

City of Groveport

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Groveport, OH 43125
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Meeting Minutes

Monday, August 28, 2023

6:30 PM

Council Chambers

City Council

Mayor Lance Westcamp

Council Members - Jean Ann Hilbert, Ed Dildine, Shawn Cleary, Becky Hutson, Scott Lockett & Jack Rupp

I. Call to Order

Mayor Lance Westcamp called the City Council meeting to order at 6:30 p.m.

Staff Present: BJ King - Administrator, Kevin Shannon - Law Director, Jason Carr - Director of Finance, Casey Adams - Chief of Police, Jeff Green - Development Director, Mindy Kay - Clerk of Council

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 Adams led the Pledge of Allegiance.

IV. Roll Call**V. Approval of Minutes**

The August 14, 2023 City Council Minutes stand approved as submitted.

[#184-2023](#)

August 14, 2023 City Council Meeting Minutes

Attachments: [2023.08.14 City Council Meeting Minutes.pdf](#)

VI. Business of Guests**A. Lori McConkey**

Lori McConkey stated she would like clarification as to the form that was sent out a month ago equating faith-based items with profanity and socially offensive language. The Mayor, City Council and Heritage Society are saying that they had no foreknowledge of the changes, and that Kristiauna Trelay, who sent out the form, and Jessica Reeves-Wyke, who wrote the follow up email, were not the authors. In fact, no one seemed to know or want to say who wrote the capitalized, highlighted, offensive addition to the form. She asked who authored the change and why. She also inquired what Jessica's follow up email means by the quote "We cannot at City sponsored events permit the sale of religious items or have any of our departments allow any activities, no matter how

minor.” She stated this gives the impression that Groveport is inhibiting the free exercise of religion. She asked if that included the church choirs and Christian school bands that have performed for so many years in the past. She went on to say that banning faith-based items and activities inhibits free exercise of religion and violates the statutes of faith against those in the community.

Law Director Kevin Shannon stated that as far as the author of the form, it was his impression that it was generated by Community Affairs to put into writing what had been the policy for well over thirty years, being the prohibition of the selling of faith-based items at the Apple Butter Day festival. He said as far as lumping it in contextually with the other language such as no profane items, he believes there wasn't any intention to do that. However, they were unquestionably lumped together in that statement. He added that Mrs. Wyke had contacted him after receiving a phone call or some kind of response regarding the application. He said that Acting Administrator Carr asked that he put out something to all the department heads to give them a general overview of the first amendment and fourteenth amendment, and how they relate to the use of City property and concerning anything that could be construed as the City of Groveport endorsing a particular religious sect, and/or doing something to prohibit the free exercise of religion. He told Mrs. McConkey to that end, the email Mrs. Wyke had sent out was a portion of what he had sent to the department heads to give them guidance as it relates to this issue. With respect to the matter at hand, the prohibition against selling these items, we have to at all times have the appearance of having a neutral position as it relates to anything delving into the religious arena. There are certain things that the Supreme Court has decided, and it's on a case by case basis as to what we are going to allow. For example, if you go to the Statehouse you will see a seal as you walk into the legislative chambers that says “In God We Trust”. A radical position would say that's talking about God in the Judeo-Christian sense and that it needs to be removed and cannot be hung above the legislative chambers. The Supreme Court has said no, that is not the case, because we can't deny where we came from and there is a strong Judeo-Christian history to the founding of our country, and we're not going to tear down something because of that. However, there are instances where they'll say you're going too far, in regards to local governments permitting certain things to occur. Most commonly are the religious exhibitions that they have every Christmas. He said he's dealt with this with other cities as well. There's been a lot of case law about having a manger scene. The Supreme Court ruled that you can have a manger scene because that is one of the many items that are closely associated traditionally with the holiday season. You can do this so long as you include other

