

**GROVE CITY, OHIO COUNCIL  
MINUTES**

December 07, 1992

Regular Meeting

The regular meeting of Council was called to order by President Brian Buzby 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:

*Brian Buzby*                      *William Ferguson*                      *William Buckley*  
*John Mountain*                      *Charles Cotton*

1. Mr. Mountain moved to dispense with the reading of the minutes and approve as written; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes

**The Chair recognized Mr. Cotton, chairman of Lands & Zoning, for discussion and voting of legislative agenda items under said committee.**

1. Mr. Cotton moved that Resolution CR-65-92 (reverse decision of BZA regarding grass parking for Woodland Music Center) and Ordinance C-73-92 (Rezone 10.445 acres on Southwest Blvd from IND-1 to SD-3) be removed from the table and added to the agenda; seconded by Mr. Ferguson.

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

2. Mr. Cotton moved to remove Ordinance C-32-92 (conform boundaries of Grove City & Jackson Township) from the agenda; seconded by Mr. Ferguson.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

3. Mr. Cotton moved to withdraw Ordinance C-99-92 (rezone property on east side of Jackpot Road from IND-1 to C-2) at the request of the applicant; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

4. Resolution CR-65-92 (reverse decision of BZA regarding grass parking for Woodland Music Center) was given its reading and public hearing.

Speaking to this resolution was Mr. Charles Ruma, Beulah Park Jockey Club. He indicated that a variance

was requested because it was felt that paved parking, which has substantial runoff, would be detrimental to the surrounding area and chip and seal would be the best solution. The Board of Zoning Appeals agreed with this as well as the City's Consulting Engineer and requested that the variance remain in place.

Mr. Cotton noted that it may be best to begin with the Final Development plan rather than the variance issue first. Mr. Ruma stated that he wished he would and with that, Mr. Cotton set aside Resolution CR-65-92.

5. Resolution CR-74-92 (Final Development Plan for proposed Amphitheater at Beulah Park) was given its reading and public hearing.

Speaking to this resolution was Mr. Charles Ruma, Beulah Park Jockey Club. He stated that Council took action, without him present, on an Ordinance to prohibit outdoor concerts within 1500 yards of a residential district. He said that he is the only property owner that this ordinance affects. He said it specifically affects Beulah Park and only Beulah and feels victimized since his proposal for an amphitheater was submitted in July, 1992. He had several questions; the first being about the special use permit. He asked if the permit issued in 1991 for Capital Music Center was still in effect? He contends that it is. If it is, then does it qualify for an exemption under the ordinance that was just passed in regard to the 1500 yards?

Mr. Cotton asked if he had put that request in writing? Mr. Ruma indicated that he had submitted a written request to Mr. Clark.

President Buzby responded by stating that the ordinance passed regarding the 1500 yards has been up for discussion for quite some time and Mr. Ruma was well aware of this legislation. President Buzby indicated that the ordinance provided that if you had a special use permit, the yardage requirement did not apply. However, if Mr. Ruma is asking Council if his 1991 permit is still valid, he did not know. Mr. Ruma responded by stating that he was not asking Council if his 1991 permit was good and that in an attempt to proceed with the rezoning, he was told by Planning Commission that he must submit the Final Development Plan as well as the Special Use Permit request. He still contends that it is not necessary and further feels that his property is zoned for amphitheater use referring to Section 729.02 of the Codified Ordinances of Grove City, Ohio. He said that Beulah Park has a history of having music at their facility for approximately 20 years and specifically on the land zoned industrial. He asked since he has had a history of continual use of music at the facility, is this use grandfathered against any of the legislation?

Mr. Clark responded and stated that it was the City's position that a special use permit was needed. Mr. Ruma conceded and went on to ask when his property was rezoned industrial? He said he has asked and cannot find where this was ever done and contends that his property should show SD-3 zoning.\*\* Mr. Cotton asked if he had documentation when his property was zoned SD-3? Mr. Ruma said he suspected that it was zoned that way upon annexation. Mr. Ruma stated that he wanted to go on record with what he feels are two major discrepancies with regard to a special use permit and zoning, but, in order to proceed with the development, he complied with what was dictated to him by City Administration.

