

City of Groveport

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Meeting Minutes - Final

Monday, August 12, 2013

6:30 PM

Council Chambers

City Council

Mayor Lance Westcamp

*Council Members - Ed Rarey, Jean Ann Hilbert,
Donna Drury, Ed Dildine, Shawn Cleary & Jan Stoots*

I. Call to Order

by Mayor Westcamp at 6:30 p.m.

Staff Present: Kevin Shannon - Law Director, Jeff Green - Director of Finance, Ralph Portier - Chief of Police

Guests Present: The Guest Book is on file with the Clerk of Council.

II. Moment of Silence

The Mayor asked everyone to join him in a moment of silence.

III. Pledge of Allegiance

Chief Portier led the Pledge of Allegiance.

IV. Roll Call

Present: 6 - Council Member Cleary, Council Member Dildine, Council Member Drury, Council Member Hilbert, Council Member Rarey, and Council Member Stoots

V. Approval of Minutes - July 22, 2013

Approved as submitted.

[#070-2013](#)

7-22-13 Minutes

Attachments: [7-22-13 Council Meeting Minutes.pdf](#)

VI. Business of Guests**A. Water Tower**

Jacqueline Papai, 131 Front Street.

She said her home was up for sale and she had a buyer and due to her house being in the "fall zone" of a water tower that is not maintained nor is the building next to it, the sell fell through. Ultimately, it was flagged by the appraiser as an eye sore and failed FHA requirements. She asked if she is safe from the tower falling on her house. She explained she has asked the City for help since June 2nd and since then she has only

received a letter from Marsha Hall indicating that the tower is coming down and her question as to her safety was not answered. She said she does not care when the tower is being torn down, because she lost the buyer and all her dreams to move to Florida. She said it has cost a lot of people money and she has lost at least \$118,000. She had hired a moving company and was ready to purchase another home in Florida and due to the water tower and the City's negligence to maintain their property (that is in her backyard) she has lost everything she worked toward for her retirement. She said Groveport has money to spend on everything else including a sign at the recreation center, but can't put a coat of paint of the "Tin Man". She said her home is now pegged in the fall zone and nobody will ever buy her home. She said her choices are for someone to purchase her home with cash or apply for a conventional loan. She wants to know if she is safe and what is the definition of a fall zone. She said Groveport should have given her information about the condition of the tower when she asked. She noted how disappointed she is for being let down by Groveport and that the building and the water tower is disgraceful and a rust bucket. She said she maintains her property and indicated that the City requires her to do so, but does not do their part.

Roger Parker (from the audience) said he concurred with her (Jacqueline) that the letter from Marsha Hall did not address the safety concerns and how the water tower has been maintained. He said if the letter was more thorough and her questions were answered, it might have helped relieve some of the anguish she is feeling.

Sheri Robey, 123 Front Street.

She said she was there to support Jacqueline and had the same concerns regarding the value of her property due to the water tower's poor condition and especially the safety aspect. She indicated that she read an article in the Columbus Messenger that the water tower is not going to be maintained and that a company was willing to tear it down for free for the price of the metal.

Marylee Bendig, 557 Main Street. Jacqueline's real estate agent.

She said she worked very hard to market and sell Ms. Papai's

property and after finding a buyer, the appraisal came back fine, however, FHA indicated that since her house is within the engineered collapse zone, the loan did not get approved. She said they will not insure the home if it is within that engineered fall zone. She said it is incumbent upon the owner of the subject (Water Tower) to provide that information. She said the letter from the City Administrator was very vague and did not address the structural integrity or define the fall zone. She said due to those reasons the buyer backed out and did not purchase the property. She wants sufficient documentation on the status of the water tower. She said she is concerned about her livelihood and all the property owners who are affected by this situation. She wanted to know the duty of the City to maintain the water tower and asked that the residents be given a satisfactory explanation so that they can move forward with sale of their home. She said this area is now stigmatized due to this problem and her client has been injured. She requested that the City make the necessary changes, maintain or whatever is necessary so that the property owners can sell their homes. She said those residents maintain their property and so should the City. She said that area should not be stigmatized or the owners precluded from selling their home due to this water tower, especially since they sought help from the Administrator to provide sufficient documentation to maintain this entity.

