

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

December 21, 1998

Regular Meeting

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

Vaughn Radi Steve Bennett Michael Milovich Budd Eversman Chris Fulton

1. President Milovich recognized Mr. Bob Behlen, Dir. of Finance, who introduced Mr. Harold Stevens from the State Auditor's Office. Mr. Stevens presented the City's Finance Department with an award of excellence in financial accounting from the GFOA and a separate recognition from State Auditor Jim Petro. Mr. Behlen introduced his department staff, who came forward to accept the award on behalf of the City.
2. Mr. Bennett moved to dispense with the reading of the minutes for the meetings of 12/07, 12/14 and 12/15/98, and approve as written; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

President Milovich read the agenda items and Mr. Eversman moved to remove Resolution CR-102-98; seconded by Mr. Radi.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

All other items were approved by unanimous consent.

The Chair recognized Mr. Bennett, Chairman of the Lands Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-84-98 (Approve the Rezoning of 117 acres, located on the north side of Holton Road from SF-1 to PUD-R) was given its second reading and public hearing.

Mr. Ben Hale Jr., attorney representing petitioner, explained that this proposed development is on Holton Road with a single-family subdivision of 80 and 90 foot wide lots, and a park out front. He said they understand that if a final development plan is not approved in approximately six months, the zoning will revert back.

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

2. Ordinance C-88-98 (Approve the Rezoning of 3.9 acres located North of S.R. 665 and west of Hoover Road from PUD-C to C-2) was given its second reading and public.

Mr. Brad Johnson, petitioner, explained that upon receiving the PUD-C zoning classification for this parcel, they were unaware that there was a time limit on receiving approval for a Development Plan before the zoning reverted back to its original classification. They are willing to keep the same restrictions - no drive-thru's and no gas stations - in place with the C-2 zoning classification, through deed restrictions. They are requesting the C-2 zoning to remove the time limits associated with PUD zoning. He also pointed out that there is land all around this parcel zoned C-2.

President Milovich asked about the Deed Restrictions. Mr. Clark, Dir. of Law, indicated that he feels the deed restrictions could be viewed as Contract Zoning, and he doesn't feel this is the appropriate way to handle the issue. Mr. Bennett stated that Planning Commission recommended that the PUD-C zoning classification be extended and asked Mr. Clark if this was available. Mr. Clark stated that he was unable, at this time, to provide a determination and requested time to review that question. Mr. Bennett asked Ms. Kelly, Clerk of Council, when the original rezoning, for PUD-C, took place. Ms. Kelly indicated that she did not have that information readily available. Mr. Eversman asked Mr. Johnson if he could just wait until they had a development plan and request rezoning at that time. Mr. Johnson stated that for marketing purposes, they need to have the zoning in place. Questions arose regarding whether or not the PUD zoning was still in place and if Council could act on the present request. Mr. Clark indicated that if the current request was made prior to the zoning reverting back, if - in fact it has, he believes Council can act on the request. Mr. Radi asked if there was any way to pass this with the restrictions in place. Mr. Clark said he wasn't sure. Mr. Johnson said they were willing to proceed in whatever way was needed.

Mr. Eversman moved to table this Ordinance; seconded by Mr. Radi.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

3. Ordinance C-93-98 (Approve a Special Use Permit for Tim Hortons Restaurant Drive Up Window located south of Stringtown Road and east of McDowell Road) was given its second reading and public hearing.

Mr. Craig Snyder, representing Tim Hortons, was present. There being no questions or comments, Mr. Bennett moved it be approved; seconded by President Milovich.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

4. Ordinance C-100-98 (Approve the Rezoning of 1.861 acres located on Big Run Road South, from IND-1 to SF-3) was given its first reading. Second reading and public hearing will be held on February 01, 1999.
5. Resolution CR-87-98 (Direct the Preparation of Plans, Specifications and Cost Estimates relating to Construction of a Roadway between Stringtown and White Roads) was given its reading and Mr. Bennett announced that Council has received a letter from the property owner's attorney requesting this be postponed for 30 days. Mr. Boso, City Administrator, indicated that they have met with the property owner and feel it would be beneficial to extend this resolution for 30 days for future discussion.

There being no additional questions or comments, Mr. Bennett moved to postpone this resolution until February 1, 1999; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

6. Resolution CR102-98 (Approve the Final Development Plan for Beavo's Gas Station, located west of Broadway and at Ventura Blvd.) was given its reading and public hearing.

