

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

November 4, 1996

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:

Steve Bennett

Mike Milovich

Budd Eversman

Bruce Faris

1. Mr. Faris moved to excuse Mr. Hurley; seconded by Mr. Bennett.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes

2. President Milovich recognized Mr Tom Clark, Director of Law, for a presentation. Mr. Clark is the spotlight for this council meeting and he explained that his position is to act as the legal representative for the Administration and City Council. In addition, he supervises outside council, hired by the city for specialized actions (bonds, some litigation), and also acts as prosecuting attorney for Mayor's Court. He invited everyone to attend, one Monday afternoon, and experience our Magistrate, Judge Cliford. He said in his six year tenure, we have been most successful in avoiding problems, which is essentially his job. He said the experience and expertise of Chuck Boso has been a blessing, as has been the experience of Bob Behlen and Bill Lotz. Someone else who has been a big help to him and they have grown together in the job is Tami Kelly. He feels they work together very well and she is of great help to him and City Council. More recently, in the last six (6) months, they have picked-up on Code Enforcement. Numerous cases have been filed in Environmental Court with the assistance of Frank Eck, of Don Plank's Office. With regard to the Waffle House property and trucks parking there, Mr. Clark reported that he has contacted the property owner and they have agreed to put up a barrier across the entrance to help clean this up. Mr. Bennett asked when Mayor's Court was. Mr. Clark said Mayor's Court is a court of non-record and they prosecute misdemeanor cases. Arraignment begins at 3:30 p.m. and the trial docket begins at 5:00 p.m. each Monday.

3. Mr. Bennett moved to dispense with the reading of the minutes and approve as written for 10/21/96 & 10/28/96; seconded by Mr. Faris.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes

President Milovich, in the absence of Mr. Hurley, recognized Mr. Faris who chaired the Lands & Zoning Committee for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-93-96 (Approve a Special Use Permit for a Drive-Thru Window for Dairy Mart located South of State Route 665 and East of I-71) was given its first reading. Second reading and public hearing will be held on November 18, 1996.

2. Ordinance C-94-96 (Approve a Special Use Permit for a Drive-Thru Window for Wendy's Restaurant located South of State Route 665 and East of I-71) was given its first reading. Second reading and public hearing will be held on November 18, 1996.
3. Resolution CR-65-96 (Authorize the Mayor to sign an Annexation Petition on behalf of the City) was given its reading and public hearing.

Mr. Clark explained that this is part of the process for the relocation of Hoover Road. In obtaining right-of-way from certain property owners, the property owner on the southwest corner of Hoover and S.R.665 asked that a condition of annexation be placed on the sale of his property. The City agreed to annex his property and in order to do this, his property is contiguous to city-owned right-of-way that must also be annexed to bring him in and the Mayor must sign the annexation petition on behalf of the city.

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

Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

4. Resolution CR-66-96 (Approve the Sign request for Huntington National Bank located at 3378 Park Street in the Historical Preservation Area) was given its reading and public hearing.

Mr. Faris moved that this resolution be postponed until November 18, 1996, at the petitioner's request; seconded by President Milovich.

Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

5. Resolution CR-67-96 (Approve the Sign request for St. John's Evangelical Lutheran Church located at 3320 Columbus Street in the Historical Preservation Area) was given its reading and public hearing and Mr. Faris moved it be approved; seconded by President Milovich.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes

6. Resolution CR-68-96 (Approve the Final Development Plan for Dairy Mart located south of State Route 665 and east of I-71) was given its reading and public hearing.

Mr. Jack Thompson, representing Dairy Mart, was present to answer any questions. Mr. Faris reviewed the stipulations to which Mr. Thompson agreed. He presented a color rendering of the building, which is a new design concept and will be one of the first built. Mr. Eversman asked if the white exterior was brick. Mr. Thompson said it is a masonry unit constructed of block, to look like brick. It is has a white, smooth finish.

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes

7. Resolution CR-69-96 (Approve the Final Development Plan for Wendy's Restaurant located south of State Route 665 and east of I-71) was given its reading and public hearing.

Mr. Mike Moriarty, representative for Wendy's, was present to answer any questions. He showed a color rendering of the restaurant and stated that it was the basic, brick building of Wendy's. Mr. Faris reviewed the stipulations, to which Mr. Moriarty agreed. Mr. Faris commented that Council noticed in caucus that the stipulation regarding the access road off of S.R. 665 was placed on the Dairy Mart development plan and they were looking at adding it to this one. Mr. Moriarty said it should be there.