In regard to the Final Development Plan and proposal of the amphitheater, Mr. Ruma feels that over the last six months, they have accumulated the best possible proposal for the City. It is the best, state-of-the-art facility. If this City would prefer an outdoor concert facility, they could not ask for a better proposal than the one they are getting. He stated that the Mayor's Committee recommended the proposal with conditions and those conditions were acceptable to him. He referred to the telephone survey indicating that it showed a two to one support for the facility and the traffic study that was submitted was commended. He said that the real issue is sound and in developing this proposal, they used the study that was commissioned by the City from Cavanaugh & Tocci. That study made recommendations to combat the sound of Capital Music Center and all of these recommendations were used in the development of this proposal. He said that he has the best possible system and it will not be a problem; sound wise, traffic wise, design wise, storm water management wise, etc. It is a Class "A" proposal and simply requested support for the proposal.

Mayor Stage made some points of clarification. First, the traffic study may have been the best seen, but, Administration did not agree with it. Shutting down three lanes is not acceptable. Second, even though the

Mayor's Committee agreed to this proposal with conditions, the Administration did not feel these caveats were acceptable. And finally, the sound survey from Cavanaugh and Tocci was completed for a temporary facility, not a permanent facility. Mr. Ruma responded by stating that the sound study could be applied to either a temporary or permanent facility. Mr. Buckley stated that the study says that this would be the least objectionable way to have an amphitheater in the City, NOT one that the City could live with.

Mr. Clark also made a point of clarification. He said he appreciated Mr. Ruma's position with not waiving his property rights, however, he did not recall any mention of property rights, or the waiver or non-waiver thereof when Capital Music Center had made application for the issuance of a special use permit in 1991.

President Buzby stated that he understand the questioning of rezoning and a special use permit. The fact of the matter is Mr. Ruma requested these things, they are on the agenda and Council will vote on them. President Buzby also stated that he felt there were good relations with Mr. Ruma and Beulah Park. He respected the fact that they had conformed to all the requests. The proposal is a good one and he agrees that there is support in the community for it. However, after many months of study he has concluded that there is too much of a burden for too many people in the City. Council has to weigh the benefits against the liabilities and he can't ask our neighbor's to shoulder something that we wouldn't shoulder.

There being no additional questions or comments, Mr. Cotton moved that Resolution CR-74-92 be approved; seconded by Mr. Buckley.

Mr. Ferguson	No
Mr. Buckley	No
Mr. Cotton	No
Mr. Buzby	No
Mr. Mountain	No

6. Mr. Cotton returned to Resolution CR-65-92.

Speaking to this resolution was President Buzby. He said he felt that Council should vote with the presumption that the Final Development Plan had been approved. If there was such a facility, was this the right way to do it? Mayor Stage interjected and asked Mr. Kohman if Administration approved the grass parking because of the run-off? Mr. Kohman said yes; that it was felt that the chip and seal parking area would be the best way to go. Mr. Buckley stated that he viewed this as part of the package and reversing the decision would put everything back to square one.

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

Mr. Buckley	Yes
Mr. Cotton	No
Mr. Buzby	No
Mr. Mountain	No
Mr. Ferguson	Yes

7. Ordinance C-73-92 (Rezone 10.445 acres on Southwest Boulevard from IND-1 to SD-3) was given its second reading and public hearing.

Speaking to this ordinance was Mr. Ruma. He said that he would still like to have the rezoning in order to possibly develop it into additional space for the race track.

Mr. Clark said that even if it was turned down under this proposal, he could still come back and request the rezoning again with another plan.

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

Mr. Cotton	No
Mr. Buzby	No
Mr. Mountain	No
Mr. Ferguson	No
Mr. Buckley	Yes

8. Ordinance C-107-92 (Special Use Permit for The Brake Shop, 2401 Stringtown Road) was given its second reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

9. Ordinance C-109-92 (Special Use Permit for Woodland Music Center, Beulah Park) was given its first reading.

Mr. Ruma was asked if wanted to withdraw the request and Mr. Ruma said he may as well let it run its course. Mr. Cotton announced that the second reading and public hearing will be held on December 21, 1992.

