

City of Groveport

655 Blacklick St.
Groveport, OH 43125
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Meeting Minutes

Monday, February 24, 2014

6:30 PM

Council Chambers

City Council

Mayor Lance Westcamp

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

I. Call to Order

by Mayor Westcamp at 6:30 p.m.

Staff Present: Marsha Hall - Administrator, Kevin Shannon - Law Director, Jeff Green - Director of Finance, Kurt Blevins - Captain

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

Captain Blevins led the Pledge of Allegiance.

IV. Roll Call

A motion was made by Council Member Rarey, seconded by Council Member Cleary, to excuse Council Member Drury from the meeting. All in favor stated AYE, None Opposed. Motion passed.

Excused: 1 - Council Member Drury

Present: 5 - Council Member Cleary, Council Member Dildine, Council Member Hilbert, Council Member Hutson, and Council Member Rarey

V. Approval of Minutes - February 10, 2014

Approved as submitted.

[#032-2014](#)

Council Meeting Minutes 2-10-2014

Attachments: [Council Meeting Minutes 2-10-2014.pdf](#)

VI. Business of Guests - None**VII. Ordinances and Resolutions****A. 3rd Readings**

[ORD. 14-002](#)

AN ORDINANCE GRANTING A VARIANCE TO JOANNE CASSERLY AS TO THE PERMITTED USES IN THE ESTABLISHED ZONING DISTRICT FOR THE PROPERTY LOCATED AT 557 BLACKLICK STREET, CURRENTLY ZONED URBAN RESIDENTIAL ("R-6")

Sponsors: Drury

Attachments: [ORD. 14-002 Use Variance Casserly.pdf](#)

Mayor Westcamp noted the reason for postponing this Ordinance was due to the applicant being late at the February 3, 2014 Planning & Zoning Commission meeting.

A motion was made by Council Member Hilbert, seconded by Council Member Cleary, to postpone this Ordinance until the March 10, 2014 City Council Meeting. Motion carried by the following vote:

Excused: 1 - Drury

Yes: 5 - Cleary, Dildine, Hilbert, Hutson and Rarey

[ORD. 14-004](#)

AN ORDINANCE AMENDING SEWER USAGE RATES

Sponsors: Hilbert

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

Excused: 1 - Drury

Yes: 5 - Cleary, Dildine, Hilbert, Hutson and Rarey

[RES. 14-001](#)

A RESOLUTION AUTHORIZING THE USE OF A PORTION OF THE PROCEEDS OF BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF GROVEPORT, IN THE ESTIMATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,187,900.00, TO BE ISSUED FOR THE PURPOSE OF CONSTRUCTING A NEW CITY WATER TREATMENT FACILITY WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO, TO REIMBURSE THE CITY'S GENERAL, PERMANENT IMPROVEMENT, OR BOND CONSTRUCTION FUND FOR MONEYS PREVIOUSLY ADVANCED FOR SUCH PURPOSE

Sponsors: Rarey

Administrator Hall informed Council the engineering for the water plant has been completed and the City has PTI approval

and the project is currently being advertised. The bid opening was scheduled for March 7, 2014 and has been delayed until March 21, 2014 due to some questions. Council Member Hilbert inquired if the plant was being designed for additional customers? Ms. Hall responded the plant is designed for the same capacity it has now, which will serve any user capacity for the area that is currently served by that plant. The plant will serve any undeveloped areas within that geographic area but not any additional customers outside that area. There are 1200 customers on the Groveport water system and Columbus customers are about the same. Council Member Dildine inquired what zoning the undeveloped areas had now. Administrator Hall responded, no large tracts, only small tracts here and there. Council Member Hilbert asked how many new customers could be added to share the cost of the new plant. Administrator Hall stated maybe 100. Council Member Hutson asked how many units there would be in the senior housing on Hendron Road. Administrator Hall stated 52 units that would be very small users. Council Member Rarey inquired if this matter had to be decided at this time, Ms. Hall stated she could not move forward until the City knows what the final costs will be for the project. We know the engineers estimate was around \$2,187,500. The City has already paid close to \$200,000 in engineering, another couple of hundred thousand for PRV Vault for the connection with the City of Columbus, for the pressure, allowing the City to get rid of one water tower and refurbish the other tower. The City won't know actual costs until a good bid is obtained.

