City Council Meeting Agenda

Monday, March 16, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tem
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

Matthew H. Greeson, City Manager
D. Kay Thress, Clerk of Council

If you have questions regarding this agenda please contact the Clerk of Council at 614-786-7347. This agenda and amendments that may be made to it can be found at www.worthington.org
CALL TO ORDER

Roll Call

Pledge of Allegiance

VISITOR COMMENTS

APPROVAL OF MINUTES

1) February 9, 2015 – Committee of the Whole Meeting
2) February 17, 2015 – Regular Meeting

PUBLIC HEARINGS ON LEGISLATION

3) Ordinance No. 08-2015

Authorizing a Final Development Plan for 2233-2299 West Dublin-Granville Road and Authorizing Variances (Dan Cline/Linworth Crossing).

Introduced March 2, 2015
P.H. March 16, 2015

4) Ordinance No. 09-2015

Approving the Subdivision of Property at 2233-2299 West Dublin-Granville Road, Authorizing Variances and Approving a Development Agreement (Linworth Crossing, LLC/Segna Investments Inc.)

Introduced March 2, 2015
P.H. March 16, 2015

5) Ordinance No. 10-2015

An Ordinance Enacted by the City of Worthington, Hereinafter Referred to as the City, in the Matter of the Stated Described Project (PID Number 99624, FRA-Fiber Splicing – FY15)

Introduced March 2, 2015
P.H. March 16, 2015
NEW LEGISLATION TO BE INTRODUCED

6) **Ordinance No. 11-2015**

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from C-1, Neighborhood Commercial to C-2, Community Commercial (5596 North High Street).

7) **Ordinance No. 12-2015**

Vacating Street Right-of-Way on the West Side of Linworth Road.

8) **Ordinance No. 13-2015**

Amending Sections 1123.19, 1123.63 and 1127.03(d)(2) of the Codified Ordinances of the City of Worthington Defining Child Day Care Center, Nursery School and Preschool, Defining Semipublic Uses and Providing for Consideration of Changes to Conditional Uses.

REPORTS OF CITY OFFICIALS

REPORTS OF COUNCIL MEMBERS

OTHER

EXECUTIVE SESSION

ADJOURNMENT
City Manager Report to City Council for the Meeting of Monday, March 16, 2015

APPROVAL OF MINUTES

1) February 9, 2015 – Committee of the Whole Meeting
2) February 17, 2015 – Regular Meeting

Recommendation: Approval of Minutes as Presented

PUBLIC HEARINGS ON LEGISLATION

1) Ordinance No. 08-2015 – Final Development Plan and Variances – Linworth Crossing

The City Council has previously annexed and rezoned the former Segna Motors site at 2233-2299 W. Dublin Granville Road. Additionally approved was the combination of 7 parcels into 2, comprising of 4.5 acres of total land. The size of the proposed Linworth Crossing development requires a Development Plan. Also required is a Certificate of Appropriateness from the Architectural Review Board (ARB). The applicant is proposing a new commercial (neighborhood retail) development, comprised of two new buildings. The attached materials, including a memorandum from the Director of Planning and Building, outline the Final Development Plan and Variances. Staff is recommending approval of the application. The Municipal Planning Commission (MPC) voted on February 12, 2015 to recommend approval to the City Council. Additionally, on February 12, 2015, the ARB approved a Certificate of Appropriateness.

Recommendation: Approval of Ordinance as Presented
2) Ordinance No. 09-2015 – Subdivision, Variances and Development Agreement - Linworth Crossing

On April 21, 2014, the City Council approved by ordinance a subdivision and variances for 2233-2299 W. Dublin-Granville Road and 6113 Linworth Road, formerly the Segna Motors property. The original request was to combine 7 parcels into 2 parcels, totaling 4.5 acres. Due to various reasons, the plat was not recorded and it is necessary that the City Council adopt the ordinance again. It should be noted that this approval now includes a Development Agreement also. An additional change to the documents is a requirement that the developer construct an 8 foot paved path within a 10 foot easement on the north and east sides of the property. This will provide access along Dublin-Granville Road and to the entrance of the City’s Linworth Park. Staff is recommending approval of the application. On February 12, 2015, the Municipal Planning Commission (MPC) unanimously recommended approval to the City Council. Additional information, including a memorandum from the Director of Planning and Building is attached.

**Recommendation:** Approval of Ordinance as Presented

3) Ordinance No. 10-2015 – Consent – Fiber Slicing Project along SR-315

The Ohio Department of Transportation is in the process of constructing a fiber optic cable network within the Columbus area freeway system. They are planning a splicing project with locations in the SR-161 and I-270 interchanges. While the portion of the work within the Worthington Corporation is minimal they have requested consent legislation for the project. This legislation will provide the requested consent.

**Recommendation:** Approval of Ordinance as Presented

**NEW LEGISLATION TO BE INTRODUCED**

4) Ordinance No. 11-2015 – Rezoning – 5596 N. High Street (Sharon Square Shopping Center)

A prospective tenant of the Sharon Square Shopping Center located at 5596 N. High Street has requested a rezoning from C-1 Neighborhood Commercial to C-2 Community Shopping Center for the purposes of a restaurant at this location. This item should be introduced the referred to the Municipal Planning Commission (MPC) for investigation and report. Once the MPC has completed its work, this request will come before the City Council for action. Additional information is included in the attached memorandum from the Law Director.

**Recommendation:** Introduction and Referral to Municipal Planning Commission
5) Ordinance No. 12-2015 – Request to Vacate Right of Way – Linworth Road

The City has received a petition to vacate the right-of-way along the western edge of Linworth Road north of SR-161. This land was reserved “for street purposes” on the original plat for the subdivision. One of the houses in this area is encroaching on the right of way. The request is to vacate all of the right of way. Staff believes that a partial vacation of this area may be sufficient, but staff is opposed to the entire area being vacated because of the discussions regarding improvements to SR-161 and the City’s interest in bike and pedestrian accommodations. Additional information is included in the attached memorandum from the Law Director.

**Recommendation:** Introduction for Public Hearing on April 6, 2015

6) Ordinance No. 13-2015 – Code Change – Accessory Child Day Care, Nursery School, and Preschool Changes to Conditional Use

This Ordinance makes several changes to the Codified Ordinances of the City related to the definition of child care as an accessory use to semi-public uses such as churches, parochial schools, colleges and hospitals. This issue arose when the City was approached by Beth Tikvah to operate a child day care center at its synagogue location at 6121 Olentangy River Road. Many religious institutions in Worthington operate in S-1 zoning. A few, including Beth Tikvah, operate under as a Conditional Use in a residential zoning district. This Ordinance provides the ability of the semi-public users operating under a conditional use permit to request conditional use approval by the Municipal Planning Commission to provide child care. The Municipal Planning Commission considered this matter and recommended approval of the Code change. Additional information that outlines the details of the proposed changes is included in the attached memorandum from the Law Director.

**Recommendation:** Introduction for Public Hearing on April 6, 2015

REPORTS OF CITY OFFICIALS

EXECUTIVE SESSION
Meeting Minutes

Monday, February 9, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

City Council

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tempore
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, February 9, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

Ms. Michael appointed Tanya Maria Word as Temporary Clerk of Council for this evening’s meeting.

Members Present: Rachael R. Dorothy, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent: Robert F. Chosy

Also present: Temporary Clerk of Council Tanya Maria Word, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Director of Service and Engineering William Watterson, Director of Planning and Building Lee Brown, Director of Parks and Recreation Darren Hurley, Chief of Police James Mosic, and Chief of Fire Scott Highley.

There were 5 visitors present.

President Michael invited those in attendance to stand and join in the recitation of the Pledge of Allegiance.

REPORTS OF CITY OFFICIALS

Discussion Item(s)

1. Request for Considering Old Worthington Business Association (OWBA) Funding Request

Mr. Greeson acknowledged the chair of the OWBA JoAnne Doyle, who introduced the members of the OWBA. Mr. Greeson stated there was a funding request late last year from the Old Worthington Business Association and because of the time and amount, we had some discussion here about not considering it until after the first of the year and then Council also separately said let’s come up with a process by which to consider this request; you also asked that staff later in the year come up with a process that might be utilized to consider other organization’s request that we get. Tonight we are not considering the merits of the funding request at all. At the end of tonight I would like authorization to distribute it and we’ll work with OWBA on a reasonable timeline for its completion and scheduling of a presentation, because at this point this is not a competitive process, I think we can negotiate how much time it will take them to complete the application.
Ms. Michael asked in the future will this application be coming in on the same timeline as the rest of the presentations going into future budget years. Mr. Greeson replied what I think we’ll have to do is take your feedback; there are some organizations where we provide substantial amounts of money to them where this information might be really helpful; there are other organizations where the amount of money we distribute is much smaller and the level of information that we’re talking about in this grant application might be overkill; so we’ll have to determine as we move through the year is where you want to set the bar; do we need to have this level of information for those who distribute funding to on a smaller level, probably not; we might have two different types here, I don’t know, we’ll have to talk through that later.

This application in its present form shouldn’t be new to you; this is structured similar to what we created for the McConnell Arts Center a number of years ago as we entered into an operating grant relationship with the McConnell Arts Center. Is it perfect, no, no application is; it is an attempt to try to anticipate what you might want to see. We need your feedback to make sure it does what you want it do.

Mr. Greeson presented the following PowerPoint presentation followed by discussion of the Funding Request packet.

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**Goals**

- Review the proposed application
- Get feedback from the City Council
  - Does it require responses to the questions you want answered?
- Receive authorization to distribute it to OWBA
- Determine, with OWBA, a reasonable timeline for completion and presentation
General Information

- ATTACHMENT I: List of Board Members and Officers of the Not for Profit
- ATTACHMENT II: Ohio Not for Profit documentation
- ATTACHMENT III: Internal Revenue Service Determination Letter for tax exempt status for 501(c)(6) or other documentation supporting federal not for profit status
- ATTACHMENT IV: Federal 990 tax filings
- ATTACHMENT V: Articles of Incorporation and By-Laws for Not for Profit organization
- ATTACHMENT VI: Copy of most recent audit for not-for-profit or predecessor agencies. If the agency did not conduct a certified Professional Audit, please provide a financial review by a Certified Public Accountant (CPA). Please submit the audit or financial review with a letter signed by the organization’s CPA and a current balance statement and income statement
- ATTACHMENT VII: Fiscal Year End financial statements for 2013 and 2014
- ATTACHMENT VIII: Resume of the key administrative personnel
- ATTACHMENT IX: Copies of Not for Profit policies and procedures
- ATTACHMENT X: Organizational Chart, including Committee structure
- ATTACHMENT XI: Document evidencing current status with Heritage Ohio’s Main Street program

Administrative and Financial Ability

- Mission Statement and Description of Goals, pg. 4
- How you propose to use the grant funds. Budgetary breakdown of the proposed use and detailed written description, pg. 5
- Budget of revenues and expenses (adopted budget); 5 year forecast, pg. 6
- Contributed income detail, pg. 7
- Event Revenue breakdown, pg. 8
Questions and Discussion:

Mr. Norstrom commented some not-for-profit organizations don’t audit on an annual basis. You have listed copy of most recent audit, and some of them don’t even have audits, they
have reviews. Mr. Norstrom stated what we’re really doing with this section is just making sure they’re legally responsible. Mr. Greeson added and following some good financial practices in the case of the financial review and the copies of the not-for-profit policies.

Mr. Troper asked is there a document that the Attorney General’s office (Certificate of Continued Existence). Ms. Michael replied the Certificate of Continued Existence is under the Secretary of State, it’s a document that states you’re in existence for so long; this form would not be a bad idea for them to submit. Mr. Troper asked can we add that as one of the attachments required.

Ms. Dorothy asked regarding Attachment 11, what kind of evidence and what kind of status would we be requiring of them for Heritage Ohio Main Stream program or do they need to have a current status. Mr. Greeson commented this may end up actually being duplicative of another page that’s further back where we ask them to write about their efforts to achieve “Main Stream” status. I think that’s a policy question, is that something you want them to achieve, if so then you want documentation that they’re pursuing it. Mr. Norstrom responded no, we want to know what they want to use our money for. It may or may not be up to us to say we want to be part of Main Stream; those discussions we have had with the organizations. The general problem I have with what we have is in one sense, we’re trying to set it generic and I understand that, for example this page as Ms. Dorothy has pointed out, except for Attachment 11, is pretty standard, we want a list of your members, how you’re organized, resumes of key Administrative personnel; I’m not sure that’s something that we need, but I’m not going to argue against it. However, when you get down to the last one you’ve moved from the legal aspects of what we’re doing on this page to more programmatic; I think you’re right, but that something later on we want to have. Mr. Greeson responded I think this is duplicative, so if you want to strike it, that’s fine.

Mr. Myers replied I just want to follow up on that, I don’t know about the Main Stream program other than what I’ve read on my own to know whether I’m in support of that or not. But what we are saying by asking for this here or possibly later on in the document, we are making a policy statement that we want you to use our money towards that end. I don’t want that; I want them to tell me what they want to do and if a part of that is that they want to pursue the Main Stream objective, and I disagree with that, then I should vote against the funding; but it ought to come from them, not from me.

Ms. Michael asked on this page, is it the general consensus to remove Attachment 11 and if it’s going to be brought up, have it brought up later. Everyone agreed that is correct. Mr. Myers stated the only thing I would add is that for most of us on Council that at least after the first review this is all going to be kind of noise; this is all compliance stuff. Mr. Greeson commented it’s helpful to staff. Mr. Myers asked that after the first year of submission if it’s a continuing submission that they merely be required to update that had changed from the application before. I want staff to verify that they are in compliance as a non-profit and if their Executive Director does not change from year to year I do not need a second copy of her resume, I know who she is. Mr. Greeson commented we can do this two ways, we can go to page 10 and talk about this Main Stream issue or we can just go section by section. Ms. Michael said let’s just go straight through it.
Ms. Dorothy asked per Attachment 7 can we say for the last two years not 2013 and 2014. Mr. Greeson replied that’s fine.

Mr. Greeson stated we’re starting on page 4 of the document and then I summarize that on the PowerPoint slide; really under Administrative Financial Ability, the first question was a pretty broad one: Provide the Mission Statement for your organization and a description of its Goals; so that was kind of a more open ended question aimed at trying to understand what in particularly over time how the goals of the organization may change. The second question is what one of you stated very clearly is how are you going to use the money; how do you propose to use the grant fund and a budgetary breakdown of the proposed use in addition to a written description. Sometimes the budgetary breakdown doesn’t always bring light to the numbers. Mr. Norstrom commented I think those are two separate sections, one section is why do you want the money and what are you going to do with it; the next section is the budget section which says what we’re asking for and here’s the details; but I want that general description of why they’re asking for the money and what they’re going to do with it.

Mr. Greeson confirmed so you want this separated into two questions. Mr. Norstrom replied yes, those are two very separate issues; one is what are you going to do with it and the second is how much do you want. Mr. Greeson replied what I would suggest on page 5 is a page break with a retitling at the beginning of the second sentence. Sentence 1 – Use of Funds – why are you asking for funding and how will it be used. Sentence #2 Budgetary Breakdown of the proposed use. Mr. Norstrom commented in a computer age, they just start typing.

Mr. Greeson stated going on beyond the information on page 5 more in terms of the financial administrative ability; there’s an effort that’s really two questions: what’s the budget and recognize on most of these things, we’ve say you can accomplish this by attaching something. What’s the budget of revenues and expenses for the organization and what do you look like in terms of a 5-year forecast. The purpose of that that we’ve used in other organizations is that helps you understand what’s the proportion of the request to the overall budget of the organization; how is the organization using their funds, what are their projected revenue and expense growth over time. There is a two-fold affect in doing these, (1) you get to see it, and (2) if they haven’t done it, they have to; they have to put some thought into what their forecast picture looks like over time.

Mr. Greeson said sometimes the revenue and expense budget doesn’t breakdown in sufficient detail the things that are important for not-for-profit which are events, corporate support, private support, what we’ve called in this document contributed income and grant applications sometimes ask for this information so that you can better understand the variety of revenue streams, who the other partners are, where it’s coming from and the degree to which the non-for-profit is using their non-for-profit status to attract this kind of funding in addition to government funding. We ask a similar question with the MAC. I welcome any feedback you may have on this and if you feel it’s important to get.

We added a question in here which is if you don’t have any of this type of revenue outlined or any plans or strategies to pursue such money if there are any. Mr. Norstrom commented this
is where it gets complicated because we may or may not be asking the organization what its financial foundation is; an existing organization, anyone coming to us will have an existing organization, the real issue is what do they want our money for, is it just continue their purpose, is it something special and in diverting resources for doing whatever they’re proposing to do; if they ask we just need to continue operations and we need money to do that, that’s one; the other we are expanding, we are stepping up, we are doing something new and different and we want the funds to go in that direction. So the question is if the organization is asking for money to continue doing what it’s doing, then I can understand why we ask this question; if it’s asking it for a new direction or something, I’m not sure how the other part of the organization goes is that important to us. Let me ask are we a generic application or are we trying to structure this for OWBA. Mr. Greeson replied a little bit of both; that particular question may over time be some way in which you can measure success in that arena. Mr. Norstrom stated as you know with non-profits one of things you measure too is volunteer service and inside contributions which is important, but at the same time becomes somewhat funny money and you don’t have that in here.

