

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

November 18, 2013

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 p.m. in the Council Chambers, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Jeff Davis Maria Klemack-McGraw Ted Berry Steve Bennett Melissa Albright

1. Ms. Klemack- McGraw moved to dispense with the reading of the minutes from the previous meeting and approve as written; seconded by Ms. Albright.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

2. The Chair read the agenda items and Ms. Albright moved that Resolution CR-54-13 be added to the Agenda under Finance; seconded by Mr. Bennett.

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

All other items were approved by unanimous consent.

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

1. CR-54-13 (Oppose the State of Ohio Substitute House Bill 5) was given its reading and public hearing.

Mayor Stage explained that the original intent of House Bill 5 was to bring uniformity to Municipal Income Tax Filing. However, it is now a Bill that changes Municipal Tax provisions that prove to be a very negative impact to municipalities. Through MORPC, a letter was sent to the Ohio delegation opposing the Substitute HB5. It was voted on by the full House and now moves to the Senate. He said they worked with the City of Dublin to craft this legislation and believes at least 17 other municipalities are opposing this Bill. He said we should be on record of not being in favor a Bill that is anon-neutral tax obligation.

Ms. Albright noted that this could be a negative impact of over \$250,000.00. Mayor Stage said yes. The major piece is a net operating loss. He said our Tax Collection agent gave the City a breakdown that makes it even more of a negative loss. With this, the personal property going away, the change in Local Government Funding, and the Estate Tax going away, makes this almost a \$2,000,000.00 loss.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

- Ordinance C-31-13 (Approve and Authorize the City Administrator to Execute the Joint Economic Development District Contract between Scioto Township, The City of Grove City and the Village of Commercial Point, and Authorizing the City Administrator and other City Officials to execute documents necessary for the Creation of the Joint Economic Development District) was given its second reading and public hearing.

Ms. Klemack-McGraw read a statement expressing her support for the JEDD. She said Pickaway County must approve this. This is based on what is best for all the residents within the District. She said our neighbors supported efforts for the I-71/SR665 Interchange and now it is our turn to support Scioto Township and Commercial Point. She said if we wait every time there is a mention of a State Law being amended, we could never pass a measure. She said she understands that most prefer not to pay additional taxes, but it is common for a legislative act to please some and not others. She feels approval of this measure is in the best interest of the residents.

Mr. Berry moved that the Rules of Council be suspended to allow for 4 opponents and 4 proponents to speak for three (3) minutes; seconded by Mr. Bennett.

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	No
Mr. Berry	Yes

Mr. Joe Hammond, Mayor of Commercial Point, voiced support for the JEDD and said it is well worth it. He said it is legal; much needed; has been approved by Scioto Township and Commercial Point; our Townships are contiguous; all the Fire Departments assist each other; the most important aspect is the health, safety and welfare of the citizens of the Townships; the 2% cost of gross wages only applies to 400 of the 1100 employees of Ohio Corrections Institution; the concern over a lagoon on Mr. Struckman's property has been aborted by Mr. Struckman; without the JEDD the Village would be exposed to great risk if they had to wait 15 - 30 minutes for fire/EMS services. He asked for a positive vote to assure his citizens a safe community as well as benefit Grove City. *Mr. Bennett* asked how a prisoner needing treatment from the Corrections facility gets handled. Mayor Hammond said it is his understanding that the prison has a contract with a firm, but there are still calls to Scioto Township Fire. Administrative issues and inspections are still done by Scioto Township. He said the Chief could answer better.

Ms. Kristen Sawyer, Trustee with the Franklin County Farm Bureau, voiced opposition to this JEDD. She said the County Farm Bureau usually favors JEDD's but is concerned about the way this one has been structured. She said picking who you want to tax is unfair and unethical. She said there is only a small acreage available for economic development. Since they fight for farmer's rights, they are concerned that farmers could be forced into situations that they don't want to be a part of, if property can be picked at random to be part of a JEDD.