Council Member Dildine asked if the senior housing grant included water or if the individual would be responsible for the bill? He expressed concerns for the low income eligibility seniors have to meet to reside there and the ability to afford even the minimum water service and commented his bill as a minimum user ran around \$103 the last quarter. Council Member Cleary noted he has been in his house for 15 years and his bill is up 49% since moving into his home. He stated Groveport water rates should have been raised a little at a time all along with previous administrations, now the City is playing catch up. Mr. Dildine commented the City of Columbus is spreading their costs of service over a larger pool of people while Groveport is taking a small pool of people whom will pay to maintain a new water plant. Mr. Cleary commented he still pays a percentage to Groveport in addition to the Columbus service. Mr. Dildine

stated after all the additional fees are removed from a Groveport resident's bill, actual costs for the water service with Columbus is cheaper. Mr. Dildine raised questions regarding the residents of the new senior housing project; if their water was included in their rent, they would see an increase in the rent to accommodate said increase. Council Member Hutson commented she would think the senior housing developers would take into consideration that all utility rates are going to rise. The seniors' income won't go up and she would expect the developers have accounted for such circumstances. Mrs. Hilbert noted you also have the seniors who are not living in the senior housing and she has received calls from concerned citizens about the current water bills, advising them the rates will continue to rise. Mrs. Hutson stated that is not due to water, Mrs. Hilbert interjected it is due to building the new water plant. Mrs. Hutson commented the City should have been raising rates all along. Mr. Cleary commented there were some errors made by past administrations.

Mayor Westcamp inquired of the Administrator if the City had heard from the EPA, Ms. Hall informed everyone the EPA has issued the permit to install the new plant and they are under the understanding the City is moving forward with the project. Mr. Dildine raised the matter of EPA Regulations; he commented the City is good for now, but three, four, five, seven years down the road the 1200 customers, possibly 100 additional customers, will be paying for any modifications to the EPA Regulations.

Law Director Kevin Shannon just for point of clarification stated Resolution No.14-001 did not pass. The City Charter requires four positive votes for anything to pass for this body and there were three positive votes tonight. Ms. Hall stated she needed direction on this matter. Mr. Shannon advised Council the legal effect of this Resolution's failure is Administrator Hall has no ability to authorize a contract and there is a time line in progress as to the opening of bids, awarding a contract and expenditures of engineering to design the project. Mr. Shannon stated Ms. Hall needs Council's direction as to what she is to do from this point in time, given tonight's vote.

Mr. Shannon advised Council technically if the prevailing party in this situation were to consider a motion for reconsideration, any recommendation would have to come from the two negative

votes. Under the Council's rules for reconsideration, it can only occur if it is made by a member of the prevailing party and is done at the same meeting as the original vote or the next regular meeting of Council. From a legal standpoint the only thing that can be done is to initiate new legislation and go through the readings again. That sort of direction will put the matter up for a vote a second time or you will have to redo whatever process you have already started with the bid, engineering and all that has been involved in the process.

Mayor Westcamp raised another option was to start over and go to the City of Columbus. Administrator Hall stated if the City goes that route, she needs to stop our current process. The City can't keep paying an engineer, advertising the project and will need to cancel the pre-bid meeting. She will have to contact the EPA to advise them the City is stopping the project for now. Mr. Shannon raised the issue the failure of this Resolution will affect the Administrator's ability to enter into a contract for the restoration of the water tank. Ms. Hall advised that was an entirely separate process.

A motion was made by Council Member Rarey, seconded by Council Member Hutson, to adopt. The motion failed by the following vote:

Excused: 1 - Drury
Yes: 3 - Cleary, Hutson and Rarey
No: 2 - Dildine and Hilbert

B. 2nd Readings - None

C. 1st Readings

[ORD. 14-007](#)

AN ORDINANCE AUTHORIZING A MODIFICATION TO THE DEVELOPMENT PLAN FOR 3099 ROHR ROAD, PARCEL # 185-002914

Sponsors: Dildine

Attachments: [Modification to Development Plan 3099 Rohr Rd.pdf](#)

This Ordinance was referred to the Planning & Zoning Commission.