There being no additional questions or comments, Mr. Faris moved to amend the Development Plan to include the following stipulations in SECTION 1:

No left turn permitted from State Route 665 westbound, to access road until approval issued by the Ohio Department of Transportation for entire improvement within the limited access.

Seconded by President Milovich.

Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

Mr. Faris moved it be approved, as amended; seconded by President Milovich.

Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

8. Mr. Faris moved to add Ordinance C-96-96; seconded by Mr. Bennett.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes

Ordinance C-96-96 (Accept a Temporary Roadway Easement over Relocated Seeds Road and to declare an emergency) was given its first reading.

Mr. Clark explained that the Relocated Seeds Road is ahead of schedule and due to open some time next week. However, we do not have ownership of the roadway yet and it is necessary to acquire

a temporary easement, until such time as Mr. Griesenaur files the plat for this. He also requested an emergency so that the road can be opened and the existing intersection closed, which is one of the most dangerous in our city.

There being no additional questions or comments, Mr. Faris moved that the Rules of Council be suspended and the waiting period waived; seconded by Mr. Bennett.

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes

Mr. Faris moved it be approved as an emergency; seconded by Mr. Bennett.

Mr. Eversman	Yes
Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

The Chair recognized Mr. Bennett for the Finance Committee, for discussion and voting of items under said committee.

1. Ordinance C-90-96 (Levy Special Assessments for the construction of Various Sidewalks in the City of Grove City) was given its second reading and public hearing.

Mr. Scott Golden, Brookgrove Dr., expressed appreciation for the letter he received from Ms. Kelly regarding the assessment, however, he continued to communicate his objection to his assessment amount, for the record.

Due to a small discrepancy found during caucus, Mr. Bennett moved to postpone this ordinance until November 18, 1996; seconded by President Milovich.

Mr. Faris	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

2. Ordinance C-92-96 (Authorize the Administrative Assistant to Advertise for Bids and Sell Park Land located in the Meadow Grove Area No Longer Needed by the City) was given its first reading. Second reading and public hearing will be held on November 18, 1996.

Mr. Babbert, Dir. of Parks & Rec., explained that this is a request for Council to declare portions of the Meadow Grove Park as excess property. There are some areas that they are having difficulty with, from a maintenance standpoint as well as from a recreation need, as has been established. President Milovich stated that he felt there were four (4) points that were prudent to review, those being: 1. Give "Greenways" an opportunity to review and assess this property, since we recently appropriated \$5,000.00 to them for areas such as this; 2. Hire a consultant for planning of a Global Plan for a Nature Preserve Program for the City. We currently have Reserve "A", in the Quail Creek area that could connect to this and we have an extensive amount of Nature Preserve properties

in the SouthPark area; 3. Review the opportunity of providing right-of-ways to the residents that may have concerns of encroachments of amenities on city properties, to see if we can satisfy their current situation without relinquishing the property; and 4. Develop a methodology, similar to purchasing right-of-way, for the cost of the property. Mr. Clark requested clarification on the last point from President Milovich. Mr. Clark stated that this will allow for the sale of property and State Law requires us to follow certain procedures. President Milovich asked how we determined what is fair and equitable to the potential purchaser(s). Mr. Clark said this is done through public bid as State Law requires. The whole idea behind public auction is to open it to the public and the highest bidder wins. President Milovich stated that the way the legislation is drafted, there could be one bidder for the whole property. Mr. Clark agreed. President Milovich asked if we could segment it into individual pieces. Mr. Clark said one of the requirements calls for the Administrative Assistant to place certain qualifications and restrictions upon the sale and the purpose behind this is to prohibit the sale property that would be landlocked. Mr. Clark said he hoped this addressed his fourth concern. President Milovich said he would be interested in the general qualifications and restrictions.