Mr. Don Brosius, attorney for Scioto Twp., read seven (7) revisions to the Contract:

- Recitals: In the 2nd line of Item A, "718.81" should be changed to "715.81";

2. Section 8, Item B – the Township’s percentage is proposed to be changed from 89% to 88% and in Item C – the Village’s percentage is proposed to be changed from 1% to 2%;
3. Section 9: In the 7th line of the 3rd paragraph where it says “of the other JEDD Party.”, it should read “of the other JEDD Parties.”;
4. Section 12: In the 2nd sentence, the word “Contact” should be changed to “Contract”;
5. Section 15: At the end of the first paragraph after the word “reimbursement.”, add “In addition and subject to the Township’s subsequent approval, appropriation and certification of funds for such purpose, the Township agrees to pay to the Village the amount of the deductible that the Village is required to pay under its then current liability insurance policy, provided that such one-time payment shall not exceed, in the aggregate, the sum of \$5,000.00.” Also, the second paragraph in this section needs to be deleted in its entirety.
6. Section 16: This paragraph simply needs reformatted in order to be consistent with the rest of the contract; and
7. Section 19: The name of Stephen’s firm and address needs to be changed to “Frost Brown Todd, LLC, One Columbus, Suite 2300, 10 West Broad Street, Columbus, OH 43215-3484

He or two of the Township Trustees present offered to answer any questions Council may have. He said they appreciate the opportunity to partner with Grove City on this JEDD and believe it is legal.

Mr. Brian Liff, OCI employee, stated that he believes that this JEDD violates the Ohio Revised Code in numerous ways. He said there is no economic development plan or economic development available. It is a tax grab. If Scioto Township needs money for the Fire Dept., they have the means to get money. Let them put a Levy on the ballot and let the voters decide. He feels they are trying to circumvent the law and come after OCI employees to fund the Fire Department. He said the Contract show a three person committee to be put in place and the ORC says it should be five. He said there should be expanded services, but there are none. He said House Bill 289 is not a dream. It is meant to make JEDD’s like this illegal. He said this is not a matter of doing what is legal, but doing what is right.

Fire Chief Chip Welch, Scioto Twp., voiced support for the Ordinance. He said Scioto Township and Commercial Point are asking Grove City to join this JEDD because these communities are more closely connected than may be realized. He said our economies are tied together; we are interconnected by the road network, utilities, labor pool, and availability of undeveloped land. We are also interconnected by the Mutual Assistance provided by our public safety forces. He asked Council to ask why the Dept. of Corrections is opposed to a project from which they directly benefit. She stated that the DRC will pay nothing under the JEDD; almost half the property value in Scioto Township belongs to one owner who pays nothing to offset the costs of protecting and servicing their Complex; there are approx. 5,000 people on the Complex daily, and only 8,000 residents in the Township and Village combined, who pay nothing to offset the costs of protecting the Complex; an offer was made to DRC to be part of the JEDD so monies to maintain and upgrade the sewer and water system at the Complex could be received; monies could have also been used to expand and maintain the road network servicing the complex; this is legal but they are asking the State Legislature to make changes; Scioto Township is still responsible for all fire, rescue, HAZMAT and medical emergencies at the Complex. He requested support for the JEDD.

Mr. Berry asked how the Corrections Complex was mismanaged. Chief Welch said he feels the mismanaged the contract with the private EMS agency because they have failed to respond six times and Scioto Twp. Fire has had to go instead. Mr. Berry said sometimes there are extenuating circumstances. He asked what the money will go for. Chief Welch said that will be decided by the Trustees. He asked if it was true that three (3) levies have been turned down. Chief Welch yes, levies were put on in 2011 and Spring, 2012. He pointed out that the difference between their Fire Dept. and a private agency is they cannot choose to not respond for any reason.

Mr. Bennett asked who the first responder would be for a fire. Chief Welsh said they would be. They are responsible for all fire, rescue, HAZMAT and emergency calls.

Mr. Dave French commented that the Chief is correct that they will be called for a fire, but he didn't say that they would bill the Corrections Facility for those services. He said if the JEDD is passed, it will cost him \$3.00 per day and he doesn't feel that is fair. He said they do not use Township roads. Most roads are State Routes. He said before the Dept. of Corrections went to a private EMS agency, they paid Scioto Twp. \$650,000.00 for the same service the private company did for \$100,000.00. He said the Township had the opportunity to bid on those services. He said their website says 25% of their runs were to the Complex. Now that those aren't happening, that time and money can go toward the Village.