traditional secular items, such as snowflakes, Santa Claus, reindeer, etc. All of those things that are a part of the nation's celebration of the holiday season so that's permitted to happen. You cannot do anything that shows in any way you are trying to highlight or endorse a religion. With respect to this situation, again, the original intent was to simply put into writing to give vendors a heads up this year as to what they could do with respect to selling items. He said we very much want our religious institutions and churches to be involved in all of our festivals. We want choir groups to sing, take part in the festivities and be in our parades. What we can't do is allow something that can be construed as us endorsing a particular religious belief. He stated that in his opinion, the sale of religious items of any kind on City property during a City sponsored event can put us into direct conflict with those groups that are seeking to remove any type of religious reference whatsoever in governmental operations. He added that he's dealt with this professionally many times in his tenure as Acting City Attorney, and as the Law Director for the City of Groveport and he understands the concerns. He said the one thing he really wants the community to understand is that at no time did anyone from the City of Groveport state that we did not want our religious institutions or churches to be involved in our festivals. This has never been the case and he would certainly never give that advice. The call had to be made as to the particular situation. He said the answer to the last part of Mrs.

McConkey's question is yes, there will be those times when we say "No, we can't do this" because someone can construe this as being excessing entanglement with religion. You could say "You are interfering with my ability to exercise my beliefs", and in the context of allowing it to go through a government platform, yes, we are. We shouldn't do anything to interfere, nor will we do anything to interfere with your free exercise of your religious beliefs. But when you bring the City into the equations, that's what has to be scrutinized. We are required to do that. He said he hopes he answered all of Mrs. McConkey's questions and knows that we may agree to disagree on several points. He said he at least wanted her to be aware of the context in which all of this has occurred. As far as the form, he said it was an innocent mistake to group that in as far as indicating the non-sale of religious items with outlawing the sale of profane items. No one was looking to be insulting in any shape, fashion, or form. We apologize if it was construed in that manner and we can certainly correct that.

Mrs. McConkey said the form has been taken down but the damage has been done. The language itself was bad enough but capitalizing it and highlighting it in two different sections of the form was basically a slap in the face to anyone of faith in this community. We are deeply hurt and feel like we are being ostracized and put down by the City of Groveport. She

said as to the future, Apple Butter Day, and where Christians go from here, that is yet to be decided. It was nice that someone apologized for what happened but you still don't want to tell us who did it and why it was done. Council Member Hilbert said it was just explained. She apologized that it was taken this way and explained that she read the form herself and there was a period after it said faith-based items. A period. Then it went on to explain what else was not allowed to be sold. It didn't say Christian items, it didn't say Jewish items, it didn't say Hindi items. It said faith-based items, followed by a punctuation mark. Then a new statement went on to say the other items that were not allowed. She said she doesn't know who wrote it, but the thing that you have to realize is that it wouldn't even be in there if we hadn't had problems in the past. Mrs. McConkey asked if there had been problems in the past that lead to this. Mrs. Hilbert explained that last year we had to go around and talk to individuals who were selling things that shouldn't have been sold. Mrs. McConkey asked if they were faith-based items to which Mrs. Hilbert said yes. Not every taxpayer in Groveport is a Christian. She said there are many religions that are embodied in our City and she's glad because we are very diverse, but you cannot just pick one and not the other. Mrs. McConkey stated she understands Mrs. Hilbert's point about punctuation, however it was all capitalized and highlighted. There may be a period there but if it's all capitalized and highlighted together you're basically saying it's all the same. Council stated that is not their standpoint and Mrs. Hilbert said that it is Mrs. McConkey's interpretation.

Administrator King explained that if you look at the form there are many things highlighted including name, address, and company name. He said that ultimately, he is the Administrator and that he would take the blame for the form. Mrs. McConkey said it's not about blaming someone; the church just wants to know why. Mr. King said that Mr. Shannon explained why. He added that he is a believer and was raised Catholic but is not offended by the form. He said it has been misconstrued as churches aren't allowed to come to Apple Butter Day. That's not the case. We invite churches to Apple Butter Day. Churches can come and sell their fudge and sandwiches, wear their shirts and hang their banners. But, we're also bound by laws that come into play for the City and we can't turn a blind eye on that. He said he preaches to staff to leave things better than where they found it. He said she may disagree that this is leaving it better than we found it, but what we're doing is defining it for the future. A policy that has been in place, that is law, can occur and some may disagree with it. We do not want to turn this into a religious or a political thing, but it is the law and we are bound to follow the law. Mrs. McConkey asked who dictates the activities. Mr. Shannon said that as Chief Legal Counsel for the City, if a particular department has a

