City Council Meeting Agenda

Monday, April 6, 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) March 2, 2015 – Regular Meeting
2) March 9, 2015 – Committee of the Whole Meeting

PUBLIC HEARINGS ON LEGISLATION

3) Ordinance No. 12-2015
   Vacating Street Right-of-Way on the West Side of Linworth Road.
   Introduced March 16, 2015
   P.H. April 6, 2015

4) 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.
   Introduced March 16, 2015
   P.H. April 6, 2015

NEW LEGISLATION TO BE INTRODUCED

5) Resolution No. 08-2015
   Authorizing the Award of Re-emergent Corridor Assistance Program Funds to Help Improve Facility Exterior Facade and Streetscape Along Certain of the City’s Commercial Corridors (6300 Huntley Road).
6) **Resolution No. 09-2015**

Establishing *Stand Up for Transportation Day* (A National Transportation Infrastructure Day) in Worthington on April 9, 2015.

7) **Ordinance No. 14-2015**

Declaring a Sanitary Sewer Easement over a Portion of the City’s Property Located Within Linworth Park at 6087 Linworth Road.

8) **Ordinance No. 15-2015**

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for An Appropriation from the General Fund Unappropriated Balance.

**REPORTS OF CITY OFFICIALS**

Policy Item(s)

9) **Set Public Hearing - Ordinance No. 11-2015**

**REPORTS OF COUNCIL MEMBERS**

**OTHER**

**EXECUTIVE SESSION**

**ADJOURNMENT**
City Manager Report to City Council for the Meeting of Monday, April 6, 2015

APPROVAL OF MINUTES

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

Recommendation: Approval of Minutes as Presented

PUBLIC HEARINGS ON LEGISLATION

3) 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. Staff has made attempts to come to agreement over the amount of right-of-way to be vacated, but the property owner of 6245 Linworth Road continues to request the entire amount be vacated. Staff recommends the petition to vacate all of the right-of-way be denied. Additional information is included in the attached memorandum from the Law Director and slides showing the property. Staff will have photographs of the property and right-of-way at the meeting.

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

Beth Tikvah has approached the City with a request 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. The intent of this Ordinance is to provide
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 Ordinance, as introduced, 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. The Municipal Planning Commission considered this matter and recommended approval of the Code change.

Since the Municipal Planning Commission meeting, staff has been in discussions with a resident who expressed his opposition to a code change that would allow child care facilities to be considered accessory uses to semipublic uses. After lengthy conversations, staff contacted Beth Tikvah who indicated a revised approach is acceptable. This revised approach utilizes a newly defined “Co-located Child Day Care Center, Nursery School and Preschool” rather than “accessory use” language.

While the revised language is different from the language reviewed by the Municipal Planning Commission, staff believes it achieves the same result. Staff recommends amendment of the Ordinance to incorporate the new language and eliminate the “accessory use” language. These changes are reflected in the Amended Ordinance included in this packet. Additional information is included in the attached memorandum from the Law Director.

**Recommendation:** Approval of Ordinance as Amended

**NEW LEGISLATION TO BE INTRODUCED**

5) Resolution No. 08-2015 – ReCAP Application – 6300 Huntley Road

This Resolution approves the award of $25,000 in assistance to Marilyn E. Swisher for improvements to the property at 6300 Huntley Road. The proposed assistance is structured as half grant and half loan. The Re-Emergent Corridor Assistance Program (ReCAP) encourages investments in and improvements to commercial real estate in the Huntley and Proprietors Roads area. Marilyn E. Swisher has applied for assistance under this program. The Community Improvement Corporation has reviewed the application and expressed support. Additional information is provided in the attached memorandum from the Economic Development Manager and presentation slides.

**Recommendation:** Approval of Resolution as Presented

6) Resolution No. 09-2015 – Stand Up for Transportation Day

Our nation’s transportation infrastructure is vitally important to our country and community. The most recent federal transportation funding bill, Moving Ahead for Progress in the 21st Century (MAP-21) was set to expire on September 20, 2014. Congress extended the MAP-21 provisions until May 31, 2015. This Resolution declares
April 9, 2015 as Stand Up for Transportation Day to encourage greater federal investment in public transportation infrastructure.

**Recommendation:** Approval of Resolution as Presented

7) **Ordinance No. 14-2015 – Easement Declaration – Linworth Crossing**

In conjunction with the proposed development of the Linworth Crossing shopping center, and at the request of the City Engineer, the developer will extend the sanitary sewer along the southern portion of the site to the western property line in order to allow for a connection to that line by the property owner to the west. Currently, that property is in Perry Township, but would be eligible for annexation to the City if the property owner so desires at some point in the future. By extending the sewer up to that property line, a sanitary sewer connection would be easily facilitated and cost effective. At the eastern side of the property, the sewer will be constructed along Linworth Road south to a point where it will connect to the existing sanitary sewer line on the east side of Linworth Road. In order to make that connection, a portion of the line will cross the City’s property at Linworth Park. This Ordinance authorizes the City Manager to execute and file a declaration of easement for sanitary sewer purposes over a small area (approximately 531 square feet) in the northeast corner of the park.

**Recommendation:** Introduction for Public Hearing on April 20, 2015

8) **Ordinance No. 15-2015 – Appropriation – SR-315 & East Granville Road Repairs**

In January, a vehicle traveling northbound on the exit ramp from State Route 315 failed to stop at State Route 161. The vehicle crossed SR 161 and caused extensive damage to the guardrail and destroyed the traffic signal cabinet and control equipment. The signal is currently operating with a temporary cabinet and controller. The City has received a settlement from the driver’s insurance carrier for the emergency repair expenses, repair of the guardrail and permanent replacement of the traffic signal equipment. This Ordinance appropriates the funding for contractual work for the guardrail repair and traffic signal equipment replacement.

**Recommendation:** Introduction for Public Hearing on April 20, 2015

**REPORTS OF CITY OFFICIALS**

**Policy Item(s)**

9) **Set Public Hearing - Ordinance No. 11-2015 –5596 N. High Street (Sharon Square Shopping Center) Rezoning**

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 Ordinance was introduced on March 16, 2015 and referred to the Municipal Planning Commission (MPC) for investigation and report. The MPC reviewed this request on March 26, 2015 and unanimously recommended approval. The City Council needs to schedule a public hearing to consider the rezoning request and the recommendation from the MPC. A detailed memorandum and staff report from the Director of Planning and Building is attached.

**Recommendation:** Set for Public Hearing on April 20, 2015

**EXECUTIVE SESSION**
Meeting Minutes

Monday, March 2, 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, March 2, 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, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent:

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistance City Manager Robyn Stewart, Director of Finance Molly Roberts, City Engineer William Watterson, Director of Parks and Recreation Darren Hurley, Director of Planning and Building Lee Brown, Chief of Police James Mosic, and Chief of Fire Scott Highley

There were eighteen 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

Ms. Dorothy asked that the word “approved” in the next to the last paragraph on page 03-12 be changed to “improved”.

MOTION

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

The motion to approve the minutes as corrected carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

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

The foregoing Ordinance Title was read.

Mr. Greeson indicated that staff has been working with the owners of the Shops at Worthington Place as well as the Worthington Schools on changes to the Tax Increment Financing District (TIF) at what we often call The Mall. He asked Mr. Harris to overview the changes.

Mr. Harris commented that he will try to distill for council and the audience what is a fairly complex deal and to the basic points that he can get across before presenting the details.

Staff Recommendations:

Ordinance No. 07-2015 is intended to accomplish the following:

1) Authorize City Manager to sign the Acknowledgement of Termination to eliminate the TIF’s existing school compensation agreement; and
2) Amend the TIF to “hold-harmless” the Worthington City Schools (i.e., the Schools are paid of 100 percent of foregone revenues).

Original TIF structured development of the Shops at Worthington Place was still being conceived.

Development now has occurred but the current TIF-related agreements no longer fit the expected property valuations that initially drove the structure of the TIF.

Background:

- Project constitutes the renovation and redevelopment of the existing 150,000 square foot retail facility formerly known as the Worthington Square Mall.
- Late 2010, negotiations commenced for the Shops’ purchase.
- Proposed that the Shops be renovated and substantially redeveloped. The sale was completed in late December 2010.
- At the time of the purchase negotiation, City was approached to provide financial assistance.
- Determined that urban redevelopment TIF would provide the best form of assistance (ORC §5709.41).
• In January 2011, City Council approved Ordinance 47-2010 (the “TIF Ordinance”), creating an urban redevelopment TIF exemption of 100 percent of the taxes on the value of improvements made to the Shops, for a 30-year period.

• Development agreement executed between the City and Worthington Square Venture, LLC on January 11, 2011. Structured on a pay-as-you-go basis, with the developer reimbursed as revenues flowed into the TIF fund.

• TIF Ordinance also authorized school compensation agreement among the City, Worthington Square Venture, LLC and the Worthington City Schools, executed January 25, 2011. Set forth how the Schools would be paid for foregone revenue under the TIF exemption.
  
  o **Schools agreed to be paid lesser amounts from the City and the developer if higher value was created at the Shops.** If the developer grew the Shops’ value by at least $12.5 million, then the Schools would require only 85 percent of their expected compensation payments. And if the Shops grew in value >$15.5 million, the schools would require payments of only 80 percent of what they would have expected.

• **Critical fact:** School Compensation Agreement requires the developer, for any year in which the Shops did not grow in value as expected (by $12.5 million or more), to pay the Schools as if the Shops had grown by at least $12.5 million in additional value.
  
  o 2014, the developer had completed a substantial number of improvements to the Shops, but no revenues have yet been realized in the TIF fund for this project.

*Dr. Chosy shared that this is the part that bothers him. He asked how there can be that much difference in valuation. They were supposed to be valued at $16.86 million this year and the value actually dropped from what they paid for it down to $4,204,300. He asked how that could possibly be that far off. Mr. Harris replied that there are two reasons why. He explained that in 2013, there was an approach of the Franklin County Auditor, specifically the Board of Revision which dictates property evaluation complaints, was approached by both the schools and then responded to by the mall through its external counsel. The sale of the mall set the value of the property to about $4.3 million but valuation complaints were filed between the schools and the mall ownership as to the proper valuations. As a result of the complaints the valuation was set very low at $4.2 million. The mall had been trending at something upwards of $8 million dollars but with the sale price and then these property valuation complaints, the property valuation actually came in about $4.2 million. That was item one. The second reason is that right after the $4.2 million amount was set, the properties were further subdivided and the old James Tavern piece and the back end of the parking lot was sold for the apartment development. So what was trending at about $8 million in value was whittled down to about $4.3 million with the sale price. There was then further argument down to $4.2 million. The $4.2 million value was then subdivided between Crawford*
Hoyings (the apartments) and the mall. It had a perfect storm of several different issues that happened somewhat concurrently to bring that valuation much, much lower than what we had thought.

When asked by Dr. Chosy if the mall ownership received money for the parcels that were sold for the apartments, Mr. Harris agreed that they did. He added that also sold the piece of property that is now First Financial.

When asked by Dr. Chosy what happens to that money, Mr. Harris replied that it was always understood between the city, the schools and the ownership of the mall that those two sales would have nothing to do with our TIF. So the developers know that to make their money back they would need to sell parcels that they didn’t need like the James Tavern site and the former Dalts Restaurant facility.

Mr. Harris explained for Dr. Chosy that there is a market value to property and a tax value. In this case, the county valued all of that land at about $4.3 million. Dr. Chosy commented that the value went down to $4.2 when the James Tavern parcel was sold. Mr. Harris agreed. He added that all along things went in the opposite direction from what staff thought the TIF would do. We thought the value would be rising over time and it actually started to drop over time.

Dr. Chosy shared that is the essence of his question. He asked how it is possible to be $12 million dollars wrong in five years. Mr. Harris replied that it is interesting that the external legal counsel for the developer, who in his opinion is one of the best in the state, has said that he has never seen this happen in this way. It is one of those head scratching type of situations where this just usually doesn’t happen this way but he thinks a number of elements contributed to a perfect storm so that the valuation went in the opposite direction of what we needed it to for purposes of the TIF.

