CALL TO ORDER

Roll Call

Pledge of Allegiance

VISITOR COMMENTS

APPROVAL OF MINUTES

1) May 4, 2015 – Regular Meeting
2) May 11, 2015 – Special Meeting
3) May 11, 2015 – Committee of the Whole Meeting
4) May 18, 2015 – Regular Meeting
5) June 1, 2015 – Special Meeting

PUBLIC HEARINGS ON LEGISLATION

6) Ordinance No. 21-2015

Enacting Section 1180.08 of the Codified Ordinances of the City of Worthington to Regulate the Growth of Running Bamboo.

Introduced June 1, 2015
P.H. June 15, 2015

7) Ordinance No. 22-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance for Salt and Ice Control and the Economic Development Fund Unappropriated Balance for Economic Development Incentive Program Funding.

Introduced June 1, 2015
P.H. June 15, 2015

NEW LEGISLATION TO BE INTRODUCED

8) Resolution No. 31-2015

9) Resolution No. 32-2015

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 (6601 Huntley Road).

10) Resolution No. 33-2015

Accepting the Recommendations of the 2015 Worthington Tax Incentive Review Council Concerning Parcels of Commercial Real Property in the City of Worthington Receiving Tax Exemptions for Purposes of Economic Development.

11) Ordinance No. 23-2015

To Amend Section 1147.01 of the Codified Ordinances of the City of Worthington to Add Dog and Cat Day Care Center as a Conditional Use in the Restricted Light Industrial (I-1) Zoning District.

12) Ordinance No. 24-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Basins 6 and 8 Sanitary Sewer Repairs and all Related Expenses and Determining to Proceed with said Project. (Project No. 568-11)

13) Ordinance No. 25-2015

Authorizing the City Manager to Execute a Lease Agreement with Worthington Lodge, LLC for Vehicular and Pedestrian Access from East New England Avenue to the Methodist Church Parking Lot.

REPORTS OF CITY OFFICIALS

REPORTS OF COUNCIL MEMBERS

OTHER

EXECUTIVE SESSION

ADJOURNMENT
City Manager Report to City Council for the Meeting of Monday, June 15, 2015

APPROVAL OF MINUTES

1) May 4, 2015 – Regular Meeting
2) May 11, 2015 – Special Meeting
3) May 11, 2015 – Committee of the Whole Meeting
4) May 18, 2015 – Regular Meeting
5) June 1, 2015 – Special Meeting

Recommendation: Approval of Minutes as Presented

PUBLIC HEARINGS ON LEGISLATION

6) Ordinance No. 21-2015 – Regulation of the Growth of Running Bamboo

On May 4, 2015, the City Council discussed draft legislation regarding the regulation of running bamboo. During that discussion, Council requested changes and asked those changes to be incorporated into an Ordinance that is brought forward for introduction and public hearing. Attached is a memorandum from the Law Director regarding this Ordinance. A redlined version of the Ordinance is also attached.

Staff wants to revisit some of this discussion. In particular, we desire to discuss requiring bamboo be kept at minimum distances from property lines and adding specific language that the City Manager may appoint a Hearing Officer to handle such cases.

Recommendation: Discuss and consider adoption of Ordinance.

7) Ordinance No. 22-2015 – Supplemental Appropriation

This Ordinance appropriates in the General Fund $140,000 for the purchase of road salt and ice control materials and $85,000 for supplemental pay for members of the Fire Division in connection with the recently approved collective bargaining agreement with
the IAFF. It also appropriates $10,000 in the Economic Development Fund for building improvement incentives.

Road salt was very expensive this past winter and the City’s supply has been depleted. Additional salt and de-icing materials need to be purchased to prepare for the upcoming winter and the City’s previously allocated funding was already expended for salt earlier this year. This appropriation will provide funding for the purchase.

The building improvement incentives line item in the Economic Development Fund supports the ReCAP program. The City has engaged the Neighborhood Design Center (NDC) to provide design services for businesses preparing an application for ReCAP funding. The services of the NDC have succeeded in elevating the impact of the funded projects by encouraging more effective use of funds to create aesthetic exterior improvements. The budget for the NDC services has been expended, thus additional funding is needed to continue to provide the service. The City’s ReCAP program received a $10,000 grant from American Electric Power in 2014 and those funds have not yet been appropriated. Staff recommends they be appropriated for the purpose of funding NDC services for additional ReCAP applications.

Recommendation: Approval of Ordinance as Presented

NEW LEGISLATION TO BE INTRODUCED

8) Resolution No. 31-2015 – Outdoor Dining

The City received a request from a new restaurant, The Whitney House, to allow outdoor dining and serve alcohol adjacent to their property, but within the public right-of-way. Ohio liquor laws require an enclosure around any area where alcohol is served. This can be achieved in several ways. But, it raises the policy issue of when and where the City would allow such use of the public rights-of-way (sidewalks) and what conditions have to be met in order to do so. To facilitate a conversation about this policy issue, staff researched the policies and procedures of other cities, reviewed Ohio liquor laws, drafted a policy and procedure and circulated it to various stakeholders for input.

On June 8, 2015, the City Council reviewed the draft policy and procedures and provided a variety of input and made suggestions for changes. Staff is working on revisions to the policy and procedures and expects to distribute them under separate cover.

Recommendation: Consider adoption of the Resolution.
9) **Resolution No. 32-2015 – ReCAP Application – Huntley Partners LLC (6601 Huntley Road)**

This Resolution approves the award of $5,000 in ReCap assistance for improvements to the property at 6601 Proprietors 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. Huntley Partners LLC has applied for assistance under this program.

Additional information is provided in the attached memorandum and presentation from the Economic Development Manager.

**Recommendation:** Approval of Resolution as Presented

10) **Resolution No. 33-2015 – TIRC Follow-up Actions by City Council**

Community Reinvestment Area (CRA) abatements and Tax Increment Financing (TIF) exemptions are administered locally by the City, but are subject to State law requirements. One such requirement is to hold an annual Tax Incentive Review Council (TIRC) meeting to review active CRA and TIF projects receiving tax exemptions. The TIRC is made up of two (2) appointees of the City Council and representatives of other governmental taxing entities (county, schools, and township). The TIRC held its 2015 annual meeting on June 4, 2015. Following its review, the TIRC recommended continuing all active Community Reinvestment Area abatements and Tax Increment Financing exemptions. Staff concurs with this recommendation. A detailed memorandum including a summary of all active projects is attached.