question or an issue as to whether or not they are concerned with running afoul the first and fourteenth amendments, it is his job to look at the situation and advise them accordingly. He said the Administrator, the Mayor as the Chief executive officer, and City Council need to be made aware of his advice. He said he has kept them aware of his advice and if they have any questions or concerns they will let him know. Mrs. Hilbert commented that she believes the one thing that really causes a lot of problems in this situation is social media. She said people should just call and ask instead of posting first on social media. She added that she had tried to get a hold of Mrs. McConkey and have a meeting with her and Carla Cramer, President of the Heritage Society. We've tried to reach out to explain the situation before it got blown out of proportion by social media. She then apologized on behalf of the City that the form was taken the wrong way and assured Mrs. McConkey that we did not mean to hurt anybody's feelings or to ban anybody from any activities. She said Apple Butter Day has been around for fifty years and we have an ordinance from 2012 when we started officially helping the Heritage Society financially. Before then, we were helping them financially just to keep it going. There is nobody in this group who does not love Apple Butter Day, and for anybody to say that because of social media the City and Council are against it is completely untrue. Everything gets misconstrued on social media. She apologized again to anyone who was offended and said she hopes they understand now where we come from. She encouraged people to come to our meetings to see for themselves that all we do is for the good of the citizens of Groveport.

B. David Cuthbert

David Cuthbert informed Council that he is speaking on behalf of the Zion Lutheran Church. He said that while he agrees that a period ends a sentence, it lumped us in with two other very ambiguous categories and we were certainly singled out as faith-based items. He added that he'd love to see the list of what Administration considers as socially offensive language and thinks that we could have lots of discussion on that determination. He said we could look at different groups and asked if we're going to single out other different groups that might offend somebody and put those groups down on paper. He went on to say that he understands that social media can blow things out of proportion, but we did not see it on social media, we saw it on the City's website. We support the City of Groveport very much in everything that we do and have had a booth at Apple Butter Day for fifteen plus years. All of the money we raise in doing that goes back into the community through Groveport Human Needs and the Food Pantry. The churches in this area and faith-based groups that you've singled out on that form support the

city very heavily. We provide bookbags for the schools, we stock the Food Pantry, and we are in the Fourth of July parade. He said to his knowledge a church actually runs the Fourth of July parade for the City. That is certainly a faith-based group. He said he feels like we're talking out of both sides of our mouths here. It's kind of a slap in the face to us to support the City all the way through, and then to be singled out on a form. The responses we got back weren't enlightening. They weren't even cognizant of the fact that perhaps we could have misconstrued something you were trying to do, no matter how minor. He added that when the choir sings typically God is mentioned, whether it is a Christian God, a Muslim God, or a Hindu God in any song. The responses back from the City weren't like "Hey, we're just trying to clarify that you're not allowed to sell stuff on property" and no "I'm sorry". The City of Groveport is excluding everything that is religious based no matter how minor. There was no question that you welcome the churches to have a booth here. But just who we are and what we stand for isn't welcome is the message that comes across. Mrs. Hilbert stated that is not the message at all. Mr. Cuthbert said that certainly is the message, that we can have a float in the Fourth of July parade and do all these things but what we stand for and who we are is a faith-based group. He said he's not just here representing Christians, but representing any religious group who's been singled out on the form. He said the real point is that his church doesn't even sell anything religious based. We sell bologna sandwiches. He said as a long-time supporter of the City with Apple Butter Day and Groveport resident for the first twenty years of his life, it's just something that he feels very strongly about. Even more so for it to say "socially offensive language". He asked who is going to determine what's socially offensive. What is socially offensive to me may not be socially offensive to you. That is the whole point of this, not necessarily the period at the end of the sentence.