Dr. Chosy understands that the schools will get 100% of the value of the property. Mr. Harris agreed. It is important to point out that nowhere in any of this, either reality or under the arrangement have the schools been left receiving less than what they should have in the normal course of things. The schools to this date, to our understanding, have always been paid exactly what they should have been paid all along. What this does though, it states that from this point forward the developer no longer has the risk of basically having to pay as if the development was worth $16.8 million dollars. The development team doesn’t have that payment to make every year. The schools will be paid at 100% of what they should get as the mall continues to grow in value.

Dr. Chosy finds it unbelievably astounding although he doesn’t know much about this kind of thing but it is almost unbelievable. Mr. Harris agreed that it is an unusual situation.
Current Issue – Basis for Legislative Action

- Developer required to achieve at least $12.5 million in increased value at the Shops (so that the total value would be at least $16.86 million). This was to have occurred by tax year 2014.
- City staff learned late last year that the Shop’s real property was actually valued down during 2014 to only $4,204,300.
- Why?
  - First, there was a property valuation hearing conducted in 2013 by the Franklin County Board of Revision.
  - Second, the subdivision plat of the Shops’ property into two smaller parcels.
- Highly unlikely the Shops will achieve a valuation anytime soon by the Franklin County Auditor close to the $16.86 million.
- As it stands, the developer must pay the Schools each year as if that value has been achieved.
- Untenable situation for the developer, as it would be forced to pay the Schools annual amounts far in excess of the Shops’ actual value. This was not the outcome intended by the City or the Schools.

Staff Recommends

- Ordinance No. 07-2015 to amend the Development Agreement and terminate the School Compensation Agreement.
  - Schools to receive all foregone revenue (e.g., 100 percent) during the remaining term of the TIF
  - Frees the developer from making excessive payments to the Schools based on an unrealistic valuation target.

Dr. Chosy asked if the developer has less money than when they started because of everything that has happened. Mr. Harris thinks it is safe to say that when they came to us in 2010 and said that as part of their purchase from GE Capital they need help from the city to make this work financially, he thinks that they were expecting a certain amount of contribution from this TIF fund. So at this point he thinks their expectations for financial contributions have not been met.

Mr. Greeson added that the picture of how that site is developed today is different from the picture they had when the site was first purchased. They made two decisions; one to sell off the bank parcel and the city allowed the subdivision of the apartment parcel, which he assumed was value based from a sales standpoint. So their pro-forma likely looks different because while it may have less TIF revenue in it, it has the sale of these parcels that might not have been originally contemplated.
Mr. Norstrom asked if we know where the schools district stands from what they were receiving from property tax prior to the sale versus where they are now. Mr. Harris replied that the district is receiving less today than they were before the mall was purchased. That being said, the schools are fully aware of how this has all transpired. To that point, in February the school board passed a resolution to approve and adopt the same approach staff has presented tonight with the understanding that this venture just did not go the way that everyone thought it would. Mr. Greeson added that eventually the apartment project and office project will hit the rolls as well as the bank improvements and the improvements to the mall. He doesn’t think we will know from an auditor’s standpoint when the redevelopment will stop there.

Mr. Norstrom commented that the apartment complex has to be valued now. Mr. Harris reported that in the pre-development stage it was valued at $84,000 last year. We anticipate that will increase significantly this year.

While the question was not directly related to the topic, Dr. Chosy wondered if the mall was in jeopardy of financial collapse. Mr. Harris shared that staff talks to the mall owner a great deal and it is our impression that the mall continues on. Tenants move in and tenants move out but with the 200 apartments coming on-line right next to it and new restaurants he thinks they are fine. He is aware of active leasing conversations with various tenants for the north end of the building. He added that every indication we have of the mall, it’s like any investment it will wax and wane but it is proceeding.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 07-2015. The motion carried by the following vote:

Yes 7  Troper, Norstrom, Dorothy, Smith, Myers, Chosy, Michael

No 0

Ordinance No. 07-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 05-2015

Assigning to the Worthington Community Improvement Corporation the City’s Scope of Services Letter for Renovations to the James Kilbourne Memorial Library Building at 752 High Street.

Introduced by Mr. Myers.

MOTION

Dr. Chosy made a motion to adopt Resolution No. 05-2015. The motion was seconded by Mr. Smith.
Mr. Greeson shared that the city entered into a modest design contract with The DesignGroup to get a jump start on the improvements we needed to make with the funds from the state grant that council recently approved. Council appropriated $500,000 and assigned that to the Community Improvement Corporation (CIC) to do numerous improvements to the Kilbourne Building. $300,000 of which will be reimbursed by the state grant. Staff thinks it is also appropriate to assign the design contract for that work to the CIC as well. He invited Mr. Harris to comment.

Mr. Harris shared that the contract with DesignGroup is an $8,000 engagement that entails the design for the removal of the mezzanine, an ADA compliant access point with an elevator at the front end of the building on the west side, public restrooms on the main floor as well as improvements to the foyer and HVAC systems. That is the level of work that will be covered by the state grant and the extra $200,000 from City Council.

Ms. Michael asked if this is in addition to the $500,000 budget estimate. Mr. Harris replied that the $500,000 included this $8,000 engagement.

Mr. Myers commented that he has a question more going forward than this one. The city engaged the services of DesignGroup and now we are going to assign that contract to CIC. He asked if it would be done that way going forward. Mr. Harris replied that staff has looked at the project and sought to put as much of the construction and design work within the CIC because of its abilities. . . Mr. Myers interjected that is his point. When a contractor is hired for that effort, it will be done by the CIC and not the city and then an assignment. Mr. Harris agreed. Mr. Myers added that if the city does it there would be deferent prevailing wage and different things that would be involved. He just wants to make certain this execution and assignment is sort of a one off as this is not the way this project is going to go.

Mr. Harris explained that it is something of a cleanup because we wanted to make sure the engagement was signed but now we have to go back and make everything consistent coming out of the CIC.

Mr. Norstrom commented that whatever terms and conditions came with the state monies, such as potentially prevailing wage, will follow the money. Mr. Myers agreed that it would have to follow even if it was CIC.

There being no additional comments, the motion to adopt Resolution No. 05-2015 carried unanimously by a voice vote.

Resolution No. 06-2015

To Establish a Bicycle and Pedestrian Advisory Board for the City of Worthington, Ohio, Outlining its Functions and Providing for the Appointment of Members Thereof.

Introduced by Ms. Dorothy.
MOTION

Mr. Troper made a motion to adopt Resolution No. 06-2015. The motion was seconded by Mr. Myers.

Mr. Greeson commented that council has recently had extensive discussion about exploring the creation of a bike and pedestrian committee. There has been lengthy discussion about the terms of that. Staff took all of the feedback that members provided and attempted to reflect that feedback in the resolution before members tonight. He can approach this one of two ways: (1) walk through it section by section or (2) respond to member’s questions and comments.

Mr. Norstrom commented that council members have never really had the discussion of whether or not we should create this board. There was discussion at one of the meetings and at the last meeting members discussed “if” we have this and we directed staff to develop what they have presented tonight. But the basic underlying question of whether or not there should be a bike and pedestrian committee appointed by city council has not been addressed.

Ms. Michael invited comments.

Mr. Greeson thinks that discussion is appropriate for members to have. He noted though that at the last meeting there were two clauses where there was fairly clear direction on almost everything in terms of staggered terms, number of members, and how many of them needed to live in the corporate boundaries and things like that. However, there were two clauses that staff drafted because we were directed to draft something but there wasn’t necessarily unanimity. Those clauses occur in: (1) Section 3 on term limits and (2) Section 6 that includes a review provision. He wanted to call those out as ones that did not as much unanimity at the last meeting as all of the other issues. Otherwise, he thinks the document generally reflects the will of council. Staff stands ready to address any questions members may have.

Ms. Michael knows that Ms. Dorothy has been working very hard on this. She invited her to comment on whether this board is needed by the city or not.

Ms. Dorothy thinks that one of the reasons she was elected to council is because of her interest in different mobility options. She thinks that people who walk and bike in Worthington have been a bit unfairly represented. She has seen a significant amount of public input over the last several years on this topic since she has been on council. She thinks an advisory committee will help coordinate better mobility options throughout Worthington and is something that is needed.

Ms. Dorothy added that she would like to move to strike Section 3. and would be happy to talk about Section 6. of this resolution.

Ms. Michael invited comments from other council members.
Mr. Norstrom asked what makes bike and pedestrian more important than any of the other services. As he said at the last meeting, why don’t we have a committee that deals with sewers? In terms of public investment and overall budget, what goes into bike and pedestrian now or potentially in the future is not a significant amount compared to other investments that we make. The question becomes, why should bike and pedestrian be elevated to this level simply because we have two members of council who served on a bike and pedestrian committee? As he shared during the previous discussion, the bike and pedestrian committee did exactly what it should have done. Had he served on the committee he would have also advocated for it to be at the highest level it could be because that is the group you represent. He is not sure that is good policy for city council given our scope of looking over everything that goes on in the city.

Mr. Smith disagreed. He thinks that is exactly the kind of policy we need. The city has a culture and the cultural landscape has already changed to bike and pedestrian. He thinks this is the direction that was implied during previous conversations. He doesn’t see any negatives here. City council will have more of a pulse on the community and more input from folks. Staff will save time therefore city resources.

Mr. Norstrom disagreed that staff will save time. Council is devoting staff time to this committee. Mr. Smith commented that the committee will foresee projects in the future that will be related to bike and pedestrian infrastructure and just community outreach. The committee itself will be saving staff time because those projects would have defaulted to city staff if we didn’t have this committee.

Mr. Norstrom commented that city staff will not take a step back because of this committee. Mr. Smith disagreed. Mr. Norstrom stated that they have never done that.

Dr. Chosy shared that this topic has come up numerous times in the twenty years that he has served on city council. A little progress gets made and then just seems to die out over time. Given the value of bicycling and walking and having it set up so that it is easier to do is much more prominent in society today than ever before. He thinks this legislation will make it happen and he is quite for it.

Mr. Troper commented that he supports establishing the Bike and Pedestrian Advisory Board. He thinks there is a review clause in the resolution.

Mr. Myers stated that he just wants to make sure that members are all on-board with not just establishing the committee as that is superficial. He thinks Mr. Norstrom hits a more important point in that by establishing the committee, council has established a priority. He asked if there is going to be another counter-balancing voice to balance this priority because now we are going to give bicyclist a seat at the table that others don’t enjoy. That is fine if that is what council wants to do but by doing that we have said that this now becomes a significant priority for the city to the detriment of potentially other priorities. For example, one of the things that he sees here which has been talked about a great deal was that the number one cause of pedestrian accidents in New York City is cell phones. He needs something in the legislation about bicycle education if he is going
to pass this because he comes close to hitting them almost every day. He would also prefer a reversal of Section 6. He would advocate for a sunset provision and not a reaffirmance. Bicycle/Pedestrian Committee aside, he just wants to make sure everybody is on board. The dye has cast. Council is going to go forward with this priority.

Ms. Michael shared that she has had a number of years, all the way back to working on the Park Board in 1984 of talking about bicycles and doing things with bicycles and pedestrians and walkways and walkability and the conversation has been going on a long time and we really haven’t done that much as a city. When you go to places like Dublin and Westerville and you see the paths that they have and the walkways... Mr. Myers commented that uptown Dublin doesn’t have a dedicated bikeway. Ms. Michael added that quite a few other parts of Dublin do. Mr. Myers explained that Dublin has new developments that require eight foot paths but Dublin has not committed to bike and pedestrian priorities in their downtown business district and that is what council is doing here. He added that Westerville doesn’t have a downtown path either. You can’t take a bike down State Street.

Ms. Michael disagreed. She and Mr. Myers continued to discuss the location of the trail in Westerville.

Mr. Norstrom pointed out that the details are not important.

Dr. Chosy commented that in talking about lessons with cell phones and care like that, this committee could discuss those topics. The resolution sort of implies that those are the kinds of things they should do.

