

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

December 19, 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 two meetings and approve as written; seconded by Ms. Albright.

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

2. The Chair recognized Mr. Warren Gard, President of the Town Center Merchants Association. Mr. Gard provided Council with their Annual Report. He highlighted the year and answered questions of Council. Mr. Furr, Director, announced an Open House for the Welcome Center and invited all to attend on 12/22 until 9:00 p.m. Mr. Honsey, City Admin., followed-up on Mr. Gard's comment about not asking for more money. The Purchase Order for the Town Center group will be rolled over for next year and the TCMA has agreed to live off of what is left, which amounts to about \$27,000.00. 3. The 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-64-11 (Appropriate \$15,000.00 from the Senior Nutrition Fund for the Current Expenses) was given its second reading and public hearing.

Mr. Bennett moved that the amount be amended to \$13,000.00; seconded by Ms. Klemack-McGraw.

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

Mayor Stage said the reduction is a technicality to meet the way the State Auditors look at things. This is money received from fundraisers like the Mud Volleyball Tournament, and this reduction does not reduce the amount of money to be given to Meals-On-Wheels. Mr. Turner, Dir. of Finance, further explained that a check for \$15,000.00 will be made.

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

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

2. Ordinance C-65-11 (Appropriate \$195,000.00 from the General Fund for the Current Expense of the Phase 2 Stringtown Road Reconstruction Improvement) was given its second reading and public hearing.

Mr. Honsey, City admin; explained that this Phase will include a cycle track and a sidewalk, with curbs. He said this will also help relocate some utilities. He said they are trying to eliminate overhead wires wherever they can. Cost estimates will be submitted to Council to show what can be done for what cost. He said they will do everything they can to clean up the clutter in this area of Stringtown & bring a better look to the area. He said the ditch at McDowell & Stringtown will be enclosed and the guardrail removed. It is mostly funded by grants.

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

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

3. Ordinance C-66-11 (Appropriate \$2,542,032.57 from the Pinnacle TIF Fund for the Current Expense of Financing, Constructing and Equipping a Fire Station) was given its second reading and public hearing.

Mr. Dave Burris, J.T. Trustee, asked for support of this ordinance. He offered to answer any questions of Council.

Mr. Bennett explained that this ordinance is about the contractual obligation the City has with the Township with regard to releasing monies from the TIF.

Mr. Berry asked if all the provisions have been met under the terms of the TIF and ask Mr. Smith to explain those provisions. Mr. Smith, Dir. of Law, explained that under this Agreement, the City has an obligation to pay on this when one of two things happen. The first is when the TIF revenue stream is past the point where the City may issue additional revenue bonds. The second is when there are 750 living units. He said we have not met the living unit trigger. We are in the 500 range. As for the revenue bond trigger, Mr. Smith explained that at the time this was put together, TIF Revenue Bonds were fairly common and easy to do, just as a mortgage was easy to get. He said it was meant to be a threshold to determine if we could afford to do so. He said, at this point, the City is proposing to just pay for it, rather than issue bonds. However, the trigger speaks to issuing revenue bonds and in speaking with the City's Underwriter, it is his understanding that revenue bonds could be issued. So, that trigger has been met. *Mr. Berry* then asked how the proposed fire station ended up at this location. Mr. Chuck Boso, Dir. of Dev., explained that in the Agreement, there was a requirement for M/I to donate ground and all parties had to agree to the location. This site was found and was acceptable to the Township. Mr. Boso said he wrote a letter stating that the piece was acceptable to the City, but could not guarantee zoning or any permits. He said it was agreeable in terms of fulfilling the Agreement, but not in terms of the Development Plan process. *Mr. Berry* asked the Mayor about the property that was to be set aside in the Virginia Homes development on S.R. 104. Mayor Stage said the City purchased a 0.5 acre parcel in anticipation of the future alignment of Holton Rd. into the subdivision, but were still negotiating with Virginia Homes on ground to be set aside for public use.

Mr. Mark Pathic, resident, voiced concern over the location and operating monies.

Mr. Michael Mossman, resident, said he is a trauma surgeon and spoke about time. The faster you get to him the better your chances are. The faster the Emergency squad can get to a resident, the faster that person gets to him.

Mr. Smith noted that the TIF states, as well as the ordinance, that the exterior aesthetics must be approved before these monies are released.

Ms. Klemack-McGraw stated that she has been assured by the Township Trustees and Fire Dept. that they will work with the residents, be good neighbors, work diligently with the residents to address any and all concerns to minimize the impact of their presence, set up focus groups with residents and architects, work with the City and Council to produce a win/win situation for all parties involved.