Council Member Dildine asked if this situation has ever come up over the years during her career selling houses. He said the Tin Man is over 70 years old and the houses are 100 years old and questioned why it has suddenly become an issue now. He inquired who is claiming it is a collapse zone and what changed declaring it a fall zone, etc. Mrs. Bendig responded that her plea with the Village to provide documentation for the lender was not sufficient. She said water towers in other cities are very well maintained. She indicated that even if it is going to be torn down, their questions should still be addressed. She said they asked the City if this property is within the engineered collapse zone and the integrity of the structure. She said the City should be able to provide this information, especially to someone willing to purchase property in Groveport. She said this is the first time this has ever come up and she was shocked that they were not approved for an FHA loan.

Council Member Drury asked if this came up due to the first time

applying for an FHA loan. Mrs. Bendig responded it would have come up regardless because the appraisal indicated it meets all FHA and HUD minimum standards and the requirements. She said as she understands it, noting she may be totally wrong, but they wanted to know if this home is in the engineered collapse zone. Council Member Drury asked who is "they" and Mrs. Bendig responded the Lender and the Underwriter, who approves the financing for the buyer, which happened to be an FHA loan.

Mrs. Bendig said if the tower is ready to be torn down or dismantled and that some companies might be willing to do it for free, why was it not being done? She said she sells the community and she loves Groveport and she does not want anything to impede a sale because they cannot get the sufficient documentation or answers regarding the subject's structural integrity from the City. She also would like to know the date when it will be dismantled.

Finance Director Green asked if Administrator Hall had told them inspections were recently completed. She said no (she gave him a copy of Administrator Hall's letter) He explained the tower is coming down, however, before that can occur a chain of events will need to be complete before that can happen. He explained the project is currently in design and the City cannot start financing until after the design is finished. Mr. Green indicated that the tower is being used and is full of water. He said if they were keeping the water tower, it would have been painted, however, it is very costly and the City decided to move forward with the new water plant process. He said the financing has to be in place and they have to install a PRV (pressure reducing valve). He said the City's first duty is to provide adequate water and water pressure for fire suppression and that is why the tank still exists to a large degree. He said they cannot provide that backup source of water until they can connect to the City of Columbus, but before that can happen the PRV needs to be installed or the lines will be blown from the amount of pressure that are on the City's water supply. He said that is a very expensive endeavor.

Mr. Green said that is part of the overall project and once that process is in place, that tower can safely come down. He said they have been given no indication that the tower is unsafe and

was inspected this past year. He concurred that recommendations are that it does come down, adding that it is an old water tank. He said likely they would receive that recommendation for any tank that was that old, however, they maintain it and it is annually inspected. He said they recently signed a contract for annual maintenance as part of the contract with other communities.

Law Director Shannon said that Administrator Hall gave him the inspection report last Friday. Mrs. Bendig interjected that she did not receive that report. He said they discussed the matter on Friday, because Ms. Hall knew she would not be attending tonight's meeting. Mrs. Bendig pointed out that Ms. Hall's letter was dated July 25 and that the buyer is gone and that this information is after the fact. Mr. Shannon said that the City is required to operate this water tank for fire protection services. He said the inspection report does not indicate that there is any issues with the structural integrity of the tower and did not see "fall zone" addressed in the report. He asked when the house was built and she responded 1920. Mr. Shannon said he does not know what the requirements were at that time when the tower was built in the late 1930's as far as an engineering fall zone. He noted there was a list of items that were recommended to be taken care of by the City.

Mr. Shannon said Council decided to build a new water plant and they are going through the process. He said they are on the road to building a new plant and the steps to get there are being followed. He said they recently negotiated an easement for the location of the PRV, which is part of the overall project and expect to have that in place very soon. He believes Ms. Hall did enter into negotiations, with Council's consent, a community type of proposal in which the City sought out various firms to inspect and provide yearly maintenance over a period of time for both of the City's tanks. He explained they are entering into a contract with Caldwell, who performed the inspection on the tank, and they will be coming out to do the maintenance on the tank. He said the only place in the report that spoke about being unsafe had to do with a center ladder going up the tank, but did not say anything about the structural integrity. He said he will provide her with a copy of the report and any correspondence from him that states this information. Mrs. Bendig indicated it is a little too late for this sale now. She said she spent months

marketing the home, showing it and the seller and buyers lost out on a lot of money. She said she would have loved to have a copy of that report sent to the Lender prior to the failure of the FHA loan. Mr. Shannon responded he did not think it would address the question as it relates to the fall zone issue, but they might have been able to determine from the information what they needed in terms of major issues. He said it mentions the tank needs to be checked for structural integrity, be painted and be replaced, but once Council made the decision to build a new plant, they decided to maintain the existing tanks until that can take place.