Ms. Dorothy acknowledged that discussion being part of the study. She thinks there are other advisory committees that represent aspects of the city that council values such as our Arbor Committee and our Community Relations Committee. Council values their input although we don’t necessarily prioritize from what their input is but we definitely consider it and they help us prioritize but we have other committees that influence council without adversely affecting our priorities. She thinks this is something to help organize different divisions/departments within the city to know what is going on. It is not to ensure that new pathways get put down all over. It just helps prioritize what we can do with what we have.

Mr. Norstrom asked staff how things like the Arbor Committee are enshrined in our Code. Mr. Greeson replied that the Arbor Committee is not. It is hard to define it as a temporary committee created by the city manager because it is not that anymore but it is not enshrined. Some committees are created by Charter such as Parks and Recreation Commission, Community Relations Commission, the Municipal Planning Commission, and Board of Zoning Appeal. Some are created by codified ordinance and others by resolution. Members may recall in our last discussion that we didn’t think it was significant whether this committee was created by resolution or ordinance. Members directed staff to prepare a resolution.
Mr. Norstrom commented that based on tonight’s conversation, it appears that a majority of council favors having a bike and pedestrian committee. So he thinks that question has been answered and members can move forward with discussing the resolution before us.

Mr. Myers asked if he could offer several amendments. He acknowledged there being a motion on the table already. He called for the vote.

**MOTION**  
Ms. Dorothy made a motion to remove Section 3. Term Limits. The motion was seconded by Mr. Smith.

Mr. Norstrom thinks term limits should be applied across all City committees and council might as well start with this one. He stated that there is no reason to have members on a committee forever. Term limits are something that is accepted, even in things like our state legislature and he thinks it is important to have a change of leadership. It doesn’t mean that people can’t come back on the committee but it is important to have that embedded in the structure of the committee.

Ms. Dorothy thinks that all board members already serve at council’s pleasure and members can remove them or choose not to reappoint them at any time. Mr. Norstrom commented that by history that almost never happens. Members just recently removed someone from a position but that is the first time in maybe fifteen years that anything has happened in terms of removing someone. The last time council removed someone that he knows of was someone that served on the MPC when he served as the Chair.

Mr. Myers commented that under the provision in the resolution appointees can serve eighteen out of twenty years. That is a pretty long time.

Mr. Greeson thinks from a practical standpoint members would be appointing somebody for nine years and then they would be off for a year but somebody would probably be appointed in that interim timeframe. Mr. Norstrom agreed but added that there would be an opening a year later.

There being no additional comments, the vote to remove Section 3. from the legislation passed by a vote of four (Ms. Dorothy, Dr. Chosy, Mr. Smith, Ms. Michael) to three (Mr. Norstrom, Mr. Myers, Mr. Troper).

Mr. Myers made the following motion:

**MOTION**  
Mr. Myers made a motion to the introductory sentence in Section 4., to read as follows: “The Bicycle and Pedestrian Advisory Board duties shall include but not be limited to the following:”.

The motion was seconded by Mr. Smith.

There being no comments, the vote to change the introductory sentence in Section 4. passed unanimously by a voice vote.
**Mr. Myers made the following motion:**

**MOTION**

Mr. Myers made a motion to strike the current Section 6. and insert: “at the end of the third full year of the committee’s existence, the Council shall vote to continue the Bike and Pedestrian Committee.” The motion was seconded by Mr. Norstrom.

*Dr. Chosy thinks that is essentially what it is saying. Mr. Myers disagreed. His motion is an affirmative act by the council. The committee expires without that vote.*

Dr. Chosy, Mr. Norstrom and Mr. Myers continued to debate the language as Dr. Chosy didn’t think a change necessary.

**Mr. Myers stated that his motion offers a sunset provision while the current draft does not.**

*Dr. Chosy believes a sunset provision means that at a certain point it ends. Mr. Myers commented that at the end of three years the bike and pedestrian advisory committee ceases to exist without affirmative vote of the council to continue it. That is the point of this. That may be exactly the language that you read Section 6 to say but he doesn’t. He thinks it continues unless council abolishes it as it is currently written.*

Mr. Norstrom asked Mrs. Fox if the language, as drafted is sunset or not sunset. Mrs. Fox replied that the language was not drafted as a sunset. That language was drafted for a review to determine whether it should exist. If it was drafted as a sunset provision it would say that at the end of whatever time period it would cease to exist unless council voted to continue its existence.

**Mr. Myers asked that the language in his motion be changed to what Mrs. Fox shared.**

**MOTION**

Mr. Myers made a motion to strike the current Section 6. and insert: “At the end of the third full year of existence, the Bike and Pedestrian Committee shall cease to exist absent an affirmative vote by council.” The motion was seconded by Mr. Norstrom.

**Mr. Greeson clarified that as currently written, there will be a review of the commission.**

*Ms. Dorothy understands that the current legislation asked the commission to provide a written report to council at least annually.*

**Mr. Troper stated that he isn’t clear as to what “three full years of existence” means. Mr. Myers replied that council has to appoint everybody first so they can’t have any existence until they are appointed. We could start the clock at their first meeting or that would not be a full year. He thinks it will actually be about three and a half years.**
Mr. Troper commented that it would be three full calendar years of existence. Mr. Norstrom stated that it doesn’t say calendar years.

Mrs. Fox asked what council wants it to be. It can be whatever council wants it to be.

Mr. Myers stated that it should be appointment. A year from the first meeting date. Mrs. Fox commented that the first appointments will be made when it is created but then they will be re-appointed in December of every year according to Section 2. Ms. Michael thinks calendar year makes more sense.

Members debated when to start the appointments.

Ms. Michael directed members to vote on the current motion and then go back and address the appointment dates.

When asked by Ms. Michael if there are any additional comments on the sunset provision, Ms. Dorothy shared that she doesn’t support it but she thinks if the Board has a deadline then they will work to the deadline. She thinks they will definitely have reason to accomplish as much as they can with this deadline but she is not for it.

There being no additional comments, the motion failed by a vote of two (2) (Myers, Norstrom) to five (5).

Ms. Michael asked if there was any discussion around Section 2 about changing the effective dates from December to some other month of the year so council isn’t inundated with interviews at the end of each year.

MOTION

Mr. Norstrom made a motion to change the language in Section 2 to reflect that the year will start from the first meeting of the Board and the one year terms will be from the “annual meeting” of the Board. The motion was seconded by Mr. Smith.

Ms. Dorothy asked if that is too cumbersome. She suggested the change be to an actual day and month.

Mr. Greeson suggested May 1st or May 31st.

Mr. Norstrom disagreed.

Mr. Smith asked for a point of clarification. He asked how long staff thinks it will take to appoint the initial Board.

Mr. Norstrom suggested that members approve the language. We can always come back and amend this by resolution once the Board is formed. But the idea would be that we know what is going forward.
Mr. Greeson commented that if council was interested in staggering some of these appointments, members might want to pick a window that works. There could be a batch of appointments in May and a batch in December. Staff can figure out how to make that work.

Ms. Michael asked if there is another Board/Commission that has a May date. Mr. Greeson acknowledged that the Community Relations Commission appointments are in May.

Mr. Norstrom went back to the question that Mr. Smith asked of how long we think the process will be to form this Board. Mr. Greeson replied that it depends on how long members want to advertise or how they want to solicit applications.

Mr. Norstrom offered that following change to his Motion:

MOTION

Mr. Norstrom made a motion to change the language in Section 2 to May 31, 2015 instead of December 31. The motion was seconded by Mr. Smith.

Ms. Michael stated that all of the terms will be changed from December to May. Mr. Norstrom agreed that the terms would be May 31, 2015, May 31, 2016, and May 31, 2017.

Ms. Dorothy pointed out that the first appointment would expire May 31, 2015.


Mr. Greeson shared that that gives council a month to advertise, a month to interview and a month to get everything organize before they start.

There being no additional comments, the motion carried unanimously.

Mr. Norstrom made the following motion:

MOTION

Mr. Norstrom made a motion to strike #9 under Section 4. The motion was seconded by Dr. Chosy.

Mr. Norstrom explained that to his knowledge council doesn’t have any of the other boards or commission reporting to them on a regular basis.

Mr. Myers commented that council has been talking about how it can better interact with our boards and commissions and he believes that is what this item does. If members strike this, he asked if it would be appropriate to ask them to appear annually. Mr. Norstrom thinks appear as council requests them and not just annual.
Mr. Myers stated as long as council follows up on it. He would like to hear from them. He asked when was the last time the Arbor Commission came in front of them but for to testify on behalf of a certain project. Mr. Norstrom said he understands. Mr. Myers reiterated that he would like to hear from them so members know that it is a functioning Board. Mr. Norstrom comments that he has no doubt that members will hear from them.

Ms. Dorothy asked for clarification. Members want to strike #9 because we feel that we will receive enough input from other mechanisms. Mr. Myers replied not only that but annual reports sit on shelves. They are a great deal of work to put together and we put them on a shelf.

Mrs. Fox offered the following language if members choose to keep the thought about interaction with the Board:

9. Present when requested a report of the activities of the Advisory Board to City Council.

Mr. Norstrom doesn’t think that it is necessary to include that information in with the forming of committees. Council can ask them to come before us at any time and they can come before us at any time. He added that if council has to put that in a motion then we have something wrong with our structure.

There being no additional comments, the motion carried unanimously.

Mr. Norstrom shared that one of his pet peeves is getting snow off of sidewalks. If council is going to have a pedestrian committee they should be looking at how to make our community accessible. That would be identifying things like the importance of clearing sidewalks where school kids walk and put some emphasis and make some recommendations to us about how to enforce those laws because right now it is archaic. He asked what the process is for warning people.

Mr. Watterson shared that the current ordinance requires that a sidewalk be clear within twelve hours of daylight after the end of the snow event. That can be as long as three days, particularly in December when the days are very short. After that time the city can clear the sidewalk and bill the property owner or occupant as it applies to both property owner and occupant which can be somewhat difficult to determine in some cases. Lastly, it has been the conclusion that they have to be provided notice so that is a third difficulty in determining the address of that owner or occupant and how to serve them by some method that is recordable such as certified mail.

Mr. Norstrom commented that the determination is not in the code but just an interpretation. Mr. Watterson agreed. Mr. Norstrom stated that he doesn’t disagree with that as we are a friendly community but for example yesterday, snow ceased about 4:00 p.m. which means that sidewalks should have been cleared this morning.
Members pointed out that the twelve hours is of daylight to which Mr. Norstrom acknowledged the correction.

*Mr. Norstrom stated that under the current procedures we would somehow give them a notice, probably by mail, which means another two or three days. Ms. Michael thinks Mr. Norstrom is bringing up a wonderful point. Council may want to look at revising that ordinance. She thinks that might need some revision in order to be able to have some teeth.*

*Mr. Norstrom commented that all that he can say is that he suggested the Bike and Pedestrian Board look at that very early in its appointment.*

Several other members agreed with Mr. Norstrom’s suggestion.

**There being no additional comments, the motion to adopt Resolution No. 06-2015 carried unanimously by a voice vote.**

**Resolution No. 07-2015**

| Authorizing an Amendment to the Final Development Plan for 7029 Huntley Road and Authorizing Variances (The Granite Guy). |

*Introduced by Dr. Chosy.*

**MOTION**

| Mr. Smith made a motion to adopt Resolution No. 07-2015. The motion was seconded by Mr. Norstrom. |

*Mr. Brown explained that the application before members is for an Amendment to Development Plan that includes variances for signage related to 7029 Huntley Road. This parcel is nestled in between Worthington-Galena Road and Huntley Road. This application is only for The Granite Guy although there are five shops in this area of Huntley and Worthington-Galena that sell granite. He noted that staff expects applications from at least one other shop, if not all, in the coming months. Granite Guy went before the Municipal Planning Commission last month and is requesting a variance for a second sign on the rear of the property. Sign #1 actually fronts on Worthington-Galena Road. It is approximately 40 square feet in size and meets code requirements. The applicant has installed a second sign to the rear of the building, facing east towards Huntley Road. Mr. Brown indicated that it is somewhat confusing since the business has frontage on two different roads.*

*Mr. Brown reiterated that the request is for additional signage on the rear of the billing. That additional sign surpasses the size permitted by code, which is 100 square feet. The overage will be approximately 34 square feet over what is permitted by code.*
Mr. Brown showed numerous slides in a PowerPoint presentation of the existing sign along Worthington-Galena Road, the access drive that runs along the northern property line going towards Huntley Road.

