charter. [Sec. 2.08(12). The only think he found that allows the issuing of taxes is the 3 mill limitation (Sec. 6.01)...unless voted on by the people. He further stated he found a case similar in point which stated: if the charter doesn't specify the tax or placement of the tax limitation on taxing power, this would have to be submitted to the vote of the people. Whether this is applicable here is up to the city attorney but this is a point that should be considered. Case cited: Zimmer vs Hagerman, 153 OS 187, Ojur 2nd 221.

Upon further question, he stated for clarification:

State statute says a city can levy 1% income tax and what tax they can levy on income. 1% without vote of the people. Our charter does grant council power to levy taxes. But, in the chapter on taxation it limits that power to 3 mills, other than assessments. There's a serious question here..whether our charter limitation doesn't limit us here. The case in mind was a different charter but it said the same

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as our charter. I'm not saying you can't, but there is a serious question here. Mr. Ozmun can research it. You don't want to submit it and have it attacked because of a technicality in our charter.

7 Mr. Ogg moves that the reading of the journal be dispensed, seconded by Mr. Harkless.

Mr. Hamilton	Yes
Mr. Harkless	Yes
Mr. Yates	Yes
Mr. Ogg	Yes

8 Council adjourned to committees.

9 Council reconvened; was called to order by President Yates.

10 Ordinance C-14-70 (Rezone 88 Cleveland Avenue to 2B apartment residential was tabled at the September 14, 1970 meeting of Council.

11 Mr. Harkless moves that Ordinance C-14-70 be taken off the table, seconded by Mr. Yates.

Mr. Harkless	Yes
Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	Yes

12 Mr. Harkless moves that Ordinance C-14-70 be approved, seconded by Mr. Yates.

Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	No
Mr. Harkless	Yes

13 Mr. Ozmun gave the following opinion regarding Ordinance C-14-70:

A question was raised regarding the necessity of a 4/5 vote after disapproval of planning commission. I am advising that a majority vote is all that is necessary. The ordinance has been approved and will become effective upon the mayor's signature.

14 Resolution CR-13-70 (Congratulate the Grove City High School Band Director) was given its first reading.

15 Mr. Harkless moves that Resolution CR-13-70 be approved, seconded by Mr. Yates.

Mr. Harkless	Yes
Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	Yes

16 Ordinance C-37-70 (Grant two taxicab franchises; Grove City Cab and Safety Cab) was given its second reading.

17 Mr. Hamilton moves that Ordinance C-37-70 be approved, seconded by Mr. Yates.

Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	Yes
Mr. Harkless	No

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18 Ordinance C-38-70 (Regulations for park lands and penalty therefor) was given its second reading.

19 Mr. Hamilton moves that Ordinance C-38-70 be approved, seconded by Mr. Harkless.

Mr. Ogg	Yes
Mr. Hamilton	Yes
Mr. Harkless	Yes
Mr. Yates	Yes

20 Ordinance C-36-70 (Appropriate \$10,000, Republican Run Outfall Sewer) was given its second reading.

21 Mr. Ogg moves that Ordinance C-36-70 be approved, seconded by Mr. Harkless.

Mr. Hamilton	Yes
Mr. Harkless	Yes
Mr. Yates	Yes
Mr. Ogg	Yes

22 Ordinance C-40-70 (An Ordinance to amend Chapter 31.09 to include life insurance in the amount of \$4,000 for all city employees) was given its first reading. Second reading and public hearing will be November 2, 1970 at 7:30 P.M.

23 Ordinance C-41-70 (Appropriate \$1,929.52 for increase in hospitalization for all employees and their dependents) was given its first reading. Second reading and public hearing will be November 2, 1970, 7:30 P.M.

24 Ordinance C-42-70 (Enact Chapter 123 of the Code of Ordinances relating to Community Antenna Television Systems) was given its first reading. Second reading and public hearing will be November 2, 1970 at 7:30 PM.

25 Ordinance C-43-70 (Grant permit to Coaxial Communications of Grove City, Inc.) was given its first reading. Second reading and public hearing will be November 2, 1970 at 7:30 P.M.

26 Ordinance C-44-70 (To Enact a 1% Income Tax) was given its first reading.

27 Mr. Ozmun submitted the following opinion prior to action on Ordinance C-44-70:

Upon reading the case Mr. Gunderman referred to involving Dayton, their Charter provides like ours except their charter added--city council shall enact no other tax levy. This is different. Our charter does not provide such a clause in it. Opinion: This case will not affect validity of the ordinance before council.

28 Mr. Ogg moves that on Ordinance C-44-70 the rules of council be suspended and the waiting period be waived, seconded by Mr. Harkless.

Mr. Harkless	Yes
Mr. Yates	No
Mr. Ogg	Yes
Mr. Hamilton	No

29 Mr. Harkless moves that being in the minority, he wishes to make a motion to reconsider Ordinance C-44-70 and have the emergency clause stricken and voted on the ordinance tonight.

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Mr. Yates	Yes
Mr. Ogg	Yes

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11 Mr. Harkless moves that Ordinance C-14-70 be taken off the table, seconded by Mr. Yates.

Mr. Harkless	Yes
Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	Yes

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Mr. Harkless	Yes
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30 Mr. Ozmun advised that the charter provides that the ordinance be introduced, If not rejected, first reading shall be given at length, it shall then lie over for 7 days or till the next regular meeting of council where second reading will be given. This ordinance has had its first reading, no second reading can be given at this time.

31 Mr. Yates announced that he voted against the emergency clause because if the council were to pass this is an emergency, it would not be subject to referendum by the people, therefore, the people would not be permitted to have their say about this ordinance. As the matter now stands, the ordinance will go before council at the next council meeting and will be voted on at that point. Then, everyone in town can have their due rights. I did not want to pass it as an emergency action, that is the only action taken here tonight.

32 Mayor Haughn gave his report for the month. He then stated he was disappointed and tried to do his part; it was up to these gentlemen here.

33 Mr. Harkless moves that the mayor's report be accepted, seconded by Mr. Ogg.

Mr. Yates	Yes
Mr. Ogg	Yes
Mr. Hamilton	Yes
Mr. Harkless	Yes

34 Mr. Hooper asked to speak before council. (Chairman of Zoning Board of Appeals). He stated--George Yates and Curtis Hamilton, you have betrayed this city!

35 Mr. Ogg moves that council adjourn, seconded by Mr. Hamilton.

Mr. Ogg	Yes
Mr. Hamilton	Yes
Mr. Harkless	Yes
Mr. Yates	Yes

36 Council adjourned.

George A. Yates

George A. Yates
President of Council

Maria T. Kochensparger

Maria T. Kochensparger
Clerk of Council