**Recommendation:** Motion to accept the recommendations of the TIRC

11) **Ordinance No. 23-2015 – Amend the Codified Ordinances to add Dog & Cat Day Care Centers to the I-1 Zoning District**

A request was received from a business called Pathways to Independence of Central Ohio to locate in Space D of 7020 Huntley Rd., which is in the I-1 Zoning District. The business would operate a training and education facility for young adults with disabilities, which would require a Conditional Use Permit as “Vocational Instruction”. As part of the business model a dog day care would be used to teach all aspects of running a business. “Dog and cat day care center” is currently neither a Permitted nor Conditional Use in the I-1 Zoning District. A change to the Code would be the only way such a facility could operate in the I-1 Zoning District as a Conditional Use.

This amendment has been reviewed and unanimously recommended by the Municipal Planning Commission (MPC). Staff also recommends approval of this amendment of the Codified Ordinances. A detailed staff memorandum from Lee Brown, Director of Planning and Building, is attached.
12) Ordinance No. 24-2015 – Funding Basin Costs of Basin 6 and 8 Sanitary Sewer Repairs

On June 1, 2015, the City Council authorized staff to advertise for bids for lining improvements to sections of sanitary sewers in the southeast sewer shed. Deficiencies in these sections were identified as a result of the Southeast Sewer Shed Study and Master Plan. Staff is requesting the City Council to introduce legislation to fund construction. The public hearing for this legislation will be on July 6, 2015. Bids will be open prior to that on June 19, 2015.

Recommendation: Introduction for Public Hearing on July 6, 2015

13) Ordinance No. 25-2015 – Lease Agreement Showe (Access Drive)

In conjunction with the approval of the Planned Unit Development (PUD) zoning for the development on East New England Avenue by Worthington Lodge, LLC, the developer is required to enter into an agreement with the City for access from East New England to the Methodist Church Parking Lot. A memorandum on this subject from the Law Director, Pam Fox, is attached. A lease agreement is included as Exhibit A to the Ordinance.

Recommendation: Introduction for Public Hearing on July 6, 2015

REPORTS OF CITY OFFICIALS

EXECUTIVE SESSION
Meeting Minutes

Monday, May 4, 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, May 4, 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, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, City Engineer William Watterson, Parks and Recreation Director Darren Hurley, Director of Planning and Building Lee Brown, Chief of Police James Mosic and Chief of Fire Scott Highley

There were approximately nine visitors present.

President Michael reported it wasn’t necessary to recite the Pledge of Allegiance again since it was recited during the Joint Meeting of City Council and the Sharon Township Trustees.

VISITOR COMMENTS

SPECIAL PRESENTATION

- Military Appreciation Month

Mr. Greeson shared that we are here tonight to honor Military Appreciation Month. He invited Mayor Scott Holmes to come forward. He believes he is going to present a Proclamation in honor of this occasion.

Mayor Holmes commented that this is his first opportunity to present a Proclamation before City Council. He acknowledged having celebrated many business openings and recognizing individuals in the community during his time as Mayor.

Mayor Holmes commented that tonight he is before council to recognize our military as we can never thank them enough. Worthington will hold the Memorial Day Parade in three weeks to honor our military. He invited Dr. Cal Taylor (USA – LT Col, Retired), Commander David Kelly from Legion – Post 239 and a representative of the VFW to come forward.
Mayor Holmes read the Proclamation in its entirety and presented all three representatives with a copy. He added that Military Appreciation months actually run from May 1 through June 30. He invited Dr. Taylor to comment.

Dr. Taylor shared that he is humbled and honored to be here tonight to accept this Proclamation on behalf of the three hundred members of the military officers association of central Ohio. They are pleased that Worthington has joined with five other communities (Gahanna, Westerville, Worthington (tonight), Powell (tomorrow night), Hilliard and the city of Columbus will present it on May 11th) in taking this step forward. He thanked council on behalf of all veterans, NCO, officers, families, employers, public leaders such as council and everyone who makes our country great. He appreciates those who have gone before him and sacrificed and those who will go after him.

Ms. Michael shared that she was at a facility in Florida last week and there was a sign that made her think about the Proclamation that was presented today. It said that we are free through the efforts of the brave. If it weren’t for our veterans, our active military and all the people working together we wouldn’t have the freedoms that we enjoy today. Members really appreciate all of our military and all of the vets and everybody that has allowed our country and our city to be free. It is an honor for our Council to be able to support these two months of honoring those who have really made a difference for our lives too.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 13-2015
Designating Public Depositories and Awarding Public Monies of Active and Interim Deposits.

Introduced by Mr. Troper.

MOTION
Ms. Dorothy made a motion to adopt Resolution No. 13-2015. The motion was seconded by Mr. Myers.

Mr. Greason commented that he is going to ask our Finance Director, Molly Roberts to overview this item.

Mrs. Roberts shared that in accordance with Ohio Revised Code Section 135.12, requests for proposals for public depositories for the City of Worthington were accepted on April 20, 2015. The resolution covers a five year period beginning June 1, 2015 through May 31, 2020. She received proposals for this depository period from Park National Bank, Huntington Bank, Key Bank and CF Bank. CF Bank however was only interested in the public depository award for interim and inactive funds to capture investment opportunities.

The proposals received from Huntington National Bank, Key Bank, and Park National Bank were all competitive and responsive. Park National Bank is offering a flat monthly service fee for all account activity in the amount of $880.00 per month. Based on this
service fee structure, we could potentially save over $500.00 per month in comparison to our current fee structure. Therefore she recommended that the depository of active funds be awarded to Park National Bank.

Ms. Dorothy asked for help in understanding Earnings Credit Allowance. Mrs. Roberts explained that the Earnings Credit could be used to offset any service fees that are charged but the total activity would not offset all of the fees. The net of the fees due would be approximately $1,500 a month on the Huntington account as illustrated in her memo.

Ms. Dorothy commented that she didn’t know if it included the Earnings Credit Allowance or not. She asked if the $1,495 total for the Huntington included the Earnings Credit Allowance. Mrs. Roberts agreed that it was already included in that total.

There being no additional comments, the motion to adopt Resolution No. 13-2015 carried unanimously by a voice vote.