Mr. Brown shared that the new sign is an 8 x 16 foot sign. MPC applied some conditions and modifications to the sign to reduce the square footage and to match similar signage in the area.

Upon viewing a picture of a sign, Dr. Chosy asked if a specific picture was of the requested sign. There isn’t one there now. Mr. Brown replied that there is one there now. It was actually installed without a sign permit so what is before council tonight is a request to approve the second sign where one is only permitted and for over the square footage.

Ms. Michael asked if the picture is of the first or second sign. Mr. Brown replied that the picture is of the second sign which is located on the rear of the building and faces Huntley Road.

Mr. Brown further stated that the current sign is 8’ x 16’ in size. MPC recommended that the sign be reduced to 6’ x 15’4”, which will bring it closer to compliance.

Mr. Brown showed numerous pictures of the property from Huntley Road. He pointed out the considerable distance the Granite Guy sits from Huntley Road and explained that the rear sign actually acts as directional signage on the site to assist customers.

Mr. Brown showed pictures of the Stone City’s sign and commented that staff expects an application from them for updated signage in the coming months.

Ms. Dorothy asked if the Stone City signs will require variances. Mr. Brown replied that they will need to apply. Staff is currently going through code enforcement process with both Stone City and Granite Direct. Ms. Dorothy concluded that they both have installed signs without the proper permits. Mr. Brown agreed.

Dr. Chosy asked if Granite Guy has three signs. Mr. Myers replied just two.

Mr. Brown clarified that the Granite Guy is included on the freestanding sign out front, which is permitted.

Dr. Chosy stated there is no other sign out front. The only other sign is the one in the back that we are discussing. Mr. Myers replied no. Mr. Brown explained that the directional sign is located on Huntley Road.

Mr. Brown shared that this is an interesting scenario with four or five different granite, stone in the same building and across the street. Stone City, Granite Direct, and then across Worthington-Galena is Granite Plus is going to be going through the code enforcement process to either come into compliance or request to deviate and ultimately
come before this body. But tonight the only thing before council is Granite Guy. This will allow them one additional sign on the rear of the building, which will face Huntley Road and be 34 square feet over what is permitted by code.

Mr. Myers shared that what he thinks makes this unique and in the interest of full disclosure in December he bought granite from Granite Guy, and the way they found Granite Guy was off of Huntley Road. This building faces both Huntley and Worthington-Galena. It is an unusual location to enter because you can enter it either on Huntley or on Worthington-Galena and the address is Huntley Road. So if he wants to buy granite from Granite Guy, he is going down Huntley Road and he sees Stone City and thinks this isn’t right. Where is Granite Guy? As soon as he gets to that drive he can see their sign. To him it is critical to their business, given the fact they have a Huntley Road address and you can’t find it without that sign if you are coming in off of Huntley Road.

Mr. Brown added that from what staff understands it also helps with granite deliveries. There has actually been granite delivered to the wrong granite rear entrance so they felt that also identifying the granite store at the rear helped with delivery.

Ms. Dorothy thanked staff for working with the existing businesses and helping them get into compliance.

Dr. Chosy commented that this is an example where the practicality of it doesn’t fit the rules but the rules don’t work with what they need to have so we ought to be flexible enough to do that.

There being no additional comments, the motion to adopt Resolution No. 07-2015 carried unanimously by a voice vote.

Ordinance No. 08-2015

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

Introduced by Mr. Norstrom.

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 by Mr. Troper.
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 by Ms. Dorothy.

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

Mrs. Fox informed council that they received another appeal of the last ARB decision that was granted for the 130 W. Clearview property. It is the same set of circumstances as the last appeal. She will forward the information to members for the next meeting in order for members to have some time to decide whether or not to hear the appeal.

Dr. Chosy asked if it is a different appeal or is it the same person. Mrs. Fox replied that it is the same person. When asked by Dr. Chosy if they can make another appeal, Mrs. Fox replied yes, they always have the right to appeal the decision.

Mr. Norstrom commented that they are appealing a different decision. Mrs. Fox agreed that they are appealing a different decision of ARB. They are appealing the decision that ARB made in response to them moving the house back within all of the variances.

Mr. Greeson stated that he had a few items that he wanted to call member’s attention to.

1) Letter from a group of residents on Crandall Dr. who are interested in sidewalks.

Mr. Greeson shared that he, Mr. Smith, Mr. Watterson, and Mrs. Fox met with the residents a couple of weeks ago. There was a previous meeting late last fall that included Mr. Watterson and Mr. Smith that we were talking with them about how the ordinance works with regards to the construction of new sidewalks. It is a petition process. If 50% of the homeowners petition the city then the city covers 50% of the costs that are identified in the code. The residents diligently studied the current ordinances and talked to the group about what it would take to get a sidewalk built on Crandall Dr. They have now formally requested that the city fully fund a sidewalk on Crandall in the Wilson Hill neighborhood. So we have a request for full funding of a sidewalk project on both sides of Crandall that doesn’t fully match the procedure in our ordinance and he thinks necessitates a policy discussion and a consideration of the residents’ request. Staff will try to frame the issue by providing some education to council on the project itself, the current codified ordinances, some of the challenges with sidewalk projects, some of the issues staff sees with this request and schedule that for a time that works for council and when the residents can be present to present their request and also for members to consider it with good information.
Mr. Norstrom asked if this would be appropriate to refer to our Bike and Pedestrian Advisory Board. Mr. Greeson thinks it would be although it is not yet up and running. Members can do that if they want to start using the Board in that way because this has issues with funding, priorities, precedent, equity, and fairness.

Ms. Michael commented that her question following that same line in that should we also evaluate whether this should be sidewalks or whether we should increase bike trails. We removed the sidewalk on Wilson Bridge Road and installed the bike trail and she is seeing a significant heavier usage. When you are talking about safety of children walking to school, bike trails work as well as a sidewalk. We should be evaluating which would be better.

Dr. Chosy commented that they are asking the city to build it but aren’t the rules that it has to be paid by their taxes. Mr. Greeson agreed that they have to pay half of the cost.

Ms. Michael is aware that they understand how the ordinance reads but they are asking council to voluntarily choose to fund it fully.

Mr. Troper thinks you can let them know on the letter this is how he feels, we have wide council support for the construction of sidewalks on Crandall but the main dissenting opinion is due to cost, as they say in their letter. He doesn’t know why council would need to hear them. Mr. Greeson replied that is up to council.

Mr. Smith shared that being a part of the conversation from the beginning he thinks the reason it is coming to council in this way is really kind of an above and beyond Bike / Pedestrian committee type of conversation. Valuable in the committee for them to be a part of that conversation and even give recommendations but there are other issues that Mr. Greeson just mentioned. This is such a big project that it is important for council to be educated first and foremost.

Mr. Norstrom asked if we are talking about money because that sounds like the issue. Mr. Smith acknowledged that one of the issues is money. Mr. Norstrom agreed that members love sidewalks.

Mr. Troper shared that if you read their letter, one of their main dissenting opinions is the cost and that is exactly what he said.

Dr. Chosy pointed out that we already have rules about that.

Mr. Smith agreed. He added that another reason it would come before council is because there are a couple of alternative compromises that they would be willing to discuss with us that we might actually be willing to consider due to the cost. He thinks that is something that they would want to educate council on.

Mr. Greeson stated that he may be speaking out of turn a bit but there are procedures which include special assessments and there are procedures under our code that govern
Mr. Norstrom stated that special assessments being applying it to more than just the street but to the neighborhood or something like that. Mr. Greeson agreed. In the state law generally you have to pay 2% plus the cost of intersections but it doesn’t preclude you from paying more than 50%. While our code has the payback of individual property owners, assessment has to be paid back in five years while state law allows for the pay back to extend to ten years. There are some policy judgments that need to be made in relationship to whether you would apply state law to this request or whether you would use the codified ordinances or whether you would honor their request or some variation thereof.

Mr. Myers thinks he heard Mr. Greeson say that as it stands right now, we don’t have a compliant request in front of us. Mr. Greeson clarified that council doesn’t have a request using the procedures of one section of the ordinance. Council just has a letter from residents making a request of members. They are not invoking the procedure under the ordinances which would then require the city to move forward with that process.

Mr. Smith shared that the neighborhood committee is interested in doing that but they wanted to defer to members and our opinions as a council first before they go that direction, which they are prepared to do.

Mr. Norstrom commented that they are prepared to follow the ordinance. Mr. Smith agreed.

When asked by Ms. Michael if they are prepared to follow the 50% ordinance Mr. Smith agreed that they are prepared based on . . . Mr. Norstrom interjected that they are prepared to get the petition, go to a vote and then . . . Mr. Smith commented based on our suggestion.

Mr. Greeson clarified that it is not a vote. If they get 50% then the city shall install the sidewalks.

Mr. Smith thinks because it is such a large and unique process and because the Bike and Pedestrian committee is still on training wheels, it is valuable as least for council to hear what they have to say. That would be his position.

Mr. Greeson thinks that at a minimum it is important for all of us to become familiar with code requirements if we are going to promote the construction of sidewalks.

Dr. Chosy stated that we have procedures in place. He doesn’t understand why we have to talk to people to change them. That bothers him.
Mr. Smith shared that their argument might be that the procedures currently aren’t effective and they have never been applied. Dr. Chosy disagreed. We have applied them on Evening St.

Mr. Greeson doesn’t think that Evening St. was under the amended ordinance. Mr. Watterson shared that Evening St. was done by special assessment following the Ohio Revised Code and that project predated the 51% ordinance that was later passed. He added that the 51% ordinance was passed and codified but there have been no sidewalks built under that ordinance.

When asked by Dr. Chosy if the 51% are the number of people who need to sign the petition, Mr. Watterson clarified that 51% is the number of people within a block that have to sign the petition.

Mr. Norstrom understands that we normally don’t have people coming to council to say they want sidewalks. Council would like to say put sidewalks in and they say no.

Mr. Greeson explained that staff will probably draft some memorandum to summarize the issue in more detail. He wanted to not sit on this any longer. He wanted to get it to council so that members are aware of it.

Mr. Troper asked if their request is for the city to fully fund it. Mr. Greeson replied yes. He will work with Ms. Michael to schedule the discussion at an appropriate time if that is the council’s desire.

Mr. Smith believes their expectation is not to get a yes on fully funding at this point but at least to have a yes for us to hear what they have to say in person.

2) Information Item – Economic Development Marketing

Mr. Greeson shared that staff has a modest amount of money that we budget each year for economic development marketing. We have used that in a variety of ways in recent years. He wanted to call members’ attention to a memorandum that Mr. Harris drafted regarding a Sponsored Speaker Series that we have embarked upon with the Worthington Chamber. Our goal is to create opportunities for business leaders and executives from around our region to discover Worthington by coming here and learning about economic development. It is an effort we want to try this year in partnership with our business organization and we are excited about launching this. There are numerous dates that we have tentatively identified and some tentative topics as well that are listed on page 2.

3) Bike/Pedestrian

Mr. Greeson reported that he sent out an e-mail a couple of weeks ago that shared the public feedback and some information on the trail mitigation question that we considered with the StRt 315/I-270 construction project. As members will recall during that construction project they will be closing the trail north of the Olentangy parklands. We
had to sign a letter to that affect and there is some mitigation. They were required as part of their federal process to also take public feedback on that and they received a number of public comments and were considering additional mitigation measures. He understands that the District 6 Deputy Director Ferzan Ahmed followed bikers that included Ms. Dorothy and toured the area as part of their outreach process. Staff recently met with them, although we have nothing in writing at this point other than the information he already distributed but he wanted to have Mr. Watterson overview that discussion and then staff will share with members any materials that come back from them. He noted that one of the mitigation measures suggested by the cycling community and it is not the first time he has heard it was the installation of scuppers on the bridge. He explained that scuppers are holes in the bridge that allows the water to drain on the side of the Wilson Bridge Road bridge. Those scuppers have been difficult or dangerous to cyclists because of the way the bar inside of them runs. Those cross bars has already been welded into the scuppers to make them safer and more manageable for cyclists. So that effort has already occurred. He asked Mr. Watterson to overview the additional conversations.

