

CITY OF GROVE CITY, OHIO  
COUNCIL MINUTES

December 15, 2003

Regular Meeting

The regular meeting of Council was called to order by President Klemack at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

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

*Vaughn Radi                  Bob Hatley      Maria Klemack                  Budd Eversman                  Bill Saxton*

1. Mr. Saxton moved to dispense with the reading of the previous meeting minutes for December 1 & 8, 2003 and approve as written; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

2. President Klemack read the agenda items and they were approved by unanimous consent.

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

1. Mr. Saxton moved to Table Ordinances C-124-03, C-78-03 and C-79-03; seconded by Mr. Eversman.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

2. Ordinance C-116-03 (Approve the Plat of Buckeye Parkway, Buckeye Place, Lamplighter Drive and Parkway Centre Drive Dedication & Easements) was given its second reading and public hearing and Mr. Saxton moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

3. Ordinance C-125-03 (Approve a Special Use Permit for Petsmart located in the Parkway Centre South Shopping Center) was given its first reading. Second reading and public hearing will be held on January 05, 2004.

6. Ordinance C-126-03 (Approve the Rezoning of 625.92 acres located South of White Road and East of I-71 from SF-1 to PUD-R) was given its first reading. Second reading and public hearing will be held on February 02, 2004.

7. Resolution CR-87-03 (Approve the Development Plan for Steak 'n Shake Restaurant located in the Parkway Centre South Shopping Center) was given its reading and public hearing.

Mr. Joe Scott, Construction Manager for Steak 'n Shake, was present. He commented that Planning Commission recommended approval with nine stipulations and he would like to discuss two of them. They are #3, concerning the use of canvass awnings and #4, the use of brick Wainscoting. He showed a drawing of their proposed building, which is a duplicate of their Easton project. It has Charleston Wedgewood Brick and a 3M product for the awning, which is backlit. He said with a 24 hour restaurant, that is a high signature item to them. Also, they do not have any wainscoting brick along the bottom. He said they believe they are providing a high class exterior elevation without these items. They have 12 restaurants around the Columbus area and the executive image is important to them. He asked for approval without changing the awning or adding the wainscoting.

Mr. Radi asked if the Development Text for the area didn't already call for cloth awnings. He also indicated that he didn't feel the change Mr. Scott was requesting was warranted. Mayor Grossman stated that the City is excited to have Steak 'n Shake. However, based on the discussion in Planning Commission, it was strongly expressed how important they believe the canvass awnings will set the tone for the rest of the center. As far as the wainscoting, this was a compromise to insure that this restaurant tied into the image of the Center, while allowing for the white brick, which is a signature image for Steak 'n Shake. Mr. Saxton recalled the same expressions from the Planning Commission and thought Mr. Scott had agreed to all the items. Mr. Scott said just before the meeting began, he indicated to the Chairman of the Planning Commission and expressed the potential problems with these two stipulations. As far as the wainscoting, he believes they can waiver on it. The biggest problem is with the awning. Canvass does not allow for a backlit awning. Their entire image is the focal point of the backlit awning. He also said it provides for security and safety. He said canvass fades and will be an ongoing maintenance problem. Also, it was his understanding that the final Text has not been approved when then came to Planning Commission, but didn't believe it was specific to canvass awnings. Mr. Cullen, Continental, confirmed that it wasn't specific, it was left to review and approval of Planning Commission and Council.

Mr. Eversman moved that Section 1 be amended to exclude Planning Commission's stipulation that the awning must be canvass; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Saxton	No
Mr. Radi	No
Mr. Hatley	No
Ms. Klemack	No

At the request of Mr. Scott, Mr. Saxton moved it be postponed until 1/5/04; seconded by President Klemack.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

3. Resolution CR-88-03 (Approve the Development Plan for Dairy Queen located in the Parkway Centre South Shopping Center) was given its reading and public hearing.

Mr. Rick Boone, owner, was present. Mr. Saxton reviewed the stipulations set by Planning Commission, which Mr. Boone agreed to.

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

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

**The Chair recognized Mr. Radi, Chairman of Safety, for discussion and voting of legislative agenda items under said Committee.**

1. Ordinance C-117-03 (Amend Table 1135.10-I titled Residential District Minimum Requirements) was given its second reading and public hearing.