Resolution No. 14-2015

Authorizing an Amendment to the Final Development Plan for 50 West Wilson Bridge Road and Authorizing Variances (FMS Architects/Chase Bank).

Introduced by Dr. Chosy.

MOTION

Mr. Smith made a motion to adopt Resolution No. 14-2015. The motion was seconded by Mr. Norstrom.

Mr. Greeson shared that this Resolution is an Amendment to Development Plan (ADP) for the Chase Bank property at High St. and Wilson Bridge Road. He asked Lee Brown to provide an overview of the item, after which staff will gladly answer any questions members may have.

Mr. Brown commented that the request before members is an ADP that went before Municipal Planning Commission last week and includes two variances. The property is also subject to Conditional Use Permit approval for changes to the drive-thru.

Mr. Brown explained that the applicant would like to add a second ATM machine in the drive-thru area. The lane closest to the building will be kept for deposits. The second lane from the building will stay blocked with the two bollards that are currently in place. Lanes three and four will be the location of the new ATM machine. Two of the vacuum tubes will be removed and one other will be decommissioned as part of the change.

The ATM topper will include signage that will be considered wall mounted. The drawing shows one sign on the front of each ATM machine. Variances for an additional wall mounted sign will be needed as part of the ADP. Signage on the canopy is proposed
to reflect the appropriate lane designations. It has already been accounted for as directional signage.

At the April 23rd meeting the MPC recommended approval of this application. Staff also recommends approval of the application as proposed.

Dr. Chosy asked for clarification on the two variances. Mr. Brown explained that a variance was for an additional four square foot sign on top of the ATM and a variance for one additional wall sign, which is for the top of the new ATM.

**There being no additional comments, the motion to adopt Resolution No. 14-2015 carried unanimously by a voice vote.**

**Ordinance No. 15-2015**

Approving the Provisions of a Collective Bargaining Agreement Between the City of Worthington, Ohio and the International Association of Firefighters Local #3498 and Authorizing the City Manager to Execute Same on Behalf of the City.

*Introduced by Mr. Troper.*

**Ordinance No. 16-2015**

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

*Introduced by Ms. Dorothy.*

**REPORTS OF CITY OFFICIALS**

**Discussion Item(s)**

- Proposed 2015 Street Improvement Program

Mr. Watterson shared that the program is at council’s places this evening. It is the result of the survey by city staff and includes those streets that staff feels are most in need of repair. The budget in the capital improvements program is $775,000. The estimated cost of the improvements is $765,889. The project also includes as asphalt overlay of the United Methodist Parking Lot, repairs to the Community Center Parking Lot and asphalt adjustments and restriping of West Wilson Bridge Road to establish bicycle lanes from the Fishing Access entrance to Olentangy River Road. A flashing beacon will be installed at the Fishing access as part of that work and is estimated to cost an additional $20,000.00 for a total project estimate of $785,889. The actual contract price will be based on the bids.
Mr. Watterson comments that staff is available to take council members on a tour of the city either May 8th or May 11th.

Following a brief exchange, members agreed to meet at the Service and Engineering Building at 380 Highland Ave. on May 8th at 2:00 p.m.

Mr. Norstrom thanked staff for the patching along StRt 161. Mr. Watterson shared that staff hopes that the patching will get us through until the road is paved by ODOT in 2017.

- Regulation of Running Bamboo

Mr. Greeson shared that council directed staff to explore and draft legislation for discussion about invasive or running bamboo. Staff has done that in part based on some research that we have conducted. Tonight we are prepared to walk through a draft ordinance and receive input from council members and then determine how to proceed. He asked Mrs. Fox to begin overviewing the item.

Mrs. Fox commented that she prepared an ordinance based on comments staff heard from neighbors. Some didn’t want criminal penalties but felt that civil and a different kind of enforcement was okay. Some felt that we should only regulate when the bamboo enters onto an adjoining property.

She shared that many ordinances from the east coast include banning certain types of bamboo and restricts the planting of it within a certain number of feet from the property line. She tried to set up a system by which to manage the bamboo and address the concerns that we heard. She shared that she has received some questions from council members and will address those as we talk.

Draft Ordinance – Bamboo (Copy attached)

- 1180.08 – Growth of Bamboo
  a. Defines bamboo – That is important because not all types of bamboo create a problem
  b. Defines bamboo owner – Not necessarily always the person who planted it.

Mrs. Fox pointed out that she included some exceptions under (a)(2). Staff heard that some of the neighbors want the bamboo confined. We heard that it is easy to keep contained by just mowing over it while others spoke about how difficult it was to mitigate. Some neighbors felt that the city should require the bamboo owners to remove the bamboo that seeps into their neighbor’s yard.

In addressing a question by Ms. Dorothy, Mrs. Fox acknowledged a difficulty with this type of ordinance is determining who is responsible. We heard that the neighbors who had the bamboo encroach in their yard didn’t want to be responsible. This ordinance tries
to address enforcement. The city will get involved when the owner doesn’t take care of business. There has to be some way to make bamboo owners responsible.

In addressing Ms. Dorothy question about barriers, Mrs. Fox shared that the neighbor could take some measures to confine. That duty is outlined on page 2, in Section D.

Mr. Norstrom wondered if that is something that we want to add. If an owner doesn’t take care of it can the city and then just bill the owner. Mrs. Fox acknowledged that we could do that but it is pretty significant.

Mr. Myers suggested constructing a trench and use building materials. Mrs. Fox acknowledged that staff does on occasion enter private property for maintenance of noxious weeds. We could include something to incorporate that idea.

Mr. Norstrom commented that if someone purchased a house with bamboo and the owner that sold me the house didn’t disclose that information is there something the city can do. He knows that under state law they need to disclose. Mrs. Fox said she doesn’t know how we would enforce that.

Ms. Michael asked if there was any duty to disclose under the Ohio Residential Disclosure form. Mr. Myers wasn’t sure that it needed to be disclosed. He thinks bamboo is beautiful. Ms. Dorothy agreed. Mr. Myers sees it as a civil liability. We should have the ability to put containment up.

Mr. Greeson thinks that is the difference between this and the ordinance that allows staff to go onto someone’s property and mow grass. This would take significant equipment.

Mr. Myers thinks it is possible to remove some by hand. There will be incidental damage. The only way to get it up is to remove the rhizomes all the way up. It will need to be trenched which will require picks and shovels. It can be done with just people but it is possible that a bobcat would be needed.