Mr. Watterson shared that the alternative detour that ODOT and Columbus are looking at along with Worthington is to add bicycle lanes to Wilson Bridge Road from the fishing access entrance west to Olentangy River Road. There is currently a bike boulevard on Linworth Road east that is the road that goes north from the Olentangy / Wilson Bridge Road intersection. That comes out near the elementary school near I-270. From there it will include various forms of bike lanes and sharrows and he believes there are some pavement improvements required near the I-270 bridge and will take the route into the Worthington Hills neighborhood and return to Clubview Blvd. and be able to cross St.Rt. 315 and get back to the general location of the current north terminus of the bikeway. The Worthington portion would be to build the bike lanes along Wilson Bridge Road. Staff has done some preliminary work with that and believes we can add a limited amount of pavement to the shoulders that are currently there and have five foot lanes on the roadway portion. The bridge would require that the lanes be narrowed and the bike lanes would be four feet wide. So they would only be narrow for the distance across the bridge with the scuppers already repaired.

Mr. Greeson interjected that what that means is the travel lanes for vehicles across the bridge would be narrowed to allow for a wider area for the bicycles on each side. Staff thinks that between the fishing access and the bridge we wouldn’t necessarily need to shrink the travel lane, although we could. We actually feel like we could keep the travel lane width and add pavement to the shoulder.

Mr. Watterson added that by adding a limited amount of pavement that gives a full five foot bike lane and it doesn’t place the bikes next to a narrow travel lane. It also doesn’t require attempting to erase the striping and re-striping which often doesn’t work very well. He shared that they also looked at a crossing closer to the bridge. It would be down where the roadway comes off the bridge and descends and then goes back up to the park entrance. They looked at an alternative for access at that point but it was going to require a crossing of the roadway by the bikes in an area that didn’t have good sight.
distances. He thinks the conclusion of the staff of Columbus, ODOT and Worthington was that it was better to have the one crossing point at the current park intersection rather than create an additional one at another location.

Ms. Michael thinks that is pretty important. She hopes our newspaper reporter can meet with Mr. Watterson after the meeting to get the details. Mr. Greeson isn’t sure we are to the point of details. We are articulating to council what the discussions have been. We are going to have to understand what Columbus is agreeing to and what they are willing to do and what ODOT is willing to pay for and then what we might be expected to pay for if anything.

Mr. Norstrom thought the point of mitigation was for ODOT to pay for it. Mr. Greeson agreed. He added that there are limits to that.

Ms. Michael asked how much we are looking at spending. Mr. Watterson replied that he is not prepared to provide an estimate at this point. Ms. Michael shared that at some point she thinks members would like to hear that. Mr. Watterson agreed to provide the information.

Mr. Norstrom commented that these would be temporary but at the same time permanent. Mr. Watterson thinks the work in Worthington should be permanent. That would also create an opportunity to continue the Olentangy River Road bike path from Troon Trail all the way up. So there would be a good reason to make it permanent.

Mr. Greeson thinks if staff recommends expenditure of city funds, whether through the street program or through other dollars in the CIP, it is because we view it as a permanent improvement that is beneficial to our bikeway system.

Mr. Greeson thinks this may come fairly quickly. He apologized for springing it on members but there are really not many pictures or details to show yet. He just wanted to make sure staff verbally conveyed what is being discussed.

Ms. Dorothy shared that one of her concerns having ridden that path before Wilson Bridge in Worthington is 35 mph for vehicular traffic but she knows from running, biking, and driving down that way that many times cars go faster because the lanes are twelve feet. She would like to make sure that is considered to reduce that lane width just to try to get cars to drive a little bit slower and more in line with the posted speed limit to try to make it safer for those who bike or run along Wilson Bridge Road. She appreciates all of the coordination and effort on everyone’s behalf, from the different departments here in Worthington and then the different municipalities, Columbus and ODOT and looking into this mitigation for the closure. She appreciates all the hard work.

Mr. Greeson thanked Ms. Dorothy. He thinks there was a group of residents that rode the route with ODOT. He added that there was a gentleman that did a very detailed proposal to ODOT that actually served as a good foundation for all of the conversations.
He thinks the lane width discussion is whether to shrink the lanes which may slow traffic down.

Mr. Norstrom asked if narrow lanes reduce speeds. Mr. Watterson replied that he is really not prepared to answer that question. He would have to do some research.

Mr. Greeson shared that staff thinks we could add pavement that also provides some distance on the side of the road. We are also looking at what degree of work can we accomplish before they start the project in August.

Mr. Watterson explained that August is the date they are planning to award the contract and then the question would be when the contractor would plan to close the bikeway.

Ms. Michael stated that council will be receiving additional information on this subject. Mr. Greeson agreed. He just wanted council to know that it will be coming.

REPORTS OF COUNCIL MEMBERS

Mr. Norstrom asked Mr. Greeson if the questionnaire has gone out to the Old Worthington Business Association. Mr. Greeson replied no. Staff will have it out this week.

OTHER

EXECUTIVE SESSION

MOTION

Mr. Myers made a motion to meet in Executive Session to discuss land acquisition and labor relations. The motion was seconded by Dr. Chosy.

The motion carried by the following voice vote:

Yes 7  Norstrom, Dorothy, Smith, Troper, Myers, Chosy, Michael

No 0

The motion carried unanimously by a voice vote.

Council recessed at 9:05 p.m. from the Regular meeting session.
ADJOURNMENT

Council came out of Executive Session at 10:27 p.m.

MOTION        Mr. Norstrom made a motion to adjourn. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

________________________________________________________________________

APPROVED by the City Council, this 6th day of April, 2015.

Clerk of Council

________________________________________________________________________

Council President
Meeting Minutes

Monday, March 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, March 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 Robyn Stewart as Temporary Clerk of Council for this evening’s meeting.

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

Also present: Temporary Clerk of Council and Assistant City Manager Robyn Stewart, City Manager Matthew Greeson, Director of Law Pamela Fox, Director of Finance Molly Roberts.

There were no 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)

Monthly Financial Report

Mr. Greeson asked Ms. Roberts to provide an overview of the report and indicated that staff is requesting a motion from the City Council acknowledging the report.

Ms. Roberts presented the following:

Fund balances for all accounts increased from $19,348,437 on February 1, 2015 to $19,633,456 as of February 28, 2015.

February revenues for all funds are above expenditures by $285,019. Expenditures for all funds tracked at 90.2% of anticipated levels.

Year-to-date revenues for all funds are below 2014 revenues by $413,900 and above year-to-date estimates by $281,096 or 4.23%.

The General Fund balance increased from $9,457,351 as of February 1, 2015 to $9,646,316 as of February 28, 2015.
Total General Fund revenues exceeded expenditures by $188,965 for February. Expenditures tracked at 88.23% of anticipated expenditure levels.
Total General Fund revenues are above estimates by $46,158 or 1.31%.

February 2015 income tax collections are above year to date 2014 collections by $227,682 or 6.84% and below estimate by $23,482 or -66%.

MOTION

Councilmember Troper made a motion to accept the Financial Report as presented this evening for February 2015. The motion was seconded by Councilmember Ms. Dorothy.

The motion carried unanimously by a voice vote.

Sharon Township Dispatching

Mr. Greeson indicated he distributed a memorandum on the topic of public safety dispatching for Sharon Township. The City of Worthington provides police dispatching services for Sharon and Perry Townships. Sharon Township has provided notice of intent to terminate. The contract requires six months of notice, and this is what the Township has provided. This is a matter of cost for the Township. They are considering a proposal from the Franklin County Sheriff’s Office for dispatching services. The City charges about $26,000. The proposal from the Sheriff’s Office is about $10,000 less. City staff will put together numbers for the City Council to consider. A cursory analysis of the numbers suggest the amount the City is charging is fair based on the cost of operating the communications center and the amount of activity by Sharon Township. Any discounting of the amount would likely affect the City’s agreement with Perry Township.

Dr. Chosy asked if this relates only to dispatching services or also police services. Mr. Greeson replied that the Township has their own police officers, so this relates only to the dispatching of those police. The amount of activity by Sharon Township does not affect the City’s level of staffing. The Township is essentially buying the capacity of the City’s center. Thus if the City does not dispatch for Sharon Township, there will not be a reduction in cost, just a reduction in revenue. The City needs to decide whether to subsidize the cost of the service in order to keep some revenue. The agreement with Perry Township is for a higher amount based on a higher level of activity. Any change in the Sharon Township agreement will likely affect that agreement as well. Dr. Chosy asked how much Perry Township pays. Mr. Greeson replied it is about $47,000.

COTA

Mr. Greeson reported that he and Ms. Stewart will be attending a meeting with COTA staff to discuss the proposed elimination of Route 30. They have invited Mr. Norstrom to attend given his expertise in public transit. This route runs along Snouffer and Linworth Roads from the Smokey Row area. The City’s representative to COTA’s citizen advisory panel is Paul Feldman and he has been contacted by regular riders of the route expressing their concerns and requesting the City’s assistance. Dr. Chosy asked if the City can obtain ridership numbers. Mr. Greeson replied that it can. Ms. Stewart reported on a conversation she had with Mr. Feldman who rode the route one morning. Mr. Feldman indicated the bus
was full and was comprised primarily of regular riders who have been riding the route for years.

Other Items

Mr. Greeson stated that he distributed a letter from the Westbrook Place Homeowners Association requesting sidewalk and trail connections from its neighborhood to Linworth Park. Ms. Dorothy asked for clarification on the location of the neighborhood. Mr. Greeson responded it is across Linworth Road from Linworth Park. The neighborhood has sidewalks within it but not ones that connect to the park.

Mr. Greeson reported that there will be two opportunities to be briefed by the consultant involved in the wayfinding project. Dr. Chosy and Mr. Myers have served on the committee involved in the project and they will receive an update at the committee meeting. For other members of the City Council and members of the Municipal Planning Commission, the consultant will be available on March 18th at 10:00 AM and 11:00 AM for briefings. Mr. Greeson requested that councilmembers inform Tanya Word of their interest so the staff can balance attendance at the briefings. Staff can also provide materials to individuals that are not able to attend the briefings.

EXECUTIVE SESSION

MOTION  Councilmember Myers made a motion to meet in Executive Session to discuss land acquisition, board and commission appointments, appointment of personnel and compensation of personnel. The motion was seconded by Councilmember Chosy.

The motion carried by roll call vote:

<table>
<thead>
<tr>
<th>Yes</th>
<th>7</th>
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<tr>
<td></td>
<td>Troper, Chosy, Dorothy, Myers, Norstrom, Smith, and Michael</td>
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The motion carried unanimously by a voice vote.

Council recessed at 7:45 PM from the regular meeting session.

Council returned to regular session at 9:05 PM.

Architectural Review Board Appeal – 138 W. Clearview

Ms. Fox indicated she provided a packet of information to the City Council regarding the appeal filed on the latest action by the Architectural Review Board on 138 W. Clearview. The packet contains minutes and other information that might be relevant to the decision. She stated the appeal contained additional information which was not included in the council packets but was referenced in the memorandum. If City Council members would like to see
the additional information, she will make it available. The owner of the property is awaiting a determination by City Council on the appeal before beginning construction. Staff is requesting a decision as to whether to hear the appeal by next week. Ms. Fox stated that she looks at the matter from a perspective of law and it appears to her the appeal relates to the subdivision of the lot and the variances granted at that time. The appeal period for those actions has passed. The only possible reference in the appeal that could be associated with the most recent Architectural Review Board decision relates to trees that will be removed. However, it appears the tree removal relates to the construction of the sidewalk, which was not a part of the most recent decision.

Mr. Norstrom stated the woman filing the appeal came in front of the Architectural Review Board and objected to the division of the lot. There is no ability to appeal that decision which was made last year. Mr. Myers commented that the lot split was not an Architectural Review Board decision; it was a City Council decision. The last decision by the Municipal Planning Commission/Architectural Review Board was without any variances. She is out of time on the lot split plus City Council already denied the last appeal and nothing has changed.