Mr. Greeson replied I didn’t put a lot of that in here, I put some of it in another question, but you can get into asking them to value donated services; we ask that for instance of the MAC and they put a number to donated services and in-kind contributions and volunteer hours and things like that. Ms. Michael asked does anybody have a problem with the question that is on our page 7. Mr. Norstrom commented I guess the question is we’ve already asked for their financial statement, so what are we asking for that’s different in this question. Ms. Michael replied I think this is talking about what are some of the special events, what are some of the things they are planning on doing. Mr. Greeson commented so if they provided sufficient detail on the previous question to answer this one, they would be able to say see above. Ms. Michael commented and if not and there’s different things that they plan to do, this gives us an opportunity to see what are some of things they are planning on doing. Mr. Norstrom asked why are we asking for the specifics on these if they’ve already going to give us in the financial information what they’re doing and their sources of revenue. Mr. Greeson replied I think in this case this is a more specialized question related to the OWBA, this is where they get their revenue right now; so this would be event revenue breakdown (i.e. Winter Farmer’s Market, Art Festival. Farmer’s Market), I think those are the primary sources of revenue at this point. The previous pages may provide sufficient detail in order to do that and again they can say see above or see attachment. Mr. Myers commented, I’m looking at page 7, 8, 9, it’s all revenue streams and more importantly to me and I think Mr. Norstrom hit on it as a measure of non-profit, their participation levels, that’s what I’m looking for. I think that can all be answer in a very broad question about “tell us where your sources of revenue, whether it be in-kind or monetary come from and what I would to that, where do you anticipate it being next year or the year after and how do you want to grow that. A lot of this to me goes to where the organization is right now; well the organization right now doesn’t need me, they’ve been doing just fine without our money; so there must be some reason why they’re coming here for the money. Mr. Greeson replied because I think we all have a shared goal of having a more robust downtown and program and organization. Mr. Myers said fine, I want to make sure that’s reflected in this application and what my first question would be on the application right after we get through the compliance information, I want an Executive Summary (a one-word question: WHY?)
Mr. Greeson replied we can do that. Mr. Myers commented because that’s what I’m going to ask them when come to the podium. Mr. Greeson stated some people can write a five page response to that, some people can write a one-word response to that which is “Because.” Mr. Myers replied and that’s fine, just give me your best argument. Mr. Norstrom commented if we’ve established that it’s a growing organization which we should have in the earlier information, then the question is “why” why do you want the money. Ms. Michael commented page 8 is probably not needed. Mr. Greeson said it’s not much detail you want; if you assume that this is going to be included in the previous section. Ms. Michael replied again page 8 is probably not needed. Mr. Greeson stated I could collapse it. Mr. Myers commented that’s what I’m thinking; pages 7, 8, 9; again back to my comment earlier, the way I want to see this thing structured, give me your baseline to prove to me that you’re a going concern worth of getting our support, but then give me your best argument about what you’re going to do going forward with the extra money.

Mr. Greeson replied I apologize for being flip, but I think the intent of the questions is to make sure that the answers are provided in a detailed way; so if want to collapse them and let them answer the questions their own way, that’s fine. Mr. Myers commented I just don’t want to lose the forest for the trees.

Ms. Michael reiterated we’re collapsing pages 7, 8, and 9. Mr. Greeson stated I propose collapsing page 8 into page 6; I think page 9 is fairly a simple yes or no question. Ms. Michael commented I think the question of 9 is pretty good to ask what’s going on regarding applying for other outside sources of funding. Mr. Greeson commented we can collapse page 9 into page 7.

Mr. Greeson stated on page 10 this is an opportunity to talk about what I know they’re already doing which is working actively with Main Stream so this gives them an opportunity to talk about what they’re doing, all the things they’ve attended and participated in and I think share with you their interest in pursuit of the Main Stream status. If over time they decide that’s not as important to them as they currently deem, then this would be the vehicle by which they explain why because I think this is part of this.

Mr. Myers commented I think we’re still kind of slipping into their policy; let them describe what they’re going to do with the money, if that’s what it is, then we can decide. Ms. Dorothy commented we already have them talking about it on page 9. Mr. Norstrom commented we are asking them why and what this does in one sense is ask them to give us a little background on how you got to where you are. Mr. Greeson replied and this is an opportunity to bring you up to speed on what Main Stream is and why they’re going after it, what it entails. Mr. Myers stated this sounds like we are telling them we want you and I think it should be the other way around; they should be telling us that’s what we want and some of that money is going to be used for that and if they want the money to be used for that, then they’re going to have to convince us what it is and that’s a worthwhile endeavor as oppose to us telling them they should do it.

Ms. Michael remarked this almost like tell us why you’re doing it and if you’re not telling us why, what’s wrong; it’s almost like we’re expecting you to be doing this.
Mr. Greeson asked what do you want this to say. Mr. Scott replied just eliminate the whole page. Ms. Michael commented it would fall in under the other areas. Mr. Greeson commented on to page 11, this is really getting at programs and partnerships. Ms. Michael commented this is good. Mr. Greeson stated you know we always place a priority on collaboration in Worthington; this tries to speak to that. Moving onto page 12, this is public benefit so this public money, taxpayer dollars that we would be granting out so we always feel it’s important to tie it back to outcomes that are beneficial to the money; so you could say in this answer, the question what do you plan to do with money; it may be that it gets down to are you tracking the outcomes that are desirable and are connected to the goals that you see earlier in the document. Mr. Norstrom asked why do we ask that question; you’ve gotten very specific here and I understand why. Mr. Greeson replied because I think you can tie this to public benefit. Mr. Norstrom commented I want them to tell us what the impact is; what you’ve done is provided guidance to them and that’s okay, but I’m not sure the answer to these questions provide public impact such as….. Mr. Greeson asked so you would leave it more open-ended. Mr. Norstrom stated I want to know how they are evaluating their organization’s effectiveness. Ms. Dorothy stated she would want to be able to compare it other organizations; I would want some sort of standard questions they would absolutely have to answer that I could use to compare other organizations with. Mr. Norstrom commented we haven’t asked any other organizations these questions; Matt furnishes these question to us. Ms. Dorothy commented the MAC gives us their estimate and I would like to try to standardize it and this would be one way to start that process. Mr. Greeson commented these are fairly similar to what we ask the MAC that we constructed a number of years ago. Mr. Myers stated we could do in a general question as opposed to a specific question; and as I said before I would like it to be current and future and I think maybe you handle that in the next question. If you served 100,000 people this year, how are you going to get to $125,000 or do you think you can get to $125,000; I just want to make our question(s) also have future looking component to them also.

Mr. Greeson commented I think all of these are measures of participation; we could pull this off and ask a more general question like please outline with data if available the public benefit/participation and any measureable impact being made. Mr. Norstrom stated we want to know what our money is going to do. Mr. Greeson said that’s an additional question (How do any of these numbers change as a result of receiving our money). Mr. Myers commented that’s the future looking component that I’m driving at; and that’s fine. I think in the question give us a baseline of where you are now with data. What is the public benefit of receiving the additional funds from the City of Worthington. Mr. Myers said baseline on page 12 and increase on page 13. Mr. Myers commented page 13 is exactly what I’m looking; page 13 is the is most critical question in the whole packet for me.

Mr. Troper commented I would like to know what would the impact be if you are not funded. Mr. Greeson replied I think you change the question to read: in the space provided state how the City’s funding will be used for increasing public exposure and participation and benefit 2015 and 2016. This is connecting it back to our dollars and arguably that’s how you if that’s achieved. Mr. Troper commented that’s not my question. Ms. Michael remarked I think Mr. Troper is asking for one more question, what would the impact be on the organization if you do not receive funding from the City. Mr. Myers commented the other question I ask the
MAC every year and I don’t know if it needs to be on the application, but I will certainly ask it when they come before Council and stand at the podium: Do you anticipate this funding to be permanent. Mr. Norstrom commented the only thing I would add is “this level of funding.” Mr. Myers replied that’s fine.

Mr. Myers stated this is the Old Worthington Business Association, I’m kind of thinking that one of their principal goals should be to promote business; asked how are they doing that, we haven’t asked that anywhere in this application; and at the end of the day all of this is kind of generated towards quality of life and economic vitality and we haven’t really asked many economic vitality questions and I want to know what they’re doing to help the business community in Worthington. I would hope that comes through on their Mission Statement, I would hope that comes through on their Policy Statement. Mr. Greeson commented I would use the business community and economic vitality of downtown. Mr. Myers said however you want to phrase it, but I want to know how they’re helping their members.

Mr. Greeson stated back to the last question page 13, I want to make sure we have some clarity…is it okay or do want to change it. Ms. Michael said you already changed it. Mr. Greeson said “State the organization’s goals and state how the organization will use the City’s funds to increase public exposure, participation, and benefit in 2015 and 2016. Ms. Michael you could also add the follow-up question Mr. Troper asked after this.

Mr. Greeson commented it’s my intent with those amendments, I will go ahead and distribute this to the OWBA.

2. Monthly Financial Reports

Mrs. Roberts presented the following the following Powerpoint presentation for 2014 Year and End and January 2015 Monthly Financial Summary:
2014 All Funds Summary

1/1/2014 Beginning Fund Balances: $17,756,146

Total Actual Revenue: $36,928,962

Total Actual Expenditures: $34,661,671

12/31/2014 Year End Fund Balances:
  $20,023,436

2014 Financial Report Summary for All Funds

• Revenues exceeded expenditures by $2,267,290 or 6.5%.
• 2014 revenues were above 2013 revenues by $474,731 or 1.3% and above estimates by $1,853,599 or 5.28%.
• Expenditures tracked at 90.25% of total appropriations and prior year encumbrances.
• Appropriations totaled $37,300,495 with expenditures totaling $34,661,671.
I do want to bring to your attention with our purposeful policy decision, part of general fund balance includes one-time revenue mix of the income tax allocation, the diversion of CIP fund of 6.4% and we funded the operating revenue line for a 5-year period from 2009 – 2013 and slightly over 6 million dollars. Also we have received inheritance taxes in the last eight
years totaling almost 4.5 million dollars which is a revenue stream we will no longer experience.

![2014 Financial Report General Fund Summary]

- General Fund revenues exceeded expenditures by $1,614,132 or 6.76%.
- 2014 revenues were below 2013 revenues by $1,673,185 (due to return of 80/20% income tax split).
- 2014 revenues were above estimates by $686,002 or 2.77%.
- Expenditures tracked at 91.68% of appropriations.

Mr. Norstrom asked that’s about what we expect. Mrs. Roberts replied correct, just slightly below. Mr. Norstrom asked so when we budget, we basically budget knowing that we’re going to have less expenses every year. Mrs. Roberts replied in the five-year forecast we have a line delineating approximately 2% of annual appropriations that we believe will not be extended. Mr. Norstrom commented so from the perspective of where we were expense wise, we’re basically on budget. Mrs. Roberts replied I believe that’s correct.
Ms. Dorothy asked what was the Income Tax revenue previously like five years ago. Mrs. Roberts replied right off the top, I do not. Ms. Dorothy asked was it greater or less. Mrs. Roberts replied it would have been less.
### 2014 General Fund Expenditures

<table>
<thead>
<tr>
<th>General Fund Expenditures</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning &amp; Building</td>
<td>$ 560,771</td>
<td>$ 568,314</td>
</tr>
<tr>
<td>General Government</td>
<td>$ 9,257,914</td>
<td>$ 8,235,192</td>
</tr>
<tr>
<td>Fire Operations</td>
<td>$ 5,994,651</td>
<td>$ 5,680,000</td>
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<tr>
<td>Parks &amp; Recreation</td>
<td>$ 3,201,743</td>
<td>$ 3,103,135</td>
</tr>
<tr>
<td>Police Operations</td>
<td>$ 4,423,097</td>
<td>$ 4,176,451</td>
</tr>
<tr>
<td>Service/Engineering Department</td>
<td>$ 1,932,419</td>
<td>$ 1,699,074</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$ 25,370,595</strong></td>
<td><strong>$ 23,492,165</strong></td>
</tr>
</tbody>
</table>

---

### 2014 General Fund Expenditures (Pie Chart)
January 2015
All Funds Summary

1/1/2015 Beginning Fund Balances: $20,023,436

Total Actual Revenue: $4,170,690

Total Actual Expenditures: $4,845,690

1/31/2015 Month End Fund Balances:
$19,348,437
City of Worthington

Meeting Minutes

February 9, 2015

Mr. Norstrom asked should we be concerned with the fact that January 2015 revenues are below 2014 revenues by $59,325 or -1.4% and below estimates by $258,859 or -5.83%. Mrs. Roberts replied I don’t believe so at this time; as I indicated a lot of this month’s expenditures were related to last year’s encumbrances and revenues at this point don’t concern me.
January 2015 General Fund Summary

- General Fund expenditures exceeded revenues by $788,378.
- January expenditures include $315,408 from prior year encumbrance.
- January revenues were above January 2014 revenues by $11,673.
- Revenues were below estimates by $169,086.
- Expenditures tracked at 88.50% of appropriations.

January 2015 General Fund Revenue

<table>
<thead>
<tr>
<th>General Fund Revenue</th>
<th>Year to Date Budgeted Revenue</th>
<th>Actual Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Income Tax</td>
<td>$1,537,057</td>
<td>$1,373,539</td>
</tr>
<tr>
<td>Property Tax</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td>Local Government</td>
<td>$41,667</td>
<td>40,243</td>
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<tr>
<td>Inheritance Tax</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Interest Income</td>
<td>$6,250</td>
<td>12,569</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>$21,667</td>
<td>18,543</td>
</tr>
<tr>
<td>Township Fire Service</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>Community Center Membership</td>
<td>$110,417</td>
<td>168,571</td>
</tr>
<tr>
<td>EMS Transport</td>
<td>$50,000</td>
<td>48,393</td>
</tr>
<tr>
<td>All Other Revenue</td>
<td>$103,313</td>
<td>39,426</td>
</tr>
<tr>
<td></td>
<td>$1,870,370</td>
<td>$1,701,284</td>
</tr>
</tbody>
</table>
To Ms. Dorothy’s point, Income Tax Revenues for January totaled almost 81% which is a significant increase from the 73% that we finished 2014 with. Ms. Dorothy commented which is still high compared to previous years. Mrs. Roberts replied it is much higher compared to previous years. It does indicate that is definitely our primary revenue source, it is also a very volatile revenue source so we need to be cognizant of that.
January 2015
General Fund Expenditures

<table>
<thead>
<tr>
<th>General Fund Expenditures</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning &amp; Building</td>
<td>$ 56,307</td>
<td>$ 49,754</td>
</tr>
<tr>
<td>General Government</td>
<td>$ 855,558</td>
<td>$ 784,557</td>
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<tr>
<td>Fire Operations</td>
<td>$ 508,123</td>
<td>$ 511,623</td>
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<tr>
<td>Parks &amp; Recreation</td>
<td>$ 371,481</td>
<td>$ 282,792</td>
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<tr>
<td>Police Operations</td>
<td>$ 462,025</td>
<td>$ 432,335</td>
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<td>Service/EngineeringDepartment</td>
<td>$ 203,332</td>
<td>$ 133,192</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----------------------</td>
<td>----------------</td>
</tr>
<tr>
<td></td>
<td>$ 2,456,825</td>
<td>$ 2,174,254</td>
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</tbody>
</table>
Ms. Dorothy commented I would appreciate if we do have these Cash Position going forward, that we get percentage of what that ending balance is in regards to like percentage
of budget or expenditures; something makes sense because we also have the percentage that we wanted to maintain too.