Mr. Eversman explained that after discussions with Mr. Saxton and Mr. Radi, he has amended his proposal to leave the house square footage for SF-1 and SF-2 alone and only reduce SF-3 by 100 sq. ft. He said his desire is to close the gap between SF-3 and R-1 to elevate the homes to the next level and get developers to use the SF-3 zoning classification. He moved to replace the Exhibit with the one labeled Exhibit "A" Amended; seconded by Mr. Radi.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

Mr. Eversman stated that the rest of the changes were a result of Mike Boso and Mr. Radi. Mayor Grossman commented that she had reviewed this proposal with Ken Danter, Danter & Assoc., who has done a housing study for the city, and he encourages the SF-1, SF-2 & SF-3 zoning classifications as they currently exist. In addition, she has spoken with two Planning Commission members who are not in favor of these changes. She requested it be tabled for the benefit of receiving input from the rest of Planning Commission and allow her to continue discussions with Mr. Danter. She said they effectively used these SF classifications in their negotiations with the Pinnacle Golf Course and has lots going up to 110 ft. wide. Mr. Eversman pointed out that there are no requirements in the Pinnacle development for 110' lots. There are for 90 and 100' are required and on SF-1 & SF-2 there are not recommended changes. On SF-3, there is only a 100 sq. ft. reduction, and this is still larger than the houses in the Pinnacle development (1,800 to 2,000 sq. ft). This more than meets Pinnacle minimums and with the SF-3, we do not have any existing homes with that zoning. He feels that when PUD-R is not the preferable system, this would encourage developers to raise the bar for the requirements of the city. *Mr. Hatley* asked Mr. Eversman if he had presented this proposal to Planning Commission. Mr. Eversman said he e-mailed it out to them last week and asked them for comments within a week. He has not heard from any of them.

Mr. Radi commented that the corner lot widths came up with some experience in building. Under R-1 & R-2, interior lots are 80' & 70' wide. Corner lots are larger, but they have a 30' setback, which essentially makes them 70' wide lots. This didn't seem to make sense, so after

discussions with Mike Boso it was decided to increase the corner lots. However, he feels the proposal has gone a little too far and would like to amend the table to have a corner width of 110' for R-1, 100' for R-1b, and 100' for R-2. This would account for the 30' setback that is almost unusable yard space. Mr. Saxton commented that he felt we were jumping too fast, without any study. He asked Mr. Boso if he had any problem with this. Mr. Boso stated that based on past experience, he didn't have problem with those new figures. He has not studied the square footage changes for SF classifications.

There being no additional questions or comments, Mr. Hatley moved it be postponed until 1/20/04; seconded by Mr. Saxton.

Ms. Klemack	Yes
Mr. Eversman	No
Mr. Saxton	Yes
Mr. Radi	No
Mr. Hatley	Yes

**The Chair recognized Mr. Hatley, Chairman of Finance, for discussion and voting of legislative agenda items under said Committee.**

1. Ordinance C-118-03 (Appropriate \$93,749.94 from the COPS MORE Fund for the Current Expense of Reimbursement to the General Fund) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Saxton.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

2. Ordinance C-119-03 (Appropriate \$78,498.43 from the COPS FAST Grant Fund for the Current Expense of Reimbursement to the General Fund) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Radi.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

3. Ordinance C-120-03 (Appropriate \$7,600.00 from the Big Splash Fund for the Current Expense of Pool Operation) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

4. Ordinance C-121-03 (Appropriate \$21,000.00 from the Water Fund for the Current Expense of Water Line Replacement) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Saxton.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

5. Ordinance C-122-03 (Amend Section 161.10 of the Codified Ordinances titled Compensation Plan; Employees and Officers) was given its second reading and public hearing and Mr. Hatley moved it be approved; seconded by Mr. Eversman.

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

6. Ordinance C-127-03 (Appropriate \$272,776.00 from the Various Funds of the City for The Current Expense of the January 1, 2004 Payroll and to declare an emergency) was given its first reading.

Mr. Hatley explained that due to banking procedures, it is necessary to appropriate monies for the first payroll of 2004 now. This is the 27<sup>th</sup> pay period for 2003.

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

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

Mr. Hatley moved it be approved as an emergency measure; seconded by Mr. Eversman.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

7. Ordinance C-128-03 (Appropriate \$4,420.32 from the Convention Bureau Fund for Current Expenses and to declare an emergency) was given its first reading.

Mr. Eversman explained that this is something we have done the past several years. It is the final payment to the Convention Bureau for the year and needs to be provided now, as the money has been collected and is due.

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

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

Mr. Hatley moved it be approved as an emergency measure; seconded by Mr. Saxton.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

8. Ordinance C-129-03 (Make Appropriations for Current Expenses and Other Expenditures for which the City of Grove City must provide during the Twelve months Ending December 31, 2004) was given its reading and public hearing.

Mr. Hatley commented that last Monday, Council spent four hours reviewing the Budget with Administration. All requested changes have been made.

