

# CITY OF GROVE CITY, OHIO

## COUNCIL MINUTES

December 01, 2014

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      Laura Lanese*

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

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

2. President Berry recognized Mayor Stage for a Presentation. The Mayor and Council recognized Mr. Marvin Holt for his service on the Planning Commission. He has been a member for over 30 years and is the longest member to serve. As a token of their appreciation, Council named the walking path along Hoover Road, in front of The Buckeye Ranch, the "Marvin C. Holt Leisure Path".
3. Chair read the agenda items and they were approved by unanimous consent.

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

1. Ordinance C-66-14 (Authorize the City Administrator to enter into a Lease Agreement with the Town Center Inc., for space at 3378 Park Street) was given its second reading and public hearing.

Mr. Smith explained that this is a continuation of the existing agreement; with the same terms and conditions. He said there is a provision that if there are multiple tenants, the City has the right to designate someone to be in charge and coordinate rental of the room, etc. They will be adding an additional storage space to their usage.

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

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

Ordinance C-67-14 (Authorize the City Administrator to enter into a Modified Agreement with the South West Public Library regarding the relocation of the library and redevelopment of the current Library site in accordance with the Pizzuti Concept Plan) was given its second reading and public hearing.

Mayor Stage shared the Preliminary Plan that has been approved by Council and the Library Board. He shared a chronology of the history of this project. He reviewed the Changes in this agreement from the one Council approved by Ord. c-28-13. He shared that the new agreement shows the expanded site per the Preliminary Plan; it specifies 86 minimum parking spaces; it revises the cost estimate from \$14 million to \$16 million; the cost to the Library is capped at \$300,000.00 per year; No longer leasing old library site; Entrance is clarified. He said there was a fuzzy part with respect to ownership of the 86 parking spaces. He said it is clear that the City owns the whole site for 30 years. The question then became – what happens after 30 years. He said there is no confusion that all the parking is public, except for six (6) spaces for the library. In addition, if there becomes a need for a parking garage on the parking area east of the alley, the Library and the City will decide how best to proceed, if it occurs after 30 year time period. He said they are proposing an amendment tonight that says: after 30 years, the City will retain ownership of the 46 parking spaces that will be on the newly acquired lots (Stout), with the caveat that 86 spaces are always available. The City will also take over the maintenance of those 46 spaces as well.

Ms. Lanese confined that year 1-30 the Library will maintain all parking spaces. From year 31, the City will maintain 46 spaces. The Mayor said yes.

Mr. Berry read the amendment, offered by Mayor Stage, in full. He then moved that Exhibit “A” of C-67-14 be amended, under Article V, #1 – the words “, and the Library shall take fee simple ownership of such parking places at the end of the Lease/Purchase Agreement.” at the end be removed; #3 shall include the two new paragraphs and a. & b., as read; #5 is removed in its entirety and #6 shall be renumbered to #5; seconded by Ms. Klemack- McGraw.

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

Ms. Lanese said she was handed this amendment five minutes ago and doesn't appreciate this. She said she doesn't know if the Library Board wants this. She doesn't understand why this is being discussed now. Mr. Bennett said from his perspective, this keeps an open method that will allow potential expansion for parking that enhances the perspective for the City and their partner – the Library. He sees it as being in the best interest of both parties. Ms. Lanese said it isn't the merit, it is the fact that the Library doesn't want any more surprises. Why is it coming out of nowhere today? Mayor Stage said here needed to be clarity on the 86 spaces. The only thing that changes is that the City will service the parking after 30 years. It is more of a technical issue than philosophical. The guarantee of 86 parking spaces is there.

Mr. Bennett said since this is a partnership, he has asked the Mayor and he has agreed that when drawings for the library become available, they are brought to the City and shared instead of waiting until the end and submitting a final plan. Since we are paying for the architectural expenses, they would like to be included in the loop.

Mr. Mark Shaw, Dir. of Library, shared that he received this amendment this afternoon and forwarded it to their Legal Counsel and the Board of Trustees. He said they will most likely take it up in their meeting next week. He said they had a long meeting at their legal counsel's office around October 28 and from his standpoint, this is a substantial departure from what was negotiated then. They will need time to review this. He said they have always been up front that parking was important to them and control of the parking was important to them. He said he will send all the information to the Board and it will be up to them to debate it.

