

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

November 5, 2001

Regular Meeting

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

Chris Fulton Vaughn Radi Steve Bennett Budd Eversman Maria Klemack

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

2. President Bennett recognized Debbie Stith, Executive Director for the Grove City Area Visitors and Convention Bureau, who provided Council with their Annual Report. She provided a brief recap of the years highlights and handed out a written report for each Member. She thanked Mr. Eversman for being the liaison from Council and Mr. Eversman commented that he has enjoyed serving for the past two years and believes the Board is doing a good job.

Mr. Stage, City Admin., voiced his extreme disappointment in the Bureau having their annual dinner outside the City. President Bennett commented that perhaps there would be an opportunity to have it inside the city limits now, with the addition of more sit-down restaurants. Ms. Stith stated that a letter was recently sent to Mr. Stage stating that with the Casto development, there might be a full service hotel with a restaurant and that would be a wonderful addition.

3. President Bennett read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-77-01 (Accept the Annexation of 26.0+ acres located at the northeast corner of Demorest Road and Big Run South Road) was given its first reading. Second reading and public hearing will be held on November 19, 2001.
2. Ordinance C-78-01 (Accept the Annexation of 0.749+ acres located on the South side of Casa Blvd. and West of Haughn Road) was given its first reading. Second reading and public hearing will be held on November 19, 2001.
3. Ordinance C-79-01 (Rezone Lot 14 of Southpark located on the southeast corner of Gantz and Marlane Dr. from IND-1 to PUD-R) was given its first reading. Second reading and public hearing will be held on December 17, 2001.

4. Ordinance C-80-01 (Rezone 56.5+ acres located east of Seeds and North of Zuber Roads from OLR to PUD-I) was given its first reading. Second reading and public hearing will be held on December 17, 2001.
5. Ordinance C-81-01 (Accept the Plat of Hoover Crossing, Section 8) was given its first reading. Second reading and public hearing will be held on November 19, 2001.
6. Resolution CR-72-01 (Approve a Certificate of Appropriateness for Eastgrove Shopping Center for the Exterior Painting of Center) was given its reading and public hearing.

Mr. Radi noted that this item was postponed from their last meeting and since that time, have received comments from the Chief Building & Zoning Official and the Agent for the Petitioner.

Jim Groner, attorney for applicant, was present and introduced Mr. Will Roth, principal of the shopping center. Mr. Groner went through a timeline of events, beginning with the acceptance of a contract for painting the Center on April 25, 2001. He stated that they are not contesting that the law was in effect and that they should have gotten a Certificate of Appropriateness before painting. He explained that by the time they had received a Stop Work Order, all the brick on the building had been painted and only a portion of the awning was left. They did apply for a Certificate of Appropriateness and received one for the awning, but not the building. Mr. Groner apologized and said this was not intentional. The owners have been very cooperative in providing information to the City, including the pictures that were part of the packet.

Mr. Eversman commented that at the last meeting, Mr. Groner stated that all the painting was complete, except for a small portion prior to the Stop Work Order. He asked what reason the pictures were taken and who took them. Mr. Groner said the contract painter took those pictures as part of a project overview to show what was done. Mr. Eversman commented to Mr. Boso, Chief Building & Zoning Official, that he assumed his department took the pictures, in the packet, as part of the information for the Stop Work Order. He confirmed that this was an incorrect assumption. He asked Mr. Boso if all of the painting was done on the brick. Mr. Boso said yes. Mr. Fulton asked who actually received the notice sent by the Chamber of Commerce, because if it was sent to the property owner, they should not have been caught off guard. Mr. Roth said it was sent to the office, but, he and his father have the same name and the notice was placed on his father's desk because his father handles Chamber issues. It was never brought to his attention and was found after they were made aware that the notice was sent. Mr. Fulton commented that the Planning Commission approved this and asked for their reasoning. Mayor Grossman stated that they felt, through the pictures provided and knowledge of the building and its previous state, they felt it was an aesthetic improvement that was appropriate for the location. President Bennett asked, if Council would agree to this Certificate, what assurances do they have that the high maintenance of keeping it painted and matching the color every time, would take place. He said graffiti will show more now and he doesn't want portions of the building painted and have them not match. Mr. Roth said they get hit with graffiti, seemingly, every day. He said if the painting looks splotchy, or not matching the color, he will make them match the color. He doesn't want it to look anything other than A+ and professes to make sure it is kept up. Mr. Radi asked Mr. Boso what basis the Cert. of Appro. was denied. Mr. Boso stated that he believed that the painting of brick