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

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

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

1. Mr. Bill Lotz, Jackson Township Trustee, commented that at the last meeting he voiced concern over the Township possibly losing some revenue from the proposed development south of White Road. He said he must compliment the Developer, the Administration and Council on the concessions they have made to the Township for this development. The developer is giving them ground for a new fire station and the TIF is going to include a fire station, an engine and an emergency squad. The Township, as a whole, is very happy with this and he expressed his compliments to everyone.

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

1. Mayor Grossman submitted the Court Report for November, which was delayed due to technical difficulties. Mr. Saxton moved to accept this report; seconded by Mr. Eversman.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

The Mayor then recognized Ms. Diane Haimerl & Crista Longbrake, Town Center Merchants, who are members of the Downtown Ohio group. She announced that last Thursday, the City qualified for the Downtown Ohio program. Ms. Haimerl and Ms. Longbrake followed up by stating that we were one of seven communities in the State that is now an aspiring Main Street Community. They thanked Council for their help and presented the City with the Award they received. The Mayor announced that the National Association of Industrial Office Parks was given an award for Parkway Center. She stated that Pinnacle is still working and has requested a recess to the meeting, in order to be able to review the project this evening. She congratulated each Department on the Budget efforts and recognized Budd for his service to Council.

2. President Klemack, along with the rest of the Council Members, recognized Mr. Arthur "Budd" Eversman for his service as a Council Member. President Klemack read a Resolution and presented him with a collage picture that represented his time on Council.

Council, the Mayor and Staff Members bestowed many well wishes and sentiments of appreciation on Mr. Eversman for his service to the community. Mr. Eversman thanked the first Council that appointed him. He also thanked all the members of Council that he has worked with, Ms. Kelly, the Mayor, Ike Stage, Chuck Boso, Jim Blackburn, and all the administrative staff members. He also thanked the citizens and hope they remember him, as he may return in the future.

3. At 9:00 p.m., President Klemack announced that Council would recess for approximately 15 minutes. Approved by unanimous consent.
4. Council reconvened at 9:12 p.m. and President Klemack recognized Mr. Saxton for the items on the Table.

Mr. Saxton moved that Ordinances C-124-03, C-78-03 and C-79-03 be removed from the Table and added to the Agenda; seconded by Mr. Radi.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

Mr. Saxton recognized Mr. Chuck Boso, Dir. of Dev., who explained that they have been in negotiations with the developers of a golf course community. He said there were four sticking points in a 15 page document and believes they have come to an agreement. The Administration has a recommendation for Council and introduced Mr. Rich Simpson, attorney for the City, to explain the details.

Mr. Simpson reiterated that they have been negotiating the terms of the Pre-annexation Agreement, up to a few minutes ago. He said the Administration was now ready to ask

Council for approval, with the following details incorporated into the Agreement. He did say that the concept of these issues has been agreed to, but the detailed wording still has to be worked out.

The first issue relates to the time in which the City is to complete the construction of Buckeye Parkway and Pinnacle Club Dr. It has been agreed that the time frame would be *180 days following removal of the contingencies that are expressed in the Pre-Annexation Agreement and completion of the engineering.* The next issue was with respect to Engineering, and it was agreed that *the City will pay for 50%, up to \$250,000.00 and anything over will be paid for by the developer. In addition, the developer would immediately contract for the engineering with EMH&T and that process would begin at the developers risk. Once the contingencies are removed, the City's responsibility to pick up the 50% of the cost would come into play. If the contingencies are not removed, and the project falls apart, the City would be entitled to the benefit of that engineering with no cost to the city.* In other words, the developer is going to start the engineering, pay for it, but only get reimbursed once the contingencies are removed. With respect to the time for delivering the Letter of Credit to cover part of the gap if the TIF revenues are not sufficient to pay the principle and interest on the City's Notes. He explained that because the TIF revenues are not going to be sufficient until the project is underway and houses are built, the Administration asked for the Letter of Credit to be provided by the end of year five. The concept they have come up with as a compromise is roughly this: *If in the reasonable judgment of the Finance Director of the City, it shall appear that the build-out of the project has not occurred fast enough to permit issuance of the TIF Bonds by year five, then the City may request that the developer provide the Letter of Credit at the end of year four.* Mr. Eversman asked Mr. Simpson if the engineering costs were over and above the City expense that is in the TIF. Mr. Boso stated that you still use TIF revenue but it is above. Mr. Eversman said that the TIF then becomes \$8,250,000.00. Mr. Boso said yes. Mr. Simpson continued with the next item, which concerned the alleys. The agreement was that *the alleys would be constructed to the City of Columbus standards, exclusive of RCC (rolled compacted concrete) OR such other specifications as are mutually agreed to by the City and the Developer.* As far as the width of the alleys, they recommend no change from what appears in the text now. With respect to the Option, there was a significant amount of discussion on this. It appears that the land is 11 acres not 10 acres. There will be a new attachment needed to depict what the Option Area is. Other than that, the language will be as stated (\$950,000 cap on the option price/\$20,000.00 per unit). With respect to the detachment issue, it is recommended that *if the project contingencies are not met and it appears that the project will not go forward, then only the Hirth Property could be detached.*

Mr. Hatley asked if these contingencies are not met and this does not work, when would we know. Mr. Tom Mason, General Counsel for M/I Homes, tried to answer by stating that two of the key elements are the take down of the land (exercising their options) and the extra public funding they need to get to make the project happen.

