

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

October 18, 1999

Regular Meeting

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

Vaughn Radi Steve Bennett Mike Milovich Budd Eversman Chris Fulton

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

President Milovich read the agenda items and moved to add Resolution CR-100-99 to the Agenda under the Finance Committee; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

At the request of the Administration, President Milovich moved to remove Resolution CR-97-99, under the Service Committee; seconded by Mr. Radi.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

President Milovich swore-in all those who may be giving testimony this evening.

The Chair recognized Mr. Bennett, Chairman of the Lands Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-67-99 (Approve an R-1b Zoning Classification for a 35.838 acre parcel located North of Orders Road and West of Haughn Road, upon its annexation) was given its second reading and public hearing.

R-1, Single Family Residential, from the proposed R-1b.

There being no further questions, Mr. Bennett moved to amend the zoning classification to R-1 from R-1b; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	No

2. Ordinance C-68-99 (Approve a Special Use Permit for a Drive-Up Window for Swan Cleaners located at 6007 Hoover Road, Suite 101) was given its second reading and public hearing.

Mr. Tom Wallace, V.P. of Operations for Swan Cleaners, was present. Mr. Bennett noted that an update was submitted to Council, during the Caucus meeting, and there was very little time to review it. However, it appears that several of their concerns have been addressed with the plan. A question rose about how many lanes are proposed for the area between the island, at the south end of the building, and the curb, to the west, which would be the traffic pattern to go behind the building and around to the window. Mr. Frank Petruziello, Skilken Properties, explained that there are 32' of pavement and a good width for two lanes, but, not three. He said he assumes that this question regards stacking for the window. He explained that there is space for one (1) car to stack behind a vehicle being served at the window. He, further, explained that the use of the window is minimal and stacking rarely occurs. The heaviest time for the window is after work, which is about the lowest time for truck delivery for other stores. The heaviest is for the grocery store, which typically occurs in the early morning or late at night. He feels this will be a safe operation. Also, there should be a Stop Bar painted on the pavement where the Stop Sign for the egress from the window is. He said this would be corrected. Mr. Bennett asked what prompted the placement of the egress Stop sign to be placed back, rather than up at the corner, where people could see oncoming traffic?

Mr. Petruziello said it could be moved up. He said it was more of a diagram and the actual placement would be handled on site. He would check it personally. Mr. Bennett asked about identifying the lanes. Mr. Petruziello said they would paint a Center Stripe for the access road behind the shopping center to further clarify the traffic flow for the area. Mr. Eversman reiterated his concern from the last meeting about providing some type of curbing to separate the stacking cars from the traffic behind the building. Thus, preventing a vehicle from going left-of-center and stacking in the southbound lane. Mr. Petruziello said there isn't enough room to do what his is asking and by trying to add a third lane, you would misalign all lanes

with the full intersection, as it doesn't come out straight - it has a 90 degree angle. He said if this concern does become a problem, he felt that the City would have the ability to require the discontinuance of the drive-up window. Mr. Clark, Dir. of Law, was asked if the City would have the right to discontinue this. Mr. Clark said he didn't believe the City would have that right. Mr. Radi said this is the only "clock-wise" routing he has seen and believes this end of the building wasn't laid out for this type of use. He also has a problem with exiting from Swan Cleaners and feels that if we allow for traffic to go straight across, they should be allowed to turn left. The same problem exists with both. Mr. Wallace stated that they have seven other stores throughout the area with similar configurations (e.g. Hilliard & Town & Country). Mr. Bennett asked if they have traffic problems there. Mr. Wallace said not to his knowledge.

There being no additional questions or comments, Mr. Bennett moved to amend Section 1 to include the following: ". . . , as shown on the Site Plan dated Oct. 11, 1999 and with the additions of a Center Stripe for the access road behind the shopping center and continuing to the island AND a Stop Bar painted on the pavement where the Stop Sign for the egress from the window is; seconded by President Milovich.