Mr. Bruce Faris, architect for owner, was present. Mr. Bennett read the stipulations set forth by Planning Commission and said Council has been informed that the owner has spoken with the City's Director of Development and an agreement has been reached over creating an entryway for the south corridor of the City. A beautification easement will be provided to the City and \$5,000 will be placed in escrow for the City to use for landscaping this corridor. In turn, the development plan for Beavo's Gas Station is acceptable without the Planning Commission stipulations numbered 2, 3, and 4 - dealing with landscaping and brick columns for the canopy. Mr. Faris said that was correct and they agree to the amendments. He voiced appreciation to Mr. Stage and Mr. Lathrop for their assistance.

Mr. Bennett moved to amended Resolution CR-102-98 as follows:

SECTION 1. This Council hereby accepts the final development plan for Beavo's Gas Station located west of Broadway and at Ventura Blvd., contingent upon the stipulations set by Planning Commission, ~~except #2, 3, and 4.~~

SECTION 2. In consideration of forgoing technical requirements of the Landscape Code, the Property Owner agrees to the following:

1. Enter into a Development Agreement with the City of Grove City, the terms of which are acceptable to the Director of Law, whereby the owner will agree to escrow the sum of \$5,000.00 with the City to supply future landscaping upon the owner's property to enhance the south entranceway to the City of Grove City. This landscaping shall be completed within one (1) year of the passage of this Resolution;
2. Provide a minimum 200 sq. ft. and maximum 300 sq. ft. Beautification Easement, as designed by the City, upon the owner's property.

SECTION 3. This resolution shall take effect at the earliest opportunity allowed by law.

Seconded by Mr. Radi.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

6. Resolution CR108-98 (Approve the Final Development Plan for Creekside subdivision, located on the north side of Holton Road) was given its reading and public hearing.

Mr. Ben Hale, Jr. & Mr. Bill Adams, representing M/I Homes, were present. Mr. Bennett reviewed the stipulations set by Planning Commission and Mr. Hale agreed to all of them and stated that the plans responds to all the Urban Forester's comments. There is a mix of 80 and 90 foot wide lots throughout the development and a park area in the front. There is an existing bridge in the park area that they would like to retain and use. They understand that it is subject to inspection and are willing to upgrade it or replace it if necessary. Mr. Bennett stated that there was a comment made regarding safety rails for this bridge. Mr. Hale stated that they would be willing to install such rails.

Mr. Bennett moved to amend Section 1 of this Ordinance to include the following stipulation:

1. *Bridge to have appropriate rails installed;* seconded by President Milovich.

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

Mr. Bennett also commented that the Development Plan had a note written on it, titled Item G that provides them the right to place utilities in the rear of properties. With the preservation easement and the agreement that utilities would be in front, this provision would eliminate the tree preservation. Mr. Hale said that sometimes you have to cross the easement. The utilities are all in front, but, are willing to make that subject to the City's approval. Mr. Bennett explained that this is address in the Code and he moved to add an additional stipulation, under Section 1 of this Ordinance, as follows: *2. Section G of the Development Plan be amended to reflect the provisions of Section 1136.10(a)(1) of the Codified Ordinances of Grove City, Ohio;* seconded by Mr. Radi.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

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

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

- Resolution CR109-98 (Approve the Final Development Plan for Smitty's Body Shop, located at 3422 Mill Street) was given its reading and public hearing.

Mr. Smith, owner, was present. Mr. Bennett reviewed the stipulations set by Planning Commission and Mr. Smith agreed to all of them. He explained that the parking of cars was due to an employee and that has been taken care of.

Mr. Bennett explained that he has a business relationship with the owner and requested the ability to abstain from voting. President Milovich moved to excuse Mr. Bennett from voting; seconded by Mr. Eversman.

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Abstain

8. Resolution CR110-98 (Approve the Preliminary Development Plan for the Village at Scioto Meadows) was given its reading and public hearing.

Mr. Jack Utzinger, property owner abutting this development to the west, explained that when Scioto Meadows subdivision originally started, there were two streets that stubbed into his property, providing access, that have since been eliminated. There is a "peat ball" that prohibits access from S.R. 104 and if this development plan is approved, as submitted, there will be only one point of ingress/egress for his property. That will make it somewhat land-locked and he won't be able to develop it. He said he just wanted to make Council aware of this situation now. Mr. Kohman, City's Consulting Engineer, explained that when this parcel was zoned single-family residential, there was a street stubbed for access to Mr. Utzinger's property. This development has removed that access. He said Mr. Utzinger's property still has access to utilities and his ingress/egress would come off of Hibbs Rd. Mr. Utzinger then asked about the lake, proposed for this development. He believes it may compromise his peat ball. Mr. Kohman explained that the plan calls for the construction of a lake and he offered to meet with Mr. Utzinger to go over his concerns. President Milovich asked that Mr. Kohman set up a time to meet with Mr. Utzinger. He agreed.