Roger Parker (from the audience) asked if the report says the tower is safe. Mr. Shannon responded that it does not spell out the overall safety of the tank and noted the only word unsafe talks about the center ladder. He said the report spells out a laundry list of what needs to be done. Mr. Parker asked if the City could provide that information to the residents regarding their safety and/or sale to keep this situation from arising again. Mr. Shannon believes that Caldwell will say it will be safe if you get these things done, however, he does not think they will say it's safe and there are no issues. He said they can make that inquiry. Mr. Parker said that if Ms. Hall provided that report when it was requested it might have helped the situation. Mr. Parker asked how the residents are to know if this structure is safe. Council Member Dildine said anyone can request this public record. Mr. Parker said he wanted something more specific than this report. Council Member Dildine responded that Caldwell is the professional and should be able to answer questions regarding the water tower. Mr. Shannon said he will provide the report to anyone who would like to read it, but he reiterated this report does not spell out that it is safe. He said it lists items that need to be done. One item he read said "All brace rods and riser rod connections should be checked for structural integrity". He said that is an overall proposal and they are indicating they will fix those items if they hire them to maintain the tank.

Mr. Green said that Ms. Hall will be back in the morning and they can discuss this matter with Caldwell. He said the tower is coming down and they are headed in that direction, but until that time they are using the tower. He said the City can provide them with any documentation and provide more specifics as the project progresses.

Council Member Stoots questioned if FHA made changes in the requirements in the last few years. Mr. Green said this is the first time they have encountered this type of situation. Mrs. Bendig read from the appraisal in which it stated: "the subject meets all FHA and HUD minimum standards and requirements." She said it is incumbent upon an appraiser to put down anything that would restrict the insurer, which is FHA, from approving the loan and underwriter guidelines questioned the appraisal. She noted it said "the appraiser suggest that the lender seek professional assistance from utility company or the person who owns it, which is Groveport, to determine if the subject is within the engineered collapse zone." She said it was the underwriter's concern before they would insure the loan and approve it for financing. Mrs. Bendig said obviously the buyer is not going to move forward if the Village can't say it's a safe structure and neither would the lender. Council Member Hilbert asked if the fact that it was being taken down had any impact on the financing. Mrs. Bendig said Ms. Hall's letter was very vague and open ended with a date of 2014. Mr. Shannon said Ms. Hall's letter states that the City cannot take the tank down due to OEPA requirements.

Mrs. Bendig reiterated that she hopes her properties are not stigmatized due to this situation getting out to other residents and preclude people from buying in the area. Council Member Dildine said Council has the same belief and noted that he does not want this issue to come up again. He said appraisals vary greatly and another appraiser could say something completely different depending on the lender, etc. He said they have documentation that the tower has been inspected, maintenance contract has been signed and a time-line is in place to tear it down, and unless something occurs due to financing or otherwise, the City is taking steps to build a new plant. He does not want to see this happen to anyone else and he feels bad for anyone to be in this position. Council Member Hilbert concurred and said moving forward they are phasing in the new water plant and now aware of the situation, they can provide any documentation that is needed.

Mr. Shannon said they will get with Caldwell and see if they can get a statement from them that can be used in the future to prevent another similar situation.

Ms. Papai, visibly upset, addressed Council again and said she was very disappointed that nobody stepped up to help her when she asked in the beginning. She said she is the victim and now everyone has something to add to solve the problem, but it's too late now. She said this screwed up her retirement. She said nobody can give her a date as to when it is coming down and if the tower would have been better maintained it might not have been flagged by the appraiser at all. She said it is a rust bucket and sits right in her back yard. She said it cost her \$118,000 and shattered her life. She noted she maintains her property and she is angry that the City didn't do their part and failed her and will do the same to other residents.

Roger Parker said his heart goes out to Jackie and he knows everyone else feels the same way. He said it is frustrating and he feels bad this is happening in Groveport. He said his house is for sale and he would like this addressed for everyone involved.

B. Cypress Grove Condominium Association (off Ebright Road)

Roger Parker said he is on the condo board and raised issues regarding sidewalks and requested that the City look at the area. He said elderly people cannot see if an area is raised or damaged and it poses a safety issue.

