

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

November 21, 2011

Regular Meeting

The regular meeting of Council was called to order by President Berry at 7:00 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:

Greg Grinch 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 Mr. Grinch.

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

- 2. The Chair read the agenda items and at the request of the petitioner & administration, Ms. Klemack-McGraw moved that C-63-11 be withdrawn; seconded by Mr. Bennett.

Ms. Klemack-McGraw Yes
Mr. Berry Yes
Mr. Bennett Yes
Ms. Albright Yes
Mr. Grinch 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. Ordinance C-57-11 (Authorize the Director of Public Safety to enter into a Franchise Agreement with Local Waste Services, LLC for Solid Waste, Recycling and Yard Waste collection, transportation and disposal) was given its second reading and public hearing.

Mr. Honsey, City Admin., explained that we looked at joining a consortium and got bids as a group with Jackson Twp. and the Village of Urbancrest. He said he is pleased with this agreement. The net price will be \$13.98, beginning January, 2012 and the base rate will not change for a five year period. He said there may be field charges or tipping fees that may require an increase over that time period. He said this is better than the consortium rate and 18% less than a number of surrounding communities. Mr. Bennett asked if this was the monthly rate. Mr. Honsey said yes. Mr. Bennett asked if the fuel service surcharge, once it reaches the \$0.25 stated, is allowed one-time per year or at any time. Mr. Honsey said he believes it is through the course of the contract, any time they can prove that costs have been incurred above the threshold.

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. Grinch	Yes
Ms. Klemack-McGraw	Yes

2. Ordinance C-58-11 (Appropriate \$831,243.50 from the Capital Improvement Fund for the Current Expense of the Phase 3 I-71/SR665 Improvements) was given its second reading and public hearing.

Mr. Honsey explained that this is a simple pass through our books for the grant monies from one state agency to another. Since we are the grant recipient, it has to touch our books.

Mr. Berry asked if this appropriates \$831,243.50 more. Mr. Honsey said yes. The grant was for \$4.75 million and it was anticipated that we would use \$3. million, but construction went well and the rest was used.

Mr. Turner pointed out that this is a little different in that in Section 2, it authorizes the appropriation of any additional money that is expended by the Ohio Public Works Commission. He said he had conversations with the Auditor of State and this was the best solution. It is limited to the \$4.75 million and only to any additional expenditures made before 12/31/11.

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

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

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

1. Ordinance C-60-11 (Amend Section 1135.09(b)(4) of the Codified Ordinances titled CBD-Central Business District) was given its second reading and public hearing.

Mr. Honsey explained that this will update the Code to allow for wineries and microbreweries that are found in areas with a good urban lifestyle.

Mr. Smith, Dir-of Law, further explained that this isn't just for manufacturing. It has a second provision that requires on-site retail sales as well.

Mr. Bennett asked if there needed to be language to include on premise consumption. Mr. Smith stated that the liquor permit would govern whether or not there could be on-site consumption.

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

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

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

1. Ordinance C-61-11 (Accept a certain Parcel of Real Estate and Dedicate such Parcel for Public Use) was given its first reading. Second reading and public hearing will be held on 12/5/11.
2. Ordinance C-62-11 (Approve a Special Use Permit for a Day Care for Daystarz Child Care Center located at 3946 Broadway) was given its first reading. Second reading and public hearing will be held on 12/5/11.
3. Resolution CR-46-11 (Approve the Exterior Modifications to Parker's Tavern located at 3998 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Parker, owner, was present to answer any questions. He said he already has a tent and feels this would be much nicer. Mr. Bennett asked about having walls or windbreakers. Mr. Parker said he may have two sides but will have to check with the no smoking law to stay in compliance.

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

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

Resolution CR-47-11 (Approve the Development Plan for City Barbeque located at 2261 Stringtown Road) was given its reading and public hearing.

Mr. Don Feibel, representing City Barbeque, was present to answer any questions. Ms. Klemack-Graw reviewed the two stipulations set by Planning Commission, which Mr. Feibel agreed to.

Mr. Bennett moved to amend Section 1 to include the following stipulation: 1. The provisions of Section 1136.08 are hereby waived for the smokers and replacement HVAC units; seconded by Ms. Klemack-McGraw.