Mrs. Stewart presented the following presentation on Existing and Future Debt and CIP Fund.
Existing Debt

Bond Anticipation Note Renewal Issued 01/21/2015 (Ladder Truck Purchase, Davis Estates Waterline Improvement and Community Center Window Replacement Projects) Maturing 01/20/2016

- Current Issuance: $1,660,000 at 1.01% interest
- Interest Payment Due in 2015: $16,766
- Principal Payment: $100,000

OPWC 0% Loan Approved in 2013 – Kenyonbrook Sanitary Sewer Improvements

- Estimated Original Issuance $565,395
- Estimated Start Date for Principal Payments: 7/1/2015
- Estimated Annual Payments: $20,000

Future Debt


- Northbrook Relief Sewer - $460,000
- Central District Sanitary Sewer Repairs - $250,000
- Basin 5 & 8 Sanitary Sewer Repairs - $150,000
- Central District Sanitary Sewer Improvements - $500,000
- Kenyonbrook Sewer Trunk - $1,180,000
- North Districts Sanitary Sewer Improvements - $500,000


- Huntley/Wilson Bridge/Worthington Galena Intersection - $2,491,278
- Wilson Bridge Road Corridor Enhancements - $850,000

Outside CIP, Beyond 2019:

- North District Sanitary Sewer Repairs & Lining - $730,000
- West & Industrial District Sanitary Sewer Repairs - $250,000
- West & Industrial District Sanitary Sewer Improvements - $500,000
Percent of CIP Revenue Allocated to Debt Payments

Reduced debt payments projection reflects $2,000,000 allocated to debt reduction.
Mr. Greeson stated to answer Councilmember Dorothy’s question from earlier; I apologize we didn’t have the requested information embedded in the presentation or right at hand; but the answer to your question about the fund balance is we track that two ways: total fund balances is the percentage of previous year expenditures is 43.4%; total fund balances percent of previous year revenues is 37.7%; so we’re exceeding our fund balance goals.

Mr. Myers asked this $2 million dollars set aside would come from the general fund balance. Mr. Greeson replied yes and from a practical standpoint it’s really not set aside, it’s for forecasting purposes; we would be saying we’re going to anticipate that we’re going to use this for debt reduction and we’re going to modify our cash flow forecast; that’s the kind of guiding policy document that we use for operations and then obviously you’re budgeting. Mr. Myers commented I would look at this as we’re paying back the extra 6% we took. Mr. Greeson replied I know and I wish Dr. Chosy were here to hear me say this, we would be looking at providing Council some flexibility in the outer years of the CIP that you may not have. Mr. Myers stated when I look at it, we are only reducing our debt by 2%. Ms. Dorothy commented what I’m concerned about is we are taking consideration what interest rates will be in the future. Mr. Greeson commented I think one of the reasons why we’re not saying we’re not giving you specific proposals to how to do this is that we want some time to evaluate it, not only because we’re early in the fiscal year, but because we got to get in to that question “if we did this, what’s the best debt to either get rid of or restructure.” Mr. Myers said but it not be debt elimination, it might be debt avoidance. Mr. Greeson replied true; it may be deciding to pay cash for things that we’re currently projecting we’re going to bond. Our highest debt interest rate right now is the Community Center and Police Station debt at 3.7, I think we can call that at the this year.
Mr. Troper asked so we have a principal payment due of $655,000 interest payment debt, certainly we’re making 1% now, why wouldn’t we just pay that off now; what is the downside to paying that off now other than not having cash right now. Mr. Greeson replied probably the size of that amount of cash payment; we would have to evaluate that. Mr. Troper stated I’m sorry, I was just looking at the amount in 2015; that would make sense for them to pay that off the quickest; we’re making 1% or less elsewhere. Mr. Myers commented but if the next time we bond, we bond at 5% those interest rates go up; that’s still better to keep it at that and pay cash instead of bond at 5%. Mr. Troper replied I’m just saying we pick some time frame where before we’re going to go bond, pay it off now; if I have xxx dollars in the bank and I’m earning 1% and I have another loan I owe 3% on, I’m going to pay that 3% off loan.

Mr. Norstrom commented as Ms. Dorothy pointed out earlier interest rates are historically low right now, they’re not going to stay there and so the cost of money for us in future years is going to be more expensive. I disagree with Mr. Troper, I understand the logic but at the same time if I’m getting money that costs 3% now and in 3 years it’s going to cost 5%, I don’t want to pay off 3% money; I would rather spend the money in the future. Mr. Troper said when we anticipate going out to bond, let’s say it’s in two years right, we should pay off the principal and the interest that we have on the higher rate notes for the next two years because we have the money now; we’re not doing anything else with that money except earning 1% interest. Mr. Norstrom replied I totally disagree because the money is going to cost us so much more in the future; I guess the questions that we’re looking at are what are the risks and what are the potential payoffs.

Mr. Greeson commented if you decided for instance (this is a little like the conversation we had when we decided to say okay we’re going to 6.4% and set aside for building the fund balance); now we’re having a conversation about we’ve been successful in that, that’s one of the things that helped us get our AAA bond rating.

Mr. Myers asked how is all of this going to be reflected in our budget documents; in other words, it’s your anticipation that we are going to carve out 2 million dollars from our fund balance as opposed to try and cut 2 million from our general fund expenditures. Mr. Greeson replied we work off a document that this Council is very familiar with and use this as our five year forecast and we use this as a guiding policy document in terms of shaping budget recommendations to you and monitoring expenditures and everything, we would allocate in that projection an allowance for debt service obligations. Mr. Myers asked that would come straight out of the fund balance, it would be a new line item added as opposed to a 2 million dollar cushion built into our current budget.

Mr. Myers asked where did the $500,000 which is really $200,000 for the Kilbourne Building come from. Mr. Greeson replied the unappropriated (now appropriated cash balance of the CIP), so while Mrs. Stewart outlined that we didn’t project using debtedness, we ended up using cash that otherwise would have been debt. Mr. Myers remarked so in a way we’ve already implemented this strategy; we’ve decided to make cash as oppose to bonding at least the first part of the Kilbourne. Mr. Greeson replied in part, driven by the fact that we have OPM (other people’s money). Mr. Myers commented it’s only February and we’re spending
money like it’s going out of style. Mr. Greeson replied thus why we’re having this conversation now because I think we felt it important that if we were going to hone in on this and make this kind of decision, we needed to plant the flag sooner rather than later and say not wait til the next budget cycle to have this conversation, but say yes we’re in a healthy fund balance situation, but we think the long-term financials for the city are stronger if we reduce some debt and we’re going to make this decision now rather than the next budget cycle recognizing you have a lot on your plate. Ms. Michael stated we have a healthy budget cycle and healthy budget cycle people will look and say look at all the money the City has, well here are all the different it can be used...cha ching, cha ching, cha ching. Mr. Greeson commented they don’t look at your long term debt. Ms. Michael commented if we have something set aside as a line item for paying off long-term debt, it’s not appropriated until we actually appropriate it, but it’s set aside for long term debt; but it’s also not in the bottom line of look at all the extra money the City has.

Mr. Greeson replied it is proactively saying that the City Council has made a policy judgment that that is important and you’re reserving (for a lack of a better term) that in your financial forecasting for debt reduction rather than direct expenditures for new program. Mr. Smith asked does the bond rating become negatively impact on our current debt service plan potentially. Mrs. Roberts replied if we were to reduce our fund balances significantly that would have an impact on our bond rating. Mr. Smith asked would it be a positive impact. Mrs. Roberts replied it would be a negative impact, if our fund balances were reduced dramatically that would a negative impact on our bond rating. Mr. Myers asked do you consider dropping from 34% to 25% dramatic; Mr. Greeson remarked 43% to 33%. Mr. Myers asked do you consider that to be dramatic. Mrs. Roberts replied not given our current cash position. Mr. Myers asked remind me (I don’t have the five-year projection in front of me), what are we projecting our fund balance to be this year compared to year-end 2014. I thought we entered into a flat period here. Mrs. Roberts replied relatively similar. Mr. Myers asked so we’re not going to be adding to fund balances this year. Mrs. Roberts replied not substantially. Mr. Myers stated again we need to be very careful with what we spend so that we still have the $2 million dollars if we’re going to go down the path; I’m all in favor of exploring debt reduction as policy, but I think we need to be very diligent with our current expenditures so that we have the fund balance at the end of the year. I don’t want of all a sudden just because we have some money to go wild; last time we did that we built a community center, a senior center and then the market crashed and we saw that little dabble of $1.6 million in our fund balance. I don’t ever want to get there and I don’t want to have to get to the point where we’re not doing Wilson Bridge Road because we don’t want to bond it.

Mr. Greeson replied I don’t this anticipates eliminating anything in the CIP, in fact, it is really looking out a little bit into the future by saying we know our ability to do some things in those out years can get a little tighter and this may give us some flexibility. Ms. Michael asked do we want staff to be looking in this direction. Ms. Dorothy replied yes look at all the possible options. Mr. Troper asked is there any option to re-issue our debt at a lower rate of net savings. Mrs. Roberts replied a big part of the evaluation we can’t do anything with our largest debt obligation right now until the end of this year; the bonds aren’t able to be called the end of 2015. Ms. Michael commented I believe the general consensus us fir staff to explore all possible options. Mr. Norstrom asked if we were to issue bonds right now, do we
know what rate we might get. Mrs. Roberts replied they’ve been running in 2½ - 3% range. Mr. Norstrom commented so if were to get bonds at 2½% equivalent to what we now have at 3.7% that would be a positive financial position. Mrs. Roberts replied yes. Mr. Norstrom asked is that something staff will be looking at too. Mrs. Roberts replied yes it is.

Mr. Greeson stated I think it would be helpful to have a motion to have the five-year forecast reflect an allowance for debt service obligations in 2015 of $2 million dollars and to have the staff explore debt reduction strategies that we bring back to you later in the year. Ms. Michael asked so at this point we’re just holding money aside while there is research being done. Mr. Myers commented I think we should create a special reserve fund of $2 million dollars that we build up to, just like we did before it got everybody really confused as to what it was. Mr. Norstrom commented I would like to make the motion more general and not identify $2 million at this point until staff has indicated it could be more or it could be less and given the question I just asked, I would be more focused on restructuring our debt now; if we could save 1% - 2% on our interest rates by paying off some of the higher price, that seems like a no-brainer. Mr. Greeson commented we can’t do it until the end of the year. Mr. Norstrom replied we can’t do it until the end of the year, but we can issue the bonds now to do that; because right now we can get the bonds at 2% - 2½% interest rate. Ms. Michael stated so we’re looking for staff to look at restricting debt. Mr. Myers asked why the $2 million dollars, I tend to agree with Mr. Norstrom that I would rather wait for your recommendation and at that point we can a dollar amount to set aside. Is there some reason why you want the $2 million up front.

Mr. Greeson replied I think that’s what we think is the maximum we could use and feel comfortable using for this overall strategy. Mr. Myers stated I have no problem setting money aside; I would just kind of like to wait until you have a more concrete recommendation; asked is that a problem if we go with the way Mr. Norstrom has phrased it. Mr. Myers replied we’re going to wait for the recommendation until we do the set aside and he would like to also within that impact on potential restructuring of the debt which may not happen until the end of year; I don’t know if there is a pre-payment penalty on that. Mrs. Roberts commented we will explore all available options.

MOTION Councilmember Norstrom made a motion directing staff to explore options to restructuring our debt. Councilmember Smith seconded the motion.

The motion carried unanimously by a voice vote.

MOTION Councilmember Troper made a motion to accept the year end and monthly financial reports as presented this evening. The motion was seconded by Councilmember Dorothy.

The motion carried unanimously by a voice vote.
138 W. Clearview Avenue

Ms. Michael asked do we need to do anything with 138 W. Clearview Avenue. Mrs. Fox replied you all have received some information from me on that. There is another meeting this week and you don’t have to make a decision tonight if you want to take a look at that information, you can call me with any questions, probably next week is an appropriate time. The hearing just has to be held before March 16th.

Ms. Michael stated we should put it on the March 16th agenda as a discussion item. Mrs. Fox replied you can put it on as a discussion item; at that point you need to decide whether you’re going to hear the appeal or not hear the appeal and the information I provided you with is to help you with that decision. Mr. Myers asked you’re going to do that at the next meeting because I will not be at the next meeting; and I don’t think there is an appeal because they have set forth I can see in the appeal two (2) items (1) the lot split, that is not an MPC decision, that’s a Council decision, and they have exceed the time they had and you can’t appeal a Council decision to Council; (2) they have appealed an ARB decision which will be vacated on Thursday; the applicant and asked that it be reconsidered; so there is no basis for this appeal in my mind.

Mrs. Fox commented there is no stated reason in the appeals that would lead Council to understand exactly what she’s appealing other than the variances or the sub-division of the property. We don’t have any other information that she’s appealing; in her appeal notice she did not state any other reason. Mr. Myers stated the new application in front of MPC will eliminate the variances.

COTA

Mrs. Stewart stated COTA held a public meeting at the end of January. They have been talking with Dublin for quite a while about some service changes related to Dublin; I’m mentioning this tonight because one piece of this does impact Worthington. The conversation started with Dublin because Dublin wants to relocate the Dale Drive Park & Ride, it’s tied into the Bridge Street plans that they have and so COTA is proposing a new Park & Ride at Bright Road & Emerald Parkway and as part of that they also plan to realign routes 58 and 59 in Dublin, but they have also proposed to eliminate route 30 as an express route that comes up Sawmill Road north of Hard Road, to Summit view, to Smokey Row, to Snouffer, to Linworth, and to 315 at Henderson. Park & Rides are at St. Andre, St. Peters, and at Olentangy & Bethel. Stops in Worthington occur along Snouffer and Linworth.

There is an opportunity for people to provide comments to COTA and likely if it is rolled into the September changes there will be some more public meetings. There are a lot of residents speaking with Paul Feldman; Paul reached out to me to see if I might be willing to meet with some residents. I’m not clear as to how many are City of Worthington residents, since there are a lot of people that use the Park & Ride up on Smoky Row that were very concerned about this closure. COTA was thinking they would be directed over to the new Park & Ride, but the residents along Smoky Row felt like it was pretty far away to be going to. So I just wanted to alert you to that in case you hear anything.
REPORTS OF COUNCIL MEMBERS

Dorothy – Ms. Dorothy stated I want to invite everyone to Boy Scout Troup 365’s Fundraiser Saturday, February 21st at United Methodist Church, 4:30 P.M. – 7:30 P.M. The menu is: Spaghetti dinner served with garlic bread, apple sauce or salad. I believe tickets are $8.00.

OTHER

EXECUTIVE SESSION

MOTION Councilmember Myers made a motion to meet in Executive Session to discuss Economic Development, Land Acquisition and Personnel. The motion was seconded by Councilmember Dorothy.

The motion carried by the following voice vote:

Yes 6 Troper, Dorothy, Myers, Norstrom, Smith, and Michael

No 0

The motion carried unanimously by a voice vote.

Council recessed at 9:00 P.M. from the Regular meeting session.

MOTION Councilmember Dorothy made a motion to return to open session at 9:57 P.M. The motion was seconded by Councilmember Troper.

The motion carried unanimously by a voice vote.
ADJOURNMENT

MOTION        Councilmember Smith made a motion to adjourn. The motion was seconded by Councilmember Norstrom.

The motion carried unanimously by a voice vote.
President Michael declared the meeting adjourned at 9:58 P.M.

________________________________________________________________________

APPROVED by the City Council, this 16th day of March 2015

Temporary Clerk of Council

________________________________________________________________________

Council President
Meeting Minutes

Tuesday, February 17, 2015 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

City Council

Bonnie D. Michael, President
Robert F. Chosy, President Pro-Tempore
Rachael Dorothy
Scott Myers
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Tuesday, February 17, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

Members Present: Robert F. Chosy, Rachael R. Dorothy, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent: Scott Myers

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistance City Manager Robyn Stewart, City Engineer William Watterson, Director of Parks and Recreation Darren Hurley, and Director of Planning and Building Lee Brown

There were fourteen visitors present.

President Michael invited those in attendance to stand and join in the recitation of the Pledge of Allegiance.

VISITOR COMMENTS

APPROVAL OF MINUTES

January 20, 2015 – Regular Meeting

MOTION

Mr. Troper made a motion to approve the aforementioned minutes as presented. The motion was seconded by Ms. Dorothy.

There being no corrections or comments, the motion carried unanimously by a voice vote to approve the minutes as amended.

NEW LEGISLATION TO BE INTRODUCED

Ordinance No. 07-2015

Amending Ordinance Nos. 47-2010 And 03-2013; Approving And Authorizing The Execution Of An Acknowledgement Of Termination Of A Compensation Agreement; Authorizing The Execution Of A Second Amended Development Agreement; And Providing For Related Authorizations Pursuant To Ohio Revised Code Sections 5709.41, 5709.42, And 5709.43

Introduced by Dr. Chosy

The Clerk was instructed to give notice of a public hearing on said ordinances in accordance with the provisions of the City Charter.
REPORTS OF CITY OFFICIALS

Discussion Item(s)

- Bike & Pedestrian Committee Creation

Mr. Greeson shared that Council recently accepted the Bike & Pedestrian Plan from a steering committee that worked on the project for almost a year. One of the recommendations included in that plan was the creation of a “standing” Bike & Pedestrian Committee to primarily work on implementation of the plan. Staff promised to return to have a more robust conversation about particular recommendations and some of the issues of creating a new body within the system of governance in our city. The following documents were included in this week’s Council’s materials:

1) A summary of research from mostly other Ohio communities with regards to their approach to bike and pedestrian planning. Several of those communities were within central Ohio.
2) A Key Issues matrix – which will be discussed in detail this evening.