C. Groveport Charter School

Roger Parker said he works for the school and they received a letter from the school district that any outside buses would not be allowed to park on their high school lot due to the cost and repair of the parking lot. He said that will pose a lot of traffic issues on SR317. He asked the City if it would be feasible to make a "right turn only" lane onto Venture Place to prevent any problems. He said it is a big safety issue, too. He said Chief and the officers always work with them, but it will be worse now. Chief Portier said in addition to the light being an issue, they are going to have problems at Venture Place now. He said they will try to monitor it the best they can when school starts, especially with the increase in vehicle traffic in addition to the buses. Mr. Green indicated there was a traffic study conducted when the school opened at Venture Place and SR317 and it did not warrant a signal at that point in time. He said they can review it and see if there is an increase in traffic. First, he said they will

take another look at the traffic study that they have on file and meet with Engineer Farst. Council Member Hilbert said it has been at least a few years or more and should be reviewed again. Mr. Green said they need approval from the State and it needs to warrant a change in traffic and they will put safety first. Staff will look into the matter further.

Mr. Parker thanked everyone in the City for all that they do to take care of their residents, especially the Chief and his officers, who make it a safe community.

D. Bus issue/Sidewalks

James H. Chilton, 4918 Founders Drive.

Mr. Chilton expressed his concerns regarding elimination of the buses for the high school seniors and said they need a safe path of some sort to get to and from school. He said he has two seniors this year and wants to know what Council can do to get the kids to school in a safe manner. Mayor Westcamp asked Chief Portier for his input. Chief Portier said their main concern is SR317 and the pathway in the metro parks, especially when it is dark in the morning during the winter months. He said the officers are going to increase their visibility and monitor those routes very carefully, but they will need the help of the parents in assisting them to get the kids to school.

Mr. Chilton said the sidewalks in his subdivision are in desperate need of repair and wanted Council to address this problem, too. Council Member Dildine, addressing what Mr. Parker stated regarding the condominiums, and indicated that public works makes a list of damaged sidewalks/area that need repaired. Mr. Chilton said he will make a list by the next meeting of the problem areas.

Council Member Cleary remembers there being an issue with the proximity to Bixby Road being raised, too. He believes that was when he was first elected, which has been several years ago.

VII. Ordinances and Resolutions

A. 3rd Readings - None

B. 2nd Readings - None

C. 1st Readings[ORD. 13-034](#)

AN ORDINANCE AMENDING *PART SEVEN - BUSINESS REGULATION CODE, CHAPTER 715 - GARAGE SALES*, OF THE CITY OF GROVEPORT CODIFIED ORDINANCES

Sponsors: Donna Drury

Attachments: [ORD. 13-034 715 garage sales final changes exhibit \(final\).pdf](#)

This Ordinance was referred to the Committee of the Whole by Council Member Drury.

[ORD. 13-035](#)

AN ORDINANCE AMENDING ORDINANCE 12-051 (ADOPTED 11/13/2012), THE ANNUAL APPROPRIATION ORDINANCE OF THE CITY OF GROVEPORT, OHIO, FOR THE CALENDAR YEAR 2013 AND FURTHER AMENDING ORDINANCES 13-007 (ADOPTED 3/25/13), 13-014 (ADOPTED 5/13/13), 13-029 (ADOPTED 6/24/13) AND 13-032 (ADOPTED 7/8/13), WHICH AMENDED THE SAME

Sponsors: Hilbert

Attachments: [ORD. 13-035 EXHIBIT A.pdf](#)

Mr. Green indicated this Ordinance amends the appropriations for the purchase of the dump truck for both the revenue and the appropriation as well. He pointed out that it appears that the appropriations are amended more than usual, but that this process is the way it should have been handled in the past to balance the budget when revenue increases. He said the primary reason for the amendment is the dump truck, but also to amend the way they recorded the debt payment on the golf course note and put more money in the golf course capital.

The Clerk of Council read by title. A motion was made by Council Member Hilbert, seconded by Council Member Dildine, to suspend the rules as to the three readings.

Yes: 6 - Cleary, Dildine, Drury, Hilbert, Rarey and Stoots

The Clerk of Council read by title. A motion was made by Council Member Hilbert, seconded by Council Member Dildine, to adopt.

Yes: 6 - Cleary, Dildine, Drury, Hilbert, Rarey and Stoots

ORD. 13-036

AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH HUNTINGTON BANK AND PURCHASE A DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT UNDER THE STATE OF OHIO COOPERATIVE PURCHASE PLAN THEREBY WAIVING COMPETITIVE BIDDING PURSUANT TO GROVEPORT CITY CHARTER SECTION 9.02(B), AND THE DECLARATION OF AN EMERGENCY

Sponsors: Dildine

Council Member Cleary wanted to know what type of truck is being purchased. Mr. Green did not have the exact type other than it is a smaller truck, which was requested by Staff. Council Member Rarey wanted to know what type as well and does not agree that going with a smaller truck will not benefit the City. He said a larger dump truck can be used all year round for several purposes. Council Member Stoots questioned why the Ordinance states purchase and lease. She said the title is confusing. Mr. Green said they put both actions in one Ordinance so it did not have to go before Council to purchase through the State Cooperative Purchase Program and Marsha needs to be authorized to sign the lease. Mr. Shannon concurred, noting it is a lease with an option to purchase. Council wants to discuss the type, size of dump truck with Dennis at the next Committee. Mr. Green added that he knows Ms. Hall said one of the problems of a bigger dump truck, per public works, is turning around in the cul-de-sacs. He said some cases they have to hire another company to plow for them, especially with those sharper turns where they run into problems. Mr. Green said new development will consist of mostly cul-de-sacs.

