



Meeting Minutes

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

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

City Council

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

D. Kay Thress, Clerk of Council

CALL TO ORDER – Roll Call, Pledge of Allegiance

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

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

Member(s) Absent: Scott Myers

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

There were fourteen visitors present.

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

VISITOR COMMENTS**APPROVAL OF MINUTES**

- **January 20, 2015 – Regular Meeting**

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

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

NEW LEGISLATION TO BE INTRODUCED**Ordinance No. 07-2015**

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

Introduced by Dr. Chosy

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

REPORTS OF CITY OFFICIALS

Discussion Item(s)

- Bike & Pedestrian Committee Creation

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

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

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

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

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

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

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

Key Issues

Areas of focus/duties

Steering Committee Feedback

Assist in the implementation of the bike and pedestrian plan, as appropriate; Staying abreast of regional bike and pedestrian projects; regularly review progress on the implementation of the

bicycle and pedestrian plan; solicit public input and make recommendations to continuously update the City's Bicycle and Pedestrian Plan; provide input on standards, guidelines, best practices or changes to the Comprehensive Plan and codified ordinances that, if adopted, would improve bicycle and pedestrian access in Worthington;

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

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

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

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

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

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

Dr. Chosy commented that it looks pretty comprehensive. He thinks it is covered well.

Relationship to other Commissions and Boards

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

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

Also mentioned was coordination with the Arbor Advisory Committee.

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

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

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

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

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

Ms. Dorothy recalled from reading the standing committee's report that many of the recommended projects relate to properties that are currently being developed throughout Worthington. She thinks there should be very close coordination with any new development to make sure that it is reviewed for bike and pedestrian and multi-modal transportation options other than just car transportation. She would like there to be

some mechanism where MPC reviews the plans for bike and pedestrian opportunities. She is not sure how that mechanism would happen.

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

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

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

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

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

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

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

Several other members agreed.

Mr. Greeson concluded that we want to encourage coordination and attendance but not necessarily make it a requirement.

Ms. Michael thinks one way to accomplish coordination is to include in the Duties listed above the recommendation that the agenda and the minutes of the Bike & Pedestrian Board meeting gets forwarded to the Parks Board and the MPC. That could be accomplished through an e-mail.

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

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

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

Should any groups (civic or City) be represented?

Should include representative(s) of business community and school system.

Discussion about importance of having Police, Parks and Recreation, Service and Engineering and Planning and Building all engaged in the effort.

Discussion about importance of involving MORPC and ODOT

Mr. Greeson asked for council feedback on whether any particular groups should have a seat at the table.

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

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

Mr. Norstrom shared that initially when the MAC Board was composed, there was a member from the former arts group, he was on it, and there was one other citizen and they talked amongst themselves about what they wanted on the MAC Board in terms of artists, fundraisers and community leaders. After that it is really the board that decides who they want. The question is, do we do this with Parks and Recreation or with any of the other groups? He doesn't think that Council says that there has to be representation from the business community.

Mr. Greeson agreed but added that reflecting on the MAC experience he recalls a matrix, which was qualities and characteristics that we thought were desirable to have on the board and where potential candidates fits those qualities and characteristics.

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

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

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

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

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

Should any specialties/professional backgrounds be represented?

Desirable to have the following skill-sets represented amongst the members: knowledge of planning; knowledgeable of bicycle, pedestrian needs and challenges; traffic safety or other related planning, landscape architecture and engineering background; recreational bicyclist; and grant writing/knowledge.

Desirable to have one of the regional bicycle advocacy groups attend the meetings or be represented on the board.

Comment not to overload it with technicians at the expense of general family/community input.

Should any geographic areas be represented?

Should be reflective geographically of the community.

Consider this being the school district boundary

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

Is residency required?

No, but the majority of the Committee should be Worthington residents.

Worthington School District residents should be considered.

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

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

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

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

Number of members

7 to 9 members

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

Ms. Dorothy commented that currently we have the Community Relations Commission and the Parks and Recreation Commission that have between seven and nine members. She asked if we have any idea how many members actually attend those meetings.