Mr. Radi	No
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

Mr. Bennett moved to approve this Ordinance, as amended; seconded by President Milovich.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	No
Mr. Fulton	Yes
Mr. Radi	No

- Resolution CR-95-99 (Approve the Sign Request for Sound Communications located at 3902 Broadway in the Historical Preservation Area) was given its reading and Mr. Fulton moved it be postponed until 11/1/99; seconded by Mr. Bennett.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

- Resolution CR-96-99 (Appeal the Decision of the Board of Zoning Appeals granting Variances for Signs for CVS Pharmacy located at the northwest corner of McDowell & Stringtown Roads) was given its reading and public hearing.

Mr. Rick Self, representing CVS, asked for clarification on what was being appealed.

President Milovich stated that the Board of Zoning Appeals approved four (4) variances for signage on this project and all four variances are being appealed. Mr. Self explained that he submitted the prototype sign package to the BZA and questioned the interpretation of the Code. He feels they are unique because they are on a corner, with a multi-use facility. He explained the variances approved by the BZA, as he understood them, and said he felt they were minimal concessions. For example, the monument sign was approved for a 9' 2" height with an additional 1'4" for a decorative top, bringing the total height to 10' 6". He offered to remove the decorative top, but, the Board felt it was better with it.

Mr. Clark, Dir. of Law, asked if Mr. Self was familiar with the Sign Code upon submitting the Development Plan. Mr. Self said yes. Mr. Clark reviewed each of the four (4) variances granted with Mr. Self, which included the height and square footage of the monument sign; a directional sign for the McDowell Road entrance; the total square footage for building signage; a directional sign for the drive-thru window. Mr. Self said the monument sign was increased in height to 10' 6" (Code 8') and the total square footage 55 sq. ft. (Code 50 sq. ft.); an additional 8 sq. ft. directional sign, 4' high, was permitted; rather than signage on the canopy, an additional directional sign, 8 sq. ft., 4' high, was approved. Mr. Clark asked if he was familiar with the six criteria that must be met for a variance to be given. Mr. Self said yes. Mr. Clark read the second criteria "The granting of the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Code or the Sign Code or to other lands or structures in the same zoning district", and asked specifically how Mr. Self felt this was met by CVS. Mr. Self reiterated that he felt they were special because they have a large dual frontage property, with two separate road frontages, and is a multi-use facility. Other signs in the area are larger than what they are asking for. He referred to Tim Horton's that they have one common entrance with no second entrance. Mr. Clark asked if there were businesses in the area that have complied with the Sign Code since it was changed in 1995. Mr. Self said yes, but feels they are different. Mr. Clark asked if they were different because the other signs were greater than 8' in height. Mr. Self said he didn't measure them. Mr. Clark asked if other businesses had greater square footage. Mr. Self said he didn't know. Mr. Clark said that Mr. Self could not say that the granting of this would confer a special privilege. Mr. Self contended that they were unique because of the dual frontages and dual entrances. Mr. Bennett commented that those features were by design. Mr. Clark asked Mr. Self if he knew of any businesses, since this Sign Code went into affect, that have been given a variance for larger signs in the area. Mr. Self said no. Mr. Eversman asked Mr. Clark if the Sign Code provides for more allowable signage if there is more than one business. Mr. Clark said no, and used Kroger Shopping Center as an example. Mr. Eversman said that any additional businesses should fall as part of the overall maximum signage allowed. Mr. Clark said yes. Mr. Self submitted 12 different photographs of the area to Council, showing the different signage. Mr. Clark asked Mr. Self about some of these photos. He asked if Mr. Self knew when the taller signs in the pictures came into being, i.e. before or after the Sign Code amendments. Mr. Self said no. The point of the pictures was to show that no specific granting of rights that aren't already enjoyed by the surrounding property owners could be given to CVS by this minimal variance. Mr. Clark said that but for the sign code being changed, under previous legislation that enabled those businesses to have larger signs than they are now.

Mr. Self discussed the second variance, that being a directional sign at the second entrance on McDowell Rd. He stated that they have no left turn into their business off Stringtown Rd.

