

# City of Groveport

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## Meeting Minutes

Monday, July 10, 2017

6:30 PM

Council Chambers

### City Council

*Mayor Lance Westcamp*

*Council Members - Jean Ann Hilbert, Ed Dildine, Shawn Cleary, Becky Hutson, Scott Lockett & Jim Beidler*

**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, 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 - Jim Beidler, Shawn M. Cleary, Edward Dildine, Jean Ann Hilbert, Becky Hutson, and Scott Lockett

**V. Approval of Minutes - June 26, 2017**

Approved as submitted.

[#458-2017](#) City Council Minutes 6-26-17

**Attachments:** [City Council Minutes 6-26-17.pdf](#)

**VI. Business of Guests****a. Debbie Sibbalds - Parking Ordinance**

*Debbie Sibbalds of South Bloomfield, Ohio addressed Council on a parking matter in the City of Groveport during the 4th of July Celebration. While she and her family were enjoying the day of music and fireworks, their cars were given parking violations. Her family had three cars parked together on a gravel area. One car was given a parking violation because it was partially touching grass. It was explained to them that the City of Groveport has an ordinance against parking on the grass. The family questioned the fact that the other 2 cars were given parking violations as well, even though they were not parked on grass. They are not complaining about the sergeant, they're sure he was just doing his job. She was present at this meeting to ask Council to consider looking into posting signs within the City limits about the ordinance pertaining to parking on the grass. Ms. Sibbalds wanted to know about other City sponsored events, if cars are in violation and if so, do*

they get written up for citations, e.g. Apple Butter Day cars park along Wirt Road. She also wanted the definition of "criminal trespassing" that was noted on the parking violation. It is her understanding that residents can get a violation for parking on the grass on their own property. She asked if this was true. If parking is going to be an issue for community events from here on out, this situation needs a solution. She and her family want to ensure this does not happen to other families. The only way for that to happen would be to have the ordinance posted around town. The cars were parked on the alley behind Front Street. Ms. Sibbalds stated they were given permission to park there.

Chief Portier had talked to Larry Dowler about the situation and their primary concern was making sure nothing would go on anyone's record. The Chief has not had the opportunity to speak with the sergeant as he is on vacation. There was also a question as to the family being given permission to park on the owner's property for that day. Larry Dowler interjected permission wasn't given for that day, but they have previously been given permission. The Chief stated the homeowner was who called the police to complain of cars parked on his property. Mr. Snow called the police when the car was parked on the grass. Mr. Dowler's son-in-law's car was parked on the alley where cars could still get through, whereas Mr. Dowler's car was parked on the gravel and he still got a citation. The officer first made sure cars were not parked in the "permit only" parking areas on Front Street. Chief Portier clarified that no citations were issued, only warning notices. Ms. Sibbalds reiterated there are no signs posted that you couldn't park there. Parking on grass is a zoning issue.

Law Director Shannon wanted to be clear that there were no parking tickets issued, only warnings. Mr. Shannon stated there is a distinction between "criminal trespass" in the criminal code, where one recklessly, negligently or intentionally enters upon the property of another, and you know, or reasonably should know, that you are not welcome on that property. This issue does not amount to a "criminal trespass" in any shape, fashion, or form. He assured Ms. Sibbalds that is not a violation she needs to be concerned about. This issue is more along the lines if, for example, you pulled into someone's driveway to watch the fireworks because there was nowhere else to park. Then, the owner comes out and says you need to get off my driveway now or signs are posted to keep off the driveway or the yard; and you don't move off their property. Ms. Sibbalds asked what other term than "criminal trespassing" could have been used instead. When she showed the notice to Mr. Shannon, he believed the officer's intent with the hand written reference to "criminal trespassing" was because the complaint call came in from the homeowner. The homeowner is basically saying to the officer he does not want these people parking on his property. Sgt. Adams wrote "criminal trespassing", probably as a reference in his own mind, should he be questioned on the ticket, that a guy called in saying people were parking in his grass. It is not in any way suggesting that Ms. Sibbalds and her family were guilty of criminal trespassing. Again, no citation was issued but the officer puts as much as possible on the notice so he has a point of reference in the future, so he can recall the circumstances of the complaint. There would be concern if the cars were given parking tickets if they were not parked on the grass instead of just warning notices. Sgt. Casey Adams is