Mr. Greeson reported that staff identified the key questions that we thought were important in creating a new committee. We sat down with the steering committee as council requested and received their input on those issues.

3) A chart that lists all boards and commission of the city and contains information such as number of members, authority used to create the board, term, and description.

Mr. Greeson added that staff wanted to use Item #3 as a reference because it may be relevant to the new committee.

Mr. Greeson thinks the best approach is to go through the Key Issues matrix and with Ms. Michael’s help facilitate a conversation about each of these questions. He thinks the goal would be to get member’s feedback on each of those areas and then: (a) consensus on the need to create a Bike & Pedestrian Committee; (b) consensus on each of these key issue areas; and (c) return with legislation that reflects that consensus for council’s adoption at a later meeting.

Mr. Greeson explained that the Key Issues could be thought of as the WHEREAS clauses in legislation. The Key Issues are as follows:

<table>
<thead>
<tr>
<th>Key Issues</th>
<th>Steering Committee Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Areas of focus/duties</td>
<td>Assist in the implementation of the bike and pedestrian plan, as appropriate; Staying abreast of regional bike and pedestrian projects; regularly review progress on the implementation of the</td>
</tr>
</tbody>
</table>
bicycle and pedestrian plan; solicit public input and make recommendations to continuously update the City’s Bicycle and Pedestrian Plan; provide input on standards, guidelines, best practices or changes to the Comprehensive Plan and codified ordinances that, if adopted, would improve bicycle and pedestrian access in Worthington;

Mr. Greeson asked if there were any questions regarding the feedback he just shared. There being none, Mr. Greeson continued with additional areas of focus/duties:

make recommendations to appropriate authorities on the design, safety, operation and maintenance of bicycle and pedestrian ways when appropriate; recommend priorities for capital funding; promote Worthington as a bicycle and pedestrian friendly community; support bicycle and pedestrian safety education and other efforts to educate the public about bicycle and pedestrian issues; support Safe Routes to School.

Mr. Greeson commented that all of these items were an effort that staff made to synthesize the feedback that we received from the Steering Committee members and they mostly reflect what is already in the Bicycle and Pedestrian Plan.

Ms. Dorothy asked if anyone is currently doing any of these things for the city. Mr. Greeson reported that all of these things are worked on by a number of staff members but he thinks a committee would help bring focus. One of the recommendations was to assign a staff member to this purpose. He thinks Parks and Recreation would staff the committee, at least initially. This would help create a regular or at least monthly conversation about all the things that members see in the Areas of Focus.

Ms. Dorothy asked if there is currently any mechanism where people share the information that they receive throughout the city. Mr. Greeson commented that we don’t have a standing Bike and Pedestrian meeting but staff regularly talks about how to advance Council’s bicycle and pedestrian priorities during existing staff meetings and sometimes at Planning Commission and sometimes at Council.

Ms. Dorothy asked if he thinks there would be more focus if we had a committee. Mr. Greeson replied by stating that just like there has been more focus within the last year as a result of the steering committee’s work, he thinks it would bring more focus to that topic because (1) it is a council priority and (2) we would be staffing a committee every month that would hold us accountable to that.

Dr. Chosy commented that it looks pretty comprehensive. He thinks it is covered well.
Relationship to other Commissions and Boards

The Committee discussed two options regarding how to ensure coordination between the Boards:

a. Assign a MPC and Parks and Recreation Commission liaison as a member of the new Bicycle and Pedestrian Advisory Board or,

b. One member suggested that the Bicycle and Pedestrian Advisory Board should have a voting seat on the MPC. Since this would require a charter change, having a non-voting seat at the table was identified as an alternative.

Also mentioned was coordination with the Arbor Advisory Committee.

Mr. Greeson commented that the discussion revolved around the importance connections, particularly between the Municipal Planning Commission and the Parks and Recreation Commission which have standing authority rooted in the charter because they are charter entities. In the case of the Planning Commission, they have a fair amount of decision making authority in relationship to development review.

When asked by Ms. Michael when the next charter review will occur, Mrs. Fox replied 2016.

Ms. Michael asked for suggestions on which option members would like.

Mr. Norstrom pointed out that ARB and MPC coordinate with the Arbor Advisory Board but no members serve on that board because they don’t need to. Our city is not that big. When the MPC or ARB thinks they need advice from the Arbor Committee they can request it and the Arbor Committee is never shy in offering its advice. He would assume that this committee would operate the same way.

Mr. Greeson shared that the Arbor Committee doesn’t actually exist by virtue of any resolution or ordinance or law or charter or even state statute for that matter. If council creates this committee by ordinance or resolution then it has some standing existence but it does not have the type of regulatory authority or quasi-judicial function that say the Board of Zoning Appeals or Municipal Planning Commission has. There may be instances like in the case of the Arbor Advisory Committee where the MPC asks for their opinion on something.

Ms. Dorothy recalled from reading the standing committee’s report that many of the recommended projects relate to properties that are currently being developed throughout Worthington. She thinks there should be very close coordination with any new development to make sure that it is reviewed for bike and pedestrian and multi-modal transportation options other than just car transportation. She would like there to be
some mechanism where MPC reviews the plans for bike and pedestrian opportunities. She is not sure how that mechanism would happen.

Ms. Dorothy added that she doesn’t think it would be enough if MPC to occasionally asks the Bike and Pedestrian Board for their input whenever they want to. She also doesn’t think that the Bike and Pedestrian Board would know when there were opportunities for them to comment if there wasn’t some mechanism that linked them.

Mr. Smith suggested taking an opposite approach to “a.” or “b” and maybe have somebody on the Bike & Pedestrian Board serve as a liaison to MPC. They could attend the meetings at their own will, check the calendar and read meeting minutes and things like that.

Mr. Norstrom shared that currently MPC follows our Code. At the moment there is nothing in our Code that says we should have bike and pedestrian. He thinks we are putting the cart before the horse. Council is not going to tell MPC to do something that is not in our Code. If members want to move towards considering bike and pedestrian as part of a development plan, which he thinks we already do although indirectly, then members need to consider what kind of statutes we want related to bike and pedestrian development in this community.

Mr. Tropser agreed with Mr. Norstrom. He thinks that the comments that he made are true. If council is going to set the priorities then MPC will follow the legislation.

Ms. Michael also agreed. She doesn’t think a liaison to the MPC is necessary. She would be fine if a Parks Commission member or a MPC member wanted to serve on the Bike & Pedestrian Board but there are so many things that go in front of MPC unrelated to Bike & Pedestrian and to have somebody seating, even as a non-voting members on MPC is a little too much.

Mr. Greeson commented then if we had, as Ms. Michael pointed out an MPC and Parks Commission liaison to the Bicycle and Pedestrian group, he asked if members would want them to be voting members.

Mr. Norstrom replied no. MPC and Parks members already attend on or two meetings which are sometimes short and sometimes very long and now we are asking them to attend another meeting. It is a voluntary type of thing. If they want to do that that is fine but to set up a new position that says that one of those members has to be a liaison, he thinks council is asking more than we possibly should.

Several other members agreed.

Mr. Greeson concluded that we want to encourage coordination and attendance but not necessarily make it a requirement.
Ms. Michael thinks one way to accomplish coordination is to include in the Duties listed above the recommendation that the agenda and the minutes of the Bike & Pedestrian Board meeting gets forwarded to the Parks Board and the MPC. That could be accomplished through an e-mail.

Mr. Greeson shared that staff’s role is to try to make sure that these meetings are useful and people are educated and know what is going on.

Dr. Chosy said he was going to share almost the opposite of what Ms. Michael shared. He thinks the Bike & Pedestrian Committee needs to know what MPC is going to talk about so they can or don’t have to react to it.

Ms. Michael added that the agendas can easily be distributed to them as well. Dr. Chosy thinks that is more important than the other way. Ms. Dorothy agreed.

**Should any groups (civic or City) be represented?**

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<th>Should include representative(s) of business community and school system.</th>
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<tr>
<td>Discussion about importance of having Police, Parks and Recreation, Service and Engineering and Planning and Building all engaged in the effort.</td>
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<td>Discussion about importance of involving MORPC and ODOT</td>
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Mr. Greeson asked for council feedback on whether any particular groups should have a seat at the table.

Mr. Smith could see the schools involved because of the safe route to school program. He also thinks it would be helpful to have someone on there to help navigate any potential grant funding. That could be a district representative and/or student.

Ms. Michael doesn’t think there needs to be much city staff. They can attend and present and be a part of a meeting as needed but she thinks it should be more citizen based than staff based.

Mr. Norstrom shared that initially when the MAC Board was composed, there was a member from the former arts group, he was on it, and there was one other citizen and they talked amongst themselves about what they wanted on the MAC Board in terms of artists, fundraisers and community leaders. After that it is really the board that decides who they want. The question is, do we do this with Parks and Recreation or with any of the other groups? He doesn’t think that Council says that there has to be representation from the business community.
Mr. Greeson agreed but added that reflecting on the MAC experience he recalls a matrix, which was qualities and characteristics that we thought were desirable to have on the board and where potential candidates fits those qualities and characteristics.

Ms. Michael commented that she doesn’t know if we need to fence ourselves in that much. If we set something up that is concrete then it becomes much more difficult to have flexibility in appointments over time. She used the example of the Parks and Recreation Commission and believes there is a very good cross-section of people with different thoughts and ideas and backgrounds regarding Parks and Recreation. She thinks as times change and focuses change it is nice to have the flexibility. Mr. Greeson thinks that students are the only one that they have prescribed on that board.

Mr. Greeson stated that council has two junctures where you can deal with this. (1) Members can deal with it in the crafting of the legislation or (2) as Ms. Michael and Mr. Norstrom pointed out, we can deal with it as part of the appointment process. Mr. Norstrom clarified by stating the “initial” appointment process. Ms. Michael interjected that council makes the appointments. Mr. Norstrom replied that we don’t know that yet. But on some of the boards council appoints but those names either come to us or we advertise for the opening and interview potential candidates. So in one sense council is making that decision of who we think will be good.

Mr. Norstrom commented that he thinks we keep these general characteristics.

Ms. Dorothy agreed. She thinks it is incredibly important that we have a huge diversity of people but all with a similar goal of better bike and pedestrian outcomes. It is critical that we have connections with our outside partners. One of the things that this committee hopefully will do, if we create it, is make sure everyone within the city is talking to one another and then all of the other different representatives would bring their expertise.

Ms. Michael thinks the next set on the matrix includes a wonderful skillset of specialties and professional backgrounds and should be available when council is going to make appointments. Mr. Greeson stated that Ms. Michael wants a matrix for the purpose of using it to screen applicants but not necessarily write it in law. Ms. Michael agreed.

**Should any specialties/professional backgrounds be represented?**

Desirable to have the following skill-sets

- Represented amongst the members: knowledge of planning; knowledgeable of bicycle, pedestrian needs and challenges; traffic safety or other related planning, landscape architecture and engineering background; recreational bicyclist; and grant writing/knowledge.

- Desirable to have one of the regional bicycle advocacy groups attend the meetings or be represented on the board.
Comment not to overload it with technicians at the expense of general family/community input.

Should any geographic areas be represented? Should be reflective geographically of the community.

Consider this being the school district boundary

Dr. Chosy asked if these suggestions are to be used as guidelines for picking people. Mr. Greeson agreed. He confirmed that staff will compose an instrument that takes these characteristics as ones that council could use to evaluate whether there is a good mix on the board.

Is residency required? No, but the majority of the Committee should be Worthington residents.

Worthington School District residents should be considered.

Mr. Norstrom commented that the only things on geographic, we clearly want to have the majority of members and maybe more than that citizens of Worthington. Although there is influence that we have in the school district, we don’t really have anything we can do outside the city that is in the school district in terms of taking any actions.

Ms. Michael reported that most of the other boards and commissions have a residency requirement. Mr. Greeson shared that there are some school district residents on the Community Relations Commission. He thinks the discussion here is because there is a community of interest there. Much of our bike and pedestrian system kind of transcends jurisdictional boundaries to some degree and there is some value in having that perspective. He asked council for direction on residency requirements.

Ms. Michael thinks it should be more than a majority.

Mr. Norstrom thinks that once a number is determined then we can say one or two can be not in the city but in the school district. Mr. Greeson concluded that the number of non-residents should not exceed two members.

Number of members 7 to 9 members

Dr. Chosy thinks that seven members would be enough but he doesn’t feel strongly about that if someone else wants more.

Ms. Dorothy commented that currently we have the Community Relations Commission and the Parks and Recreation Commission that have between seven and nine members. She asked if we have any idea how many members actually attend those meetings.
Mr. Hurley replied that the Parks and Recreation Commission will typically have two members missing so we are usually just above our quorum, especially in the summer months. It is easier when we have both student positions filled because then we have nine members opposed to the seven.

Mr. Smith asked if the advisory group swung towards one number or the other. Mr. Hurley reported that it seemed like the number was between seven and nine based on whether or not we were going to place some specific appointments. If there was a school district representative then maybe it needed to be a little higher. If that position isn’t included then maybe keep it at seven. Mr. Coulter thinks nine would be a better number if you try to distribute some tasks. He thinks you would get more people to participate.

Mr. Hurley thinks having extra members might be beneficial given that many of the priorities in the plan may require some footwork or may be project driven.

Council agreed on nine.

Dr. Chosy summarized that of those nine members, no more than two can be non-resident but in the school district. Mr. Norstrom confirmed that seven members have to live in the city. Ms. Michael added that all nine could.

Mr. Greeson asked if the two extra slots could be open to anyone beyond the school district. Ms. Michael thinks if they want to come they can but if you start getting too broad then you start getting people trying to get on the committee from all over the place and it makes it much harder to limit. Mr. Greeson stated that he was also thinking about one of the comments of the committee was having a representative from an organization like “Consider Biking” or one of the advocacy groups. Ms. Michael thinks they could probably find one from such a group that lives in the school district. Mr. Greeson agreed.

Mr. Norstrom commented that Sustainable Worthington is not appointed by the city and is not part of the city but yet has probably had more influence than some of our other organizations because they have spun off WOOF and the Community Gardens. They have done it because the citizens are interested. It is a different way of influencing this group than MPC, ARB, WIFA or whatever. He is not sure that this is the best approach for advocacy for bike and pedestrian but he is willing to consider it.

Term length: Staggered 3 year terms

Ongoing or sunset provision: Ongoing

Dr. Chosy asked if there is any limit on re-appointment. Mr. Greeson replied that is an interesting question.
Ms. Michael thinks the CIC is the only board that has any type of sunset provision. All of the rest have just been serving at the pleasure of council. Mr. Norstrom commented that is a mistake.

Mr. Greeson commented that the sunset provision refers to the duration of the committee as a whole and its mission. The question that Dr. Chosy raised had to do with term limits. Mr. Norstrom agreed. He added that as members know, he is a strong believer that term limits are something we need across all of our boards.

Dr. Chosy offered the suggestion of three terms. Mr. Norstrom agreed. He shared that they set term limits on the MAC Board. We should want to have new faces and we don’t have that on some of our longstanding boards.

Ms. Michael asked the other members their opinion on term limits.

Mr. Smith asked about the MAC Board as far as revolving. Mr. Norstrom replied that they serve three year terms and a member can serve two full terms. Then they must wait a year before serving another term. Ms. Michael commented that CIC is the same. Members have served two full terms and then are off a year before they can come back. Mr. Greeson corrected that CIC members can serve three full terms before they have to wait a year.

Mr. Smith stated he would consider term limits but nine years to do a project in bureaucracy... Ms. Dorothy commented that she doesn’t think that is long enough and she doesn’t think the MAC Board is a useful comparison. The MAC Board also has a fundraising component. There is quite a bit of commitment for MAC that she doesn’t think compares to this Board. She doesn’t think nine years is long enough.

When asked by Mr. Norstrom why nine years isn’t long enough, Ms. Dorothy replied that one of the reasons is how intensive a change to infrastructure will be. Our current city has been designed around cars. There were no cars when our city was built. The money that we put in the infrastructure and all of the different areas that it touches and the bureaucracy in changing this approach she thinks will take longer than nine years. There are no other term limits at the moment.

Ms. Michael concluded that Ms. Dorothy did not favor term limits. Ms. Dorothy agreed.

Mr. Troper said he would be fine with three term limits so for nine years.

Dr. Chosy reported that he could go either way.

Mr. Norstrom thinks this topic could be discussed at the next meeting because there are only five members here tonight. Mr. Greeson agreed to draft the legislation with three, three year terms and then members can always modify the language or strike it.

Members then discussed the results of staggering the terms in greater detail.
Dr. Chosy favored ongoing while Mr. Norstrom favored a sunset provision.

When asked why by Dr. Chosy, Mr. Norstrom asked Mr. Greeson to provide members with a little history of how some of our other boards came into being; in terms of they started off and then grew and eventually over time became a charter board.