They wish to guide people into their secondary entrance, rather than using Stringtown Rd., and doesn't feel that three feet of signage is adequate to accomplish this. The Board took his proposed 20' sign and reduced it to 8'. He feels that a height variance on the monument sign of 1' 2" with an additional 18" for a decorative cap; and five square feet for the directional sign is minimal. President Milovich asked Mr. Self how high the temporary sign for CVS is, as shown in picture No. 1. Mr. Self said approximately 7 to 8 feet high, on the corner. President Milovich pointed to picture No. 11 where both the CVS and Gotlieb's signs are shown and asked Mr. Self if he agreed that these two signs appear to be similar in presentation. Mr. Self said, taking a direct line across, the Gotlieb's sign appears higher. Their property was developed at a higher elevation. President Milovich said, point being, on the corner, which is an adequate location for the CVS sign, it provides the same amount of exposure as the eight foot Gotlieb's sign - based on Mr. Self's picture. He also noted that the Tim Horton's sign across the street (same picture) is an eight foot sign, and using Mr. Self's methodology of using a straight line for line of sight, is lower than the Gotlieb's sign. The Tim Horton's sign is, also, visibly the same elevation as the CVS "Coming Soon" sign. President Milovich asked Mr. Self if he was aware that the commercial development behind the Gotlieb's is a multiple commercial site with three entrances off McDowell Road and one off Stringtown Road and there are no directional signs on McDowell Road. Mr. Self pointed to the Kentucky Fried Chicken store that does have a directional sign on the secondary street. President Milovich stated that Kentucky Fried Chicken is not part of this commercial development. President Milovich directed attention back to the variances listed in Resolution CR-96-99 and asked Mr. Self if he believed that no variance was necessary for wall signage. Mr. Self said he didn't think so. President Milovich asked if the Directional Ground Signage in #4, was not requested by him and therefore, not needed. Mr. Frank Petruziello, Architect for the CVS store, asked where could they go from here. He senses that the major issue involves the freestanding sign and the issue has to do with hardship. He said there is a hardship due to grade. He asked that they consider allowing for an eight-foot sign, based on the sidewalk grade (by the street). He said he didn't know what the setback was, but, the grade is considerably lower, due to the culvert in the front of the property. The other variances granted are not significant. He doesn't know what the square footage for wall signage should be, but, feels that 15 square feet is minimal. Mr. Self asked that the directional sign, outlined in #4 under Section 1 of the Resolution, be withdrawn. He stated that the 1' 4" decorative trim matched the top of the building and when reading the Code, he understands the intent to mean that the sign be as compatible with the architecture of the building as possible. Mr. Eversman asked if the elevation would be built up to the sidewalk. Mr. Petruziello said no. He as already built up the site and the grade is finished. President Milovich proposed an amendment to the Monument Sign that the height not be greater than 8' off the existing sidewalk grade and the square footage be a total of 50 square feet, per Code, but, allow the 1' 2" decorative cap and asked Mr. Self if he would accept that. Mr. Self said yes. President Milovich proposed that #2 and #3 in Section 1 remain, as is. Mr. Eversman questioned the square footage. Further discussion continued about the interpretation of the Code. It was determined that the additional 15 square foot consists of wall space, not more lettering. President Milovich proposed that #4 be removed and asked if Mr. Self agreed to this. Mr. Self said yes.

President Milovich moved to amend Section 1 to: "amend" the decision of the Board of Zoning Appeals, as follows: 1. Monument Sign, to be located at the Stringtown Road

entrance, be eight feet high off the existing sidewalk grade, on Stringtown Road; be 50 square feet; and have a 1' 4" decorative, architectural cap. #2. Remains the same. #3. Remains the same. #4 shall be removed; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

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

1. Resolution CR-91-99 (Approving the Amended Franklin County Solid Waste Management Plan) was given its reading and public hearing.

Mr. Blackburn, Dir. of Service, explained how this amended plan would affect our community. He said that State Law requires authorization from municipalities. He explained that this revised plan would: 1. Increase recycling from 25% to 50%. This will be accomplished in several ways. One is to provide a free recycling program to Columbus by installing Recycling Centers around town (like what we had at Kroger). Another, is a program for commercial/industrial businesses; 2. A permanent Household Hazardous Waste Facility will be established and it appears that this will be done at the old Trash Burning Power Plant; 3. Fees will not be raised for five years; and 4. A guaranteed life of the landfill, which is currently 20 - 25 years. Mr. Blackburn recommended approval of the Amended Plan.