10. Ordinance C-110-92 (Rezone 4029 Marlane Drive from C-2 to SD-3) was given its first reading. Second reading and public hearing will be held on January 18, 1993.

11. Ordinance C-111-92 (Annex 2.81 acres of right-of-way on Hoover Road) was given its first reading. Second reading and public hearing will be held on December 21, 1992.

12. Resolution CR-68-92 (Request Jackson Township transfer total operation of Fire Department to the City of Grove City) was given its reading and public hearing.

President Buzby moved to amend the resolution as follows:

*Section 1. The City of Grove City does hereby request that the Trustees of Jackson Township agree to form with Grove City a bipartisan committee of five members; two to be selected by the Jackson Township Trustees, one to be selected by the Mayor of Grove City, one to be selected by the City Council of Grove City, and one to be selected by the Village of Urbancrest, to consider and review a timetable and the procedures for the possible transfer of the operation of the Jackson Township Fire Department in an orderly and sound manner to the City of Grove City, which committee is to issue its final report jointly to the City of Grove City, the Jackson Township Trustees and the Village of Urbancrest on or before March 15, 1993.*

*Section 2. TO BE DELETED*

*Section 3. TO BE DELETED*

*Section 4. TO BECOME SECTION 2.*

Seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

Jackson Township Trustee, Don Miller commented that sometime down the road the City is going to expand where it would be feasible to take over the Fire Department. He said he felt like the communication between the City and the Township had become better and commended the Mayor. He also requested that the Safety Director attend the staff meetings, held one a month, in order to get a better understanding of how a fire department is run. He also coined Mayor Stage's phrase - If it isn't broken, why rush in to try to fix it? He felt that the committee was a good idea.

Mayor Stage said he too felt that relations were better. However, he is still troubled by the cost and size of the fire stations being proposed. He also felt that the resolution needed terminology to protect the local fire fighters union.

President Buzby offered an amendment to the amendment by adding to the last sentence: . . . City of Grove City, which committee will openly communicate with the Local Fire Fighter Union #2672 and issue its final report . . .; seconded by Mr. Cotton.

Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

Mr. Cotton moved that Resolution CR-68-92 be approved as amended; seconded by Mr. Buckley.

Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes

13. Resolution CR-71-92 (Final Development Plan for Cord Camera, 2250 Stringtown Road) was given its reading and public hearing.

Mr. Buckley moved to amend this resolution as follows:

*Under Stipulation 1. change CONSULTING ENGINEER to read "CITY'S CONSULTING ENGINEER".*

Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

Mr. Cotton moved it be approved as amended; seconded by Mr. Buzby.

Mr. Buzby	Yes
Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes

14. Resolution CR-78-92 (Services to be furnished to a 12.82 acre tract on Demorest Road upon annexation) was given its reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes

Mr. Cotton Yes  
Mr. Buzby Yes

15. Resolution CR-79-92 (Services to be furnished to a 54.6 acre tract on east side of Hoover Road upon annexation) was given its reading and public hearing and Mr. Cotton moved it be approved; seconded by Mr. Buckley.

Mr. Ferguson Yes  
Mr. Buckley Yes  
Mr. Cotton Yes  
Mr. Buzby Yes  
Mr. Mountain Yes

The Chair recognized Mr. Mountain, Chairman of Service, for discussion and voting of the legislative items under said committee.

1. Ordinance C-113-92 (Improvement to Hoover Rd & request cooperation by the Dir. of Transportation) was given its second reading and public hearing.

Mr. Nelson Kohman, City's consulting engineer, explained that we have applied for a grant to improve Hoover Road from Kroger to White Road and that this ordinance provides for those improvements be done in cooperation with Franklin County.

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

Mr. Buckley Yes  
Mr. Cotton Yes  
Mr. Buzby Yes  
Mr. Mountain Yes  
Mr. Ferguson Yes

Mr. Mountain moved that Ord. C-113-92 be approved as an emergency; seconded by Mr. Buckley.

Mr. Cotton Yes  
Mr. Buzby Yes  
Mr. Mountain Yes  
Mr. Ferguson Yes  
Mr. Buckley Yes

2. Resolution CR-80-92 (Accept bids for the emergency paving of a portion of Hawthorne Parkway) was given its reading and public hearing.