3. Ordinance C-95-96 (Appropriate \$22,183.45 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 18, 1996.

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

1. Ms. Tina Dillian, Cloverleaf Ct., voiced concern over the sale of the excess park land in Meadow Grove. She explained that there are flooding problems in this area and there is concern over the City not maintaining the ground. In speaking with her neighbors about purchasing the property, she said no one seems to think it makes sense for the residents to purchase it since it is in a flood zone. She said the fear is if it is sold as one tract of property, who would own the property behind their homes and what would they try to do with it. She said there are many concerns, including liability with the creek. She asked the city to think about this before getting rid of it as excess land. President Milovich asked her what she thought should be done to maintain the creek correctly. She said dredging it, but, not sure. She tried contacting the Army Corp. of Engineers and FEMA, but, no one would talk with her. She has spoken with Barry Babbert and he has been helpful in explaining the process, and it may be easy to sell this off as one tract, but, doesn't feel it is fair to the residents who have been maintaining it all these years. Mr. Clark explained that there are three tracts abutting Hoover Road that are not intended to be sold as building sites. Adjoining property owners for two (2) of the three parcels have expressed interest in them. The strip on the south side of the creek, which is behind Ms. Dillian's, is a maintenance problem for the city and difficult to access. The City is restricted in its ability to sell property and it is the hope that the buyer would get together with the adjoining property owners and divide it up, which is easier to do under private ownership. On the north side, there is a group of property owners who has obtained legal council to negotiate and/or come to the City wanting to purchase it as a group and then cut it off for the individual property owners without the City having to pay for surveys, etc. Many issues have been reviewed in making this recommendation to Council. Ms. Dillian stated that the north property owners don't have the same water problems the south side does and they are happy with the way things are. She said it is uncomfortable to know someone may purchase a 30 foot strip of property behind your home that is in the flood plain and you think can't be build upon, but, don't know what that person would want to do with it.

Mr. Jack Reynolds, attorney representing seven (7) property owners on north side, stated that his clients have actively pursued purchasing the ground behind their homes from the City, simply because the City can't maintain it and they would like to take over responsibility and ownership. As he understands it, the City has divided the property into five (5) areas and his clients are interested in the area that resides behind their homes. He and Mr. Clark came up with the idea that the City restrict the sale of the properties to those who have the ability to connect it to property that has frontage on a publicly approved right-of-way. Basically, this would resolve some of the concerns. As purchasers, his clients would pay for a survey and combine each portion to the appropriate lots. Mr. Milovich asked if his clients would be willing to maintain any recommendations of "Greenways". Mr. Reynolds said he didn't think there would be a problem with any easement and keeping it open and clear. He noted that the City has put in safeguards to make sure no one is taken advantage of and making it difficult for someone who didn't live on the north or south side of the creek to purchase that ground.

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

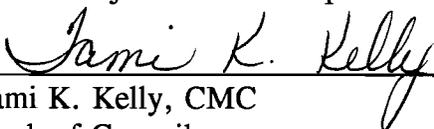
1. Mayor Grossman submitted her Monthly Report and requested it be approved. Mr Bennett moved to accept the Mayor's Report; seconded by Mr. Faris.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Faris	Yes

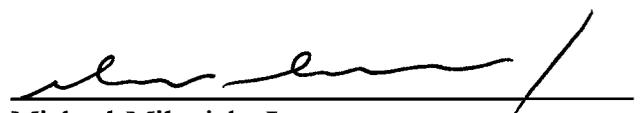
In closing, she thanked the Town Center Merchants and everyone who helped with "Boo on Broadway". It was a very successful event and provided another wonderful opportunity to bring families together. She expressed gratitude in taking park in the ground-breaking of Fryer Park last week. She announced the official ribbon cutting for the Stringtown Road Bridge will be November 16, at 10:00 a.m. and invited Council to attend. In addition, we had a very successful Town Meeting with Channel 10 on Friday, Oct. 25. The Chamber was standing-room only. Lastly, she gave a heartfelt, Best of Luck to the Grove City Greyhound Football Team. They are currently #2 in the State, with a 10 - 0 record and encouraged everyone to go to the game.

2. Mr. Babbert expressed thanks to everyone who has assisted with the Recreation Facility.
3. Mr. Lathrop, Urban Forester, announced that the next Tree Commission Meeting has been moved to this Wednesday morning. They will be discussing the possibility of hosting a Tree Commission Conference in Grove City. President Milovich asked how many attendees may be expected. Mr. Lathrop said about 100 to 200.
4. Ms. Kelly, Mr. Faris, Mr. Bennett and President Milovich welcomed Mr. Eversman to Council. Additionally, thanks were given by council members to everyone involved with Boo-on-Broadway.
5. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:00 p.m.



Tami K. Kelly, CMC
Clerk of Council



Michael Milovich, Jr.
President