Mr. Smith asked if the person filing the appeal is the same person as with the last appeal. Ms. Michael replied that it is.

MOTION

Councilmember Norstrom made a motion to deny the appeal of the Architectural Review Board decision regarding 138 W. Clearview. The motion was seconded by Councilmember Myers.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION

Councilmember Myers made a motion to adjourn. The motion was seconded by Councilmember Dorothy.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:10 PM.
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:

______________________________  P.H. April 6, 2015
Clerk of Council

Introduced March 16, 2015
MEMORANDUM

To: Matt Greeson

From: Pam Fox

Date: April 1, 2015

Subject: Petition to Vacate Linworth Road Right-of-Way -- Update

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 northernmost piece annexed in 1993.

Ordinance No. 12-2015 was introduced on March 16th without an exhibit attached showing what portion of the right-of-way would be considered by Council for vacation, primarily because the petitioners are requesting that the entire area be vacated, contrary to the recommendation of City Staff. Subsequent to the March 16th meeting, the Franklin County Engineer’s office created a drawing showing a 10 foot strip in front of the home at 6245 Linworth Road (owned by MRZ Investments) (attached). This is the only home of each of the five petitioners’ homes that actually encroached into the right-of-way. The 10 foot strip is an area that we would recommend be vacated, which would remove the home from the right-of-way by several feet.

Despite attempts to come to an agreement over the amount of right-of-way to be vacated, MRZ Investments rejects the offer to vacate the 10 foot strip, and is insisting on Council considering the petition as filed, requesting that the entire amount of right-of-way be vacated. In light of this, Staff is recommending that the petition be denied. 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. Recently, the City has received inquiries about plans that the City may have to construct bike/pedestrian facilities along Linworth Road, both separate from and in conjunction with discussions about the development of the Linworth Crossing center.

The 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 County Engineer’s office has advised us that it will be recommending to the County Commissioners that only the 10 foot strip be vacated as well.
VACATION OF A PORTION OF LINWORTH ROAD (C.R. 63)
SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF WORTHINGTON
AND BEING A PART OF THE ELMWOOD SUBDIVISION AS SHOWN AND
DELINEATED UPON THE RECORDED PLAT THEREOF IN PLAT BOOK 4, PAGE 93
RECODER'S OFFICE, FRANKLIN COUNTY, OHIO.

POTTERS CREEK
SECTION 2
P.B. 58 PG. 86

MATTHEW & HEATHER
RAYMOND
INSTRUMENT
#2004051001106891

0.017 ACRES ±
WRZ INVESTMENTS, LLC
INSTRUMENT
#20140411984282

10.00'

DONALD W. & GERALDINE J.
ALEXANDER
DEED BOOK 2865 PAGE 367

10.00'

35

ELMWOOD
P.B. 4 PG. 93

34

33

ADDITIONAL R/W PER P.B. 4 PG. 93

111 GD517

DUBLIN - GRANVILLE ROAD
R/W VARIES (S.R. 161)

FDDS 5116

THIS PLAT WAS PREPARED IN THE OFFICE OF THE
FRANKLIN COUNTY ENGINEER BY DAVID L. PEARSON, OHIO
REGISTERED SURVEYOR NO. 7298, FROM THE AVAILABLE
RECORDS ON FILE WITHIN FRANKLIN COUNTY OFFICES,
AND DOES NOT CONSTITUTE INFORMATION OF AN ACTUAL
FIELD SURVEY.

DAVID L. PEARSON
OHIO REGISTERED SURVEYOR NO. 7298

DATE: 03/20/2015
DRAWN BY: RUN

REVIEWS

REVISIONS

DATE
DESCRIPTION
BY
Actual Property Line

Proposed Property Line

Linworth Road
0.017 ACRES ±

MRZ INVESTMENTS, LLC
INSTRUMENT
#2014041110044262

DONALD W. & GERALDINE J. ALEXANDER
DEED BOOK 2885 PAGE 367

36

35

34

ROAD R/W VARIES

R P.B. 4 PG. 93

76.00'

76.43'

10.00'

10.00'
ORDINANCE NO. 13-2015
(Amended)

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
ordinance no. 13-2015

(amended)

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 1123.191 of the Codified Ordinances of the City of Worthington be and the same hereby is enacted to read as follows:

1123.191 CO-LOCATED CHILD DAY CARE CENTER, NURSERY SCHOOL AND PRESCHOOL.

“Co-located Child Day Care Center, Nursery School and Preschool” means a center that is located within the structure of, and uses the facilities of, a Semipublic principal use; and is operated by the Semipublic principal user or by an organization that furthers the principal user’s mission.

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
ORDINANCE NO. 13-2015  
(Amended)

elements set forth in this section and, thereafter may be approved, rejected or 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

Introduced March 16, 2015
P.H. April 6, 2015
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
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

Introduced March 16, 2015
P.H. April 6, 2015
To: Matt Greeson

From: Pam Fox

Date: April 3, 2015

Subject: Amendment to Code – Changes to Definition of Semipublic Use; Child Day Care, Nursery School, Preschool; Changes to Conditional Use

Since Ordinance No. 13-2015 was introduced, I have had an opportunity to meet with Scott Whitlock and his attorney, and have had discussions with Beth Tikvah representatives about Mr. Whitlock’s opposition to a code change that would allow for child day care facilities to be considered accessory uses to semipublic uses.

Following these lengthy conversations, there is an agreement among all parties that in order to address concerns raised as a result of this code change proposal, creating a new defined use of “Co-located Child Day Care Center, Nursery School and Preschool” and allowing for that type of use as a Conditional Use in the R-16 and R-10 zoning districts would get us to the place of having the MPC apply the Conditional Use Standards and basic elements to an application by Beth Tikvah for a child care operation. This is the same conclusion that Staff has reached, concurred by Beth Tikvah, for the original proposed code change language. However, that “accessory use” language is not acceptable to Scott Whitlock and he continues to express his opposition.

In the spirit of collaboration, I have prepared an amended Ordinance No. 13-2015 that removes the change to the definition of Semipublic Use and replaces it with the newly defined “Co-located Child Day Care Center, Nursery School and Preschool”, which is attached.
RESOLUTION NO. 08-2015

Authorizing the Award of Re-emergent Corridor Assistance Program Funds to Help Improve Facility Exterior Facade and Streetscape Along Certain of the City’s Commercial Corridors (6300 Huntley Road).

WHEREAS, in May 2014 the City launched its Re-emergent Corridor Assistance Program, or ReCAP, as an exterior façade and streetscape enhancement initiative to induce properties owners and tenants to re-invest in their commercial properties in Worthington; and,

WHEREAS, those commercial properties eligible for ReCAP assistance during program year 2015 are located in the commercial corridor comprised by Huntley Road, Proprietors Road, and the connecting portions of Schrock Road and Worthington-Galena Road, respectively; and,

WHEREAS, the City received an application for program assistance from Marilyn E. Swisher to make exterior improvements to commercial real property the applicant owns at 6300 Huntley Road, City of Worthington, Franklin County (the “Property”); and,

WHEREAS, as specified in the ReCAP Policy & Procedures, City staff prepared the application materials for review by the Worthington Community Improvement Corporation (“CIC”) at its regular meeting on March 13, 2015; and,

WHEREAS, although the CIC lacked quorum at its March 13 meeting, those Board members present favorably reviewed Marilyn E. Swisher’s application and assented to forwarding said application to City Council for its approval; and,

WHEREAS, City Council is desirous of encouraging the exterior renovation and streetscape improvements to be made by Marilyn E. Swisher as set forth in its application for ReCAP assistance, which is attached hereto and incorporated herein as EXHIBIT A.

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

SECTION 1. That the Council of the City of Worthington does hereby approve the award of $25,000 in assistance under the Re-emergent Corridor Assistance Program, or ReCAP, to Marilyn E. Swisher, with said assistance structured in the form of one-half the amount in grant funds and one-half the amount in loaned funds to encourage investments in, and improvements to, the Property.

SECTION 2. This award of ReCAP assistance shall be in accordance with and subject to the requirements set forth in the ReCAP Policy & Procedures, including the use of City funds for only those Eligible Improvement Costs as identified therein.
RESOLUTION NO. XX-2015

SECTION 3. The City Manager, the Director of Finance and the Director of Law, and any other City official, as appropriate, are each authorized and directed to sign the necessary documents to evidence the ReCAP assistance approved herein, and are authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transaction described in or contemplated by this Resolution.

SECTION 4. That the Clerk of Council be instructed to record this Resolution in the appropriate record book.

Adopted __________________________

____________________________________
President of Council

Attest: ____________________________

____________________________________
Clerk of Council
EXHIBIT A

Re-emergent Corridor Assistance Program (ReCAP) Application for Assistance (2014)

These interested in receiving ReCAP financing for exterior improvements must complete this form and submit to the City of Worthington. The City will review the information to determine whether an award of ReCAP assistance is approved for the described project.

<table>
<thead>
<tr>
<th>Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant Name</strong></td>
</tr>
<tr>
<td><strong>Contact Name &amp; Title</strong></td>
</tr>
<tr>
<td><strong>Contact Email</strong></td>
</tr>
<tr>
<td><strong>Contact Phone No.</strong></td>
</tr>
<tr>
<td><strong>Project Site Address</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Is this site:</strong></td>
</tr>
<tr>
<td>  Purchased</td>
</tr>
<tr>
<td>  Leased (lease ends: <em><strong>/</strong></em>/___)</td>
</tr>
<tr>
<td><strong>Applicant's Federal Identification Number (FEIN)</strong></td>
</tr>
</tbody>
</table>

Describe Applicant's Commitment to and Involvement in the Worthington Community

my late husband and I have owned this property in Worthington since 1990. I have always believed Worthington to be a good, stable community to invest in and, living nearby, I often frequent the stores and restaurants on High St.

Attach Copy of Applicant’s Recent Letter of Credit or Loan Commitment from a Banking Institution

If the Applicant cannot show recent correspondence from a Banking Institution, Applicant can supply a completed Personal Financial Statement (SBA Form 413).
**Property Owner Information**

<table>
<thead>
<tr>
<th>Property Owner Name*</th>
<th>Mrs. Marilyn E. Swisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Phone No.</td>
<td>(614) 267-2064</td>
</tr>
</tbody>
</table>

* If Applicant is NOT the Property Owner, then Property Owner must supply notarized acknowledgement.

As the owner in fee simple of the real property at the Project Site Address, I hereby acknowledge and approve of the Applicant submitting this request for City of Worthington ReCAP assistance to improve said property.

**PROPERTY OWNER**

Marilyn Swisher

STATE OF OHIO

COUNTY OF Franklin

Before me, a Notary Public, in and for said county, personally appeared the above-named Property Owner who acknowledged the signing hereof to be his/her voluntary act for the purposes therein mentioned.