Mr. Greeson sees it as two issues. Does council want staff doing that kind of work on private property and secondly, who do members want ordering that. In this case it is structured as a civil matter so he will be acting as a “hearing officer” as opposed to Mayor’s Court or some other forum. It is really about where members want the forum.

Mr. Myers thinks it is appropriate the way that it is drafted. It keeps it civil. Hopefully the property owners will take care of the issue once fines begin to occur.

Mr. Norstrom went back to his earlier comment. If an owner is selling a property in our community that has a known problem, then he thinks there is an obligation on that owner’s part to identify that problem. It is not a problem in Columbus but here an owner is taking on a liability that they may not know about, especially since this is a relatively rare ordinance so you wouldn’t even think about it if you were moving in.
Ms. Michael shared that anytime that anybody sells property an owner signs a seller’s affidavit, which specifically states that this property is not, to my knowledge, in violation of any city code. If they don’t realize that the bamboo in their backyard could be a violation of city code, then there may be a problem.

Mr. Myers stated that they can sign that seller’s affidavit because they are not in violation as long as it is on their property. It isn’t a problem now. It is a potential problem that they will have to watch out for. Mr. Norstrom agreed.

Ms. Dorothy said she is still concerned about where this barrier is being put. All of the remedies would happen on the encroaching property. The owner’s property would not be disturbed. Mrs. Fox agreed with that being the way this is written. She thinks she is hearing members say that we want to go on the owner’s property with the barrier, which changes the tone of the ordinance. That could be a remedy but she doesn’t know why we wouldn’t just jump to that if we had this in here instead of just allowing it to grow and grow and grow. Mr. Norstrom agreed.

Ms. Dorothy commented that is actually what she is getting out. How it reads to her right now is that we are allowing it to just grow and grow and grow every single year. Mrs. Fox added yes unless the owner is tired of going over to the neighbors but that changes the way this is written. She would be happy to go back to the drawing board and do that if that is what members want.

Mr. Myers asked if that is a better solution and just eliminate the remediation on the neighbor’s yard. Leave it up to the neighbor to keep care of so the city doesn’t run the risk of tearing up their yard also. The remedy is if you don’t clean it up off of the neighbor’s yard then we will contain it for you and we leave it at that. Ms. Michael reported being okay with that.

Mr. Myers stated that leaves the neighbor having to go and dig the stuff up themselves. Mr. Norstrom commented that is what we were trying to get around.

Mr. Myers reported trying to get the city around being on the neighbor’s property and the owner’s property. Mr. Norstrom commented that he understands but what we are saying is that if it is growing over into the neighbor’s property the bamboo owner has an obligation to remove it. So that has to happen. Whether the city does it or the bamboo owner does it or whether the neighbor does it and it is paid for by the bamboo owner, those are all acceptable. But what we are saying is that if that is happening, based on the discussion tonight, it also needs to say that a barrier needs to be put in place.

Dr. Chosy asked what’s to keep the neighbor who has to take care of this themselves from accidently wiping out part of their yard.

Mrs. Fox replied that she could include something about the bamboo owner being liable for incidental damages caused by the removal of the bamboo.
Dr. Chosy commented that he is just thinking out loud and he asked if any of this is really necessary. Mr. Norstrom shared that he thinks it is. It may not apply everywhere but we’ve got an issue that has created problems and continues to do so.

Dr. Chosy asked what has happened to that situation. Ms. Dorothy and Mr. Norstrom confirmed that the neighbor was still upset.

Dr. Chosy asked if something was being done. Mr. Dorothy replied no.

Mr. Smith commented that we are heading into warmer weather so it will grow and he is sure council will hear about it.

Mr. Norstrom commented that the bamboo has to be contained on the property. He asked if that is what members are saying. If you are not containing it then we will contain it for you? Mrs. Fox replied that she thinks that is what she heard.

Mr. Myers added that the city will take care of an issue is the bamboo owner doesn’t. He asked if members want to do both. Mr. Norstrom thinks the answer is yes but we will bill the bamboo owner for creating the problem in the neighbor’s yard.

Ms. Michael thinks what she is hearing is that if the owner allows the bamboo to go onto the neighbor’s property then 1) the owner can work with the neighbor and do the mitigation or 2) if they don’t, the neighbor contacts the city and the city can go in and do the removal and also install containment. The city would then bill the owner of the bamboo. She asked for confirmation on her understanding. Mr. Norstrom agreed.

Ms. Dorothy asked how long fines could accrue before action. Mrs. Fox replied that we haven’t gotten to that part of the legislation yet. That would fall under (e) Failure to Confine. It states ten days from the date of the request. She tried not to give them much time because the bamboo grows quickly.

Dr. Chosy asked if we could also allow the city to decide whether or not to include any barriers instead of saying they much do it, if they have to do it. Mr. Norstrom commented that he thinks members give the owner an opportunity to put it in and if they don’t then the city will.

Mr. Myers thinks the whole point of this ordinance is to coerce compliance and we never get to the point where we have to do anything.

Mr. Troper commented that in Section (e) property owner notifies the bamboo owner. He asked for clarification on the notification in Section (f). Mrs. Fox questioned whether we want a property owner sending a certified letter to his next door neighbor.

Mr. Troper asked what “satisfactory proof” meant. Mrs. Fox replied that it could a copy of an e-mail or copy of a letter. She didn’t take a real strict approach because if the
neighbor says they didn’t get it, then how do we know. She thought ten days to take care of the issue was appropriate.

Mr. Myers and Mr. Troper had further discussion on the topic.

Mrs. Fox talked about the appeal opportunity covered in Section (g).

Mrs. Fox shared that (h) is the Penalty part of the legislation. She doesn’t know if $100.00 a day is the right number or not. A lien shall be applied for failure to pay. It would have to be done through a collection process. There will also be a 25% administrative fee added to the cost.

Mr. Myers asked when the $100 runs. Mrs. Fox replied that it starts from the date that they fail to remedy.

Mr. Myers asked what the trigger is. Mrs. Fox replied that the clock will start when the director notifies them. Ms. Michael asked that that be specified.

The City manager will have 5 days to mail the decision.

Mr. Norstrom commented that from an administrative approach, the date could be included in the letter. So we’ve got it in the ordinance.