Mr. Shannon said he would take exception with Mr. Cuthbert's comment that they were singled out. When you say that the City prohibits the sale of faith-based items, they are not singling out any particular religious organization or sect. He went on to say that as it turns out, the week that this all blew up he was at the golf course and one of the members who does an awful lot of work at Mr. Cuthbert's church came up to him and said there's something going on with the form. He asked if the City wanted to prohibit them from selling their bologna sandwiches at Apple Butter Day, to which Mr. Shannon said he replied absolutely not. He said a lot of this is based upon your perception. You can take something and construe it and take it pretty far, or you can take it pretty narrow. In this situation, he doesn't think anyone can say from the language that was used that we are trying to outlaw everything that you believe in, with

respect to our celebration of our festivals. As far as when you give the example of the churches organizing the parade, absolutely. We want our churches to be involved in our community and volunteer. The difference is that the church in assisting us with staging our parade is not in any way endorsing a particular religious message. It is providing a helpful civic function so that we can have an orderly parade. He said we want our churches and religious institutions involved in our community and he cannot stress that enough. It's an integral part of who we are and we all take this very seriously. He added with respect to the issue with offensive language, he thinks everyone in the room would know offensive language on a t-shirt, placard or a sign that is being sold on City property. You would come up to us and say that should not be sold with children at the festival. It's kind of like the Supreme Court case where Justice Stewart said "I can't define obscenity but I know it when I see it." He went on to say that in this situation, yes, the City is going to ultimately be deciding what is offensive because we feel as though it's our job to do that. We cannot ban political speech or stop anyone publicly supporting a candidate but we can get involved in the area where we think it's an obscenity. We also can't let someone profit off that on grounds that are owned by the taxpayers. He said he appreciates Mr. Cuthbert's concerns and takes them seriously.

C. Cheryl Raver-Irving

Cheryl Raver-Irving gave kudos to Council Member Rupp for his work as a liaison to the school and to the Groveport Police Department in terms of clarifying things that happened at last week's football game in Canal Winchester. She said she thinks Groveport schools have done a good job about upgrading their security measures to avoid what happened last year. She added she's not sure how much control in suggestion making we have with the other school districts around, but her impression sometimes is these outside kids say "we can't pick on Groveport because they have the updated security". So, they go to another school that doesn't have the same security measures we do. She referred to it as the mommy-daddy game in terms of discipline. If you can't get what you want from dad you go to mom to see if you can get it. If you can break that discipline, well that's great for the teenager. However, if all of us can stand together, whether it's Groveport, Columbus, Hamilton, or Canal Winchester, the message will get to these kids. They know where they can go, where they have an in and can play the mommy-daddy game and do what they want to do. She said if we can encourage other districts and all of us to work together it would help a great deal. She added that through her experience teaching at the freshman school and high school she has found that if one place was more disciplined the kids would know

that and go raise cane at the other place. They always knew to find the weakest. She went on to say that the job that we're doing here in our schools and the involvement with Council and our Police Department is really helpful. We need to put that wall up and have a united front with all the local districts and encourage them somehow. She suggested looking into grants and added that we could serve as an example to other districts as to how they can improve their security. Council Member Dildine reported that Groveport is working with Canal Winchester. They both did the same procedure for their home games last Friday. He said he was at the school the day they came over for training on the weapons detection system. Because of the measures put in place, every administrator and staff member who was part of the Friday night event in Canal Winchester was at Groveport High School to learn the system. Council Member Rupp thanked Mrs. Raver-Irving for her comments and said he thinks we do live in an unfortunate time right now with everything that we've experienced. We're seeing cooperation and risk planning and mitigation that we've never seen before. Canal Winchester being so close to us, that's an easy combination. But with schools like Gahanna who are further away, to have their police officers here and have Chief Spence and Chief Adams working so closely together and collaborate, that's a huge depth in safety for the community in the future.

VII. Ordinances and Resolutions

A. 3rd Readings

[Ord. 2023-032](#)

AN ORDINANCE AUTHORIZING THE ADMINISTRATOR TO SOLICIT BIDS FOR THE PURCHASE AND/OR LEASE OF GOLF CARTS AND TO FURTHER ENTER INTO ANY AGREEMENT NECESSARY TO FACILITATE SAID PURCHASE AND/OR LEASE

Sponsors: Rupp

Council Member Cleary said that after speaking with Administrator King and Chief Adams, he suggests to look into anything we may need for the police department while we're looking at this bid. Mr. King agreed. Mr. Cleary also suggested staying away from the battery powered options.