was one of the driving forces behind Chapter 1143 and felt the decision should be made by a larger body. He did comment that this shopping center has gone through a number of face-lifts in the past. It was stone at one time. He can't remember what it was before that. The existing brick is not the original brick. This is just a face brick and it is very thin. So, there have been alterations to this center before, without going through this application. He commented that they have been easy to work with. Mr. Radi asked Mr. Clark, Dir. of Law, about the City's obligation to notify property owners of new legislation. Mr. Clark indicated that notification is provided in the newspaper after every council meeting and there is no obligation to notify each property owner. Mr. Radi indicated that the timeline is helpful and noted that Council delayed the vote on the Ordinance for Chapter 1143 in order to give the Chamber time to notify its members. If that had not occurred, the ordinance would have been in place earlier and there could have been time to notify the painter. President Bennett commented that if this resolution were to be approved, he wants there to be an understanding that it in no way indicates that it is acceptable to paint brick. He feels there are some extenuating circumstances for this instance. Mr. Fulton asked what the result of a denial would be. Mr. Clark said the City could seek some injunctive relief. Mr. Groner stated that the Ordinance defaults to the Penalty provision on the whole and would be a misdemeanor. He also indicated that the new Chapter only discourages the painting of brick. It does give Council the ability to grant the painting. He again apologized and understands that this should not be any precedence. President Bennett asked for Administration's opinion. Mr. Stage commented that given the history of the center and that painting of brick is a matter of taste, as well as being presented in the whole (painting canopy, cleaning up site, removing a pole), they recommended approval. Mr. Eversman commented that in no way does he believe the shopping center looks better now painted, than before. He said they spend a lot of time getting developers to build with brick. He also stated that if this resolution would get approved, it should not be construed to anyone else that they would be this lenient with any future buildings being painted.

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

Mr. Radi	No
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	No

7. Resolution CR-73-01 (Approve the Preliminary Development Plan for Casto/Lucas State Street/Columbus Corp. Center, located north of White Road) was given its reading and Mr. Radi acknowledged the receipt of a FAX requesting that this be postponed until the first meeting in December by Mr. Ted Foster, Dev. Mgr. of Casto Communities.

There being no additional questions or comments, Mr. Radi moved it be postponed until December 3, 2001; seconded by Ms. Klemack.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

8. Resolution CR-77-01 (Approve the Development Plan for the International Headquarters for the Fraternal Order of Eagles located on Gateway Circle) was given its reading and public hearing.

Mr. Bruce Massa, developer for the Fraternal Order of Eagles, recognized, with the assistance of the Mayor, the FOE Representatives & Board Members from all over the United States and Canada who were present. Mayor Grossman welcomed them and shared her excitement over their decision to locate their International headquarters here. Mr. Massa, along with Mr. Dave Pontea, architect, provided an overview of the building. They reviewed the materials and colors of the building, which were sent to the City this week. The main material will be brick, with stucco highlights, a pan teen green for the awning (similar to the color that copper turns) and a green tinted glass. There will be a lighted fountain and three flagpoles out front. In addition, they have been sensitive to the business behind them and taken great care to design the back with glass and a more upscale look as well. They plan on maintaining the facility in the high quality in which it was designed. Mayor Grossman asked how many sites were evaluated by the Eagles. Mr. Massa explained the lengthy process, which started with all fifty states and worked its way down to Ohio. They had sites in Columbus and the FOE said they wanted to be in Grove City.

Mr. Radi reviewed the stipulations set by Planning Commission and Mr. Massa agreed to all the stipulations and some have been complied with. President Bennett asked Mr. Kohman, Consulting Engineer, where he was in the process regarding the storm water stipulation. Mr. Kohman stated that they do have the numbers and they are within the Code Limits. Mr. Fulton asked what prompted the move from Milwaukee. Mr. Massa stated that the Board did a study on their membership and chose based on where most of them were located. Mr. Radi commented that they were honored to have the FOE here. Mr. Massa invited all members of Council to the groundbreaking tomorrow at 11:30.