Mr. Myers commented that he didn’t want an appeal to be too high a priority on the city manager’s calendar. He would like to give the City Manager discretion to set the appeal date so if Mr. Greeson’s schedule is such that he has to set an appeal for 30 days out we shouldn’t push them to pay $100 for each of those days.

Mr. Norstrom asked if “City Manager” could include “or his designee”? Mr. Greeson agreed. He added that it could be given to some third party depending on the circumstances.

Additional City Official Information

Mr. Greeson shared the following:

1) Members received an event flyer regarding Building Healthy Community and sponsored by Healthy Worthington. The event will be held at the Worthington Presbyterian Church on May 15th. He encouraged members to attend.
2) Shared a newspaper article from the front page of the Life and Arts section in the Dispatch about a group of knitters at the Griswold Center. They often knit for causes instead of just themselves. He thought it was a very nice article.
3) Today received news that “Nerd wallet”, which is a national personal finance website that apparently reviewed a variety of metrics on housing, income demographics, number of businesses in existence, etc. and in their metric analysis
Worthington was the #1 community in central Ohio for the best place to start a business and #12 in the state of Ohio.

4) Mr. Brown is going to re-announce a tour of the finished second building at the Heights at Worthington Place.

Mr. Brown reminded members that Monday, May 11th at 3:00 p.m. there will be a tour of the second building at the Heights at Worthington Place, which is the larger of the two buildings and fronts West Wilson Bridge Road.

REPORTS OF COUNCIL MEMBERS

Mr. Norstrom shared that a resident of Worthington (Warren Orloff) recently won the NPR – puzzle master.

Today was the first day of the OSU advisor committee at the airport that included representatives of Dublin, Columbus, Worthington, airport personnel, OSU faculty, and students. The big news coming out of that meeting was the Board of Trustees has decided not to monetize the airport. The university is looking at developing it academically. He is the council representative to the committee.

Ms. Michael received an e-mail that the civic band was not invited to play on the Village Green. They are sending letters now.

OTHER

EXECUTIVE SESSION

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

The motion carried by the following voice vote:

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

No 0

Council recessed at 8:56 p.m. from the Regular meeting session.

MOTION Dr. Chosy made a motion to return to open session at 9:14 p.m. The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote.
ADJOURNMENT

MOTION  Mr. Smith 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.

____________________________________
Clerk of Council

APPROVED by the City Council, this 15th day of June, 2015.

____________________________________
Council President
Special Meeting
Minutes

Monday, May 11, 2015 ~ 6:00 P.M.

Louis J.R. Gookey 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 Special Session on Monday, May 11, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Bonnie Michael called the meeting to order at or about 6:15 P.M.

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 City Clerk

EXECUTIVE SESSION

Ms. Michael reported the need for an Executive Session to interview for Boards and Commission and for general purposes.

MOTION    Mr. Troper moved that council meet in executive Session to interview for Boards and Commissions. The motion was seconded by Ms. Dorothy.

The motion carried by the following vote:

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

Council recessed at 6:15 p.m.

MOTION    Mr. Smith made a motion to reconvene into open session at 7:22 P.M. The motion was seconded by Mr. Norstrom. The motion carried unanimously by a voice vote.

ADJOURNMENT

President Michael declared the meeting adjourned at 7:22 P.M.

______________________________
Temporary Clerk of Council

APPROVED by the City Council, this
15th of June, 2015

______________________________
President of Council
Meeting Minutes

Monday, May 11, 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, May 11, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

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

Members Present: 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: Deputy Clerk of Council Tanya Word, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, City Engineer William Watterson, Parks and Recreation Director Darren Hurley, Director of Planning and Building Lee Brown, Chief of Police James Mosic and Chief of Fire Scott Highley

There were approximately 32 visitors present.

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

VISITOR COMMENTS

SPECIAL PRESENTATION

• Leadership for a Lifetime Awards

Resolution No. 15-2015 Expressing the Congratulations of Worthington City Council to Reilly Herold for Being Recognized as the Elementary School Winner of the 2015 Leadership for a Lifetime Award from Leadership Worthington.

Introduced by Councilmember Norstrom.

MOTION Councilmember Smith moved to adopt Resolution No. 15-2015. The motion was seconded by Councilmember Chosy.

The motion carried unanimously by a voice vote.
Resolution No. 16-2015

Expressing the Congratulations of Worthington City Council to Bianca Crank for Being Recognized as the Middle School Winner of the 2015 Leadership for a Lifetime Award from Leadership Worthington.

Introduced by Councilmember Myers

MOTION

Councilmember Dorothy moved to adopt Resolution No. 16-2015.
The motion was seconded by Councilmember Troper.

The motion carried unanimously by a voice vote.

Resolution No. 17-2015

Expressing the Congratulations of Worthington City Council to Grant Smith for Being Recognized as the High School Winner of the 2015 Leadership for a Lifetime Award from Leadership Worthington.

Introduced by Councilmember Norstrom

MOTION

Councilmember Smith moved to adopt Resolution No. 17-2015.
The motion was seconded by Councilmember Chosy.

The motion carried unanimously by a voice vote.

Mr. Greeson stated it is nice to really be able to do this this evening, this is really consistent with one of the goals that you’ve had as a Council to recognize students not only for their athletic achievements which is something we’ve done historically over the past, but for their academic achievements and their leadership contributions in our community.

I’m going to ask Kathy Sparks who is retiring next year from the Worthington School District, but has been an active component of Leadership for a Lifetime to talk a little bit about the program and to help facilitate our ceremony this evening.

Ms. Sparks explained that the program was started in 1994 with my Leadership Worthington class; it was not my particular project that year, my project was actually tracing The Underground Railroad through Worthington which was a phenomenal thing we did back then. When we first started we asked for nominations and based it on the nominations; after a few years we thought why don’t we have the people that were nominated to say their thoughts about leadership, because initially it was just based on what the nominator said about them and not anything the student or the adult had to say.

So after a few years we decided to put in the question component so they were nominated then we sent out letters or applications for the nominees to write their thoughts about
leadership and then we were able to glean more about each of the nominees and what they thought and some of the activities they’ve been involved in.

The mission of Leadership for a Lifetime is to identify existing and emerging teen leaders. It will develop their potential for school and civic responsibility, enhance their understanding of leadership issues and motivate them to work toward resolving these issues for the betterment of the Worthington community.