Signed: [Signature]

Notary Public, State of Ohio

JAMES RANDOLPH BURCHFIELD
ATTORNEY AT LAW

My Commission expires:

**Project Site – Current Conditions**

(Attach additional sheets if necessary)

In the Space Provided, Describe the Project Site’s Current Conditions, including Building & Site Improvement Needs

The front facade needs to be updated with paint or stucco and a new sign to make it visible from the street. The trim needs to have the dead wood removed and then painted in a bright blue color. The masonry on the other three sides needs to be painted and the wood trim needs to be painted. Condition of the awning over the entrance needs to be replaced. Some

Attach Current As-is Photographs of the Project Site

write problems in the back of the building need to be addressed. The does the large outdated and falling large sign to be replaced by a sign on the building.
<table>
<thead>
<tr>
<th>Project Scope of Work &amp; Applicant Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Estimated Total Exterior Project Costs</strong></td>
</tr>
<tr>
<td>$48,259.80 55,256.46</td>
</tr>
<tr>
<td><strong>Updated Budget submitted by NDC on behalf of Marilyn Swisher</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In the Space Provided, Describe the Exterior Improvement Project's Scope of Work*</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Attach additional sheets if necessary)</td>
</tr>
<tr>
<td>The entire scope of the Exterior Improvements Project can be reviewed on the Exterior Improvements Estimates as indicated on the attached bids by Sullivan Builders and Lehman and Damar Construction Services, Inc.</td>
</tr>
<tr>
<td>Included in these estimates are updates on the front facade and sides of building. Also included are two plumbing and asphalt problems in the back of the building.</td>
</tr>
<tr>
<td>Update to front includes new awnings, new entry canopy, new entry feature, and new signage, as illustrated in attached package.</td>
</tr>
</tbody>
</table>

* If the exterior work is part of a larger renovation project at the Project Site, please describe other planned improvements

<table>
<thead>
<tr>
<th>In the Space Provided, Describe the Applicant's Experience in Undertaking / Managing Similar Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Since my husband passed away 16 years ago, I have dealt with individual problems as they occurred, with the help of my lawyer, Randy Burkfield. About 6 years ago I worked with a painting contractor, George Thoms, Inc., on the exterior. This is my first experience with contractors who deal with multiple workers.</td>
</tr>
</tbody>
</table>

Attach Schematic Designs and/or Drawings for the Exterior Improvement Project
**Project Work Bids**

Attach Two (2) Written Bids for All Exterior Improvement Work to be Performed under the Project

Applicant must supply at least two (2) written bids for the work to be performed. Applicants must ensure that both bids are based on the same work (example: if Bid 1 is for tuckpointing, window replacement, and flashing, Bid 2 must also be for same scope of services)

NOTE: Although ReCAP awards are calculated only per the lowest bid, Applicants are free to accept higher bids.

**Contractor Selected & Construction Schedule**

<table>
<thead>
<tr>
<th>Contractor Selected</th>
<th>Name:</th>
<th>Sullivan Builders</th>
</tr>
</thead>
</table>

| Construction Schedule | Approximately date work to begin: | 
| 3/1/15 or when weather permits | Approximately date work to be completed: |
| 60 days after Start |

In all cases, ReCAP-assisted construction must be completed within 24 months of making application.

**Applicant Signature**

As an authorized representative of the Applicant, I hereby submit this Application. I understand that this Application, once submitted, in no way constitutes a commitment of funds by the City of Worthington.

I hereby represent and certify that I have reviewed the information contained in this Application, and the foregoing and attached information, to the best of my knowledge and belief, is true, complete and accurately describes the proposed project for which the City's ReCAP assistance is being sought.

I am aware that Ohio law sets forth criminal penalties for falsification on applications for economic development assistance (see Ohio Revised Code §2921.13(A)(4)).

<table>
<thead>
<tr>
<th>Applicant Signature</th>
<th>Marilyn E. Swisher</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Printed Name &amp; Title</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/27/15</td>
<td></td>
</tr>
</tbody>
</table>

Applications are to be submitted to the following:

City of Worthington, Economic Development
6550 North High Street
Worthington, Ohio 43085
MEMORANDUM

TO: Matt Greeson
FROM: Jeffry Harris
DATE: March 31, 2015
SUBJECT: Award of “ReCAP” Assistance – Marilyn E. Swisher (6300 Huntley Road)

This is intended to provide background information concerning the recommendation that City Council approve $25,000 in exterior enhancement assistance under the ReCAP initiative to Marilyn E. Swisher at 6300 Huntley Road.

**Recommended Action:**

The CIC met on March 13, 2015 and reviewed the proposed exterior improvements to 6300 Huntley Road. Although the CIC did not have quorum, there was consensus among those Board members present for the ReCAP application to move forward to City Council for approval. The application submitted by Marilyn E. Swisher was scored by both City staff and the CIC Board members present, receiving a final score of 75 points (out of 100 possible; a minimum passing score of 52 points is required).

Staff recommend that City Council approve $25,000 in ReCAP assistance to Marilyn E. Swisher to make improvements pursuant to the program’s guidelines and procedures.

**ReCAP Initiative:**

The City of Worthington launched a façade improvement grant / revolving loan fund (RLF) in May 2014 to induce private, commercial property owners and tenants to make exterior-focused improvements. Worthington calls this initiative the Re-emergent Corridor Assistance Program (“ReCAP”). In its second year, the program is focused on improving properties located along Huntley Road, Proprietors Road, and connecting portions of Schrock Road and Worthington-Galena Road (collectively, the “Corridor”).
The Corridor is comprised of older properties which lag behind comparable properties elsewhere in the Central Ohio region, and many of the Corridor’s properties are marked by declining investment and depressed leasing rates.

Grants and no-cost financing are available under ReCAP to fund prospective commercial building exterior enhancements. ReCAP assistance is provided as one-time, up-front cash payments to awardees, each in the form of a half-grant, half-loan amount. This assistance is to partially fund well-designed exteriors that enhance the design integrity of the Corridor and secure participating buildings against further devaluation and disinvestment.

Proposed Project:

The project at 6300 Huntley Road is owned by Mrs. Marilyn E. Swisher, who resides in Columbus and used to own the property along with her now deceased husband. She is a long-term Worthington property owner, having purchased the building in 1990. The work proposed by the applicant consists of cleaning-up the building’s entire exterior façade to improve its appearance, including a new concrete pad at the building entrance; drain tile installation; replacing the exterior trim; new awnings, including a steel or aluminum awning at the entrance; repainting the entire building exterior; and removing obsolete signage and an old maple tree along frontage.

The proposed timeline would result in a June 2015 completion. Staff received two general contractor bids and separate bids for discrete project elements. Calculating the award amount on the basis of the lowest bid from each of the general contractors, the total estimated costs are $55,256, which means the request for ReCAP assistance would be $25,000. The City staff’s recommended scoring was accepted by those CIC Board members present at the March 13 meeting, for a total score to the 6300 Huntley Road project of 75 out of 100 points.

It is important to note the involvement of the Neighborhood Design Center (“NDC”), which conducted the design and application assistance for this project. For 2015, NDC is on engagement with the City to provide no-cost (to the applicant) design and planning services to ReCAP projects. I must point out that the work of NDC thus far has been very impressive, with applicants providing positive feedback. The high-quality design contained in Mrs. Swisher’s application is a direct result of NDC’s assistance.
ReCAP Application Review Session

Worthington Community Improvement Corp.
March 13, 2015
A Recap of ReCAP

Re-Emergent Corridor Assistance Program (ReCAP)

• Funding to **building owners** or **commercial tenants** to improve their facades & surrounding streetscapes

• 2015 focus on **commercial corridor: Huntley, Proprietors & Schrock Roads**
  – Commercial properties must be located within ReCAP Program Area

• Commercial building **exterior enhancements, prospective in nature**
  – Exterior front façade
  – Side building elevations if on corner lot

• Paid on a **match basis, $1:$1** with private funds
Eligibility

- Building owners and tenants (w/property owner’s approval)
- Building in ReCAP Program Area
- Applicant in full compliance with all income and real estate tax obligations
- All project work must abide by MPC approvals & building permit processes
- **NO Interior Improvements**
A Recap of ReCAP – cont.

• 50 – 50 Grant-Loan Financing
  • Partially fund well-designed exteriors
  • Maximum award = lesser of 50% of the lowest contractor’s bid for work under the project or $25,000
  • Cash paid up-front, 50-50 loan-grant
    • Up to $12,500 one-time grant
    • Up to $12,500 loaned at 0%, 3-year term

• Applications reviewed by City staff and recommended by CIC

• Approved by City Council
6300 Huntley Road – “Loeb Electric” Building
6300 Huntley Road – “Loeb Electric” Building
Existing Condition

6300 Huntley Road – “Loeb Electric” Building
ReCAP Application 6

Proposed Improvements

6300 Huntley Road – “Loeb Electric” Building
**Scope of Work**

- Neighborhood Design Center-recommended updates:
  - New concrete pad at bldg entrance
  - Drain tile installation
  - Replace exterior trim
  - New awnings, incl. steel / aluminum awning at entrance
  - Repaint entire building exterior
  - Remove obsolete signage & maple tree along frontage
- Timeline: June 30, 2015 completion
- Total estimated costs: $55,256.46
- Request ReCAP assistance: $25,000.00
RESOLUTION NO. 09-2015

Establishing Stand Up for Transportation Day (A National Transportation Infrastructure Day) in Worthington on April 9, 2015

WHEREAS April 9, 2015 marks the Stand Up for Transportation Day, a national transportation infrastructure day that highlights the critical need to invest in updating our nation’s transportation infrastructure; and,

WHEREAS, transportation is the economic backbone of our nation’s economy and public transportation is an important part of our nation’s transportation system, federal funding for public transportation infrastructure needs to increase and Congress needs to pass a long-term, multimodal transportation bill by May 31, 2015; and,

WHEREAS, public transportation is a proven catalyst for economic growth since for every $1 invested in public transportation, $4 in economic returns is generated locally, creating economically vibrant and prosperous communities; and,

WHEREAS, public transportation offers millions of Americans access to economic opportunities since nearly 60 percent of the trips taken on public transportation are for work commutes; and,

WHEREAS, Stand Up for Transportation Day will be celebrated in small, medium, and large communities across the United States, as a day that highlights the critical need for funding transportation infrastructure, both public transportation and highway infrastructure.

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

SECTION 1. That the Council of the City of Worthington declares April 9, 2015 as Stand Up for Transportation Day in Worthington, Ohio and the City of Worthington will join with public transportation agencies and businesses across the country to participate in Stand Up for Transportation Day to encourage greater federal investment in public transportation infrastructure;

SECTION 2. That the Council of the City of Worthington declares that quality public transportation services are essential for the economic prosperity of our country, our communities and for individuals;

SECTION 3. That where public transportation goes, community grows.
RESOLUTION NO. 09-2015

SECTION 4. That the Clerk of Council be and hereby is directed to record this Resolution in the appropriate record book and to forward a duly certified copy thereof to the Central Ohio Transit Authority.

Adopted ____________________

________________________________
President of Council

Attest:

___________________________________
Clerk of Council
ORDINANCE NO. 14-2015

Declaring a Sanitary Sewer Easement over a Portion of the City’s Property Located Within Linworth Park at 6087 Linworth Road.

WHEREAS, City Council has approved a rezoning and subdivision of property at the southwest corner of West Dublin-Granville Road and Linworth Road at the request of Linworth Crossing, LLC; and,

WHEREAS, as part of the proposed development by Linworth Crossing of a community shopping center, the City Engineer requested the developer to construct the sanitary sewer at the site to extend to the westernmost property line in order to facilitate a sewer connection by the property to the west should that property be annexed to the City in the future; and,

WHEREAS, the developer agreed to construct the extension, which causes the sewer to be a public sewer serving more than one property owner; and,

WHEREAS, the sanitary sewer will run along the southern boundary of the Linworth Crossing property and turn south at Linworth Road to connect to an existing sewer line at the east side of Linworth Road; and,

WHEREAS, in order to reach that existing line it is necessary to cross a portion of the City’s property in Linworth Park; and,

WHEREAS, as part of the developer’s agreement to construct the sanitary sewer extension the City has agreed to declare the necessary easement to provide for the connection.

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

SECTION 1. The City Manager is hereby authorized to execute the Declaration of Sanitary Sewer Easement, attached hereto as Exhibit “A” and incorporated herein, to provide for the construction and connection of a sanitary sewer line that will serve the property at the southwest corner of West Dublin-Granville Road and Linworth Road and the property immediately to its west should that property need service following annexation in the future.

SECTION 2. Following the City Manager’s execution, the City Clerk is directed to file the Declaration of Easement in the office of the Franklin County Recorder.
ORDINANCE NO. 14-2015

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
DECLARATION OF PUBLIC SANITARY SEWER EASEMENT

This Declaration of Public Sanitary Sewer Easement ("Declaration") is made this ___ day of ____________, 2015 by the City of Worthington, an Ohio municipal corporation with offices at 6550 North High Street, Worthington, Ohio 43085 (the "City").

Background Information

A. The City is the owner of a tract of land known as Linworth Park, located at 6087 Linworth Road, Parcel No. 100-006495 (the "Park Land").