very thorough when he issues parking tickets, he provides photographs of the car in violation clearly showing a sign or parked on the grass. Ms. Sibbalds is sure the officer was only doing his job regarding the call to the police, but she is sure their three cars were not the only cars parked on grass somewhere in the City. The Chief stated it is impossible for the offices to hit every spot, there are just too many people and cars coming into Groveport for the day. Officers have to respond to a complaint call, especially from a Groveport resident who expects the officers to do their job. She wanted to know if the City would post signs throughout the City to make people aware of the no parking on grass ordinance. Mr. Shannon explained there are certain state mandated parking violations already set up that a municipality is not required to have an ordinance posted on a sign. The code for the City of Groveport simply mirrors State law. The parking on the grass is a codified ordinance in the Ohio Revised Code and Groveport has re-codified it as part of its local ordinance. They are just basic laws people should already know. The zoning code for Groveport states to park a trailer, rv, camper or such on one's property there has to be a paved or graveled surface. Mr. Shannon advised Ms. Sibbalds on how to query the City's Codified ordinances online through the City's website. Ms. Sibbalds commented, since this was a state law it is supposed to be common sense to not park on the grass. Mr. Shannon explained that during special events one gets into the "spirit of the law" versus the "letter of the law." The "letter of the law" is you don't park on the grass. The "spirit of the law" is when circumstances come up: a festival, Apple Butter Day, 4th of July, where people are going to park. So, one has to figure out which one of those violations are to the point where something needs to be done about it to where the City will invoke the "letter of the law", as opposed to the "spirit of the law" saying it's the 4th of July, you can relax. What he thinks tipped the scale here is that the property owner called in to make a complaint. An officer does have discretion, this officer handled the situation in a very user friendly way for the three vehicle owners because he did not write tickets, even for the car touching the grass. However, the officer has to appease the citizen who calls in to complain cars are parking on his lawn.

## VII. Ordinances and Resolutions

### A. 3rd Readings

None

### B. 2nd Readings

#### [ORD. 17-026](#)

AN ORDINANCE GRANTING A VARIANCE AS TO THE PERMITTED USES IN THE ESTABLISHED ZONING DISTRICT FOR THE PROPERTY LOCATED AT 4855 HENDRON ROAD, PARCEL NO. 185-001359, CURRENTLY ZONED COMMUNITY SERVICE (CS), DIANA WARD,

APPLICANT

**Sponsors:** Lockett

**Attachments:** [4855 Hendron Rd - Use Variance attachment.pdf](#)

Clerk of Council Ross read by title Ordinance No. 17-026.

[#459-2017](#)

ORD. 17-026 Staff Reports

**Attachments:** [ORD. 17-026 Staff Reports.pdf](#)

[ORD. 17-027](#)

AN ORDINANCE AMENDING PART FIVE - GENERAL OFFENSES CODE, CHAPTER 521, HEALTH, SAFETY AND SANITATION, SECTION 521.10 - NONSMOKING AREAS IN PLACES OF PUBLIC ASSEMBLY OF THE GROVEPORT CODIFIED ORDINANCES

**Sponsors:** Beidler

**Attachments:** [ORD. 17-027 521.10 Smoking Ban attachment.pdf](#)

Clerk of Council Ross read by title Ordinance No. 17-027.

## C. **1st Readings**

[ORD. 17-028](#)

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS IN CONJUNCTION WITH THE MAJOR TRAFFIC SIGNAL UPGRADE PROJECT AT HAMILTON ROAD AND FIREHOUSE LANE

**Sponsors:** Cleary

Clerk of Council Ross read by title Ordinance No. 17-028. This Ordinance was referred to the Committee of the Whole.