Ms. Albright commented that her home backs up to Buckeye Parkway and her husband is not too excited about having a fire house at this location, but she has spent time talking to the Trustees and Lt. Dawson and feel they have the best interest of the community at heart. She would rather have people upset with her over the location than have someone get hurt and not get to the hospital in a timely manner.

Mr. Bennett commented that he doesn't believe this is in the right location and has shared this opinion with the Trustees. He feels it is being built for today and not for the future. He believes the City will continue to develop more southwest and believe a location closer to S.R. 104 would be better for current and future development.

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

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

- 4. Ordinance C-67-11 (Amend Section 133.05 of the Codified Ordinances titled Sale of City owned Personal Property) was given its second reading and public hearing.

Mr. Smith said the Ohio Law has changed on how we can dispose of personal property. This updates our Code.

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

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

- 5. Ordinance C-69-70 (Reduce the Appropriation Amount for Various Funds and declare an emergency) was given its reading and public hearing.

Mr. Turner explained that this will prevent an Audit citation. These were estimated amounts and funds didn't come in as anticipated.

Mr. Bennett moved that the Rules of Council be suspended and the Waiting Period waived; seconded by Ms. Klemack-McGraw.

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

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

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

- 6. Ordinance C-70-11 (Make Appropriations for the Current Expenses and Other Expenditures for which the City must provide during the twelve months ending December 31, 2012) was given its reading and public hearing.

Mayor Stage thanked Council for their review. He said it is a good budget and he is happy to submit it.

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

- 7. Resolution CR-49-11 (Appoint Ronald Melvin to the Audit Committee) was given its reading and public hearing.

Ms. Albright commented that at the last meeting she suggested that Mike Uhrin be considered for this position. She said she was aware that someone else had applied, but when she made her suggestion, Mr. Berry commented that we had another candidate and they would have to discuss it. She said she was a bit taken aback to see a Resolution on this agenda. Mr. Berry said, as Ms. Albright is aware, all discussion on this needs to be done in a public format. He said if she would like to amend the resolution to reflect someone else's name, she has the right to do that. Ms. Albright asked if any of the candidates were present. Mr. Melvin was the only one present. Ms. Albright moved to amend the Resolution to replace Mr. Melvin's name with Mr. Mike Uhrin; seconded by Mr. Grinch.

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

Mr. Grinch voiced concern over this resolution. He feels it was thrown out and prearranged, as there was no discussion on it. He said he understands that there are two people interested in serving and from out of nowhere, this name appears tonight and we are voting on it. Mr. Bennett asked Ms. Kelly for clarification. Ms. Kelly explained that after Council's last change to the Audit Committee, a call was put out for those interested to submit resumes. Two were received - one being Mr. Melvin's. His

resume was placed on file for future consideration. In August, Ms. Kelly notified Council that a vacancy was coming up and forwarded them Mr. Melvin's resume. Since then, she has been politely reminding Council of their need to make this appointment. Mr. Grinch asked if Mr. Uhrin had applied. Ms. Kelly said no.

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

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

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

1. Ordinance C-68-11 (Amend Section 1135.09(b)(12)A1r of the Codified Ordinances titled Special Use Permits) was given its second reading and public hearing.

Mr. Smith explained that this is a clarification. We have two different sections of the Code that address temporary type sales, such as Christmas tree lots. He said this cleans up the process so someone would not have to go through Planning Commission and Council for sales not lasting more than 30 days.

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

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

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

1. Ordinance C-71-11 (Annex 4.83+ acres located at 2444 London-Groveport Road into the City of Grove City) was given its first reading. Second reading and public hearing will be held on 1/17/12.
2. 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.

Ms. Klemack-McGraw noted that the petitioner has requested this be postponed, however there are several people that have signed up to speak.

Mr. Berry noted that four people had signed up and he moved that the Rules of Council be suspended to allow all four who have signed up to speak; seconded by Mr. Grinch.

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

Mr. Smith explained that the discussion tonight is not for the Use. It is only for the height of the silo and the variance approval. Mr. Berry said the petitioner mentioned in the request for postponement that there was some question regarding zoning. He asked if this meets zoning. Mr. Smith said he doesn't believe the Chief Building & Zoning Official has received any application with regard to specifying the Use for him to make an official determination, to date. Mr. Berry said it is probably best for Council to wait to find that out. Mr. Smith said that is an option.

Mr. Robert Tolar, voiced concerns about the height. He encouraged them not to allow this height. He said is the Pastor of First Presbyterian Church. He said just like the Fire Dept. asked for help tonight, so are they and requested denial of this variance.