Mr. Davis said we have been at this since 2012. It has been eventful, emotional, etc. He said there have been around 8 votes on this but, we have persevered amidst all the anxiety. He said he believes in this project and he appreciates everyone's patients and perseverance in working through it. He said the end game is so significant for the City and he is hopeful that this item gets passed.

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

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

3. Ordinance C-68-14 (Appropriate \$885,000.00 from the Sewer Fund for the Current Expense of Rehabilitation of Aging and Deteriorated Sanitary Sewers) was given its second reading and public hearing.

Mr. Spring, Service Dir., explained that after review of the sewer system, they are looking to repair the old sections more aggressively than in the past. It is about 15,000 feet of sewer line and a lot of the sections are in the downtown, older areas of town. Mr. Bennett asked if any of this has to do with the proposed library site. Mr. Spring said no.

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

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

4. Ordinance C-76-14 (Appropriate \$2,200.00 from the Senior Nutrition Fund for Current Expenses) was given its first reading. Second reading and public hearing will be held on 12/15/14.
5. Ordinance C-77-14 (Reduce the Appropriation Amount for Various Funds) was given its first reading. Second reading and public hearing will be held on 12/15/14.
6. Ordinance C-78-14 (Authorize the City Administrator to enter into an Agreement with the Fraternal Order of Police/Ohio Labor Council, Inc., Police Dispatchers) was given its first reading. Second reading and public hearing will be held on 12/15/14.
7. Ordinance C-79-14 (Authorize the City Administrator to enter into a Lease Agreement with Pitney Bowes) was given its first reading. Second reading and public hearing will be held on 12/15/14.

**The Chair recognized Mr. Davis, Chairman of Safety, for discussion and voting under said Committee.**

1. Ordinance C-69-14 (Amend Various Sections of Chapter 1411 to Adopt the 2015 International Property Maintenance Code by Reference with certain Administrative and Technical Amendments to suit the particular needs of Grove City) was given its second reading and public hearing.

Mr. Smith, Dir. of Law, explained that we are updating from the 2003 to the 2015 version. Many communities adopt Codes by reference. We went through the Property Maintenance Code and tailored it to Grove City.

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

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

2. Ordinance C-70-14 (Amend Various Sections of Chapter 513 titled Drug Abuse Control of the Codified Ordinances of Grove City, Ohio) was given its second reading and public hearing.

Mayor Stage said this is in response to realizing we have drug offenders in our parks. When he looked at the penalty, he felt it wasn't enough, particularly if those activities are on City property. He said this would increase the penalty to up to \$1,000.00 fine and 180 days in jail. He said this is a movement to put into perspective that marijuana is different from alcohol.

Mr. Bennett questioned the quantity of "under 200 grams". Mr. Smith stated that this is the threshold, under State Law, that changes from misdemeanor to felony. We only have the ability to govern over misdemeanor charges.

Mr. Davis commented that he is philosophically running counter to the direction the Mayor wants to go. He said he thinks we have a national debate coming on our criminalization for marijuana. He said a jail sentence, for however aggressive our police choose to be, is pretty stiff for some things and is not inclined to increase that for this offense. Mayor Stage said the two cases that brought this to his attention had underage children involved. He said this is a case that we have all the tools available to them to make sure that those are taking advantage of public property and/or have minors involved are going to pay a different price. Mr. Smith stated that the current penalty does carry the possibility of jail, so that doesn't change - just the number of days. Mr. Davis said we are going from an M4 to and M1 which is a significant change. Mr. Smith said it is, but it is limited in scope to city property.

Mr. Berry asked if this was just for marijuana or any illegal substance. Mr. Smith said marijuana and paraphernalia.

Ms. Lanese asked if this could be more narrowly tailored to say "if children are involved or present" it increases. Mr. Smith said yes, if that is Council's desire. Mayor Stage said he isn't in favor of adding another variable/test. He thinks it adds an issue of burden.

Mr. Bennett asked about Section 3 pertaining to drug paraphernalia. Chief Robinette said that Section is not changing with this Ordinance, but the burden of proof is on the Police to tie it to someone or it will just be confiscated as contraband and no charges would be issued.

Mr. Berry asked if there are any other drugs that fall into this classification. Mayor Stage said alcohol. He said an OMVI is an M1 offence and feels marijuana falls into that same category. It follows the same kind of rational in comparison.