The Clerk of Council read by title. A motion was made by Council Member Dildine, seconded by Council Member Hilbert, to suspend the rules as to the three readings and the effective date.

This Ordinance was referred to the Committee of the Whole.

Yes: 3 - Dildine, Drury and Hilbert

No: 3 - Cleary, Rarey and Stoots

VIII. Reports

[#071-2013](#)

8-12-13 Council Update

Attachments: [CR 8-12-2013.pdf](#)**A. Mayor - Lance Westcamp**

Council Member Cleary pointed out to Mayor Westcamp that a lot of significant issues were raised at tonight's meeting and he wants to make sure that the list of items are addressed. Mr. Green said he is making notes of everything discussed. Issues raised will be discussed with Administrator Hall and will report to Council at the Committee of the Whole.

B. Administrator - Marsha Hall

Not present

C. Chief of Police - Ralph Portier

He said regarding safe routes to schools they created a pamphlet with a couple other agencies regarding safe walking, bicycling and driving and taking steps to make sure the children are safe. Mayor asked if there is a drop off zone. He believes there will be a drop off process that will be strictly followed. Mayor Westcamp said his fear is drop off on SR317. Council Member Hilbert thanked Chief Portier for being proactive.

D. Director of Finance - Jeff Green

Audit is done, noting this is the first year there were no citations. He asked Council to sign the audit exit interview sheet if they are interested in hearing the results of the audit.

E. Director of Law - Kevin Shannon

No report

F. Council Members - Ed Rarey, Jean Ann Hilbert, Donna Drury, Ed Dildine, Shawn Cleary & Jan Stoots

Council Member Cleary said Touch a Truck and Shred it Day was successful on Saturday. He asked Chief Portier if they plan on combining Cops n' KidsFest and Back to School Expo in the near future. He responded that it is a test this year and will determine if they will combine them in the future.

G. Clerk of Council - Kimberly McWilliams

No report

H. Standing Committees

No report

IX. Other Business

Council Member Rarey thanked the residents for coming to the meeting to address their concerns, especially regarding safe walkways for students. He asked the status on Safe Routes to School. He is disappointed that school is starting another year and nothing has been done to preserve the safety of the children walking to school. Mr. Green responded that Administrator Hall has been working with EMH&T and finally received information from the schools, which was submitted to the State and they requested more information regarding grades, etc.

Subsequently, they have went back to the schools for this data and once they provide that information that part will be addressed. Council Member Rarey said his concerns are children walking on Hendron Road, Wirt Road and any routes that students will be routing to school. He voiced his disdain that nothing has been done over the years and that they cannot get any assistance. Mr. Green said the school travel plan has to be in place first and then they can apply for the safe routes to school fund. Council Member Hilbert believes the safe routes to school plan should be updated to the high school. Mr. Green said he would talk to Administrator Hall, noting that might have to be a separate application. Council Member Rarey said he sees an immediate need for this project to start. Mr. Green said even with funding there will have to be other decisions made on how we finance this project(s). Council Member Rarey said they need to make this happen since they have been discussing the need for years. Mayor Westcamp said he agrees they have been talking about it for a long time and the City may have to do it themselves instead of waiting on assistance. Council Member Rarey said the City should spare no expense for the life of a child. Mayor Westcamp said he would discuss it with Administrator Hall.

Council Member Cleary will not be at the next Committee of the

Whole. He is moving his son to college.

X. Adjournment

Council Member Cleary made a motion, seconded by Council Member Rarey to adjourn at 7:40 p.m.. All in favor stated AYE, None Opposed. Motion passed.

Lance Westcamp, Mayor

Kimberly McWilliams, Clerk of Council

**PLEASE NOTE: THESE MINUTES ARE NOT VERBATIM. A
RECORDING OF THE MEETING IS AVAILABLE IN THE
CLERK'S OFFICE DURING REGULAR BUSINESS HOURS.**