B. In conjunction with proposed private development of the property to the north of the Park Land ("Linworth Crossing"), the City has been asked to provide an easement for the sanitary sewer line that will be constructed by the Linworth Crossing owner, which line will run south to a point on the Park Land and connect to a sanitary sewer line on the east side of Linworth Road.

C. The Linworth Crossing LLC, the owner of Linworth Crossing, will construct its on-site sanitary sewer line to extend to the property line to the west, for future connection in the event the western property owner annexes to the City. Because of this extension and the potential for the sanitary sewer to be accessed by more than one owner, the Linworth Crossing sanitary sewer line is considered to be a public sewer.

D. The City has agreed to declare a portion of the Park Land needed by Linworth Crossing for the construction of its sanitary sewer as a public easement.

NOW, THEREFORE, the City hereby declares the following:

1. The City of Worthington does hereby create, establish and reserve as a non-exclusive easement ("Easement") that portion of its property located at 6087 Linworth Road, Worthington, Ohio, as is more specifically described and depicted on Exhibit "A", attached hereto and made a part hereof (the "Easement Area"), for the purpose of the construction, improvement, reconstruction, repair, installation, operation, maintenance, removal and replacement of a public sanitary sewer.

2. By virtue of the City's declaration of this easement, the City is hereby consenting to entry upon the Easement Area for the stated purposes by the owners of land benefiting from this Easement, subject to such owner obtaining all necessary and proper permits and further subject to the terms and conditions of this Declaration. For purposes of this Declaration, the owners benefiting from this Easement shall mean those owners of the
sanitary sewer line established and constructed across, over the through the parcels directly north and contiguous to the Park Land and connected to the sanitary sewer line constructed thereon. The City reserves all rights as owner of the Easement Area to use the Easement Area in any way which would not interfere with the use as a public sanitary sewer easement.

3. Linworth Crossing, LLC, its successors and assigns, as soon as is practicable after all construction of the sanitary sewer is completed, shall cause restoration of the Easement Area by returning it to its former grade and restoring the surface area to its former condition as nearly as is reasonably possible.

4. The City shall not cause or allow to be constructed any permanent building, structure, facility or improvement, which in any way impairs the use or interferes with the construction, improvement, installation, operation, maintenance, repair, removal, replacement or reconstruction of the sanitary sewer line or access thereto. Notwithstanding the foregoing, as part of its approval to construct Linworth Crossing, the owner has agreed to construct an asphalt path that will run across a portion of the Easement Area. Should the asphalt path be disturbed or need to be removed for the purpose of reconstruction, repair, maintenance or replacement of the sanitary sewer, all measures shall be taken to restore the path to the condition it was in prior to its removal or disturbance, as is reasonably possible.

The City claims title to the Park Land and Easement Area by deed of transfer recorded in Volume 33542, Page No. F14 in the Recorder’s Office, County of Franklin, State of Ohio.

IN WITNESS WHEREOF, the City has caused this Declaration of Public Sanitary Sewer Easement to be executed and subscribed this __ day of ______________, 2015.

CITY OF WORTHINGTON, OHIO

By _______________________

Matthew H. Greeson, City Manager
STATE OF OHIO  
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this ___ day of __________________, 2015, 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, for and on behalf of the City.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.

__________________________
Notary Public

This document prepared by:  
Pamela A. Fox  
Law Director, City of Worthington  
370 Highland Ave.  
Worthington, Ohio 43085  
(614) 880-1464  
pfox@ci.worthington.oh.us
SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF WORTHINGTON, SECTION 4, TOWNSHIP 2, RANGE 19, UNITED STATES MILITARY LANDS, BEING A SANITARY SEWER EASEMENT LOCATED IN THAT 2.425 ACRE TRACT AS DESCRIBED IN A DEED TO THE CITY OF WORTHINGTON, OF RECORD IN OFFICIAL RECORD VOLUME 33542 F14, ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

531 SQUARE FOOT - SANITARY SEWER EASEMENT

BASIS OF BEARING

BEARINGS ARE BASED ON NORTH 02°15'16" EAST, ALONG THE CENTERLINE OF LINWORTH ROAD, AS Delineated ON THE PLAT OF "WESTBROOK PLACE", OF RECORD IN PLAT BOOK 62, PAGE 95, ON FILE IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

STATE OF OHIO
PROFESSIONAL SURVEYOR

BRH GROUP, INC.

[Signature]
JOHN L. PRICE
PROFESSIONAL SURVEYOR No. 7159

GRAPHIC SCALE

SCALE: 1 inch = 40 ft.

02/17/2015
SANITARY SEWER EASEMENT
WEST SIDE OF LINWORTH ROAD
SOUTH OF DUBLIN-GRANVILLE ROAD (S.R. 161)

Situated in the State of Ohio, County of Franklin, City of Worthington, Section 4, Township 2,
Range 19, United States Military Lands, being a Sanitary Sewer easement located in that 2.425
acre tract as described in a deed to the City of Worthington, of record in Official Record Volume
33542 F14, on file in the Recorder’s Office, Franklin County, Ohio, said Sanitary Sewer
easement being more particularly described as follows:

Commencing at the northeasterly corner of said 2.425 acre tract in the centerline of Linworth
Road;

Thence South 89°36'42" West, along the northerly line of said 2.425 acre tract, a distance of
25.03 feet to a 3/4" iron pin found (no cap) found in the westerly right of way line of said
Linworth Road and being the True Place of Beginning of the easement herein described;

Thence South 02°15'16" West, into said 2.425 acre tract, along the westerly right of way line of
said Linworth Road, a distance of 21.70 feet to a point;

Thence North 87°44'44" West, continuing through said 2.425 acre tract, a distance of 12.65 feet
to a point;

Thence North 48°45'40" West, continuing through said 2.425 acre tract, a distance of 31.75 feet
to a point in the northerly line of said 2.425 acre tract;

Thence North 89°36'42" East, along the northerly line of said 2.425 acre tract, a distance of
37.37 feet to the True Place of Beginning of said Sanitary Sewer easement and containing an
area of 531 Square Feet;

Bearings are based on South 02°15'16" West, along the centerline of Linworth Road, as shown
on the plat of "Westbrook Place", of record in Plat Book 62, Page 95, on file in the Recorder’s
Office, Franklin County, Ohio.

BRH Group, Inc.

John L. Price
Professional Surveyor No. 7159

02/17/2015
ORDINANCE NO. 15-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for An Appropriation from the General Fund Unappropriated Balance.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

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

SECTION 1. That there be and hereby is appropriated from the General Fund unappropriated balance to:

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>101.3010.540550</td>
<td>Insurance Reimbursement – Service/Eng</td>
<td>$ 19,000.00</td>
</tr>
</tbody>
</table>

**General Fund Totals** $ 19,000.00

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:    Mathew H. Greeson, City Manager
FROM:  R. Lee Brown, Planning & Building Director
DATE:  March 30, 2015
SUBJECT: Ordinance to Rezone 5596 North High Street from C-1 District, Neighborhood Commercial to C-2 District, Community Commercial (REZ 02-15)

Background & Request:
The applicant has requested to rezone 5596 North High Street to the C-2 (Community Commercial) District. The site has a total acreage of approximately 0.278-acres. The site is located on the southeast corner of North High Street and Selby Boulevard.

City Staff has been working with the applicant (David Creighton), to occupy two spaces in the Sharon Square Shopping Center for a hair salon and a restaurant.

The property is currently located in the C-1 (Neighborhood Commercial) District. Permitted uses in C-1 District 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 District.

The permitted uses in the C-2 (Community Commercial) District include a variety of retail and service establishments which are currently located in the community or within the population they serve, having adequate parking and direct access to major thoroughfares, being screened or fenced from surrounding residential uses, and serving the day-to-day needs of the whole community.
The building on the site is in one of those unique locations where part of the structure is in Worthington and part is in the City of Columbus, and the proposed restaurant space straddles the corporate line. The southern portion of Sharon Square Shopping Center is situated in the Columbus zoning category C-4, which is one of the highest commercial zoning districts in the City of Columbus, 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 Shopping Center 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.

**Surrounding Zoning & Land Use:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>S-1 – Special</td>
<td>Saint Michael Catholic Church</td>
</tr>
<tr>
<td>East</td>
<td>R-10 – Low Density Residence</td>
<td>Parking Lot for Sharon Square Shopping Center</td>
</tr>
<tr>
<td>South</td>
<td>C4 – Regional Scale Commercial – City of Columbus</td>
<td>Sharon Square Shopping Center (Computer Lab, State Liquor Agency and European Styled Tailoring)</td>
</tr>
<tr>
<td>Southeast</td>
<td>R2 – Residential District – City of Columbus</td>
<td>Single-family homes</td>
</tr>
<tr>
<td>West</td>
<td>C-2 – Community Commercial</td>
<td>Verizon Wireless, The Vet Clinic and Natalie’s)</td>
</tr>
</tbody>
</table>

**Recommendations:**

Staff is recommending *approval* of the proposed rezoning to the C-2 (Community Commercial) District. Staff believes that rezoning this site to the C-2 District 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 the City of Columbus and would not adversely impact the surrounding properties.

Municipal Planning Commission reviewed and unanimously recommended *approval* to City Council on an Ordinance to rezone 5596 North High Street (REZ 02-15) at it’s meeting on March 26, 2015.
City of Worthington
REZONING APPLICATION

1. Property Location
   5596 N. High St.

2. Present Zoning
   C-1
   Present Use

3. Proposed Zoning
   C-2
   Proposed Use

4. Applicant
   David Creighton
   Address 1310 Innsbruck Dublin Rd. 43215
   Home Phone (614) 446-3150  Work Phone (614) 298-4800

5. Property Owner
   George O'Donnell (Agent)
   Address GODONNAEL@AOL.COM
   Home Phone (614) 463-1696  Work Phone (614) 314-1053

6. Project Description
   Restaurant

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)  3-10-15

Property Owner (Signature)  3-10-15
Abutting Property Owners List for
5596 N. High St.

St. Michael Catholic Church
Kelma LLC
Sutton Properties Ltd.
John C. Wolfe Jr.
Mark & Rachel Tolentino
Michelle Hoppe
Society Bank
MK&K Realty

5750 N. High St. 205 E. South St. 24 Chase Rd. 40 Chase Rd. 2616 Amberwick Pl. 5633 N. High St. P.O. Box 536

Worthington, OH 43085 Worthington, OH 43085 Worthington, OH 43085 Columbus, OH 43214 Columbus, OH 43214 Hilliard, OH 43026 Worthington, OH 43085

Wallace F. Ackley Co. 695 Kenwick Rd.

Columbus, OH 43209
Dear Members of the City of Worthington Council Members and Zoning Board,

I am writing to request your support for my application for a Zoning change at 5596 North High St. located in the Sharon Square Shopping Center (SSSC) at the extreme southern boundary of the City of Worthington, Ohio.

I request this change to allow the use of the northern parcel of the SSSC (Phase I), located almost entirely in the City of Worthington, to align with the zoning of the adjacent and connected southern parcel of the SSSC (phase II) located entirely in the City of Columbus. The commercial space at 5596 High St. is dissected by the city boundary. That means that the zoning allows different uses within the same room (5596). I would like to align the zoning to ease my efforts to develop the space for use as a restaurant, currently allowed in the Columbus area of the building and not in the Worthington.

I believe conforming the zoning in the north (Worthington) portion of the SSSC to match the zoning in the south (Columbus) portion of the SSSC will help ease my current efforts and other possible future efforts for the improvement of the building and services located at the SSSC.

It is also important to note that the zoning on the west side of High Street directly across from SSSC located in the City of Worthington is zoned as I am requesting.

In my opinion this change is appropriate based not only on surrounding land uses but that the SSSC is ideally designed to accommodate the expanded types of uses allowed by this proposed zoning change. I believe this proposed zoning change allow for higher and better use of the SSSC. Higher and better use of SSSC will compel accompanying improvements to the property that will contribute to the aesthetic and financial well being of the City of Worthington.

I hope you will support the proposal zoning change requested above.

Sincerely,

David Creighton
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