Mr. Berry asked if schools were included. Mr. Smith said no. They looked at various scenarios but felt City property was the cleanest direction rather than public property that may include schools, the library and other areas. Mr. Berry said it seems like it should be included given the reasoning. Mayor Stage said they are tiptoeing. This legislation was a result of real world cases that he believes the offenders did not get the penalty that they should have. Mr. Davis said he understands and feels this merits a broader discussion so we are not tiptoeing. Mayor Stage said he agrees with having a larger discussion, but does not want this ordinance delayed at this time.

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

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

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

1. Ordinance C-64-14 (Rezone 0.715 acres located at 4155 Parkway Centre Drive from C-2 to PUD-C) was given its second reading and public hearing.

Mr. Stephen Zollner, representing petitioner, was present. Mr. Boso, City Admin., explained that this is for Texas Roadhouse. He explained that they would like additional parking and the developer agreed to give them additional parking, but it wasn't on their lot. The Code does not permit stand alone parking, except under the PUD-C zoning.

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

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

2. Ordinance C-71-14 (Approve the Plat for Harrisburg Pike, Columbus Street and Alley located at 3959 - 3963 Broadway was given its second reading and public hearing.

Mr. Boso, City Admin., requested that this be postponed to the next meeting.

There being no additional questions or comments, Ms. Klemack-McGraw moved it be postponed to 12/15; seconded by Mr. Bennett.

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

3. Ordinance C-72-14 (Approve the Special Use Permit for a Drive-Thru for Kroger Company located at 5965 Hoover Road was given its second reading and public hearing.

Mr. Andrew Gardner, representing Kroger, was present to answer questions. Mr. Bennett clarified that the drive-thru will sacrifice one section of a lane. Mr. Gardner said yes.

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

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

4. Resolution CR-66-14 (Approve the Development Plan for G. C. Dollar General located at 3065 Broadway) was given its reading and at the request of the petitioner, Ms. Klemack-McGraw moved it be postponed to 12/15; seconded by Mr. Davis.

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

5. Resolution CR-73-14 (Approve the Preliminary Development Plan for Grove City Town Center Apartments located at 4035 Broadway) was given its reading and public hearing.

Mr. Dan Gore, representing Pizzuti, was present. Ms. Klemack-McGraw reviewed the concerns by Planning Commission. Mr. Gore agreed to all of them.

Mr. Bennett said that with a major piece of legislation on hold, and this being a small part, he would like to postpone after the total presentation has been made. Mr. Gore said they would like to move forward tonight. The two pieces are separate and this is a preliminary design plan. He said they agree to work with the City in good faith to advance that plan. He realizes that there is an MOU being discussed. He agreed to address the concerns of Planning Commission and move forward one step at a time.

Mr. Berry said he wants to see much more brick/stone, so it blends with the historical area. He noted that they are building a similar product with the parking under the building and asked for that here. Mr. Gore said they agree with adding more brick but see covered parking along the railroad tracks. Mr. Berry asked about enclosing the stairways. He said Lifestyles has a unit that looks like condos with hidden stairs with a colonial look. He said it looks like a more high-end unit. Mr. Gore said they would like to see the design develop from here. It is a conceptual design and they would like to have it fit more within the community. He said they have done some studies of what Mr. Berry is explaining and there was some concern of its marketability. They are happy to look at that again and work through it. Mr. Berry said his vote tonight is based on the basic concept.

Ms. Lanese asked for an overview of the triangle area. Mr. Gore said there would be a club house with an outdoor area - a fire pit, picnic area, a barbeque. It becomes the epicenter for the Town Center. Ms. Lanese asked if any of these amenities were open to the public or just for the tenants. Mr. Grove said it is for the development/tenants.

Mr. Bennett said he liked their original design that had commercial and Townhomes that included a public parking area to access the City building. He believes the way this is designed will place too much stress on the general public to find a place to park is beyond our ability to handle. He would like to see this plan retooled. He said this is a business district and he would like to see it that way.

Mr. Berry asked if the large fountain was still planned. Mr. Gore said yes. The focus is on activating Broadway. Mr. Davis asked about timing. Mr. Gore said if they got all the green lights, they may be ready by Spring.