President Bennett moved that Section 1 be amended to add the following stipulation: 1. Colors and glass color of green shall be as submitted to Council; seconded by Mr. Eversman.

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

9. Resolution CR-78-01 (Approve the Development Plan for Seeds Park located East of Seeds Road and North of Zuber Road) was given its reading and public hearing.

Mr. Charlie McJunkin, engineer for petitioner, explained that there is very little change from the preliminary development plan. They did improve the entrance with a divided entryway and a lake/storm water pond combination at the entrance. Mr. Radi reviewed the stipulations set by Planning Commission and Mr. McJunkin agreed to all.

Mr. Radi moved to replace the Development Standards with those signed by the petitioner on October 31, 2001; seconded by Ms. Klemack.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

Mr. Fulton asked if they had any idea of the type of facilities that would go in this Park. Mr. McJunkin stated that they are looking for a blend of office and small industry. They had some interest from Fed Ex. for the east half of the area, but nothing more.

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

10. Resolution CR-79-01 (Approve the Development Plan for Hoover Crossing, Section 8, located South of Longridge Way) was given its reading and public hearing.

Mr. Radi noted that the stipulation has been addressed. There being no additional questions or comments, Mr. Radi moved it be approved; seconded by Ms. Klemack.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

11. Resolution CR-80-01 (Set Forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 112.98+ acres located at the northeast corner of Holt and Big Run Roads upon its annexation to Grove City) was given its reading and public hearing.

Mr. Stage, City Admin., commented that this is the location of the new high school & career center for SWCS and located in an area negotiated with Columbus to provide water and sewer services. Also, this property will garner major road improvements to Holt Road and Big Run.

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

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

12. Resolution CR-81-01 (Set Forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 3.2+ acres located North of Orders Road & South of Williamsburg Court upon its annexation to Grove City) was given its reading and public hearing.

Mr. Joe Hull, attorney for petitioner, and for the petitioners of those properties for Resolutions CR-82-01 through CR-84-01. He explained that these are all single-family residences around the Southern Grove subdivision. Mr. Stage and Ms. Bearden met with property owners about annexation and after a couple of extensive meetings, he was contacted by those who desire to pursue annexation. He stated that they are all fully aware that sewer service is not available immediately and may take several years to get. Mr. Fulton asked what type of liability, if any, does the City have if we cannot supply sewer services for several years. Mr. Hull commented that the Resolution the Clerk of Council provides states that it is within the water and sewer district, and sewer services will be available at the property owner's expense. The property owners could access it, but the line currently isn't close enough to make it economically feasible to access. Mr. Clark commented that, with the assistance of Ms. Kelly, the Resolution of Services was crafted to provide that protection.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

13. Resolution CR-82-01 (Set Forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 1.0+ acre located on Chancellor Drive in Southern Grove Estates, upon its annexation to Grove City) was given its reading and public hearing and Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

14. Resolution CR-83-01 (Set Forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 3.047+ acres located on Orders Road, upon its annexation to Grove City) was given its reading and public hearing and Mr. Radi moved it be approved; seconded by Ms. Klemack.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

15. Resolution CR-84-01 (Set Forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 0.5+ acres located on Eastern Court in Southern Grove Estates, upon its annexation to Grove City) was given its reading and public hearing and Mr. Radi moved it be approved; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	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-72-01 (Appropriate \$23,400.00 from the Street Fund for the Current Expense of Street Repair) was given its second reading and public hearing.

Mr. Eversman explained that this is for the removal of the island on Quail Creek Blvd., at Hoover Road.

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

Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

2. Ordinance C-73-01 (Appropriate \$85,400.00 from the Community Environment Tree Fund for Current Expenses) was given its second reading and public hearing.

Mr. Eversman explained that this is money collected in tree fees.

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

Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes

2. Ordinance C-74-01 (Appropriate \$70,486.71 from the Dennis Lane Storm Sewer Project Fund for the Current Expense of Eligible Project Costs) was given its second reading and public hearing.