Mr. Greeson and Ms. Michael shared about how the Parks and Recreation Commission and the Community Relations Commission began as something different than the charter commissions they both are today.

Ms. Michael asked Mr. Norstrom if he would like to explain why he is in favor of the sunset provision. Mr. Norstrom reiterated that he is not completely convinced that this board is something the city needs. In just listening to some of the arguments for it, in terms of major decisions like infrastructure spending and things like that, we don’t have a street commission for example. We don’t have a building commission. Staff or council does that. Council has advisory groups but not in this way so if we are going to do this he suggests that we start off with a set like three, five or six years and then review it and decide where we want it in the organization. Do we want it to be an on-going, potentially charter commission? Do we want it to be a commission appointed by the city manager or appointed by council? He thinks there are some things to work out but rather than commit to it at this point in time, he would propose that we have an initial period of time and then come back and review it.

Ms. Dorothy commented that she could see coming back to review but she wouldn’t want a sunset provision. She knows we have had a review clause in other instances.

Mr. Troper asked how the Board could be changed in the future if council decides that it may not be how we want it. Ms. Michael replied by ordinance. Mr. Greeson added or by resolution.

Dr. Chosy commented that Mr. Greeson could add a review clause after a certain period of time. If members didn’t want to go that far we could even put it in that list of things that we want the committee to consider.

Mr. Norstrom shared that sunset implies that the committee dies. But what he thinks we are looking for is an option where the committee would die unless council voted to continue it.

Ms. Michael commented that she is hearing that members favor a time of review. If the council doesn’t like what it is doing then they can dissolve it as opposed to the other way around. Ms. Dorothy agreed.

Mr. Norstrom requested that both options be brought back. Mr. Greeson agreed to that suggestion.
Ms. Michael asked if any members had a problem with staff’s recommendation of an advisory board. When no comments were made, she moved on.

Mr. Greeson went through the different ways that a group could be formed. He did not think that council was interested in charter creation or city manager authorization. He explained that an ordinance would require an introduction and a public hearing while a resolution could be created at one meeting. The board would have the same authority with a resolution; it would take effect immediately and it would be adopted in one hearing.

Dr. Chosy understands that an ordinance is a law while a resolution is less than that.

Mrs. Fox commented that if the committee is formed then council gets to decide if you want it to become part of the codified ordinances. She explained that there is a Board and Commission section in our code already. If members want it as part of the codified ordinances then it will be necessary to pass an ordinance. Being part of the codified ordinances is not important for it to become effective. But that is another consideration for you if you want that to be memorialized in the codified ordinance book.

Mr. Greeson shared that it is a little harder to put in and a little harder to take out but probably doesn’t affect the way it actually operates in any substantive way.

Dr. Chosy thinks a resolution then makes the most sense because we can change it easier. Mr. Norstrom agreed. Ms. Michael shared that she doesn’t have a strong feeling one way or another. Mr. Troper and Ms. Dorothy supported a resolution.

Ms. Michael directed staff to prepare a resolution for the creation of the Bike and Pedestrian Advisory Board.

Mr. Greeson shared that he thinks he has everything to prepare the legislation. Staff will prepare a matrix to help members with the different backgrounds, qualities and characteristics and representation of the applicants but we will not prescribe in this resolution who these seats will be of the nine members.

Dr. Chosy asked if they would have suggestions. Mr. Greeson replied that staff will use this information to create a tool that members can use to evaluate the candidates.
When asked by Mr. Norstrom if he was going to be working with any members of the former bike and pedestrian committee to develop this, Mr. Greeson replied that we can if members would like us to. Then we will have a separate conversation about how council wants us to manage the application process.

Dr. Chosy asked if it has been established that council selects the candidates. Mr. Greeson replied that would be his assumption although it hasn’t been established that way by members. Ms. Michael understands that to be the consensus.

Mr. Greeson clarified that the legislation will include:

1) All but two shall live within the city with the remaining two living within the school district
2) Nine members, staggered three year terms
3) Staff will bring back language for term limits for basically nine years that members can consider and decide what they want to do with
4) Provide two options on the sunset provision
   a. One prompts a review
   b. One prompts a hard sunset and an action by council to renew
5) Called an advisory board
6) Created by resolution

Ms. Michael asked if anyone had any additional comments.

**Joanna Saul, 252 Pingree Dr.**

Ms. Saul shared that she is starting a program called Walk Worthington, which is affiliated with the Worthington Resource Pantry and encourages walking in Worthington. She supports the formation of this board and thinks it is an excellent idea. Walkability is important not just for our city and our citizens but of course for the health of our community going forward.

Ms. Saul stated that she had a couple of thoughts that she would like to share. Members talked about the requirements to be on the board so just thinking about the health of the community, walkability obviously relates to health and fitness. Coming from the pantry, she thinks council may also want to think about different segments of the population. She added that low income areas tend to have less walkability so maybe considering how. . .

Ms. Michael interjected that there aren’t many low income areas in the city of Worthington. We can only do things related to infrastructure within the city of Worthington boundary. There are many parts of the school district that could really use a lot of help but they are mostly in the city of Columbus, Worthington schools. She knows the pantry serves eight zip codes.

Ms. Saul commented on Mr. Norstrom point, she certainly believes in productivity as well and maybe having a report. That is something she has seen in the state legislature. She doesn’t know how the commissions are in Worthington but requiring a certain report to
be made after a length of time sort of sets those expectations of productivity to make sure they continue to be responsive to the council’s needs.

Ms. Saul thanked council for their time.

When asked by Ms. Michael if there was anyone in attendance that was opposed to the creation of a Bike and Pedestrian Commission, no opposition was shared.

- Appeal – Architectural Review Board Action – 138 W. Clearview Avenue

Mr. Brown shared that members received an appeal from Peggy Barnum who is a neighboring property owner to a property at 138 W. Clearview Avenue. Members might remember that last January the lot on Clearview Ave. was created. At the time of its creation variances were approved. In January 2015 the Architectural Review Board (ARB) approved a landscape plan and a house to be constructed on this lot. At that time the neighboring property owner spoke out against the original creation of the lot and actual the house being constructed on the lot. When it went before the Board in January it needed variances from the Board of Zoning Appeals (BZA) for setbacks for the detached garage at the rear of the property and for a side entrance that was going to be constructed on the house. Since that time, it went back to the ARB on February 12th and we were able to work with the applicant to get him to push the garage over and out of the setback to meet code requirements and remove the covered side entrance from the allocation so that it did not need any variances from BZA.

Mr. Brown stated that from what he understands, the neighboring property owner who filed the appeal (who he doesn’t want to speak too much for) is still upset over the actual creation of the lot and has referenced such in several meetings.

Mr. Norstrom asked what is under appeal. Mrs. Fox replied that the only thing that we know is what is in her letter.

Mr. Norstrom asked if she can appeal the division of the lot. Mrs. Fox replied that time period has passed. Staff can’t tell from her letter whether there are any other architectural type objections because her letter only references the subdivision and the variances that were granted. That happened last year and that time period for appeal has passed.

Ms. Michael pointed out that right now there are no additional variances that are needed for this property. Mrs. Fox agreed.

Dr. Chosy commented that she can’t object to the division because the time has passed. She can’t object to the variance because there aren’t any. Mrs. Fox replied that there were variances that were granted with the initial subdivision. But no new variances are needed.
Mr. Norstrom commented that the only thing that is really appealable at this point in time is the design of the house, the architectural involved in the house, the location of the house, the massing of the house. That type of thing, correct? Mrs. Fox agreed that all of the features that ARB reviews are appealable.

Mr. Norstrom stated that council’s decision is whether we want to hear the appeal. Mrs. Fox agreed. She added that a motion is needed and passed by a majority vote.

Mr. Norstrom asked if council doesn’t want to hear the appeal, can we make a negative motion. Mrs. Fox replied yes.

MOTION

Mr. Norstrom made a motion that council not hear the appeal. The motion was seconded by Ms. Dorothy.

Mr. Norstrom said he would like to point out that Ms. Peggy Barnum references her testimony of the January 8th meeting but she states in there that she sent a letter to the Board and she felt that her letter was ignored and was left out of printed minutes unlike pro-development letters that have been embraced and read aloud here. Mrs. Barnum stated in that meeting that “city representatives, in alliance with developers conveniently ignored zoning ordinances that are laws prior city leaders created to minimize the destruction of open green space and mature trees that current city representatives ardently promote in search of the almighty buck with no regard for the opposition. Those of us who prefer to curtail city center development out of concern for density and quality of life, I will introduce my sister . . .” Mr. Norstrom stated that the accusations that were being made against our MPC upset him. Having served on that board, he knows how they act. Mrs. Barnum probably should have a discussion with someone in city staff if that hasn’t already taken place because needless to say we are not in bed with developers. He also doesn’t think you could find a developer who enjoys coming before MPC and ARB. He found the accusations here very upsetting and he wanted to bring that to council’s attention.

When asked by Ms. Michael what he was reading from, Mr. Norstrom replied that they are from the minutes of that meeting.

Dr. Chosy stated that he is still not clear. He can understand the concern about dividing that lot off. It is very small and he can understand that but beyond that he doesn’t understand what is in question. Mr. Norstrom replied that from what he can see from the minutes it is similar from what council has been hearing relative to the Showe development. It is more of the fact that increased density, reduced green space, trees being cut down and other issues like that is what is implied in Mrs. Barnum’s letters.

Dr. Chosy asked why she wasn’t in attendance. Ms. Michael commented that this is council’s time to make a decision on whether we want to hear her appeal. Dr. Chosy understands that but added that she could support herself.
Ms. Michael asked if she was aware that this was going to be discussed tonight. Mrs. Fox replied that she didn’t know. She did send her a letter letting her know that council has been informed about the appeal and that they needed to make a decision although she didn’t know when that decision would be made. She added that she didn’t have any contact information for Mrs. Barnum.

Ms. Michael concluded that she didn’t know that tonight was the night that council would be discussing her appeal. Dr. Chosy commented that that bothers him a little bit.

Mr. Smith asked what recourse Mrs. Barnum has if council declines to hear her appeal. Mrs. Fox replied that there was another decision Thursday night at the ARB that actually was then approving of the home within the original boundaries. The original application showed variances and ARB approved conditioned on them receiving variances from BZA but then they dropped the BZA variances, moved the house back into the setbacks and made a couple of other changes that required no variances so that was approved on Thursday. Technically that decision can be appealed if she so chooses to do that.

Ms. Michael asked if that would have to be a different appeal than this one to which Mrs. Fox acknowledged that it would. The time period would run differently. She always would have the opportunity to appeal that second decision. She would have to be determined to be an aggrieved property owner. Anybody could file a law suit but then there would be an issue of whether or not she had standing to do that, if she is harmed or damaged in some kind of way because of the decision.

Dr. Chosy commented that when she talked about the appeal that we are talking about now, he asked if there were any specifics. Mrs. Fox replied that she doesn’t have any information. She only has the information that she included in her notice of appeal.

Mr. Brown commented that we actually have an ARB member here so he can definitely comment if he wishes to. He went on to say that this application went before the ARB four times for different comments and updates and working with the builder to get them to where ARB and staff felt comfortable. At all of those meetings her comments really tied back to the original creation of the lot when staff asked that sidewalks be installed along Evening St. and Clearview. In all of her statements and her sister’s statements it related back to the removal of trees along Evening St. and Clearview and the additional vegetation from the scrubs that kind of provided a private setting. He thinks, at least at the meetings, staff felt that the sidewalks were missing a gap of two blocks on Evening St (right across from the school) that we felt strongly about the installation of sidewalks. He thinks one of the arguments, when it had the two variances built into it, was that the house was too large for the lot. Since then we were able to get the applicant to adjust those and alleviate the need for variances but it all tied back to her statements to the actual creation of the lot.

Ms. Michael asked where she lives in relationship to this. Mr. Brown replied that there is one house between her and the corner lot. He thinks two or three lots were combined for her house.
Mr. Norstrom shared that at Thursday night’s meeting she again brought it up and the chair did point out that it was too late. But as Mr. Brown just pointed out the issue with her also was like cutting down trees and the city advocating putting in the sidewalks and things like that.

Ms. Michael stated the question before council is do we want to give her a day in court because she asked for one or do we want to deny this request.

Mr. Smith would like more clarity. Mr. Myers point last week talking about this and he thinks echoing what Mr. Norstrom is saying is that council is not legally allowed to vote yes on this appeal because the time has lapsed. Mr. Norstrom clarified that council can’t vote yes on the property division but she still objects to the trees and sidewalks. Mr. Smith stated that in effect that is what she would be arguing. Ms. Michael stated that if she argued something else we would have to remind her that it is too late.

Dr. Chosy asked if the sidewalk installation caused the removal of the bushes.

Mr. Brown shared that when we did the subdivision last year to recreate what was originally platted. As part of that we did require them to install a five foot sidewalk along Clearview and along Evening as part of that application per the code. So at least her appeal before council is the architectural component part of it. He thinks that was her argument at the meetings was tying it back to the sidewalk versus actually appealing the ARB decision because the board has no say over the sidewalk requirement.

Mrs. Fox shared that one option, if council is inclined to allow her to come in and speak is to make it clear that the ARB decision is the only thing she may speak to. Council will not be permitted to consider any information that she brings forward on the subdivision or the variances.

Mr. Norstrom clarified that the reason he offered the motion he did, and he is always in favor of people coming and speaking before council but the basis for this appeal is not something that members can hear as Mr. Smith points out. Her basis Thursday was the lot split. If he understands what Mr. Brown just said, ARB didn’t make the decisions on the sidewalks, the city mandated that so cutting down the bushes isn’t really something that can be appealed at this point in time.

Ms. Michael commented that if council denies this appeal then a letter explaining that to her would be sent, probably from the Law Director or City Manager. Mrs. Fox agreed to provide a letter.

Mr. Smith asked if there is anything she can actually still appeal that council can make a decision on. Mr. Greeson replied the architecture. She can appeal whether or not the design guidelines were properly applied.

The motion to deny this appeal passed unanimously by a voice vote.
Policy Item(s)

- Liquor Permit Request – George T VIII LLC (dba Aladdins Eatery)

Mr. Greeson commented that we received a liquor permit request for George T VIII LLC (dba Aladdins Eatery). This is for a D5J permit, which is spiritual liquor for on premises consumption, beer and wine for on premises and off premises in original concealed containers until 2:30 a.m. in the Entertainment District. The Entertainment District is the Shops at Worthington Place. Members will have to make a motion in the negative to not request a hearing on this request. Staff sees no reason to request a hearing.

MOTION Mr. Smith made a motion to not request a hearing on this new liquor permit request. The motion was seconded by Dr. Chosy.

There being no additional comments, the motion carried by a voice vote.

Mrs. Thress shared that the codified ordinance replacement pages are now effective. She would be happy to update members’ books if brought in.

REPORTS OF COUNCIL MEMBERS

Ms. Dorothy shared that she has tickets to a spaghetti dinner this coming Saturday. The dinner runs from 4:30 p.m. to 7:30 p.m. and will be held at the Worthington United Methodist Church. Children are $4.00 and adults are $6.00. She added that this is one of the biggest fundraisers for Boy Scout Troop 364.

OTHER

EXECUTIVE SESSION

MOTION Mr. Troper made a motion to meet in Executive Session to discuss land acquisition. The motion was seconded by Ms. Dorothy.

The motion carried by the following voice vote:

Yes 6 Norstrom, Smith, Chosy, Troper, Dorothy, Michael

No 0

The motion carried unanimously by a voice vote.

Council recessed at 8:42 p.m. from the Regular meeting session.
ADJOURNMENT

Council came out of Executive Session at 9:06 p.m.

MOTION

Mr. Norstrom made a motion to adjourn. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

____________________________________
Clerk of Council

APPROVED by the City Council, this 16th day of March, 2015.

_______________________________
Council President
ORDINANCE NO. 08-2015

Authorizing a Final Development Plan for 2233-2299 West Dublin-Granville Road and Authorizing Variances (Dan Cline/Linworth Crossing).

WHEREAS, Dan Cline/Linworth Crossing has submitted a request for Final Development Plan for 2233-2299 West Dublin-Granville Road; and,

WHEREAS, Sections 1175.01(d) and 1107.01 of the Codified Ordinances of the City of Worthington establishes a Final Development Plan for Linworth Crossing with Variances included, the Final Development Plan and Variances must be approved by City Council; and,

WHEREAS, the proposal has received a complete and thorough review by the Municipal Planning Commission on February 12, 2015 and approval has been recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Final Development Plan for Linworth Crossing at 2233-2299 West Dublin-Granville Road as per Case No. DP 01-14, Drawings No. DP 01-14 dated January 30, 2015 and amended on February 12, 2015 attached hereto as Exhibit “A” be approved.