The focus of the Leadership program consists of four components:

(a) Self-Assessment – to enhance self-awareness and leadership styles, self-expression and social interaction. Students will be led in multiple activities by national leadership trainers that will help them to discover their ultimate leadership potential.

(b) Team-Building – students will participate in a series of team-building activities offsite in order to understand that effective teamwork is an integral part of the leadership process.

(c) Community Service – to emphasize the importance of community involvement through volunteerism. Students will participate in an offsite service project to benefit the Worthington community.

(d) Service Presentations – to implement what has been learned about effective communication, public speaking and presentation techniques, and to share information about the service learning experience. This is presented is at the graduation event.

I will now have the nominators present our winners.

**Reilly Herold ~ Elementary School Winner**
Jimmy Roherbocker – Nominator

Mr. Roherbocker commented that Reilly Herold is a 6th grader at Wilson Hill School. She progresses/runs through life at school and the community. Her peers and teachers respect her opinion and presence. She leads daily morning announcements with a friend, with positive messages to all. Volunteering in the cafeteria is a combination of high 5’s, hugs, setting up tables with paper products, and helping to dismiss the students out to recess, and then preparing for the upper elementary students by cleaning tables and the floor area.

In the afternoon Reilly helps tutor the kindergarten students with writing exercises, numbers and math concepts. She is her own “cheering squad” for the K-students, wanting them to do well to start off their school years. On Friday afternoons, she becomes part of the recycling team as she moves from classroom to classroom to sort
paper for the recycling boxes. She practices and provides safety as one of Worthington’s finest patrol at Wilson Hill.

Outside of school, Reilly is active in her church as a volunteer with so many activities. The Worthington Public Library is another arena for her volunteering. In the community Reilly participates in many local 5K races, and finds time for her schoolwork and homework! Reilly finds a nice mix of school, church and community opportunities to show her leadership. As she moves into Middle School we can guarantee that her spirit of volunteerism will continue on a high level....as they will be so pleased to have her. She gives 110% as she helps others to do well, be accepted and to be her special “cheering squad” for the students in her school.

Reilly expressed thank you Mr. Jimmy for nominating me for this prestigious award; I would not be here tonight without your time and effort. I think you are one of the biggest leaders at our school. To be a leader it takes honesty, Mr. Jimmy appreciates the truth, I see that when I am there helping him throughout the cafeteria. Another thing it takes to be a leader is communication. My principal Mr. Keller knows how to get students quiet without yelling, he raises his hand up and says “Hands Up For Leadership” and students put their hands up and become silent. Thank you Leadership Worthington for this award, I look forward to continuing my leadership work in the years to come.

**Bianca Crank ~ Middle School Winner**

Kelly Cox and Kathy Sparks – Nominators

Ms. Sparks shared that Bianca is a wonderful self-motivated 8th grader at Kilbourn Middle School. As a leader in their Leadership Club (i.e. Student Council) she has helped plan dances, philanthropic activities and school-wide Spirit events. Bianca moves to being a WEB Leader (Where Everybody Belongs), to being a mentor to a group of 7th graders. She is a strong academic leader who is always looking for ways to express her learning in creative directions. She is self-motivated and dedicated to pushing her academic learning beyond the classroom expectations. Bianca speaks four different languages. In the community she connects with Brilliant K-9 dog Harness Company, dog training and dog sitting. The library loves having her as she volunteers and baby sits when she can. What a fine leader!

Bianca commented when I think of leadership or what good leadership qualities are I always look for someone who is responsible and tries to keep everyone together, leaving no one behind or someone who communicates well getting everyone together to get them to do whatever they need to do. I believe a good leader is comprised of three components Organization, Communication and Responsibility. A good leader helps everyone and tries to see wherever they can help and what they can help with.
Grant Smith ~ High School Winner
Julie King – Nominator

Service to community and school – this is Grant. School drive and positive energy – this is Grant! I look behind me and his entire team (his family is here), this is his support group. He assists others academically as a tutor, and in the leadership role as a mentor. Teachers have provided a space for Grant in the school to continue his tutoring in Math and Science, as he has a gift for explaining things that are difficult to understand. Key points to highlight Grant’s high school years includes saving students academically, to planning the Annual Honor The Veterans Event, and many high school events from Homecoming to Student Staff BB Games. He lives and breathes TWHS and makes time for everyone. The excellent leader inspires us to be more than we thought possible – this is Grant!

Grant thanked Leadership Worthington for this amazing award. To me leadership is three things; the first is helping others reach their full potential, I have done this in many roles, one of those being Vice-President of the Senior Class this has allowed me to help my fellow classmates to reach their full potential every day. The second is through Mrs. King’s freshman mentoring program; one of the aspects of this program is tutoring freshmen students who struggle and help them achieve their goals. Mrs. King has provided me unlimited opportunities to lead whether it be mentoring or heading the Veterans Day Event or running school assemblies, she is always there. I’ve also done this through sports whether it’s captain of the Varsity Water Polo team or being on the basketball team as a varsity member helping others even if you’re aren’t part of the end result; after all a chain is only as strong as its weakest link. Leadership is also setting an example for others to follow, Stephen Gussler was a prime example of this; he taught us all to live GussStrong, always doing our best. One of my favorite quotes of his is “Every day is not perfect, but every day has a purpose.” He set an example that all of us ought to follow and because of him and his lessons I live this way as well. I want others to look to me as a model.

Finally I think involvement in the community is huge in leadership not just in school, but bigger than that; it starts with one person, even if it’s just your neighbor helping them with whatever they need; and from there it moves on to the larger scale of helping organizations who will help better the community as a whole. Thank you again for this award. I am truly humbled and cannot thank Leadership Worthington, my family and Mrs. King enough for helping to reach my goals. Mrs. King is a prime example of leadership and has passed those qualities on to me.

Mr. Norstrom asked Grant what university he will be attending in the fall. Grant replied Miami University. Mr. Norstrom exclaimed “CONGRATULATIONS!” Mr. Norstrom commented I would like to say something on leadership because all three of you exemplified it in your speeches; I did not hear the word “I”, I heard the word “we” and what you do is making other people look good, and that’s the quality of a great leader. Don’t be afraid to fail, because when you’re out in front sometimes it will happen. You make people like us proud that we serve people like you.
Dr. Chosy shared that the students are simply amazing and I am very proud of them.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Request to Bid: 2015 Street Improvement Program

Mr. Greeeson asked Mr. Watterson to overview the request to bid the 2015 Street Improvement Program

Mr. Watterson reported that last Friday afternoon the annual driving tour of the street improvement program was held. At this point and time we are requesting $765,889.15.