Mr. Smith, Dir. of Law, explained that there was a concern if the smokers constitute a service structure, as defined by the Code. He said they probably do, but this stipulation would waive the need for landscaping for these and the HVAC units that they intend to replace. He said this will also protect the City by not setting a standard for future development. Mr. Feibel agreed.

The vote was called on the amendment:

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

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

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

5. Resolution CR-48-11 (Appeal the Decision of the Board of Zoning Appeals granting a Height Variance for a Vertical Tank for Entire Energy & Renewables located at 3570 Sunshine Park Place) was given its reading and public hearing.

Mr. Berry moved that the Rules of Council be suspended to allow for more than 3 opponent and 3 proponent speakers on this issue; seconded by Ms. Klemack-McGraw.

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

Mr. Richard Sloan, representing the petitioner, was present to answer questions. He provided an overview of the business that will microwave chipped up tires and process them into Carbon Black. Carbon Black is used as a pigmentation medium. It will be moved into the silo and then removed once per day. It would also produce 4,000 gallons of oil per day that is an off-road diesel quality distillate. This facility has no emissions, except at one point where there will be a gas turbine and a portion of the gas will go to the turbine to generate electricity. It would power the facility and the excess will be sold to AEP. He said they are erecting a silo for the carbon black, which is being relocated from Ashtabula, Ohio. He said the facility will be operated by the leading energy services renewable company called NAES.

Ms. Albright asked how much will the Silo hold. Mr. Sloan said several days' worth of capacity.

Council asked questions about the business process and number of employees.

Mr. Grinch stated that a silo at 35 feet would be allowed and asked if that would be enough to operate the facility. Mr. Sloan said from a capacity perspective, they need to have several days of capacity in order to absorb any variation from the daily pick-up routine. So, they need a silo larger than a just about daily capacity silo. Mr. Bennett asked about multiple silos. Mr. Sloan said the issue with multiple silos is the amount of available siding to the road going in and out. He said it is a space issue.

Ms. Theresa Mills, resident, expressed opposition. She said it feels like déjà, going back to the universal purifying technology in 2004. She said it is the same story, just a different heat source. She said she hopes there will be a community meeting on this as she doesn't think enough citizens in the City know this is being proposed. She said she has spoken with the Franklin County Board of Health, the U.S. EPA, and the Ohio EPA and their first comment was – what is Grove City thinking. She said she asked the U.S. EPA, and it was confirmed tonight, that there is no type of facility like this in the United States. She said she hopes Council has the answer to the following questions and if they don't, she doesn't believe they should be voting on this tonight. Her questions were: 1. How will the silo be kept under negative pressure; 2. Is there or will there be a fire suppression system attached to the silo; 3. How can we be assured that the structural integrity of this used silo will be maintained. She also asked that the citizen's voices be heard before taking a vote on this.

Mr. Slone said their company will not make a move without the direction, contribution and approvals of professional engineers who have experience in commissioning facilities that are far more complex than the one proposed here. He said the silo will be under pressure. It will have all appropriate Fire Marshal functionality associated with fire suppression. He said they simply won't commission it unless it is proven to be 100% operable and should it not function as engineered to function, it will be replaced. He said they have to have a silo and it has to operate, so they have a vested interest in seeing that it does. He said this is a non-combustion process. The Ohio EPA has already given R&D approvals for this process. He said he is here next Tuesday and if it is of interest to the community, he would love to welcome the community to the site and learn about the details.

Mr. Harry Long, speaking for the Presbyterian Church, said this silo is one ugly piece of crap and devalues the surrounding properties. In addition, they own a home at the end of the street and feels they won't be able to sell it with this silo in place. He said that Carbon Black is a mean substance that is hard to get off your skin. If it ever escaped, it would be very difficult to get it off anything. He said it is combustible when it is removed from the tires. It has a flashpoint and could explode. Mr. Slone responded that that will take all necessary precautions for this site.

Mr. Bennett asked if Mr. Sloan knew what the wind resistance is for the silo. Mr. Sloan said he does not, however it was erected at the General Electric plant on the shores of Lake Erie. He said they will re-erect it with the necessary Codes met.