SECTION 2. That there be and hereby are granted variances from Code Section 1149.02, 1149.07(a) and 1171.01(b) to permit a portion of the parking area to encroach into the front and rear yard setbacks and to allow for the reduction in the number of required parking spaces.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the Office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed: ______________

President of Council

Attest: ________________________________

Introduced March 2, 2015
P.H. March 16, 2015

Clerk of Council
STANDING SEAM ROOF

SITE LIGHTING

ALABASTER

GOOSENECK LIGHTS

RTU ENCLOSURES

SIGN UPLIGHTING

STOREFRONT METAL

ACCENT BRICK

FIELD BRICK

KIM BOARDS

LAP SIDING

CANVAS AWNINGS

BUILDING "A" NORTH ELEVATION

WALL SCONCE

DUMPSITE ELEVATION

DUMPSITE ENCLOSURE

COCOA
TREE REQUIREMENTS AND CALCULATIONS

SECTION 1371.02:

(1) ALL PARKING LOTS SHALL PROVIDE, IN ADDITION TO SCREENING REQUIREMENTS, 2 INCHES DBH TREE TRUNK SIZE FOR EVERY 5 PARKING SPACES

REQUIRED: 160 PARKING SPACES X 5' DBH X 5' DBH = 160 DBH

PROVIDED:
16 PARKING LOT TREES @ 2" DBH = 32.0 DBH
PLUS TREES PRESERVED ON SITE:
1 ACHERBERY = 36.0 DBH
2 ELJ = 78.0 DBH
1 SHELDER = 20.0 DBH
TOTAL = 122.0 DBH

ADDITIONAL TREES:
8 PREDOMINATE TREES (SUGAR MAPLE, PAPER BIRD, ELJ, ELM)
15 STREET TREES (COSNOR PLANTATION)
8 SEDIMENTATION BASIN (EVERY BRANCH AND RED MAPLE)
15 ORNAMENTAL TREES (SHRUBS AND HEDGES)

LANDSCAPE CODE NOTES

SECTION 1371.02(D).

ALL TREES SHALL BE BAILED AND BURLAPPED.

THE MINIMUM DIA. AT GREATEST HEIGHT OF ANY TREE SHALL BE TWO INCHES.

PLANTING SOIL AREA PER TREE SHALL BE A MINIMUM OF 45 SQ.F.

PLANTING BEDS FOR PARKING LOT TREES SHALL BE CONSTRUCTED SO AS TO DISTURB THE LANDSCAPING THROUGHOUT THE PARKING LOT AND MAINTAIN SHADOWS TO TRUNKS AND ROOTS OF THE TREES FROM VEHICLES, PERCOLATION, AND PARKING LOT MAINTENANCE THROUGH THE USE OF ADEQUATE SOIL PLANTING AREA AND CURBING OR PARKING BLOCKS.

THE MINIMUM ENDSIZE FOR THE PLANTING BED SHALL BE 5 FEET ON ANY ONE SIDE.

ALL TREES SHALL BE MAINTAINED IN A HEALTHY CONDITION.

NO TREE LOCATED WITHIN THE TREE LAMN OR ANY PUBLIC PROPERTY SHALL BE PLANTED CLOSER THAN 25 FEET TO ANY STREET CORNER, MEASURED FROM THE POINT OF THE NEAREST INTERSECTION OF CORNERS AND CURB.

1374.08 (H) IN ANY DISTRICT OF ANY CORNER LOT NO FENCE, STRUCTURE OR PLANTING SHALL BE ERECTED OR PLANTED MORE THAN 10 FEET OF TYPICAL ○ (H) LAY OUT AT A HEIGHT GREATER THAN 28 FEET ABOVE STREET GRADE.

1374.05 (J) (1) ALL HEALTHY TREES 6" CALIBER OR LARGER SHALL BE RETAINED OR REPLACED WITH A TREE 3" CALIBER IN DIAMETER TO THE REMOVED TREE, AND THIS TREE SHALL BE DOCUMENTED AS PART OF AN APPROVED NATIONAL FEATURES PRESERVATION PLAN AND/OR LANDSCAPE PLAN.

LEGEND

SCALE 1"=10'-0"
L7-01 BIKE RACK SPECIFICATIONS

- SPECIFICATIONS
  - 12" ø COLD ROLLED STEEL WITH 1.5" TUBE, OVERALL HEIGHT OF 38 1/2"
  - MADE OF 1/8" THICK STEEL WITH 3/8" TUBE
  - SAWBED WITH NATURAL, RUSTIC EXTERIOR AND ESSENTIALS
  - ELEVATION

- OPTIONS
  - BLACK
  - WHITE
  - MIRACLE BLUE
  - STEEL

- ASSEMBLY REQUIRED
- ALL FASTENERS ARE INCLUDED

L7-02 PERMEABLE PAVEMENT

- NOT TO SCALE

- L7-03 BENCH DETAILS

- NOT TO SCALE

- L7-04 PLANTERS

- NOT TO SCALE
MEMORANDUM

TO: Matthew H. Greeson, City Manager

FROM: R. Lee Brown, Director

DATE: February 23, 2015

SUBJECT: Ordinance for a Final Development Plan and Variances – 2233-2299 West Dublin-Granville Road (Linworth Crossing) (DP 01-14)

Findings of fact & Conclusions

Background & Request
As a result of action taken by City Council, the former Segna Motors site at 2233-2299 W. Dublin Granville Road is now entirely in the City of Worthington and in the C-2 Zoning District (Community Shopping Center). Also approved was the combination of 7 parcels into 2, comprising 4.5 acres of total land. The two parcels created as part of the subdivision are in different taxing districts and cannot be combined to create one new lot of record. Setback variances for the buildings in relation to the interior property lines were granted as part of the subdivision.

Due to the size and zoning of the property, any new development is subject to approval of a Development Plan. In addition, approval is required from the Architectural Review Board for all aspects of the development and demolition of any existing structures.

The applicant is requesting a new commercial (neighborhood retail) development, comprised of two new buildings and associated site improvements.

Project Details:
1. Buildings:
   - Buildings “A” and “B” are proposed facing W. Dublin-Granville Rd., and situated toward the southern property line, with parking in front of and behind the buildings. The approximate 10’ change in grade from the west side of the site to the east side necessitates several grade changes in the individual buildings. A courtyard with trellises is proposed between the buildings, likely to be used for
restaurant seating. Building “A” is proposed to be 251’ 4” in length and 20,488 square feet in area. Building “B” is proposed to be 269’ 4” in length and 21,437 square feet in area. Individual tenants have not been identified.

- The flat roof buildings are designed primarily with red brick and arctic white Hardie board 4” lap siding. A lighter brick is proposed for accent and for the east side of Building “A”. The siding is proposed in the area above the storefronts for signage background, and in the rear. Hipped roofs with green standing seam metal are now proposed at two locations on each building. The storefront systems are now proposed as green metal. Black flat canopies are proposed for the corner tenants, and fabric awnings would be above the other storefronts. The proposed fabric would be dark green with pinstripes.
- Black gooseneck lights are proposed to illuminate the sign panel areas which are above the canvas awnings. Signage for corner tenants would be lit from below, with lights in the canopies. Black mission style wall sconces are proposed between storefronts.
- The applicant is proposing allowable signage for tenants in a 20’ wide space to be 20 square feet in area.
- The applicant indicates the rooftop equipment would be screened from the right-of-way with metal panels if needed.

2. Site and Landscaping:

- Parking is proposed as close as 30’ in front and 15’ in the rear. The required front setback is 50’ and the required rear setback is 30’, so a variance would be required for approximately 11 spaces at the northwest corner of the site. To the east, the parking is primarily outside of the 50’ setback except for the front edge of approximately 10 – 11 spaces at the east end. Approximately 49 spaces along the southern property line are located in the rear setback. The number of spaces provided (160) is approximately 20 spaces below what would be required by Code, so a variance is needed.
- Two entrances are proposed for the site, one on W. Dublin-Granville Rd. and one on Linworth Rd. For the W. Dublin-Granville Rd. entrance, ODOT approved plans for right-in and right-out only when heading eastbound, and a left in when heading westbound on W. Dublin-Granville Rd. The entrance would be configured accordingly with an island between drives; and left and right turn lanes would be added as part of construction. On Linworth Rd. the entrance would be toward the south end of the site and full access.
- An 8’ wide asphalt multi-use path has been shown along both streets. An easement would be needed to accommodate such a path. In addition, connections are shown to Linworth Park lining up with the courtyard between the buildings, and to the Linworth Rd. entrance.
- Several trees would be removed with the proposed development, many of which are in poor condition. A number of trees would be retained around the perimeter of the site, and a 36” Hackberry would be kept in an island at the W. Dublin-Granville Rd. entrance. Tree islands would accommodate new trees in the parking area and street trees are proposed along W. Dublin-Granville Rd. Additional tree islands near the building have been requested. Proposed at the
perimeter, and interior to the site in beds and planters, are evergreen trees and shrubs, ornamental grasses, perennials and ground cover.

- Dumpsters proposed along the rear would be screened with fencing and evergreens.
- Storm water would be handled in a bioswale along W. Dublin-Granville Rd. and in underground storage if needed.
- Bicycle racks and planters are shown near the middle, west and east ends of the site.
- Parking lot lights are proposed along the northern and western edges of the parking lot. Sixteen foot high poles are proposed with the bottom 30” being a concrete base. The photometric plan shows average footcandles of 2.7, with 10.1 footcandles being the maximum light level in the parking lot. At the perimeter of the site the lighting level ranges from 0.0 to 0.5, with 0.1 footcandles being the average.

**Land Use Plans:**

**Worthington Design Guidelines and Architectural District Ordinance**

Planning for the redevelopment of a site should include an inventory and evaluation of features, and the development should retain those that add scenic or historic value. New developments should build upon and extend the pedestrian scale and walkability of the city’s commercial heart, extending amenities such as sidewalks and shade trees into new developments. Inclusion of sidewalks, pedestrian-scaled signage, and planting and lawn areas will help communicate a sense of a walkable pedestrian scale.

Simple geometric forms and uncomplicated massing tend to make buildings more user-friendly. Carefully designed building facades that employ traditional storefronts -- or similarly-sized windows on the first floor -- will help make new buildings more pedestrian-friendly. Building up to the required setback is desirable as means of getting pedestrians closer to the building and into the main entrance as easily as possible. Generally, a traditional roof shape such as gable or hip is preferable to a flat roof on a new building.

Traditional materials such as wood and brick are desirable in newer developments, but other materials are also acceptable. Poured concrete and concrete block should be confined primarily to foundation walls. Large areas of glass are appropriate for the first floors of new buildings, where they resemble the commercial storefronts typical of older buildings. Avoid any use of glass with highly reflective coatings, as they generally are not compatible with other development in Worthington.

On long facades, consider breaking the composition down into smaller “storefront” units. Use traditional sizes, proportions and spacing. Doing so will help link Old Worthington and newer areas through consistent design elements.

While the regulations permit a certain maximum square footage of signs for a business, try to minimize the size and number of signs. Place only basic names and graphics on signs along the street so that drive-by traffic is not bombarded with too much information. Free-standing signs should be of the “monument” type (standing vertically, mounted on a ground-level base and not
on a pole); they should be as low as possible. Such signs should have an appropriate base such as a brick planting area with appropriate landscaping or no lighting. Colors for signs should be chosen for compatibility with the age, architecture and colors of the buildings they serve. Bright color shades generally are discouraged in favor of more subtle and toned-down shades.

**Comprehensive Plan**
The 2005 Worthington Comprehensive Plan recommends that a neighborhood retail service center be established at the West Dublin-Granville Road and Linworth Road intersection to create a commercial node for the community.

**Additional Information:**
The residents of Westbrook Place have expressed an interest in bike and pedestrian connections from Westbrook Court to be able to safely access Linworth Park, Linworth Crossing and other areas along West Dublin-Granville Road.

**Recommendations:**
Staff is recommending *approval* of the application. Staff believes this will further the redevelopment of a key site that will be a gateway to the City of Worthington.

On February 12, 2015 the Municipal Planning Commission reviewed and recommended *approval* to City Council on a Final Development Plan with Variances for Linworth Crossing.

On February 12, 2015 the Architectural Review Board *approved* a Certificate of Appropriateness to construct a new commercial development named Linworth Crossing.
**Amendment to Development Plan Application**

1. Property Location: **DUBLIN GRANVILLE RD**

2. Present Use & Proposed Use: "B" **VEHICLE SHOWROOM-NEW MIXED B,M,AZ**

3. Present & Proposed Zoning: **C2**

4. Applicant: **DAN CLINE**
   
   Address: **112 S. PARKVIEW AVE, COL, OH 43209**
   Phone: **485-9400**

5. Property Owner: **SEGNA INVESTMENTS/CONTRACT W/ LIVWORTH PLAZA LLC**
   
   Address: **GARY GITLITZ - 5003 HORIZONS DRIVE - STE 200 43220**
   Phone: **360-1050**

6. Project Description: **42,000 SF SHOPPING CENTER**

7. Variances Requested: 

---

**PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:**

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

---

**Applicant (Signature):**

**Date:** 1-9-2015

**Property Owner (Signature):**

**Date:** 9 Jan 15

**MPC Approval Date:**

**City Council Approval Date:**
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<th>Name</th>
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<tr>
<td>Richard Russell</td>
<td>595 Retreat Ln.</td>
<td>Powell, OH 43065</td>
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<td>Strait Real Estate LLC</td>
<td>2573 Swisher Creek Dr.</td>
<td>Blacklick, OH 43004</td>
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<td>MV2T Investments LLC</td>
<td>2290 W. Dublin-Granville Rd.</td>
<td>Columbus, OH 43085</td>
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<td>Charles &amp; Loranna Bishop</td>
<td>6167 Hutchinson St.</td>
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<tr>
<td>Danna Erwin</td>
<td>395 Country Cove</td>
<td>Cabot, AR 72023</td>
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<tr>
<td>Paul &amp; Judith Doran</td>
<td>8378 Bevelhymer Rd.</td>
<td>Westerville, OH 43081</td>
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<tr>
<td>Englefield Oil Co.</td>
<td>447 James Pkwy.</td>
<td>Newark, OH 43056</td>
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<tr>
<td>United Dairy Farmers Inc.</td>
<td>2204 W. Dublin-Granville Rd.</td>
<td>Columbus, OH 43085</td>
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<tr>
<td>161 Linworth Properties LLC</td>
<td>6629 Millbrae Rd.</td>
<td>Columbus, OH 43235</td>
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<tr>
<td>McCulloughs Tree Service Inc.</td>
<td>PO Box 1240</td>
<td>Zanesville, OH 43702</td>
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<tr>
<td>Segna Investment Inc.</td>
<td>PO Box 1895</td>
<td>Buckeye Lake, OH 43008</td>
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2233-2299 W. Dublin-Granville Rd.
January 30, 2015

Lynda Bitar
Municipal Planning Commission
Worthington, Ohio 43085

Lynda:

The following items have been modified to address some of the Architectural Review Board comments at the January 22, 2014 meeting and our meeting in your office January 26:

1. The size of the black Goose Neck lights have been increased from 10" wide to 12" wide.
2. The standing seam hip roof color has been modified from the green patina to a dark brown (aged bronze) with a 4'-0"x4'-0" internally lit cupola. Roof slope has been increased from 4/12 pitch to 5/12 pitch.
3. 4" white lap siding has been deleted from East wall of Building "A" and replaced with all brick.
4. 2'-0"x2'-0" tan brick medallions have been added to the top of the columns on the north face of both buildings.
5. East and west end walls have been lowered to accent hip roof elements.
6. All south wall parapets have been raised to improve proportions and to conceal RTU’s.
7. Size of crown molding detail has been increased to 18"

Please call if you have any questions.

Thanks

Dan

Danlcline.com
Product Features

No Rooftop Penetration
Pre-Engineered Screening System
Screening Code Solution
Attractive Alternative to Parapet Walls
Multiple Panel Designs
Designer Top Trim Accents
Vertical or Canted Designs
Wide Range of Designer Colors
Panels Slide for Easy Service Access
Custom Design Capabilities

Our panels are designed to slide side-to-side in either direction for easy access to the equipment for servicing and routine maintenance.

www.cityscapesinc.com
Product #: RAS12-SB

Width: 12"
Height: 10.5"
Wattage: 200
Bulb: 1
Glass: N/A
Finish: Satin Black - UV Protectant

Extension:

RAS12-SB is shade only. Choose a Goose Neck for wall mount (shown with RGN15-SB). Optional Wire Guard (RWG12-SB) is available.