Ms. Michael asked Council if they had any questions. Ms. Dorothy commented when we went on the tour, Mr. Watterson knew Worthington like the back of his hand and it’s going to be very sad when he is not with us next year; we did a lot of street concerns that we think we might have to address next year but we can get around it this year with our limited budget and there are a couple areas that might get put in at the very last minute just to make sure that roads are up to snuff; but I appreciate Mr. Watterson’s dedication and thorough knowledge of all the city streets in Worthington. Even with the reduced scope I think we are making sure we have a very safe and positive environment to live in.

Ms. Michael commented one thing that we did learn on the tour is that this year we had a lower budgeted amount, but as we move forward into future years we may have to look into our CIP and go closer to $1 million mark per year in order to keep our streets maintained to the level that our citizens appreciate and brings good vehicular safety. Dr. Chosy remarked I totally agree with that and I remind everybody that’s what the CIP is for.

MOTION Councilmember Dorothy made a motion to authorize staff to bid the 2015 Street Improvement Program. The motion was seconded by Councilmember Chosy.

The motion carried unanimously by a voice vote.

- Monthly Financial Update

Mrs. Roberts stated the fund balances for all accounts decreased from $20,033,156 to $19,632,293, with expenditures exceeding revenues by $400,863. I am happy to report as of the middle of last week and after this report was prepared we did receive the 1st half property tax settlement from the Franklin County Auditor so our May numbers should be a little more in line with our projections and prior year revenue.
Year to date fund balances for all accounts decrease from $20,023,436 as of January 1, 2015 to $19,632,293 with expenditures exceeding revenues by $391,144.

Expenditures for all funds tracked at 88.5% of anticipated levels. Year to date revenues for all funds are below 2014 revenues by $1,343,298 and below estimates by $1,676,836, primarily related to the late release of property tax revenues from the Franklin County Auditor. The General Fund balance decreased from $9,799,313 to $9,712,591 for the month of April, with expenditures exceeding revenues by $86,722.

The year to date General Fund balance decreased from $10,245,729 on January 1, 2015 to $9,715,591 with expenditures exceeding revenues by $533,138. General Fund expenditures tracked at 85.5% of anticipated expenditure levels. Total General Fund revenues are below estimates by -$969,083 or -11.83% and below 2014 collections by -$720,239 or -9.07%.

Ms. Michael asked should we be concerned with everything being so low. Mrs. Roberts replied I really do feel this is primarily attributed to the property tax distribution settlement not being received earlier; we just received it the middle of last week and the general fund distribution was slightly below my estimate of $1.3 million dollars, it was $1,238,000 (about $61,000 dollars less.)

April 2015 income tax collections are above year to date 2014 collections by $717,235 or 10.77% and above year to date estimates by $580,103 or 8.54%.

Mr. Norstrom commented I have a question on the all revenue line is that something is not unusual that we’re off for like a quarter because it’s not a steady state of income or is there something else contributing to that $145,000 shortfall. Mrs. Roberts replied nothing is standing out to me at this time; I will check into this matter and get back with you. Mr. Norstrom stated I guess the question is, is it a timing issue or is really something that the estimate we made is way off. Mrs. Roberts replied part of the timing issue, part of that line item reflects cable TV franchise fee. Mr. Norstrom replied okay, if you can look into this for us, it would be greatly appreciated.

MOTION

Councilmember Norstrom made a motion to accept the April Financial Report. The motion was seconded by Councilmember Smith.

The motion carried by a voice vote.

OTHER

Ms. Michael explained that normally during Committee of the Whole meetings we don’t have public comment; acknowledged a guest in the audience and asked if he wanted to speak to something on the agenda or just watching the meeting. Mr. Palmer said he would like a few moments to speak regarding the UMCH property. Ms. Michael replied we will give a couple of minutes, please state your name and address for the record.
Mr. Nathan Palmer, 410 Pittsfield Drive, stated I know there is a plan for 350 apartments and 200 townhomes that is slated for the UMCH property. My wife and I and some friends in our neighborhood are just a little concerned about the density of the development there. I understand that is a property that has a high value. My concern is that I would love to see us make a commitment as a community to single family homes; it seems like the number of single family homes that is slated for that potential development is pretty low in proportion to the community. I know there are a lot of apartments going in at Linworth and 161 and I’m concerned about my children’s schools; how are we going to find appropriate ways to get these kids into schools where they are not overburden.

Ms. Michael replied the first place this proposal is going to go is the Municipal Planning Commission. History has shown us that what initially gets submitted to Municipal Planning Commission maybe significantly different when it comes to Council. We have had numerous times (especially the larger projects) when what has been initially submitted is not the exact same product that comes to Council. Secondly we have a Comprehensive Plan that I don’t imagine the Municipal Planning Commission or City Council agreeing to something that varies significantly from the Comprehensive Plan, we spent a good 1+ years getting it together, it had community input from the entire community and it included a mixture of some apartments and single family homes and then also some type of condo/townhouse type development; we have a lot of people who want to retire and stay in Worthington and be able to have first floor living space but not have to take care of a yard.

Mr. Norstrom asked Mr. Palmer are you aware of the Comprehensive Plan. Mr. Palmer replied I’m not aware of all the details, do you mean zoning. Mr. Norstrom replied no, it’s an entire city plan that was adopted about five years ago. Mr. Myers commented it was actually adopted two years ago and amended this past year. Mr. Norstrom explained it was a multi-year process to amend it just looking at that sight and as Madam Chairperson has stated what is being proposed is in keeping with the Comprehensive Plan which called for less single-family homes than what you’re advocating.

Mr. Myers shared if you tracked at all the Showe Development in downtown Worthington that development was not the same at the end as it was at the beginning in large part because of citizen involvment. The Municipal Planning Commission is delegated with the task of listening through a series of public meetings to citizen input exactly what you’re saying. Then they ultimately will bring it to us and we have another round of listening. The plan that we’ve heard about has not been submitted to the City, so we still don’t have anything official yet. Read the Comprehensive Plan, you can link to it on the website, if you read the whole thing it gives you an idea of where Worthington wants to go and that’s a good place to start your arguments from.