Ms. Michael thinks the CIC is the only board that has any type of sunset provision. All of the rest have just been serving at the pleasure of council. Mr. Norstrom commented that is a mistake.

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

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

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

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

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

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

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

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

Dr. Chosy reported that he could go either way.

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

Members then discussed the results of staggering the terms in greater detail.

Dr. Chosy favored ongoing while Mr. Norstrom favored a sunset provision.

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

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

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

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

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

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

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

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

Mr. Norstrom requested that both options be brought back. Mr. Greeson agreed to that suggestion.

Type of Group (Commission, Advisory Board, Advisory Board, Committee, Temporary Advisory Committee or Task Force)

Ms. Michael asked if any members had a problem with staff's recommendation of an advisory board. When no comments were made, she moved on.

How formed (Charter, ordinance, resolution, or City Manager authorization) Resolution or Ordinance

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

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

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

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

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

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

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

Dr. Chosy asked if they would have suggestions. Mr. Greeson replied that staff will use this information to create a tool that members can use to evaluate the candidates.

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

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

Mr. Greeson clarified that the legislation will include:

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

Ms. Michael asked if anyone had any additional comments.

Joanna Saul, 252 Pingree Dr.

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

Ms. Saul stated that she had a couple of thoughts that she would like to share. Members talked about the requirements to be on the board so just thinking about the health of the community, walkability obviously relates to health and fitness. Coming from the pantry, she thinks council may also want to think about different segments of the population. She added that low income areas tend to have less walkability so maybe considering how. . . Ms. Michael interjected that there aren't many low income areas in the city of Worthington. We can only do things related to infrastructure within the city of Worthington boundary. There are many parts of the school district that could really use a lot of help but they are mostly in the city of Columbus, Worthington schools. She knows the pantry serves eight zip codes.

Ms. Saul commented on Mr. Norstrom point, she certainly believes in productivity as well and maybe having a report. That is something she has seen in the state legislature. She doesn't know how the commissions are in Worthington but requiring a certain report to

be made after a length of time sort of sets those expectations of productivity to makes sure they continue to be responsive to the council's needs.

Ms. Saul thanked council for their time.

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

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

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

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

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

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

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

Dr. Chosy commented that she can't object to the division because the time has passed. She can't object to the variance because there aren't any. Mrs. Fox replied that there were variances that were granted with the initial subdivision. But no new variances are needed.

Mr. Norstrom commented that the only thing that is really appealable at this point in time is the design of the house, the architectural involved in the house, the location of the house, the massing of the house. That type of thing, correct? Mrs. Fox agreed that all of the features that ARB reviews are appealable.

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

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

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

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

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

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

Dr. Chosy asked why she wasn't in attendance. Ms. Michael commented that this is council's time to make a decision on whether we want to hear her appeal. Dr. Chosy understands that but added that she could support herself.

Ms. Michael asked if she was aware that this was going to be discussed tonight. Mrs. Fox replied that she didn't know. She did send her a letter letting her know that council has been informed about the appeal and that they needed to make a decision although she didn't know when that decision would be made. She added that she didn't have any contact information for Mrs. Barnum.

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

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

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

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

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

Ms. Michael asked where she lives in relationship to this. Mr. Brown replied that there is one house between her and the corner lot. He thinks two or three lots were combined for her house.

Mr. Norstrom shared that at Thursday night's meeting she again brought it up and the chair did point out that it was too late. But as Mr. Brown just pointed out the issue with her also was like cutting down trees and the city advocating putting in the sidewalks and things like that.

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

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

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

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

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

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

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

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

The motion to deny this appeal passed unanimously by a voice vote.

Policy Item(s)

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

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

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

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

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

REPORTS OF COUNCIL MEMBERS

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

OTHER**EXECUTIVE SESSION**

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

The motion carried by the following voice vote:

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

No 0

The motion carried unanimously by a voice vote.

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

ADJOURNMENT

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

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

/s/ D. Kay Thress
Clerk of Council

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

/s/ Bonnie D. Michael
Council President