Mr. Terry Brill, Scioto Township Trustee, said they approached Grove City to join them because they are neighbors and the majority of their residents come to Grove City to eat, shop and some to work. He said he doesn't like income tax either, but the majority of people pay it. He asked that Council vote for the JEDD for the benefit of all the communities. Ms. Albright asked if they have a plan for this money. Mr. Brill said some will go to the Fire Dept. He said he would like to institute a Police Dept. He said they also have roads that are too narrow for two cars to pass. They need improved. Mr. Bennett asked how many already pay income tax. Mr. Brill said according to Ohio's figures, 42% pay at or above a 2% income tax and 21% pay an income tax less than 2%. Mr. Bennett asked if this would stack on top of what is already being paid. It was determined that Grove City credits 2% income tax to those paying another community. The income tax would not change, only the distribution of the paid tax would change.

Mr. Berry said he is in a quandary over this issue. Discussion took place about where the money might go (fire, roads, police service) and Levy requests. Mr. Brill said the first levy was for a new Fire House; the second was for operating since they lost \$130,000.00 from the State contract. Mr. Berry said JEDD's were created to bring a partnership between entities. They were meant to assist a community that was fully supportive of whatever the change was being made. He said it seems that they are coming to Grove City to use the income tax because the Levy's have failed. He said it seems like they are trying to skip over processes, which he believes is taxation without representation. He asked if Mr. Brill would agree to an amendment that required approval by the voters before the Grove City Administrator could sign the contract. Mr. Brill said he couldn't agree, on his own. Mr. Berry said the vote would go to the very people who say they want this, so it shouldn't be a problem.

Mr. Davis said he has a problem voting against the opposition and is unswayed by the proponents of this measure. It seems contrived for many reasons. He may support an amendment, but doubts he can support the Bill itself.

Mr. Bennett also shared concerns. *Mayor Stage* said he has vacillated on this many times. He said we are neighbors. This is not one where a JEDD has been stretched. We do have reciprocal agreements. If the Scioto Township Fire Dept. is not able to operate, Jackson Township would be next due to that agreement. He said there has to be someone paying on the highest level for the services provided, not on an individual run. He said the JEDD is legal, valid, has a lot of merit, and does have a direct reflection on the City of Grove City. *Ms. Albright* shared concern over the Levy's being turned down and this seems to be a replacement of that. However, Commercial Point is our largest neighbor to the South and it does behoove us to take care of our neighbor, especially with the Fire Agreement in place. She said she understands it is legal, but doesn't know it is right.

Mayor Stage noted that the City will be collecting the Tax and is the Taxing entity. So there will be credit for those paying income tax to other entities.

Mr. Boso commented that the defeat of the levies seems to be an issue. He noted that nearly 50% of the valuation of the Township is in a State facility that is paying nothing to the emergency Services. In

comparison, if you take Grove City and cut it in half and say to 50% of the people that they have to pay for 100% of the community services, he wouldn't vote in favor for that either.

Mr. Smith stated that there have afforded more public hearings than necessary, in order to accommodate the Corrections Facility. He said we have had a contract on file since the beginning of this process. He clarified that the contract does stipulate services; there will be a Board and believe it meets the technical requirements of the statute. Ms. Albright asked how many Board Members there would be and who is on the Board of the JEDD. Mr. Smith said there would be three members. He said they reviewed the Statute and provides for 3 or 5. They felt three would be appropriate. He said the Statute dictates who is on the Board - 1 member of the municipality; 1 member of the Township; 1 from County. Ms. Albright asked if there is any other way for the Township to get this income. Mr. Smith said Townships do not have the authority to levy income tax. He said he feels this is one reason for JEDD's to be created - as the vehicle for cities to share their income taxing power with Townships. He said other than Levy's, he knows of no other way to raise this type of money.

Mr. Berry moved to amend Section 2 to include: *The approval of this ordinance and the Contract is contingent upon the Contract being submitted to the electors of the Township as provided in ORC 715.77. The City Administrator is not authorized to execute the Contract unless, and until, the Contract is approved by the electors of the Township;* seconded by Mr. Davis.