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

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

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

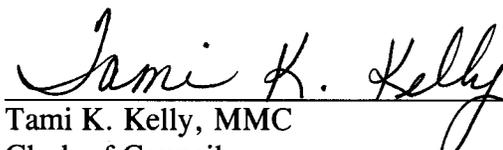
- Ms. Patty Wiseman said she feels someone should be at the next Library meeting to explain why this amendment was made at the last minute tonight. She asked why this was done. Mayor Stage said when it came down to guaranteeing 86 spaces to the Library, the question came up of what happens if there is more development in and around the Library and shouldn't we consider having the flexibility to have the parking managed by the City. He said the old agreement never identified the number of parking spaces. He said this really doesn't change anything. Ms. Wiseman said parking is a big concern and they thought their proposal was agreed to. Mr. Berry said he thinks there was a concern with the additional land and additional investment by the City. They have always agreed to the original plat of land being the library's, but if additional development occurs, we still need to guarantee the Library 86 spaces. This just puts in writing that if a parking garage needs to go next the Library building, then both parties would agree to its ingress/egress, etc. We wanted it addressed now, to prevent issues in the future. He explained that the Library Board still has to agree to any change. That hasn't changed. He said tonight was the second reading of the legislation and it was the time to discuss any issues or concerns Council had after the first reading. This is the time when amendments would be offered and made.

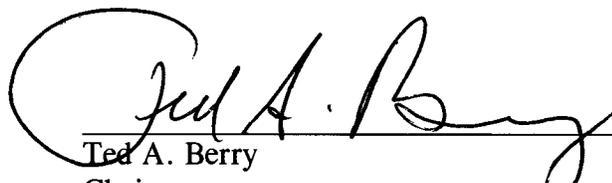
President Berry asked for a moment of silence for our fallen soldier – Joey Riley.

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

- Mayor Stage announced Mistletoe Market and the Parade & Christmas Celebration this Saturday starting at 10:00 am. He said he swore in two new police officers this week. He recognized the passing of Joey Riley-a soldier in Afghanistan. He did work for the Service Dept. for several years. Arrangements are yet to be made.
- Mrs. Lanese said we have a serious problem with heroine and doesn't want to divert police resources so she voted no for Ord. C-70-14. She also explained her yes vote for the Library because she didn't want to delay this any longer. However, she doesn't feels we would be legislating on the run.
- After comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:40 p.m.

  
 Tami K. Kelly, MMC  
 Clerk of Council

  
 Ted A. Berry  
 Chair

C-67-14 Amendment

ARTICLE V  
POSSESSION, LEASE, AND CONVEYANCE OF NEW LIBRARY

1. Commencing on the date upon which the City issues applicable occupancy permits for the New Library, the Library shall be entitled to possession of the New Library under the Lease/Purchase Agreement. As part of the Lease/Purchase Agreement, at least 86 public parking spaces adjacent to the New Library shall be controlled to the extent permitted herein and maintained solely by the Library, ~~and the Library shall take fee simple ownership of such parking places at the end of the Lease/Purchase Agreement.~~

\* \* \*

3. Rent. The Library's annual base rent under the Lease/Purchase Agreement shall be fifty percent (50%) of the City's Average Annual Debt Service Payment, not to exceed \$300,000.00 per year. The Library's obligation to pay rent under the Lease/Purchase Agreement shall end, and the Library shall take title to the New Library, upon the earlier of (i) full repayment of the City Securities, or (ii) thirty (30) years after Finance Closing.

\* insertion \* \* \*

Upon termination of the Library's obligation to pay rent as set forth herein, the City shall transfer ownership of the New Library and parking area designated "Area 3" as shown in Exhibit G. All parking in "Area 3" shall remain open to the public.

In the event that the parking area designated "Area 2" is ever developed, the City shall have an obligation to continue to provide the Library with a total of 86 public parking spaces, including "Area 3," which the City may do by either:

a. Constructing a parking garage, at the City's sole cost, on the parking area designated "Area 3," provided that the functionality of the parking garage shall be approved by the Library Executive Director. Notwithstanding any provision herein, if a parking garage is constructed, the parking area on which the garage is constructed and the garage shall be owned and maintained to by the City.

or

b. The City shall provide, at the City's sole cost, parking spaces at a location that is mutually agreeable to the City and Library Executive Director adjacent to the New Library so long as the parking spaces are not located across Broadway or the Columbus Street extension.

\* \* \*

~~5. The City shall transfer ownership of at least 86 parking spaces to the Library at the end of the Lease/Purchase Agreement provided that at least 80 of the parking spaces remain open to the public.~~

56. The Library shall have sole control over the number and operation of public entrances into the New Library at all time.