Mr. Radi asked if they know when M/I expects to begin selling and building in this development. Mr. Mason said no. He said they are going to know where this deal stands in the Spring. He would guess late in the year, next year. Mr. Radi commented that on page 7, it gives commencement of the construction and completion dates for the golf course. When he spoke to Mr. Joe Ciminello, it was his understanding that the golf course would be constructed first. Mr. Ciminello stated that the golf course, the construction of Buckeye Parkway, Pinnacle Club Dr., the extension of sanitary sewer lines, the infrastructure for the storm water management system would all be build simultaneously – as soon as the engineering is done. Mr. Radi asked about the start or completion date for the Community Center. It was

determined that a date of the first anniversary of the date that Buckeye Parkway is completed. Mr. Eversman commented that there are still some items he doesn't like about this project, but he realizes that to get something of this caliber it takes compromise. He said he was counting on Joe to make sure he doesn't regret his last vote on Council.

Ordinance C-124-03 (Approve a Pre-Annexation Agreement for Pinnacle Golf Club located South of White Road and East of I-71) was given its second reading and public hearing.

Mr. Saxton moved that the Agreement attached to the Ordinance as Exhibit "A" be replaced with the one dated 12/15/03; seconded by Mr. Eversman.

Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes

Mr. Saxton moved that Section 1 be amended to reflect that: The final execution copy of Exhibit "A" is to be modified to reflect the concepts stated by Mr. Rich Simpson (A. The City will be responsible for 50% of the engineering of Buckeye Parkway and Pinnacle Club Drive, up to a maximum of \$250,000.00. Anything in excess of that will be the responsibility of the developer; B. The developer will cause the engineering to begin immediately, even before the contingencies are released. The City's obligation to pay the \$250,000.00 will not be triggered until the contingencies are released. Once the contingencies are released, the city will have six (6) months to complete the construction of Pinnacle Club Drive and Buckeye Parkway; C. In Section E, page 4, another clause will be added to say that if the build-out isn't taking place fast enough, in reasonable judgment of the City, to permit the TIF Bonds to be issued at year five, the City may request the developer to provide the Letter of Credit in year four; D. In paragraph 6D, language is to be added to stated that the alleys will be constructed to the City of Columbus' standards, exclusive of RCC, or such other specification as shall be mutually agreeable to the City and the Developer; E. On the Option Agreement, the reference to 10 acres to Sub area E will be changed to a reference to 11 acres; F. In paragraph 12, in the event that the project collapses and the contingencies cannot be met, the City will agree to support the detachment of only the Hirth property.); seconded by Mr. Eversman.

Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes

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

Ms. Klemack	Yes
Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes

5. Ordinance C-78-03 (Accept the Annexation of 80.08 acres located North of Holton Road and East of Hoover Road) was given its second reading and public hearing and Mr. Saxton moved it be approved; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes

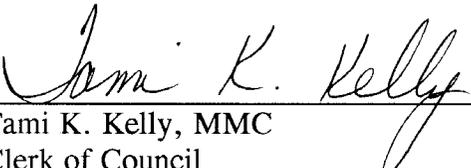
6. Ordinance C-79-03 (Accept the Annexation of 316.2 acres located South of White Road and West of State Route 104) was given its second reading and public hearing and Mr. Saxton moved it be approved; seconded by President Klemack.

Mr. Saxton	Yes
Mr. Radi	Yes
Mr. Hatley	Yes
Ms. Klemack	Yes
Mr. Eversman	Yes

The Mayor expressed thanks to Rich Simpson, Chuck Boso, Bob Behlen, Jim Blackburn & Council for the countless hours spent on these negotiations. Mr. Saxton stated that he thinks this is a great thing for Grove City and tickled to be involved. Mr. Hatley expressed appreciation to Mr. Ciminello for his efforts. He said there is such a variety of housing offered. He also commented on the budget and stated that we did not have to cut like some other communities. He complimented the previous Council's and staff members for the diversity in our tax base.

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

Council adjourned at 9:50 p.m.

  
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Tami K. Kelly, MMC  
Clerk of Council

  
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Maria C. Klemack  
President