Related Products

RPAD-GA  RPAD-SB  RPAD-SG  RPAD-SR
Product Description:
This 1 light wall fixture from the Double lines of Black finish form pleasant ambience of Satin Etcl walkway or porch with sleek sox

Available Finishes
Black (Painted)
Black (Painted)

Technical Information

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http://www.kichler.com/product...
CSX1 LED
LED Area Luminaire

Specifications

EPA: 0.7 ft²
Length: 23-1/2"
Width: 18-1/2"
Height: 5-7/8"
Weight (max): 37 lbs

Introduction

The Contour® Series luminaires offer traditional square daylight forms with softened edges for a versatile look that complements many applications. The CSX1 combines the latest in LED technology with the familiar aesthetic of the Contour® Series for stylish, high-performance illumination that lasts. It is ideal for replacing traditional metallic halides in area lighting applications with typical energy savings of 65% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: CSX1 LED 60C 1000 40K T3M MVOLT SPA DDBXD
Nexus - Two Light Sign Kit
Finish: Bronze

List price $344.74
$299.00 You save $15.74

Product Details

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No Optional Accessories available right now

Availability:

15476BZ | Nexus - Two Light Accent Lamp, Bronze Finish $279.00

http://www.hinkleylightinggalle...
ORDINANCE NO. 09-2015

Approving the Subdivision of Property at 2233-2299 West Dublin-Granville Road, Authorizing Variances and Approving a Development Agreement (Linworth Crossing, LLC/Segna Investments Inc.)

WHEREAS, a request has been made by Linworth Crossing, LLC/Segna Investments Inc. to combine and subdivide the property located at 2233-2299 West Dublin-Granville Road; and,

WHEREAS, the request has received a complete and thorough review by the Municipal Planning Commission on February 12, 2015 and approval has been recommended by the Commission; and,

WHEREAS, Section 1107.01 of the Codified Ordinances provides that on recommendation of the Municipal Planning Commission, or on its own initiative Council may permit variations from the standards established in the Planning and Zoning Code; and,

WHEREAS, the Developer will be required to install an 8’ wide multi-use path along Dublin-Granville Road and Linworth Road as per the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin and State of Ohio:

SECTION 1. That the Subdivision to divide the property located at 2233-2299 West Dublin-Granville Road, as per Case No. SUB 01-15, Drawings No. SUB 01-15, dated January 30, 2015 attached hereto as Exhibit “A” be approved.

SECTION 2. That there be and hereby is granted a variance from Section 1149.02 of the Codified Ordinances to allow for a structure to be placed up to and over the internal property line as it pertains to the required side yard building setback.

SECTION 3. That the City Manager is authorized to enter into a Development Agreement with the Developer attached hereto as Exhibit “B”.

ORDINANCE NO. 09-2015

SECTION 4. That notice of passage of the Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed: 

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council

Introduced March 2, 2015
P.H. March 16, 2015
DEVELOPMENT AGREEMENT

THIS AGREEMENT is executed on this ___ day of ____________, 20__, by and between Linworth Crossing, LLC, an Ohio limited liability company (the “Developer”) and the City of Worthington, Ohio, an Ohio municipal corporation (the “City”), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for Linworth Crossing (the “Development”).

NOW, THEREFORE, in consideration of the approval of the Development by the Council of the City of Worthington, Ohio, it is hereby agreed as follows:

1. The proposed Development and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.

2. No transfer of any lot, parcel or tract from said Development shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Developer and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph 5 of this Agreement is provided to the City.

3. The Developer shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Development as required by Title One – Subdivision Platting Regulations of the Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:

   (a) Sanitary sewers, including manholes, services and all appurtenance for the extension of the sanitary sewer line through the property to the western property line to allow for future connection.

   (b) Water lines, fire hydrants, and all appurtenances necessary to serve the lots in the Development including taps and curb boxes available to each lot.

   (c) Construction of an 8-foot asphalt multi-use path along Dublin Granville Road (SR 161) and Linworth Road along the property frontage. The multi-use path will be located in a 10-foot access easement to be shown on the Final Subdivision Plat for Linworth Crossing. The 8-foot asphalt multi-use path along Linworth Road will be extended south along Linworth Road to connect with the existing access drive to Linworth Park.

   (d) Construction of an 8-foot asphalt path to connect Linworth Crossing to the existing 8-foot path in Linworth Park.

   (e) Monuments and stakes.

   (f) Storm sewers, including manholes, inlets and all appurtenances, and drainage improvements.
4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Developer for all of the public improvements to be installed in the Development.

5. The Developer shall, in accordance with Section 1101.15 of the Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Development Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Developer of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter of credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Developer shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Developer shall deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.

7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.

8. The Developer shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.

9. The Developer or the contractor constructing the public improvements shall carry at least the following minimum amounts of insurance: General Public Liability Insurance, on an occurrence basis, in an amount not less than Five Hundred Thousand Dollars ($500,000) for injuries, including those resulting in death, to any one person, and an amount not less than One Million Dollars ($1,000,000) for damages on account of any one accident or occurrence; and Property Damage Insurance on an occurrence basis in an amount not less than Two Hundred Fifty Thousand Dollars ($250,000) for damages on account of any one accident or occurrence.

Said insurance shall be maintained in full force and effect during the construction of the Development improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Developer or the contractor, their employees, agents, or representatives in the construction of the Development improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Development improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.

10. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements
according to the approved plat and this Agreement, or to use the certified check, or the letter
of credit for such purpose. The City shall notify the Developer, in writing, of any such
breaches, violations or noncompliance with any of the provisions or stipulations of this
Agreement and shall provide a reasonable time for the Developer to remedy the breach,
violation or noncompliance before the City shall have the right to stop work and hold the
bonding company responsible for completion of said improvements.

11. The acceptance and approval of all required improvements be and hereby is conditioned upon
the Developer or its authorized agent complying in full with Section 1101.16 of the
Worthington Codified Ordinances unless the requirements as applicable to this Development
have been modified or deleted by action of Worthington City Council.

12. Upon approval and acceptance of the public improvements, reproducible as-built
construction drawings of the public improvements shall become the property of the City of
Worthington and shall be kept on file in the office of the City Engineer.

13. In consideration whereof, the City of Worthington hereby grants the Developer, or its duly
authorized agent, the right and privilege to make the improvements provided for herein.

14. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors
or assigns of the Developer.

15. This Agreement shall be recorded in the Office of the Franklin County Recorder and shall
become a public record of Franklin County, Ohio.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by
their duly authorized representatives as of the date first written above.

__________________________________________  CITY OF WORTHINGTON

By_____________________________  By____________________________
Print Name______________________        Matthew H. Greeson, City Manager
Its_____________________________

Approved as to form:

__________________________________________
Pamela A. Fox, Director of Law
City of Worthington

[Acknowledgements contained on the following page.]
STATE OF ________
COUNTY OF __________________

BE IT REMEMBERED, that on this ___ day of _______________, 20__, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by _______________________, the ______________________ of _______________, an Ohio ______________________________, on behalf of the ______________.

______________________________
Notary Public

STATE OF OHIO
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this ___ day of _______________, 20__, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Matthew H. Greeson, the City Manager of the City of Worthington, an Ohio municipal corporation, on behalf of the City.

______________________________
Notary Public

This document prepared by:
Pamela A. Fox
City of Worthington Department of Law
370 Highland Avenue
Worthington, Ohio  43085
(614) 880-1464
MEMORANDUM

TO: Matthew H. Greeson, City Manager
FROM: R. Lee Brown, Director
DATE: February 23, 2015
SUBJECT: Ordinance for a Subdivision, Variances and Development Agreement – 2233-2299 West Dublin-Granville Road and 6113 Linworth Road (Linworth Plaza, LLC/Segna Investments Inc.) (SUB 01-15)

Findings of fact & Conclusions

Background & Request:
Approval of this subdivision was granted by the City Council on April 21, 2014 by Ordinance #13-2013. Due to various reasons, the plat was not recorded. The only addition was a 10’ easement for placement of the recreation path is needed, which is now shown on the plat.

The original request was for approval to combine 7 parcels located at 2233-2299 West Dublin-Granville Road and 6113 Linworth Road to ultimately create 2 parcels. The 7 separate parcels have total acreage of approximately 4.5-acres. The proposal is to create 2 new lots: Lot #1 will have 2.730 acres and Lot #2 will have 1.729 acres. Lot #1 would be comprised of the recently annexed parcels from Perry Township to the City of Worthington. Lot #2 would have the existing parcels already located in the City of Worthington. The properties are in different taxing districts and cannot be combined to create 1 new lot of record; this is the reason for the creation of 2 lots.

The parcels are in the C-2 Zoning District. Side yard setback variances were granted with the subdivision ordinance before, so would be part of the ordinance again. Building Code variances would also be needed as part of the building permit process.
Zoning Requirements:

<table>
<thead>
<tr>
<th></th>
<th>C-2 Zoning</th>
<th>Lot #1</th>
<th>Lot #2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>150’</td>
<td>451’ &amp; 240’</td>
<td>156’</td>
</tr>
<tr>
<td>Lot Area</td>
<td>1-acre</td>
<td>2.730-acres</td>
<td>1.729-acres</td>
</tr>
</tbody>
</table>

Details:
1. The applicant has met all requirements for Preliminary Plat and Final Plat approval as outlined in Chapter 1101 of the Codified Ordinances of the City of Worthington.
2. The proposed subdivision will allow for the future redevelopment of the parcel.
3. Access to the site will be limited to two access points. There will be a full access point to Linworth Road towards the southern property line and a limited access point to West Dublin-Granville Road (SR-161) that will be controlled by ODOT.
4. The applicant will be dedicating 10 feet of additional right-of-way along West Dublin-Granville Road for future ROW needs.
5. The applicant has provided a 10’ recreation path easement along the right-of-way.
6. The newly created lots will exceed the minimum lot size and frontage requirements required in the C-2 Zoning District.
7. Side yard setback variances to allow structures to be placed up to and over the internal property line are requested.
8. The applicant has provided a 15’ sanitary sewer easement along the southern and western property to allow for the future connection to the property to the west of the site upon annexation.
9. The applicant has been approved to demolish all structures on the site as part of the redevelopment.
10. Effect of public facilities- No impact has been identified at this time.
11. Effect on sewerage and drainage facilities- No impact has been identified at this time.
12. The site is subject to the Architectural Review and Development Plan approval from the Architectural Review Board, Municipal Planning Commission and City Council approval.

Land Use Plans:
Comprehensive Plan
The 2005 Worthington Comprehensive Plan recommends that a neighborhood retail service center be established at the West Dublin-Granville Road and Linworth Road intersection to create a commercial node for the community.

Recommendations:
Staff is recommending approval of the application. Staff believes this will further the redevelopment of a key site that will be a gateway to the City of Worthington.

On February 12, 2015 the Municipal Planning Commission reviewed and unanimously recommended approval to City Council on the Final Plat (SUB 01-15) for Linworth Crossing.
City of Worthington
SUBDIVISION APPLICATION

A. General Information

1. Property Location West Dublin-Granville Road

2. Zoning and Use C-2 Shopping Center

3. Applicant Linworth Plaza, LLC
   Address 5003 Horizons Drive, Suite 100, Columbus, Ohio 43220
   Home Phone Work Phone (614) 360-1050

4. Property Owner Segna Investments, Inc.
   Address PO Box 1895, Buckeye Lake, Ohio 43008
   Home Phone Work Phone (614) 989-2591

5. Surveyor or Engineer BRH Group, Inc.
   Address 751 Northwest Boulevard, Suite 300, Columbus, Ohio 43212
   Phone (614) 220-9122

B. Existing

1. Number of lots 2. Area

C. Proposed

1. Number of lots 2. Area 4.459 Ac 3. Dimensions

4. Frontage 886' 5. Utilities available? Yes

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature)  Date

Property Owner (Signature)  Date
ORDINANCE NO. 10-2015

An Ordinance Enacted by the City of Worthington, Hereinafter Referred to as the City, in the Matter of the Stated Described Project (PID Number 99624, FRA-Fiber Splicing – FY15)

WHEREAS, the State has identified the need for the described project: this project consists of fiber optic splicing and repair at various locations on IR 70, IR 270, IR 670 and SR-315 (includes SR-315/SR-161 interchange) throughout Franklin County.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That it is declared to be in the public interest that the consent of Worthington City Council be and such consent is hereby given to the Director of Transportation to complete the above described project.

SECTION 2. The City of Worthington shall cooperate with the Director of Transportation in the above described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director;

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the total cost of Preliminary Engineering, Right of Way and Construction;

The City agrees to assume and bear one hundred percent (100%) of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

SECTION 3. All right-of-way within the City which is required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. Right-of-way costs include eligible utility costs. The City agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. Upon completion of said project, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the described project in accordance with all applicable state and federal laws, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial resources, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions; and, (4) hold said right-of-way inviolate for public highway purposes.
ORDINANCE NO. 10-2015

SECTION 5. That the City Manager is hereby directed on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above described project.

SECTION 6. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ______________

______________________________  P.H. March 16, 2015
President of Council

Attest:

______________________________
Clerk of Council
ORDINANCE NO. 11-2015

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from C-1, Neighborhood Commercial to C-2, Community Commercial (5596 North High Street).

WHEREAS, a request has been made by David Creighton to amend the official zoning map of the City of Worthington, Ohio to change the zoning of certain land from C-1, Neighborhood Commercial to C-2, Community Commercial for the property located at 5596 North High Street; and,

WHEREAS, the property is located along a commercial corridor of High Street at the southernmost boundary of the City adjacent to and part of a building that spans the corporate limits of both Worthington and the City of Columbus; and,

WHEREAS, the Municipal Planning Commission on ____________ reviewed this request and recommends approval.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The 0.278 +/- acres of land located on the east side of High Street at 5596 High Street (PID #100-001482), also known as Lot One (1), Block A, in Colonial Hills & Dales Subdivision as the same is delineated upon the recorded plat thereof, of record in Plat Book 21, page 6, Recorder’s Office, Franklin County, Ohio, the graphical depiction of which is attached hereto as Exhibit “A”, and incorporated by reference herein, is hereby rezoned to “C-2”, Community Commercial.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ____________

_________________________________
President of Council

Attest:

_________________________________
Clerk of Council
MEMORANDUM

To: Matt Greeson
From: Pam Fox
Date: March 11, 2015
Subject: Rezoning of Parcel in Sharon Square Shopping from C-1 to C-2

The City has recently been interacting with David Creighton, a prospective tenant of the Sharon Square Shopping Center located at 5596 North High Street to occupy two leased spaces in the building, one as a hair salon, and the other as a restaurant. Building plans for the restaurant space have not yet been submitted to the Building Department, but in the course of some communications between Mr. Creighton’s engineer and Don Phillips about inquiries for the electrical system, questions arose over the use of the space for restaurant purposes.

The property is currently zoned C-1, Neighborhood Commercial. Permitted uses in C-1 include personal services, public uses, semipublic uses, essential services, accessory uses and neighborhood commercial uses, which are defined as retail, personal or repair service establishments which cater to and can be located in close proximity to residential districts. The C-1 district is intended to apply to establishments that employ less than ten persons on the maximum work shift and are less than 10,000 square feet in floor area. As the proposed restaurant use has been described to us, it would fit these characteristics; however, restaurants are not a permitted use in the C-1 zoning district.

The building on the site is in one of those unique locations where part of the structure is in Worthington and part is in Columbus, and the proposed restaurant space straddles the corporate line. It is across Selby Avenue from St. Michael’s church and from C-1, C-2, C-3 and C-4 properties in Worthington on High Street. It is the southernmost property in the City on the east side of High Street. The Columbus portion of the building is situated in the Columbus zoning category C-4, which is one of the higher level commercial zoning districts, incorporating all uses from the less intensive commercial districts (C-1, C-2 and C-3). Restaurants are permitted uses in the Columbus portion of this building.

To the east, the Sharon Square property owner also owns two parcels that are currently used for parking for the center but which are actually in the R-10 zoning district. Also in the R-10 district
along Selby Boulevard are multi-family units. The parking lot is screened on the east and south by vegetation.

Staff believes that rezoning this site to C-2 is consistent with the zoning in the area, both within the Worthington limits and with adjacent and nearby uses along the same side of the street in Columbus and would not adversely affect the surrounding properties.

The rezoning ordinance is required to be introduced at Council and referred to the MPC for investigation and report.
ORDINANCE NO. 12-2015

Vacating Street Right-of-Way on the West Side of Linworth Road.

WHEREAS, on March 3, 2015, a petition was filed by the owners of 6211, 6219, 6227, 6233 and 6245 Linworth Road to vacate the right-of-way abutting their lots to the east along the west side of Linworth Road; and,

WHEREAS, the right-of-way was established ‘for street purposes’ by plat as depicted on the Elmwood Subdivision plat recorded on February 16, 1988 in the office of the Franklin County Recorder; and,

WHEREAS, Section 723. 04 of the Ohio Revised Code requires the Worthington City Council to hold a hearing on the petition and upon being satisfied that there is good cause for such vacation, that it will not be detrimental to the general interest, and that it should be made, City Council may declare that such area be vacated.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That an area of land delineated on the Elmwood Subdivision Plat recorded in Plat Book 4, Page 93 in the office of the Franklin County Recorder on February 16, 1888, and dedicated for street purposes, as such area is more specifically described on Exhibit “A” attached hereto and made a part hereof, is hereby vacated by the City of Worthington.