Mr. Kohman explained that a portion of Hawthorne Parkway has deteriorated to state that requires emergency repair.

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

Mr. Buzby Yes  
Mr. Mountain Yes  
Mr. Ferguson Yes  
Mr. Buckley Yes  
Mr. Cotton Yes

The Chair recognized Mr. Buckley, Chairman of Finance, for discussion and voting of the legislative items under said committee.

1. Ordinance C-112-92 (Appropriate \$5,000 from the Senior Nutrition Fund for Current Expenses) was given its first reading and since it appropriates for current expenses, Mr. Buckley moved it be approved; seconded by Mr. Ferguson.

Mr. Mountain	Yes
Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes

2. Resolution CR-77-92 (Intent to make funds available to match funds that may be granted by the Housing & Community Dev. Block Grant Program and authorize the Mayor to file applications with said agency) was given its reading and public hearing.

Mr. Babbert explained that with respect to the telephone survey, he was applying for a grant to add on to the Senior Center and that this resolution was needed to complete the application.

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

Mr. Ferguson	Yes
Mr. Buckley	Yes
Mr. Cotton	Yes
Mr. Buzby	Yes
Mr. Mountain	Yes

**President Buzby asked that any New Business to be brought before Council, be done so at this time.**

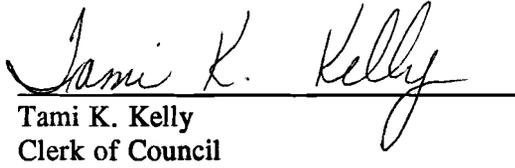
1. Ms. Theresa Mills, a member of Parkridge Area Residents Take Action, asked if the City were to take over the fire department, where would they build a new station? The Mayor responded by stating that a new station would be erected where the existing station on Hoover Road stands today. She asked if any part of the old Grove City Sewer Treatment Plant would be used? Mayor Stage said that if it were, it would more than likely be just parking. She voiced here concern regarding the environmental issues with this site and surrounding sites around Parkridge. She said that she felt as though her concerns have fallen on deaf ear that this committee would be watching and taking action for the safety of their community.

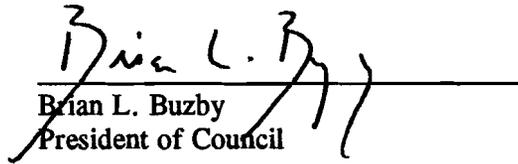
**President Buzby recognized the Mayor, members of administration and council for closing comments.**

1. Mayor Stage commented on the excellent turnout for the tree lighting and thanked everyone who was involved. He also announced the birth of Administrative Assistant, Charles Boso, Jr.'s new son. Nicholas Charles Boso was born at Mt. Carmel this morning, weighing 7 lbs. 4 oz. and 19 1/4" long. Both mother and baby are doing fine. Also, the budget for 1993 has been delivered and is only up \$33,000 from last year. The Mayor announced that he was looking at a fire arms ordinance and hoped to have a draft to Council by the end of the year. He also mentioned that Jail-N-Bail was going on this week for the American Cancer Society and we were one of the jail sites this year. All the jails, at each site this year, were made by the Parks & Rec. Dept. In closing, he noted the Bowl-A-Thon to benefit Buckeye Boys Ranch took place last Sunday and was a big success.
2. Mr. Chris Fulton thanked Mr. Miller for his invitation to attend the Township staff meetings.
3. Mr. Hamons wanted to thank Mr. Clark for working with the Bar Association and setting up judges for the Jail-N-Bail. He announced that it was not too late to have someone arrested for the cause. He said things have gotten off to a slow start however, Mr. Lotz was arrested today and received over \$1,000.00 in donations for his bail.
4. President Buzby announced a Special Meeting of Council to be held on Monday, December 14, 1992 at 7:00 p.m. to discuss the Budget for 1993.

5. After additional comments from Administration, the Chamber and Council, Mr. Buckley made a motion to adjourn; seconded by Mr. Ferguson. Motion carried.

Council adjourned at 9:07 p.m.

  
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Tami K. Kelly  
Clerk of Council

  
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Brian L. Buzby  
President of Council