Ms. Albright	No
Mr. Davis	Yes
Ms. Klemack-McGraw	No
Mr. Berry	Yes
Mr. Bennett	No

Mr. Bennett moved to incorporate the changes read into the record by Mr. Brosius by replacing Attachment "A"; seconded by Ms. Klemack-McGraw.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

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

Ms. Klemack-McGraw	Yes
Mr. Berry	No
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	No

3. Ordinance C-73-13 (Authorize the City Administrator to enter into a Lease Agreement with the Southwest Public Library for the Current Library site) was given its second reading and public hearing.

Mr. Smith explained that the Plan was to transfer the Library property to the City. However, the Library needs to remain in that facility until the new facility is built. This Agreement allows the Library to continue to remain in the old building and lease it from the City for \$1.00 per year. Once we borrow money to pay for it, the Library will start paying the City for that immediately.

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

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

4. Ordinance C-74-13 (Authorize the City Administrator to enter into a Lease/Purchase Agreement with Southwest Public Library for the Future Library site) was given its second reading and public hearing.

Mr. Smith said this is the second pieces for the Lease agreement for the new Library Building.

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

Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes

The Chair recognized Ms. Albright, Chairman of Service, for discussion and voting under said Committee.

1. Ordinance C-75-13 (Enact and Adopt a Supplement to the Grove City Codified Ordinances and declare an emergency) was given its first reading.

Mr. Smith stated that this is a housekeeping measure. An emergency is being requested so the Code books can be updated immediately with the latest approvals.

There being no additional questions or comments, Ms. Albright moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Mr. Bennett.

Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes

Ms. Albright moved it be approved as an emergency; seconded by Ms. Klemack-McGraw.

Mr. Davis	Yes
Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes

The Chair recognized Ms. Klemack-McGraw - Chairman of Lands & Zoning, for discussion and voting under said Committee.

1. Ordinance C-76-13 (Approve the Plat for Meadow Grove Estates, Section 3, Part 1) was given its first reading. Second reading and public hearing will be held on December 2, 2013.
2. Ordinance C-77-13 (Approve the Plat for Meadow Grove Estates, Section 4, Phase A) was given its first reading. Second reading and public hearing will be held on December 2, 2013.

3. Resolution CR-52-13 (Approve the Development Plan for Marriott Courtyard located North of Buckeye Place and West of Parkway Center Drive) was given its reading and public hearing.

Mr. Allen Davis, Marriott, stated that this was approved twice before but due to economic issues, they did not start it. He said they are asking for approval again of the same Development Plan. He said Planning Commission had three stipulations which they agree to.

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

Ms. Klemack-McGraw	Yes
Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes

4. Resolution CR-53-13 (Set forth, as required by Section 709.031 of the Ohio Revised Code, the Municipal Services that can be furnished to 1.010 acres located at 2402 & 2388 White Road upon its annexation to the City) was given its reading and public hearing and Ms. Klemack-McGraw moved it be approved; seconded by Ms. Albright.

Mr. Berry	Yes
Mr. Bennett	Yes
Ms. Albright	Yes
Mr. Davis	Yes
Ms. Klemack-McGraw	Yes

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

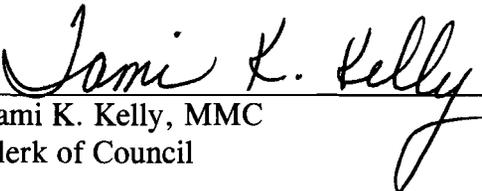
The Chair recognized members of Administration and Council for closing comments.

1. Mayor Stage congratulated those who won the local election. He reported on past and upcoming events. He wished everyone a Happy Thanksgiving.

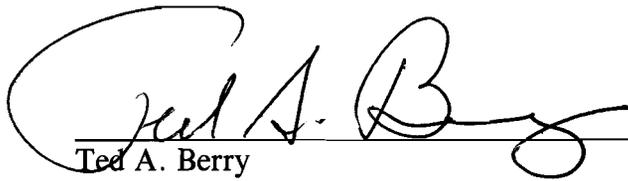
Mr. Berry asked the Mayor when the 2014 Budget will be given to Council. The Mayor said Dec. 2. Mr. Berry announced that Council would meet on Dec 2 at 6:00 to continue review of Capital Improvements and meet on Dec. 3 to review the Budget at 6:00 p.m.

2. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:35 p.m.



Tami K. Kelly, MMC
Clerk of Council



Ted A. Berry
Chair