SECTION 2. Such vacation is declared by the City Council upon hearing the petition and upon being satisfied that there is good cause for such vacation, that it will not be detrimental to the general interest, and that it should be made.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ______________________

___________________________________
President of Council

Attest:

___________________________________
Clerk of Council
Exhibit “A”

Legal Description of Area to be Vacated
MEMORANDUM

To: Matt Greeson
From: Pam Fox
Date: March 11, 2015
Subject: Petition to Vacate Linworth Road Right-of-Way

On March 3rd, a petition was filed with the City to vacate the right-of-way along the western edge of Linworth Road north of Route 161. The petition was signed by the owners of the properties at 6211, 6219, 6227, 6233 and 6245 Linworth Road, which are five adjacent lots on the west side of the road, all part of an original subdivision known as the Elmwood Subdivision, platted in 1888. Most of these properties were annexed into the City in 1988, with a northermmost piece annexed in 1993. The petition is attached for your reference.

The original plat showed a triangular piece of ground that was reserved ‘for street purposes’, wedged between lots numbered 32, 33, 34, 35 and 36 (which are the five Linworth property addresses listed above) and the Columbus and Delaware Pike (nka Linworth Road). At some point in time when the land was still in Perry Township, homes were built on these five lots. The setbacks for the homes should have been measured from the platted right-of-way line, but we believe may have been measured from the centerline of Linworth Road, the typical point for setback measurements in the County. Within the last year, MRZ Investments, LLC purchased 6245 Linworth Road (the northern parcel) in foreclosure and the owner submitted applications for building permits to make renovations to the home on the site. It was at that point that it was discovered that the home was encroaching upon this designated right-of-way.

Because Linworth Road is a county road, the Franklin County engineer’s office offered to survey the land to determine the extent to which MRZ Investments’ house encroached. The survey showed an encroachment of the base structure of 0.83 feet. The survey did not take into account a front porch and bay window that the owner had installed, as the County typically only considers the location of the foundation in those instances and not other structures that might be more easily removed. In addition, there is an extensive stone wall that has been in place and recently repaired by MRZ that covers nearly all of the platted right-of-way area. MRZ Investments has asked to have the entire right-of-way vacated. The reasons for the request are contained in the petition, but essentially are intended to remove the structure and the stone wall
from the right-of-way and to clear a ‘cloud/impediment’ on the title due to the encroachment. The petitioners’ justification for the right-of-way vacation is that the area has not been used by the township, the county, or the city for street purposes since its dedication.

The City Engineer, Law Director and Planning Director, along with County Engineer personnel, met the principal of MRZ Investments and his attorney at the site to discuss the matter. It is the opinion of the City staff that a partial vacation of this area may be sufficient, but staff is opposed to the entire area being vacated. Although there has been no reported use put to this right-of-way since the area was platted, we are aware of the discussions that are taking place for improvements to Route 161, and the intersection of Route 161 and Linworth Road in particular. And, with all of the discussions the City has been having about bike/pedestrian concerns, giving up right-of-way that may be critical to the construction of bike/ped facilities is ill-advised.

There are three ways in which right-of-way may be vacated pursuant to the Ohio Revised Code – by an abutting owner’s petition to the City, on the action of the municipality without petition, and by petition to the court of common pleas from any person owning a lot in the immediate vicinity of the right-of-way.

The provisions of Section 723.04 (vacation upon petition to the municipality) is the method in this case and is typically the method employed. The City Council is required to hold a hearing on the petition and, upon being satisfied that: (1) there is good cause for the vacation; (2) it will not be detrimental to the general interest, and (3) it should be made, Council may, by ordinance, declare such street to be vacated. The effect of the order of the City to vacate the land operates as a transfer of the vacated portion to the abutting lot owners.

The ordinance is presented for introduction without a legal description of an area ‘to be vacated’ attached. Should Council determine that something less than all of the right-of-way may be vacated, that vacated area will need to be described with some specificity. Without knowing at this stage what that decision will be, and without having been able to come to an agreement with one or more of the property owners about what amount, if any, less than the whole of the right-of-way should be vacated, we felt it was most cost beneficial to wait to describe the area.

We will continue to have discussions with MRZ’s attorney to see if there is an acceptable resolution to this request prior to the public hearing. If we get to that point, we are hopeful that a legal description of a recommended area for vacation can be attached at that time. If no agreement can be reached, we will recommend that the petition be denied.

As Linworth Road is a county road, the County Commissioners will also be acting on the same petition and have indicated that since the road is in the City limits, they will work cooperatively with us in what we decide to do.

A copy of the petition is included with this memo. Please let me know if you have any questions.
ORDINANCE NO. 13-2015

Amending Sections 1123.19, 1123.63 and 1127.03(d)(2) of the Codified Ordinances of the City of Worthington Defining Child Day Care Center, Nursery School and Preschool, Defining Semipublic Uses and Providing for Consideration of Changes to Conditional Uses.

WHEREAS, the Planning and Zoning Code of the City contains definitions of terms that are used to regulate the uses of land within the City and the structures erected thereon; and,

WHEREAS, child day care centers, nursery schools and preschools are commonly operated in institutions that are defined as Semipublic Uses; and,

WHEREAS, standalone child day care centers and preschools as defined in the Planning and Zoning Code are currently permitted uses within the S-1 zoning district; and,

WHEREAS, the Municipal Planning Commission, on recommendation of City staff and the code review committee unanimously passed a motion to recommend approval of changes to the Codified Ordinances to include within the definition of Semipublic Uses those instances where child day care centers, nursery schools and preschools are incidental to and customarily a part of a Semipublic Use; and,

WHEREAS, the Municipal Planning Commission also reviewed and discussed a change to the process by which the City considers changes to conditional uses by including within the provisions of Section 1127.03(d)(2) a requirement that any change in the conditional use that would trigger the standards of review would need approval by the Municipal Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 1123.19 of the Codified Ordinances of the City of Worthington be and the same hereby is amended to read as follows:

1123.19 CHILD DAY CARE CENTER, NURSERY SCHOOL AND PRESCHOOL.
"Child day care center", "nursery school", and "preschool" mean any place where child care is provided for either seven or more infants, preschool children or school-age children including children of the owner or administrator of the center under the age of six years at any one time or for more than three children under the age of two at any one time including children of the owner or administrator at any one time. For purposes of this definition, "child care" means
administering to the needs of infants, preschool children or school age children for any part of the twenty-four hour day, during at least two consecutive weeks. Day care for children does not include the care of children in programs operated by or under the supervision of the Ohio Department of Developmental Disabilities, programs under the supervision of the Ohio Department of Education, or by nonpublic schools which meet the standards for nonpublic schools prescribed under Ohio R.C. 3301.07.

SECTION 2. That Section 1123.63 of the Codified Ordinances of the City of Worthington be and the same hereby is amended to read as follows:

1123.63 SEMIPUBLIC USES.
“Semipublic uses" means churches, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature, including on-site accessory uses such as Child Day Care Centers, Nursery Schools, and Preschools. This does not include "social activities" which are separately defined herein.

SECTION 3. That Section 1127.03(d)(2) of the Codified Ordinances of the City of Worthington be and the same hereby is amended to read as follows:

1127.03 CONDITIONAL USE PERMITS
(d)(2) Under the authorization granted in Section 1127.02(g) hereof, the Commission shall have the power to decide applications for conditional uses in those cases specified in Chapter 1147. In considering such application, as provided for in this section, the Commission shall give due regard to the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as the Commission may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion. In its consideration of any conditional use permit application, the Commission may request environmental impact studies and may request and receive reports and studies, from various local and state agencies and departments having jurisdiction over the property indicating whether there exist any issues relating to or involving any hazardous substances or environmental laws which would:
A. Affect the use of the property under consideration, or
B. Affect surrounding properties by such proposed use.
After the conditional use permit has been approved, any changes, alterations, adjustments or rearrangements of or additions to structures, parking areas, entrances, heights, yard or area requirements, or any change in the conditional use that would affect any of the basic standards or review elements set forth in this section, shall be submitted to the Commission for approval in accordance with the procedure set forth herein for an original conditional use application. Such application shall be considered by the Commission in accordance with the basic standards and review elements set forth in this section and, thereafter may be approved, rejected or
ORDINANCE NO. 13-2015

modified and approved by resolution of the Commission. The procedure set forth in subsection (c) hereof shall also apply to requests for amendments to conditional use permits.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed: _________________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
MEMORANDUM

TO: Matt Greeson

FROM: Pamela A. Fox, Law Director

DATE: March 13, 2015

SUBJECT: Amendment to Code – Accessory Child Day Care, Nursery School, Preschool; Changes to Conditional Use

Background

On January 29th and February 12th the MPC held discussions on an agenda item brought forth by Staff requesting changes to the Codified Ordinances as they relate to (i) the definition of Child Day Care Centers, Nursery Schools and Preschools; (ii) the definition of Semi-public uses; and (iii) changes to previously-approved Conditional Uses. Specifically, Staff was responding to a request by Beth Tikvah to operate a child day care center at its synagogue location at 6121 Olentangy River Road. Beth Tikvah’s facility is an approved Conditional Use in an R-10 District.

As many of you may remember, Congregation Beth Tikvah applied in 2000 for an expansion of its facility, which included a request to operate a day care center. At that time the request was denied, on advice of the Law Director, who opined that since the term Child Day Care Center, Nursery School and Preschool (referred to herein as “daycare”) was a separately defined use under our code and was not expressly listed as either a permitted or conditional use in an R-10 zoning district under Section 1147.01, that use was prohibited.

In considering whether to advance a request for a code change that might allow for an MPC review of a request to operate a daycare at the site, Staff evaluated a list of factors, including the following:

1. The customary provision of daycares and pre-schools in local places of worship;
2. The customary practice outside of the City of Worthington of daycare and pre-school operations in places of worship;
3. The proximity of places of worship to residential neighborhoods within the City, whether by permission in an S-1 zoning district or by conditional use as a Semi-public use in a residential or commercial zoning district;
4. The opportunity for other Semi-public users to operate daycare centers at their sites, e.g., colleges, hospitals, parochial schools;
5. Minimal dimensional requirements for non-residential uses abutting “R” districts; and
6. The effect that the operation of a daycare center could have on the primary Semi-public user and adjacent uses.

Staff ultimately concluded that allowing for a daycare use should be considered when it is housed within, and as incidental to and customarily a part of, one of the listed Semi-public uses. This consideration is moot if the primary Semi-public use is in an S-1 zoning district, as daycare is permitted in S-1. Under our Code, the MPC review would come into play if the primary Semi-public use is operating as a conditional use in an “R,” “C”, or the “VM” district. It was not, nor is it now, Staff’s intention to allow daycare uses as permitted stand-alone uses in any zoning district where the primary use is prohibited.

Once the Staff’s draft of the Code change language was complete, the Code Review Committee was convened to review it and offer suggestions or comments. A few tweaks to the language were made and, once approved, the language was forwarded to the MPC to begin the public dialogue on the topic.

Discussion

Currently, stand-alone daycare facilities are permitted only in the S-1 zoning district in Worthington and are conditional only in the C-3 and I-2 zoning districts. The proposed Code language does not change that. Under consideration are those cases where daycare is incidental to and customarily a part of a Semi-public primary user. The only zoning categories where a Semi-public use is permitted are S-1, C-1, C-3, C-4 and C-5. In drafting the language, Staff took this into consideration, knowing that if approved, so long as daycare is operated as an incidental and customary activity of the Semi-public use, it would only be permitted where it’s currently permitted now (S-1) or in one of the listed commercial districts. In all other instances, so long as a Semi-public user can establish that the daycare is accessory to the primary use, the user would have to apply to the MPC for a conditional use permit (or a change to an approved conditional use permit), where the effects of the daycare operation would be reviewed, just as the MPC does for any requested conditional use permit. That would occur whenever that Semi-public user is in an R-16, R-10, R-6.5, AR-4.5, AR-3, C-2 or the VM zoning district (those zoning categories where Semi-public use is a conditional use).

Contrary to some opinions that this code language change would open the doors to daycares operating in any residential neighborhood, the Staff believes that there are many requirements that a property owner would need to meet to operate a type of daycare described in the proposed language, including as follows:
1. The user has to be a Semi-public user;

2. The user has to show that the daycare is accessory to the primary Semi-public use (that it is incidental to and customarily a part of the primary use);

3. If the Semi-public use is permitted (e.g., it is in an S-1, C-1, C-3, C-4 or C-5 zoning category), the daycare would be permitted;

4. If the Semi-public use is conditional (e.g., it is in an R-16, R-10, R-6.5, AR-4.5, AR-3, C-2 or VM zoning district), the Semi-public user will have to apply for a conditional use permit (or a change to a conditional use permit), where the effects of the daycare will be thoroughly vetted by the MPC ¹;

5. If the Semi-public use is prohibited, the daycare operation is prohibited;

6. The Semi-public use has to comply with the minimum yard, area and height standards contained in Section 1149.02 ²; and

7. If the Semi-public use is abutting an “R” district, it has to comply with the additional yard and screening requirements of Section 1149.03.

Nearly all of the religious institutions in the City are located in the S-1 “Special” zoning category. Among the permitted uses in S-1 are parks, public uses, semi-public uses, noncommercial recreational facilities, preschools, nursery schools, and daycare centers. If the existing religious institutions in the City were to successfully apply to Council to rezone their sites to S-1, none of the review process elements above would have to take place.

In contemplation of this code change, the Staff took into account the prevalence of daycare centers/preschools operating in churches throughout the area. While there may be a broad range of church-housed daycare arrangements, it is clear that churches play an integral role in providing this service to the community, and considering the use accessory to a primary church use has been a conclusion that has been reached by many courts across the country. In looking at the instances where a daycare or preschool are offered in churches in Worthington and in nearby communities, that use was found, even when the church was located directly in residential areas surrounded or abutted by single-family homes ³ or when they were in a non-residential zoning district, but abutting or in close proximity to single-family homes.

Further, at least one neighboring community has a definition for “accessory child and adult daycare”, which is defined as a use ‘accessory in association with a permitted school or religious use’ when certain standards are met (having primarily to do with landscaping, screening and fencing). And although this particular use is listed as a permitted use in a residential zoning district, it shows that by including specific standards of review for that use, the community places an importance on certain effects that use may have on the single-family residences in the district. The changes we propose do the same thing.

Similarly, most communities have schools located within the heart of their residential neighborhoods, and many of those schools provide latchkey programs (before- and after-school child care). In Worthington, because those schools are in a separate S-1 zoning category where

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¹ Any decision of the MPC on a conditional use application can be appealed to City Council.
² For any building other than a dwelling, the minimum lot area permitted in an R-16 or R-10 district is two acres; if that same building is in an S-1 district, the minimum lot area permitted is 3 acres.
³ In Upper Arlington, churches are permitted uses in residential districts.
daycare is permitted, the latchkey programs are not separately authorized, but that doesn’t mean that the effect of a program on the adjoining properties is any less than it would be if the school were in an R-10 district as a conditional use. The only difference between those two scenarios is that the MPC does not have the right to approve of the latchkey program in the S-1 district.

During the evenings where this issue was debated at the MPC, concerns were expressed that a daycare could never be an accessory use to another principal use. We disagree. In my review of this issue, I came across several references similar to our language, leading me to conclude that this is a use that is provided for in numerous communities. Terms such as ‘accessory daycare, meaning accessory in conjunction with a permitted school or religious use’; ‘daycare as an accessory use to the semi-public use, such as a church having a day care in it’; ‘child day care centers, when accessory to a religious institution’; and ‘public or private day care centers, accessory to semipublic uses’ are examples of when this use has been considered.

Because there is a set of opinions out there that the proposed language (allowing an accessory daycare to be included in the definition of a Semi-public use) would automatically elevate the accessory use to a permitted use status even if the primary use were conditional, we also propose to change the instances where a change to a conditional use certificate would be triggered. That is the language proposed for Section 1127.03(d)(2). If that change were enough to have an effect on any of the conditional use review standards, the user has to apply for an amendment to the conditional use certificate.

Conclusion

Providing Semi-public users who are operating under a conditional permit the right to ask whether daycare may be allowed within their existing facilities is the purpose of the code change proposal. The language does not, nor is it intended to give all of those Semi-public users the outright ability to begin daycare operations within their buildings, nor will it give stand-alone child care facilities the right to operate in residential districts. So long as those Semi-public uses are conditional uses, the MPC will have the ability to evaluate the impact of the daycare use on the surrounding neighbors.

Please contact me at 880-1464 if you have any questions or comments.