Mr. William Purdy, resident and member of First Presbyterian, requested that Council deny the height variance. He said he has been here a couple of times and the petitioner keeps asking for it to be postponed. He doesn't think the petitioner feels this is very important. He questioned the strength of the silo. He questioned the safety, if the product stored in the silo were to spill out.

Mr. Berry asked if the admin: is in support. Mr. Honey said state recommended approval, however, he would reverse it.

Ms. Albright said she has e-mailed Mr. Slone several times with questions. She asked him if he would be in town for tonight's meeting and Mr. Slone indicated he had a scheduling conflict, but would try to get it rescheduled. On Thursday, she e-mailed him again to see if he still had a conflict and he told her yes. She said she is concerned that he waited until today to request a postponement.

Ms. Klemack-McGraw said since the necessary zoning is not resolved yet, she doesn't feel it is appropriate to address the variance at this time and moved it be postponed to 2/6/12; seconded by Mr. Bennett.

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

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

1. Mr. Charles Brown, resident, explained that he owned a property at one time on Grant. There was a satellite dish at that property and was told that it would have to be moved because it downplayed the historical area of Grove City. He said the Mayor, at that time, told him that the quality of life in Grove City is circled around the Town Center, so he took it down. He said if an 8' satellite dish offended the people of Grove City at that time, he is scared to wonder what affect a 54' silo would have on the Town Center. He said he is extremely frustrated that they are not being represented properly by his elected officials.
2. Rev. Robert Tolar commented that whatever happens with the Silo, they will be good neighbors. He said that he doesn't know what is going on in the background, but it appears something is, beyond what he is seeing. He encouraged them to open their eyes and let them work together for a common cause for the community.
3. Mr. Terry Jones, resident, said he lives three minutes from here and believes Council has represented him well and approves of the postponement.

4. Ms. Theresa Mills, resident, commented that at the meeting where Mr. Slone was present, he said they had an exemption from the OEPA and would not be required to receive an air permit. She checked with the OEPA and asked for a copy. She received one, dated 2007, for a research facility in Frederickstown; and one dated 2008, for a facility in Ashtabula. She said she also received a phone call making her aware that this Company did have a meeting with the OEPA and they were made aware that they would be required to get an Air Permit. She said she has some information that she will get to the Clerk Kelly to distribute to them.
 5. Mr. Claude Johnson, resident, said his concern is what will come out of the top, in the smoke. He said the winds come out of the west and blow to the east. He said Windsor Park is loaded with children in the summer and shared his concern for what will come out of this facility that may affect people's health.
 6. Mr. Bennett noted that the current zoning allows for many businesses, such as a hazardous disposal site, a dump, a cattle processing plant, etc., that could locate there without any approvals from Council. He asked them to check those out.
 7. Ms. Long, resident, said she has looked into the current zoning and nowhere in it does it allow for the storage of carbon black. Mr. Smith said no application has been filed to make a determination on the use, as of yet. Ms. Long said that is her point. She feels this is putting the cart before the horse. She said the composition of the silo should be questioned within the height. Mr. Berry reviewed what has transpired so far. He noted that there is nothing to prevent the owner from lowering the height of the silo and putting up two shorter ones, rather than the one higher one requested. That's why he believes it was better to delay the height issue. He said Council doesn't approve a business. It approves zoning. If the business meets the zoning, the business would be permitted.
- Mr. William Seaton, explained that he was at the Open House and provided a proposal that would get rid of the need for silos and be much more aesthetically pleasing. Mr. Bennett asked him to get that to Ms. Kelly for Council to see.

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

1. The Mayor submitted a partial financial Report and Mr. Berry moved to accept the partial Mayor's Report; seconded by Ms. Klemack-McGraw.

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

He then read a statement about Greg Grinch, thanking him for his service as a Council Member.

2. President Berry and the members of Council recognized Mr. Grinch for his service on Council. Mr. Berry read a Proclamation and presented him with a framed collage.
3. Mr. Berry announced that the 1/2/12 meeting of Council is cancelled by unanimous consent. Council will meet on 1/9/12 to Organize. The first regular meeting of Council will be held on 1/17/12, in observance of Martin Luther King Day.
4. After additional comments from Council and Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:59 p.m.


Tami K. Kelly, MMC
Clerk of Council


Ted A. Berry
President

*Editors Note - Immediately following this meeting Senator Hughes administered the Oath of Office to Ms. Klemack-McGraw, Mr. Berry and Mr. Davis.