A motion was made by Council Member Rupp, seconded by Council Member Lockett, to adopt. The motion carried by the following vote:

Yes: 6 - Cleary, Dildine, Hilbert, Hutson, Lockett and Rupp

B. 2nd Readings

[Ord. 2023-033](#)

AN ORDINANCE AMENDING PART ONE - ADMINISTRATIVE CODE, TITLE FIVE- ADMINISTRATIVE, CHAPTER 137 -BOARD OF CEMETERY TRUSTEES, SECTION 137.02 - RULES AND REGULATIONS AND SECTION 137.03 POLICIES AND PROCEDURES

Sponsors: Cleary

Attachments: [Exhibit A Chapter 137.pdf](#)

This Ordinance was read by title

[Ord. 2023-034](#)

AN ORDINANCE ACCEPTING THE ANNEXATION OF 1.94 ACRES, MORE OR LESS, PARCEL NUMBER 180-000921, LOCATED IN MADISON TOWNSHIP UPON ANNEXATION OF SAID TRACT TO THE CITY OF GROVEPORT (DAVID H. ARLINGTON AND DAWN A. ARLINGTON, PETITIONERS)

Sponsors: Dildine

Attachments: [Exhibit A.pdf](#)

Law Director Shannon informed the Mayor and Council that there has been a request from the applicant to have the third reading postponed to the October 23rd City Council meeting.

This Ordinance was postponed to a date certain

C. 1st Readings

[Ord. 2023-035](#)

AN ORDINANCE AMENDING ORDINANCE NUMBER 2020-023 ESTABLISHING CREDIT/DEBIT CARD CONVENIENCE FEES FOR PAYMENTS RECEIVED BY THE UTILITY DEPARTMENT

Sponsors: Hilbert

Mr. King stated that this ordinance is slated for it's second reading at the first Council meeting in September and that staff requests that it be referred to the September Committee of the Whole meeting.

This Ordinance was referred to the Committee of the Whole

VIII. Reports

A. Mayor - Lance Westcamp

Mayor Westcamp commended Chief Adams on his work with the officers from Gahanna. He said it's a shame it's come down to this but our

officers and Gahanna's officers all did an excellent job.

B. Administrator - BJ King

Mr. King reminded staff and Council that we will be closed next Monday for Labor Day and that our Planning and Zoning Commission meeting will occur on Tuesday. There is one application on that agenda about group homes. He then reported that this coming Saturday there will be 90 Model T's coming through the City. They will be going to Mott's Military Museum and will be at Heritage Park between 11:30-12:30. Mr. Cleary asked for their direction of travel plan and Mr. King said as soon as he gets it he will let him know. Mr. Rupp inquired about traffic control. Chief Adams said the police department will have traffic control covered. Mr. Cleary added that there ended up being 13,205 Pelotonia riders when they came through town.

[#185-2023](#)

Admin Report to Council

Attachments: [Admin Report to Council.pdf](#)

C. Chief of Police - Casey Adams

Chief Adams reported that we had a total of eighteen officers, not including himself, at the game Friday night and we had no incidents. He watched the security gates and two checkpoints and did not see a lag in people trying to get in. Everybody was moving through very quickly. It really started to fill in on both sides of the stands in the middle of the first quarter. We worked closely with Gahanna PD and have a former Groveport graduate who is a Sergeant working that game. He said that Lieutenant Short has expressed his gratitude to all the officers, including Gahanna and Madison Township. It went very well and was a very nice evening other than the heat. We kept the cars moving and had the parking lot cleared out at 10:00pm. He then said that Mr. Dildine had mentioned surveillance cameras when talking about the Fourth of July and had thought about it and spoke with Deputy Superintendent Smathers. They are quite expensive, at \$4,000 a month just for one. Mr. Smathers said he appreciates the Police Department having their camera trailer in the grass area by the tennis courts. He then said Mrs. Hutson had asked for a count of the number of students crossing Main Street and Wirt Road. The officers reported eighteen students in the morning and about fifteen to eighteen in the evening for the first few days. It has since dwindled down to about twelve consistently.