Mr. Eversman explained that these are funds earned through good investments and need to be appropriated for the project. Mr. Behlen, Dir. of Finance, explained that this and the next two ordinances are appropriating interest income, which has been received. Two years ago, we borrowed \$3.3 million for all three projects and have been able to retire all but \$1.8 million.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes

3. Ordinance C-75-01 (Appropriate \$41,396.88 from the Hoover/Milligan Project Fund for the Current Expense of Eligible Project Costs) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by Mr. Fulton.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes

4. Ordinance C-76-01 (Appropriate \$65,470.60 from the Westside Storm Retention Project Fund for the Current Expense of Eligible Project Costs) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by President Bennett.

Mr. Bennett	Yes
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

5. Ordinance C-82-01 (Appropriate \$250,000.00 from the General Fund for the Current Expense of Storm Water Management) was given its first reading. Second reading and public hearing will be held on November 19, 2001.

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

1. Mr. Pat Parsell, Parsell's Tree Farm, explained an issue that started in the early 1990's, with the development of Scioto Meadows. There was a need to obtain an easement through his property so services could be run across State Route 104. He provided the easement in exchange for certain services, but those promises were never kept by the developer. There was also a need for access through his property to provide a drain to his neighbor, Mr.

Compton's property. Mr. Parsell did grant an easement to the City, in 1997, in exchange for a water tap. The water tap is there, but he cannot tap into it until his property is annexed to the City. Just recently, the City approached him to finally access his property through the easement he granted and he contacted Mr. Clark and Mr. Blackburn (Service Director) to discuss terms. Mr. Parsell explained that he would agree to annex his property as long as he received the zoning that would make his tree farm legal. He has since received a letter from Mr. Clark and couldn't believe what he read. The letter essentially gives Mr. Compton his drain, but states that they will not annex his ground or give him the zoning for a tree farm.

Mr. Clark explained his understanding of the terms that Mr. Parsell set down in their meeting. He said it was his impression that Mr. Parsell wanted the City to annex his property and zone the property commercially for a landscape and garden store. Mr. Parsell said "correct". Mr. Clark said his letter indicated that the City would not agree to annex and provide that zoning on that condition - that being the only way the City could come through Mr. Parsell's property to satisfy the agreement that the City made with Mr. Compton. Mr. Parsell said that was correct. He said the only thing he wants to clarify is that no drain coming through his property. Mr. Clark indicated that was not stated. Mr. Compton was told to get two estimates for the City to review and the agreement Mr. Parsell signed in 1997 clearly gave permission to come through his property. If need be, they will enforce that agreement. President Bennett stated that this has just come to the attention of Council and they have asked Mr. Clark to provide copies of any documentation for their review. There is a provision with regard to zoning that would grandfather the current use into the City and allow Mr. Parsell to continue his business. Mr. Eversman elaborated on the grandfather clause. Council explained that there are not in a position to be able to do anything for Mr. Parsell tonight. Mr. Parsell said he understood that and only wanted to make a statement. Mr. Clark said he was willing to sit down with Mr. Parsell and review the project. Mr. Parsell said he wasn't asking for anything tonight. He said the City can put the drain anywhere they want to, as long as it doesn't come through his property.

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

1. The Mayor submitted the Mayor's Monthly Report and Mr. Radi moved to accept same; seconded by Mr. Eversman.

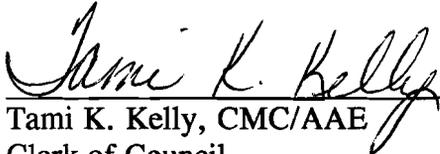
Mr. Eversman	Yes
Ms. Klemack	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

She then provided closing comments and provided an update past and upcoming events. She again, welcomed the Fraternal Order of Eagles.

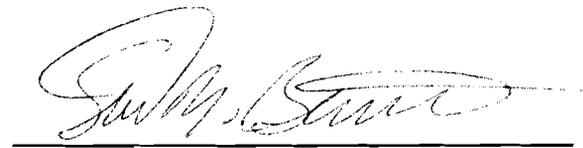
2. Mr. Stage handed out a Work In Progress Report from EMH&T, as well as modifications to the Younkin property Zoning Text. He thanked Council for their efforts with the Eagles project. It has been an accelerated process.
3. Mr. Blackburn announced that he has hired a new Urban Forester. His name is Dan Snyder and came from Canal Winchester.

4. After additional comments from Council and other Administrative staff members, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 9:55 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Steven M. Bennett
President