[ORD. 17-029](#)

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS IN CONJUNCTION WITH THE WEST BIXBY ROAD PAVEMENT REHABILITATION (PHASE II) PROJECT

**Sponsors:** Hilbert

Clerk of Council Ross read by title Ordinance No. 17-029. This Ordinance was referred to the Committee of the Whole

[RES. 17-004](#)

A RESOLUTION ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENT FUND PLAN

Sponsors: Hutson

Clerk of Council Ross read by title Resolution No. 17-004. This Resolution was referred to the Committee of the Whole.

## VIII. Reports

### A. Mayor - Lance Westcamp

*Mayor Lance Westcamp reported on the success of the 4th of July Celebration. The parade route was reversed this year with some glitches but the committee will work through them. There will be some new ideas presented to the 4th of July Committee. The Mayor feels things went well, the entertainment was unbelievable, Community Affairs Director, Patty Storts couldn't have picked a better band for this community. Turnout for the event and the fireworks did not disappoint, he thinks they were the best display of fireworks ever.*

*Council Member Hilbert thought the route was great because it put the sun to parade participants' backs. Administrator Marsha Hall added everyone agrees the recreation center parking lot is a better starting point for the parade. The subcommittee that worked on the parade will meet and do a follow up meeting with the entire 4th of July Committee. She thinks this will be the route of the parade next year, starting at the recreation center and turning on Hendron Road and end at the school. Finance Director Jeff Green did a great job as announcer, but the Mayor would like to see him supplied with a list of the participants so he doesn't have to guess who is coming down next.*

*The Mayor and City staff have been visiting the area businesses and would like to see each business participate in next year's parade with a vehicle with their sign on the side. He wants the community to become more aware of the businesses in Groveport. If the companies provide the signs, Groveport can look into getting vehicles and drivers. Mayor Westcamp thinks this will really add to the parade. The Mayor thanked the Chief and his officers and the Public Works Department. There will be a follow up meeting of the 4th of July Committee, but no date has been set.*

### B. Administrator - Marsha Hall

*Nothing further to report.*

[#460-2017](#) Adm Report to Council

**Attachments:** [Adm Report to Council - July 10.pdf](#)

**C. Chief of Police - Ralph Portier**

*Chief Portier thanked Council Member Cleary for feeding his department during the 4th of July Celebration.*

**D. Director of Finance - Jeff Green**

*Finance Director Jeff Green reported the City has a Facebook contest going on for the best photograph of the fireworks for the 4th of July. There have been some amazing photographs, one captured the Log House with the fireworks above it.*

**E. Director of Law - Kevin Shannon**

*Law Director Shannon referenced the section code that pertains to the matter of vehicles parking on grass.*

**351.03 PROHIBITED STANDING OR PARKING PLACES.**

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

(1) On a sidewalk, curb or street lawn area, except as provided in subsection (b) hereof;

(b) A person shall be permitted, without charge or restriction, to stand or park on a sidewalk, a motor-driven cycle or motor scooter that has an engine not larger than one hundred and fifty cubic centimeters, or a bicycle, provided that the motor-driven cycle, motor scooter, or bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Section 331.37.

This section mirrors Ohio Revised Code Section 4511.68.

**F. Council Members - Jean Ann Hilbert, Ed Dildine, Shawn Cleary, Becky Hutson, Scott Lockett and Jim Beidler**

*Council Member Cleary commented the day after July 4th the City was clean and looked really good.*

*Council Member Dildine reported that members of the department leave tomorrow to pick up the new fire engine for Station 181 in Groveport. Once the truck is here it will be displayed at a show, then it will be outfitted with equipment to be put in service by the end of the month.*

**G. Clerk of Council - Ruthanne Sargus Ross**

*Nothing to report.*

**H. Standing Committees**

*None.*

**IX. Other Business**

*None.*

**X. Adjournment**

Council Member Dildine made a motion, seconded by Council Member Hutson to adjourn at 6:59 p.m. All in favor stated AYE, None Opposed. Motion passed.

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Lance Westcamp, Mayor

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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.