Mr. Bennett read the twelve stipulations set by Planning Commission, although there was no representation present for the development.

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

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

9. Resolution CR111-98 (Approve the Final Development Plan for Infonetics, located in the Gateway to the City project - off Marlane Dr.) was given its reading and public hearing.

Mr. Paul McKnight, developer, was present to answer any questions. Mr. Bennett read the stipulations set by Planning Commission and Mr. McKnight agreed to all of them. Mr. McKnight stated that this is the third building in this project and they hope to start after the first of the year.

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

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

President Milovich moved to excuse the Mayor; seconded by Mr. Radi.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

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

1. Ordinance C-94-98 (Amend Section 1135.14(a)(1) & (4) of the Codified Ordinances titled "Submission Procedures") was given second reading and public hearing.

Mr. Radi explained that this will require 18 copies of PUD development plans to be submitted, 14 days prior to the Planning Commission Meeting.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

2. Ordinance C-95-98 (Amend Certain Chapters of Part 13 of the Codified Ordinances relating to Screening Mechanical Units) was given its second reading and public hearing.

Mr. Radi explained that this will require all rooftop mechanical units to be screened on all four sides with "like" building materials.

Mr. Holt, Chairman of the Planning Commission, commented that this is always a stipulation of the Planning Commission and although this is referenced in the Landscape Code, they would like to see it in the Building section of the Code.

President Milovich asked if this would apply to new units being placed on existing rooftops. Mr. Mike Boso (Chief Building Official) and Mr. Clark (Dir. of Law) agreed that if an

existing unit was being replaced, this Section would not apply. However, if additional units are being placed on an existing rooftop or a unit is being enlarged, then this Section would apply and the building would need to comply.

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

3. Ordinance C-96-98 (Amend Section 1323.15(e)(3) of the Codified Ordinances titled Monument and Pole (Free Standing) On-Premise Signs) was given its second reading and public hearing.

Mr. Radi explained that this amends the measurement, from the ground level, for monument and pole signs to insure the maximum height of eight feet - as established in other sections of the Code.

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

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

4. Ordinance C-97-98 (Amend Section 1323.19 of the Codified Ordinances titled Nonconforming Signs) was given its second reading and public hearing.

Mr. Clark, Dir. of Law, explained that in the past couple of months we have had issues with nonconforming signs and the ability for a new business to use replace the sign faces, without having to comply with the Code. The Code currently states that if there is a change of use or ownership, the sign is no longer valid. He believes that this conflicts with present State Law and suggests that it be changed.

President Milovich asked Mr. Clark where in the Ohio Revised Code it stipulates that our Ordinance is not enforceable. Mr. Clark said it was based on his opinion of case law he has reviewed. President Milovich asked if he had that case law available. Mr. Clark said he brought it with him tonight. President Milovich stated that since there was no opportunity to review this case law prior to the meeting, he countered Mr. Clark's thought on two issues: 1. A business or property sold or changing hands is different than if there is a change of use of the business; and 2. We may be taking out more in this legislation than is needed to make it enforceable. Mr. Clark stated that there is a distinction between business use and the actual

business in use and nonconforming with regard to the structure that the business uses. In this case, he feels that sign is considered a structure and the Code needs changed, as submitted. President Milovich asked Mr. Clark to meet with him to discuss this further. Mr. Clark agreed.

There being no additional questions or comments, President Milovich moved to postpone this until January 04, 1999; seconded by Mr. Radi.

Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes

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

1. Ordinance C-98-98 (Appropriate \$96,000 from the Sewer Fund for the Current Expense of Emergency Repair of the Cleveland Avenue Sanitary Sewer) was given its second reading and public hearing and Mr. Eversman moved it be approved; seconded by Mr. Bennett.

Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes

2. Ordinance C-99-98 (Appropriate \$12,974.19 from the Convention Bureau Fund for Current Expenses) was given its second reading and public hearing and Mr. Eversman explained that this is the Convention Bureau's portion of the Bed Tax that has been collected this year and not appropriated, to date.

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

Mr. Bennett	Yes
Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes

3. Ordinance C101-98 (Make Appropriations for Current Expenses and Other Expenditures for which the City of Grove City must provide during the twelve months ending December 31, 1999) was given its reading and public hearing.

Mr. Eversman explained that Budget meetings were held earlier in the week, and as allowed by the City Charter, will be voted on this evening with one reading.