[ORD. 14-008](#)

AN ORDINANCE DESIGNATING 21.599 ACRES OWNED BY THE CITY ON HAYES ROAD AS PARK SPACE PURSUANT TO O.R.C SECTION 755.12 AND THE DECLARATION OF AN EMERGENCY

Sponsors: Rarey

Law Director Shannon advised Council, Finance Director Jeff Green has been notified by the CAUV Section of the Franklin County Auditor's Office advising if the City is not going to farm this land any further, the City needs to pay \$80,000 in deferred taxes on the tract, unless the land is dedicated as parkland. The City was granted this tract of land through a plat process for the approval by Cabot at the Rohr/Pontius Road development. Part of that involved a straight grant of land and the City now owns that property. Council has the ability through the City Charter and through Ohio Revised Code under Title Seven to declare parkland. He has informed the Auditor's office that Council will consider this matter tonight as emergency legislation as the deadline is March 1, 2014. This land will become part of the Groveport Park System henceforth. Administrator Hall noted, this land is part of the stream corridor protection area and is to be left natural as a protected area.

Mr. Shannon requested Council to consider making a motion to suspend the rules as to the three readings and the effective date.

A motion was made by Council Member Hilbert, seconded by Council Member Rarey, to suspend the rules as to the three readings and the effective date. The motion carried by the following vote:

Excused: 1 - Drury

Yes: 5 - Cleary, Dildine, Hilbert, Hutson and Rarey

A motion was made by Council Member Dildine, seconded by Council Member Hilbert, to adopt as emergency legislation. The motion carried by the following vote:

Excused: 1 - Drury

Yes: 5 - Cleary, Dildine, Hilbert, Hutson and Rarey

VIII. Reports

A. Mayor - Lance Westcamp

Nothing to report.

B. Administrator - Marsha Hall

Administrator Hall requested Council consider to go into Executive Session to discuss land acquisition.

[#033-2014](#)

Adm Report to Council - Feb 24

Attachments: [Adm Report to Council - Feb 24.pdf](#)

C. Chief of Police - Ralph Portier

Capt. Blevins had nothing to report. Council Member Cleary congratulated Capt. Blevins on his promotion and he noted he visited the new police facility.

D. Director of Finance - Jeff Green

Director of Finance Jeff Green referred Council to the January 2014 Finance Report, noting income tax collection for January were up 33%.

[#034-2014](#)

Finance Report January 2014

Attachments: [Finance Report January 2014.pdf](#)

E. Director of Law - Kevin Shannon

Nothing to report.

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

Council Member Cleary commented on the upcoming Small Business Meeting on February 27th.

Council Member Dildine reported he has taken a walk through Town Hall where they have come a long way in getting things cleaned up.

Council Member Cleary inquired of the beer contest/tasting, Council Member Dildine advised Groveport Beer/Brew Fest has been canceled due to lack of sponsors and ticket sales. The cost to sponsors was \$250 and some local businesses felt it was

to high.

G. Clerk of Council - Ruthanne Sargus Ross

Nothing to report.

H. Standing Committees

Council Member Dildine advised everyone the Rules of Council Committee meeting has been changed from 6:00 p.m. to 5:30 p.m. on March 24, 2014 due to a conflict with a scheduled public hearing at 6:15 p.m.

IX. Other Business - None

--- Executive Session

Law Director Shannon requested Council to consider making a motion to go into executive session pursuant to Ohio Revised Code Section 121.22(G)(2) to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers and invited the Mayor, Council, Administrator, Finance Director and himself.

A motion was made by Council Member Hilbert, seconded by Council Member Dildine, to go into executive session pursuant to Ohio Revised Code Section 121.22(G)(2) to consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of a public body shall use division (G)(2) of this section as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is

void if the seller or buyer of the public property has received covert information from a member of a public body that has not been disclosed to the general public in sufficient time for other prospective buyers and sellers to prepare and submit offers to include the Mayor, Council, Administrator, Finance Director and Law Director

at 7:05 p.m. The motion carried by the following vote:

Excused: 1 - Drury

Yes: 5 - Cleary, Dildine, Hilbert, Hutson and Rarey

--- **Executive Session**

A motion was made by Council Member Dildine, seconded by Council Member Hilbert, to come out of Executive Session with no action taken at 7:32 p.m. The motion carried by the following vote:

Excused: 2 - Cleary and Drury

Yes: 4 - Dildine, Hilbert, Hutson and Rarey

X. Adjournment

Council Member Rarey made a motion, seconded by Council Member Hilbert to adjourn at 7:32 p.m. All in favor stated AYE, None Opposed. Motion passed.

Lance Westcamp, Mayor

Ruthanne Sargus Ross, 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.