President Milovich asked when our contract for waste disposal services ends with the current provider. Mr. Blackburn said he believes it is in 2003, with an opportunity to exercise an extension of two (2) years. President Milovich commented that, with the two-year extension, we should not see an increase in waste removal fees. Mr. Blackburn concurred.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

2. Resolution CR-98-99 (Authorize the City Administrator to negotiate and enter into a Contract with Columbus Community Hospital for the Provision of Medical Services for Prisoners) was given its reading and public hearing.

Mr. Behlen, Dir. of Finance, explained that State Law requires the City to be responsible for direct medical care of a person we have incarcerated. Columbus Community Hospital is the closest hospital and entering into a contract with them will provide the opportunity to supply the necessary medical care for these persons at discounted rates. It will also afford the City the opportunity to receive information on other insurance carriers that claims can be submitted to for payment.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

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

1. Ordinance C-77-99 (Appropriate \$5,537.31 from the General Fund for the Current Expense of Vehicle Maintenance) was given its second reading and public hearing.

Mr. Eversman explained that this is money the City has received from an insurance settlement, and seeing no questions or comments, moved it be approved; seconded by Mr. Bennett.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

2. Ordinance C-78-99 (Appropriate \$24,157.00 from the General Fund for the Current Expense of Severance Payments) was given its second reading and public hearing.

Mr. Eversman explained that this is for payment to retired personnel. There being no questions or comments, Mr. Eversman moved it be approved; seconded by President Milovich.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

3. Ordinance C-79-99 (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 November 1, 1999.
4. Ordinance C-80-99 (Appropriate \$13,380.00 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 November 1, 1999.
5. Ordinance C-81-99 (Appropriate \$103,965.42 from the Sewer Fund for the Current Expense of Reimbursing the City of Columbus for Tap Fees Collected) was given its first reading. Second reading and public hearing will be held on November 1, 1999.
6. Resolution CR-99-99 (Authorize the City Administrator to Negotiate and Enter into a Ground-Lease Contract with the South-Western City Schools) was given its reading and public hearing.

Mr. Boso, City Admin., explained that this is for the placement of a Shelter House, which the City received federal funds for. He stated that they would like to place it by Richard Avenue Elementary School. The original proposal was to place it inside the Pool area, but, since the pool is only open approximately three months out of the year, it was felt that the public could use it more if it were located outside the pool area and the new location has been approved by the School. It was asked if there was a place outside, but closer to, the pool where the Shelter House could be placed. Mr. Boso said no and the elementary school teachers have expressed interest in using it for their class, at times, where the middle school doesn't have this interest.

Mr. Fulton asked who reviews the final contract. Mr. Boso said, per the Charter, the Director of Law and he is currently working on the final version.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

7. Resolution CR-100-99 (Authorize the Mayor to Enter into an Agreement with the U.S. Department of Justice for a Grant Award) was given its reading and public hearing.

Mr. Behlen explained that this is for the COPS MORE 98 Award.

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

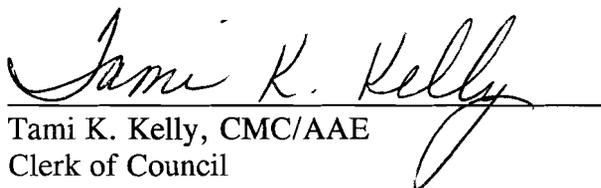
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

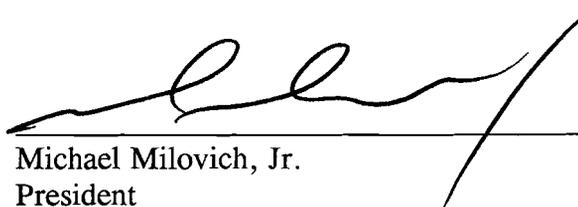
The Chair asked that any new business to be brought before the attention of Council be done so at this time.

There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. Mayor Grossman welcomed the Roadhouse Grill. She said there were over 150 walkers for the CROP Walk yesterday and 25% of the money raised will go to the Local Food Pantry. She reminded everyone of Boo On Broadway and congratulated the G.C.H.S. Marching Band (1st Place in competition) and Football team (1st in State, 18th in Nation).
2. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:57 p.m.


Tami K. Kelly, CMC/AAE
Clerk of Council


Michael Milovich, Jr.
President