Ms. Albright asked if the silo could go somewhere else on the site without causing lots of changes. Mr. Sloan said it was placed there because of the access by the trucks. He said considerable reworking of the property would be required to figure out an alternative. Also, the turbine is placed closest to the termination of the AEP power line. Things are very much optimized the way they are situated now. Ms. Albright asked if any studies have been done to move it from the south side of the building. Mr. Sloan said no, but the trucks to be used will need to use the big doors that are already on the south side of the building. They would need to do land and building work to move the silo somewhere else.

Mr. Smith explained that the City has not signed off on or approved the use issue. All that is before Council tonight, is whether or not the variance for the height of the Silo is appropriate. Everything else is very informative, but not pertinent to the issue. Mr. Berry asked what the average height of a grain silo is. Mr. Smith said he didn't know.

Ms. Theresa Long, resident, voiced opposition. She said Ferrell Gas complied with everything and we saw what happened there. She said she grew up on a farm and their farm and silo were not in the middle of town. She said when Park Street Intermediate School applied for a variance for a 54' tower, they were denied. They were required to build a smaller tower, even though their tower wasn't adjacent to a church; would hold only air and not a flammable material.

Mr. William Seaton, Elder of Church, questioned the overall height of the silo and the truck access under silo. He thinks it will make the silo higher than 54 feet. He is also concerned with the Carbon Black. If there is a problem with their operation and there is a break in their lines, cars would have to be buffed out. He feels this is quite a hazard. He voiced concern over materials left out that may attract children. He doesn't feel they can get two days storage in the size of the silo proposed. Mr. Sloan responded that if there is any event that occurs in the facility, there are emergency shut downs that just stop everything. He said they do not seek to exceed the variance height permitted. He said there is no structure higher than the height requested.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be postponed to 12/5/11; seconded by Mr. Grinch.

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

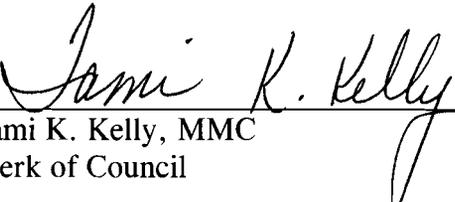
The Chair asked that any new business to be brought before the attention of Council be done so at this time.

1. Ms. Marilyn Reiner, Chamber of Commerce, and Ms. Kay Kaho, The Grove City Girls Club, presented awards for the Arts-in-the Alley Parade. They are: GC United Methodist Church Puppet Ministries; the Neighborhood Network Group = Peoples Choice Award; Chamber of Commerce; RE Roofs & Sons – Grand Marshall Award; Harrison College = Mayor’s Choice Award; & YMCA = Best Theme.
2. Mr. Bob McGraw, commented that 50 years ago yesterday, a young girl was sent to a country where she didn’t speak the language or understand the customs. Her parents made the heart-wrenching decision to send her to a non-communist country to keep her out of harms way. After being placed in a camp in Florida, an orphanage in Columbus and then in a foster home in Lancaster, she was reunited with her family 5 years later. They found work and a home in Grove City and all became citizens. He believes that her living in a non-democracy country has given her the passion she has for the United States. Some would be surprised at her strength, courage and faith. She has seen and experienced wrongs few people in this Country can imagine. She puts aside her own feelings to serve the greater good and those less fortunate. That is why Maria Klemack-McGraw is his hero.

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

1. The Mayor complimented the Chamber on the Community Parade and Arts-in-the Alley event. He said it is a premier event. They are working on the budget. He read a statement on the election. He assured Council, the employees and citizens that he will make every effort to work with Council in the future to achieve goals that are best for the City. When the city is successful in attracting new development, the citizens win; when the city finances are managed in the proper fashion – the way the citizens want it to be, we win; when the legislative and administrative branches of government plan together for the future of Grove City, the citizens win. He suggested that a retreat be scheduled for administrative staff & council to discuss our future goals. He welcomes the opportunity to work with Council and the Citizens to do what is right for Grove City.
2. Mr. Turner submitted monthly financials to Council.
3. Ms. Albright attended the Audit committee meeting and reminded Council that they still need to appoint a person. She nominated Mr. Mike Uhrin. Mr. Berry said they also have an application on file and Council will need to address this.
4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:15 p.m.


 Tami K. Kelly, MMC
 Clerk of Council


 Ted A. Berry
 President