President Milovich thanked the Administration for their patients in confirming Council's understanding on how the City will be run for the next twelve months. Mr. Boso, City Administrator, echoed the comments in terms of Council's cooperation. He said one of the most important responsibilities of any Council Member is the appropriation of funds. We have a Budget of some twenty million dollars that reflects the cooperation of the Legislative and Administrative branches.

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

Mr. Milovich	Yes
Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes

4. Ordinance C103-98 (Levying Special Assessments for the Purpose of constructing an Eight-Inch Sanitary Sewer Line to Provide Service to Properties located on Casa Blvd. and Haughn Rd. with Related Landscaping and Site Improvements and Paying Engineering, Design and Legal Expenses related thereto) was given its first reading. Second reading and public hearing will be held on January 4, 1999.
5. Resolution CR112-98 (Intent to Appropriate \$76,000.00 for Orders Schoolhouse upon receipt of \$26,000.00 of monies or services) was given its reading and public hearing.

Mr. Raymond (Pudge) Easley, representing the Southwest Franklin County Historical Society, asked if the original proposal could be reinstated. Mr. Eversman stated that there was discussion at the last meeting about spending \$102,000.00 to restore the schoolhouse structurally. During the budget meetings, this Resolution reflects the compromise that was reached and shows Council's good faith to appropriate 75% of the funds once enough public interest and funds is raised to complete the project. Mr. Easley asked if Council could approve \$60,000.00 with no strings attached so they could get the foundation in. Mr. Eversman stated that additional legislation could be introduced, and the passage of this Resolution will not hinder any future legislation. Mr. Radi noted that Mike Boso had indicated that there were some problems that required immediate attention. Mr. Mike Boso stated that some items have been taken care of, through donations, but, there is an immediate need to restore the foundation. The school currently has a loose stone foundation, with no mortar holding it together, and weather like we have had this week only adds to the deterioration. Mr. Radi said while he is a strong supporter of what the Historical Society hopes to accomplish, Council must be prudent and responsible to the taxpayers by not spending \$102,000.00 for repairs and then have nothing else happen. Mr. Easley explained that the Historical Society can not solicit money until they receive their 501.3C tax status, which Mr. Behlen (Dir. of Finance) has been assisting them with. Mr. Eversman reiterated that this Resolution is a compromise to assist the Historical Society in getting the school repaired. Mr. Easley voiced appreciation for this and said they will try to get supplies and labor contributed for this until their Tax Status comes through.

Mr. Steve Jackson, G.C. resident and Historical Society member, stated that he is a life-long resident of Grove City and a member of the Orders family. He said the Historical Society has a long term plan to develop this as an historical park. The Resolution presents a problem in that they cannot get any commitments without some money to spend. He said the City of London already has a wonderful teaching facility, like they are trying to implement here. He also commented that the State of Ohio will be celebrating its Bicentennial preparations are already being made for this. We sit here doing, essentially, nothing and could be taking advantage of this. He said the City is also growing and developing, which he is not opposed to, but, we are committing hundreds of thousands of dollars on this and \$102,000.00 isn't very much. It could even be spread over several years, if necessary. As a member of the Orders family, he shared some of the family's history. One member was a calvary soldier who fought in the war that essentially won Ohio its statehood. This is an actual, certified, link to the State's bicentennial history and a school built by one of this soldier's sons. It is deteriorating with every day and is something that could be a source of community pride. He said warehouses, restaurants, and housing are positive things. But, they do not make up for the historical texture of a town. Worthington, Westerville, and many other surrounding towns have very active Historical Society's and are striving to capture that historical past. He would like the same to be done here.

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

Mr. Eversman	Yes
Mr. Fulton	Yes
Mr. Radi	Yes
Mr. Bennett	Yes
Mr. Milovich	Yes

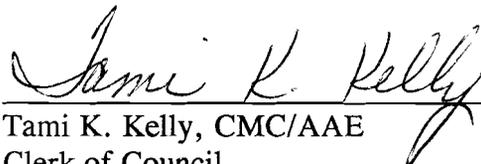
President Milovich noted that Ord. C-88-98 is still on the table. The original zoning was approved in April and expired in November. However, since Mr. Clark has asked for additional time to research this issue, it will remain on the table.

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

There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. The Administrative Staff and Council expressed their sentiments for a Happy Holiday Season and congratulated the Finance Department. President Milovich commented on the percentage of growth in different areas, noting that the tax burden continue to be diverted from property. He also noted that the 1999 Budget increased less than 1/2 a mil. from 1998.
2. After additional comments from Administration, the Chamber and Council, a motion was made to adjourn and seconded. Motion carried.

Council adjourned at 10:09 p.m.



Tami K. Kelly, CMC/AAE
Clerk of Council



Michael Milovich, Jr.
President