D. Director of Finance - Jason Carr

Finance Director Carr provided more information on Ordinance 2023-035. It will be a 3% flat convenience fee, which will be consistent with the Golf Course and Rec Department. The reason for going with this company is not only because of the fee but it will give the users more information to basically control their payments. It will be a cloud-based format where they'll log in, similar to if you set payments up with the bank. It's more user friendly and compatible with our software. It should reduce a lot of the confusion that we have with the current system. He went on to say that he is looking for a motion to approve for a then and now expense for \$5,462.86 related to the Golf Course. This will be for the purchase of chemicals and we do not have a PO in place prior to that purchase.

A motion was made by Council Member Hilbert, seconded by Council Member Hutson, to recertify the expense. The motion carried by the following vote:

Yes: 6 - Cleary, Dildine, Hilbert, Hutson, Lockett and Rupp

[#186-2023](#)

Finance Director Report

Attachments: [Finance Director Report.pdf](#)

E. Director of Law - Kevin Shannon

Law Director Shannon wanted to make a comment in respect to the football game situation. He said he couldn't express enough his gratitude and kudos to Chief Adams. He said the Chief called him at the beginning of the game and asked if there was any way he could contact the Gahanna City Attorney so that we can all be on the same page as it relates to mutual aid. He thinks there was a belief that the current mutual aid that was signed by the various jurisdictions in 2013 was somehow inadequate in that it only dealt with incidents and not special events. He stated that he and Gahanna City Attorney Mularski are of the same opinion that the mutual aid agreement was more than adequate and allows these compacts between jurisdictions. It specifically sets forth to have this mutual aid invoked for sporting events. Chief Adams was able to send a request to Gahanna PD invoking mutual aid.

F. Development Director - Jeff Green

Development Director Green informed Council that we have a full class for our upcoming business training. The original goal was fourteen and we are at nineteen. The first couple classes will probably be a weeding. We'll see how people do with the classes, as to whether or not they'll be invited for the rest of the program. He said that it is going to be a great program and they are offering a lot of good content. Columbus State is really excited about this, and we've got a fantastic partnership with them.

Council member Hutson inquired when the dog biscuit place will be opening up. Mr. King said they have approved plans but have not yet hired a contractor to move forward with it.

G. Council Members - Jean Ann Hilbert, Ed Dildine, Shawn Cleary, Becky Hutson, Scott Lockett and Jack Rupp

Council Member Dildine said that our original ad for the Messenger about the football program got omitted, so we will be doing our own separate one. He then said that everyone should have received their invitation to the 9/11 ceremony. The program will be as previous years but he has added one speaker. Retired Lieutenant Colonel Perry Blackburn was one of the original twelve that's part of the movie Twelve Strong. He was one of the first ones into Afghanistan after 9/11. He added that he had created a page for this event so people can comment and ask questions, and hopefully reach a broader audience. The doors open at 7:00am and the ceremony starts at 8:00am at Motts Military Museum.

H. Clerk of Council - Mindy Kay

I. Standing Committees

IX. Other Business

Law Director Kevin Shannon requested Council consider going into executive session pursuant to Ohio Revised Code Sections 121.22(G)(1), 121.22(G)(2) and 121.22(G)(3) at 7:03 p.m. to discuss personnel and development related matters and invited the Mayor, Council, Administrator, Finance Director, HR Director and himself.

A motion was made by Council Member Hilbert, seconded by Council Member Lockett, to go into Executive Session at 7:21pm. The motion carried by the following vote:

Yes: 6 - Cleary, Dildine, Hilbert, Hutson, Lockett and Rupp

A motion was made by Council Member Rupp, seconded by Council Member Lockett, to come out of executive Session at 8:23pm. The motion carried by the following vote:

Yes: 6 - Cleary, Dildine, Hilbert, Hutson, Lockett and Rupp

X. Adjournment

Council Member Hilbert made a motion, seconded by Council Member Hutson to adjourn at 8: 23 p.m. All in favor stated AYE, None Opposed. Motion passed.

Lance Westcamp, Mayor

Mindy Kay
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.