Mr. Norstrom asked are you aware of WARD. Mr. Palmer replied yes. Mr. Myers said get involved with WARD.
Ms. Michael commented there’s no problem coming here and talking with us, but we strongly encourage you to go to the Municipal Planning Commission meetings after this has been submitted because that’s where the first round of changes and first round of public input will take place.

Mr. Greeson commented we the staff (Lee or me) would be glad to share any details about the process and share the comprehensive plan.

Mr. Palmer commented I appreciate everyone’s comments and openness; I would hope that we as a City choose a developer that is committed to Worthington as we are. Ms. Michael said we don’t own the property, therefore United Methodist chooses the developer and we work with them.

REPORTS OF CITY STAFF

Mr. Greeson commented we distributed the 1st quarterly report of 2015 and if you have any questions about it now or later, please feel free to ask.

Mr. Myers asked about the decrease in 1st quarter case volume in Mayor’s Court. Mr. Greeson replied you will also note that we had a decrease in some of our traffic stops. Ms. Dorothy stated she would be very interested to know how the end of the Master Planning for the Park Process is coming along. Mr. Greeson replied we can give you an update on that. Mr. Greeson indicated I would like to highlight on page 3 the vacancy rate for Huntley Road in particular; I think Mr. Harris is reporting from COCIE/Xcelligent a 2.4% vacancy rate in their database. Ms. Dorothy asked is this where we’ve been doing our ReCap projects. Mr. Greeson replied yes, and hopefully our ReCap will also start to drive rent rates up – economic vitality. We will follow up on the two items raised by Mr. Myers and Ms. Dorothy.

Mr. Greeson commented I also want to highlight that we conducted and RFP process for the Old Worthington Mobility Study; this is a scope of services that you had a great hand in. We brought it to you to make sure it met your needs. From a procurement standpoint we followed the updated procurement process that you amended with us last year; the funds were appropriated in the CIP so we don’t need to run an appropriate Ordinance through the process and the dollar amount for the fee is within the authority for the City Manager to award.

There was a committee that included a number of staff which included Mr. Brown, Mrs. Stewart, Mr. Watterson and a few others. The firm that has been identified for selection is DLZ with a sub-consultant Burton Planning Services. We will get started in the not so distance future; we know that we need to start first looking at Stafford and High.
Dr. Chosy asked what this process will entail. Mr. Watterson indicated there would be 4 phases:

(1) Evaluate Stafford & High  
(2) Update current flashing Beacons  
(3) Looking at all pedestrian access  
(4) Improving bike mobility

Mr. Norstrom asked when this study is expected to be completed. Mr. Watterson replied we are hopeful that we will be able to make a presentation before the August recess on Stafford Avenue and then the remainder of the work as far the study is concerned by next fall (October or November). Ms. Dorothy asked are you saying this fall 2015. Mr. Watterson replied yes, October or November 2015.

REPORTS OF COUNCIL MEMBERS

Councilmember David M. Norstrom – indicated he would like staff to look at the possibility of lowering the monitors down. It makes it hard for Council to see out into the audience and a few meetings back we had people from the audience comment they could not see Council members.

Mr. Greeson replied that is something staff will look into, it will require a lot of carpentry; we can get an estimate as to how much it will cost.

Councilmember Michael Troper – asked for an update regarding checkbook online. Mr. Greeson replied we’ve been inquiring with the Treasurer’s office, I’m not sure if we have a report at this point. Mrs. Roberts shared that I’ve been in telephone conversations with them and told them that we would be willing participants, just need some further information from them as to what format they need our data to be in. Mr. Greeson commented then ended up having to work with our software vendor in order to fit with them.

Mr. Norstrom stated based on presentations that we had a National League of Cities if I remember correctly theirs is output, so I think they can take input from almost any software.

Ms. Dorothy commented if the City puts the information out, they will create the program to take the information in. So that will be no cost to us.
EXECUTIVE SESSION

MOTION Councilmember Troper made a motion to meet in Executive Session to discuss negotiations for economic development and boards and commissions. The motion was seconded by Councilmember Dorothy.

The motion carried by the following voice vote:

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

No 0

Council recessed at 8:25 P.M. from the Regular meeting session.

MOTION Councilmember Myers made a motion to return to open session at 9:09 P.M. The motion was seconded by Councilmember Smith.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

Temporary Clerk of Council

APPROVED by the City Council, this 15th day of June, 2015.

Council President
Meeting Minutes

Monday, May 18, 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, May 18, 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, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Parks and Recreation Director Darren Hurley, Director of Planning and Building Lee Brown, Chief of Police James Mosic and Chief of Fire Scott Highley

There were approximately sixty eight visitors present.

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

CONSENT AGENDA

Notice to the Public: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Agenda and considered separately.

To address City Council regarding an item on Consent Agenda, please submit a fully completed speaker’s slip to the Clerk of Council prior to the beginning of the meeting.

Legislation to Approve/Adopt

SPECIAL PRESENTATION

Recognition – National Merit Scholars

Resolution No. 18-2015 Ex pressing the Congratulations of Worthington City Council to Nikhita Airi for being named a National Merit Scholarship Finalist and for her Academic and Extracurricular Achievements.
Resolution No. 19-2015
Expressing the Congratulations of Worthington City Council to Elizabeth Chiu for being named a National Merit Scholarship Finalist and for her Academic and Extracurricular Achievements.

Resolution No. 20-2015
Expressing the Congratulations of Worthington City Council to Zachary DeMartini for being named a National Merit Scholarship Semi-Finalist and for his Academic and Extracurricular Achievements.

Resolution No. 21-2015
Expressing the Congratulations of Worthington City Council to Samuel Fojas for being named a National Merit Scholarship Finalist and for his Academic and Extracurricular Achievements.

Resolution No. 22-2015
Expressing the Congratulations of Worthington City Council to Christina Yun Lin for being named a National Merit Scholarship Finalist and for her Academic and Extracurricular Achievements.

Resolution No. 23-2015
Expressing the Congratulations of Worthington City Council to Hannah Peffly for being named a National Merit Scholarship Finalist and for her Academic and Extracurricular Achievements.

Resolution No. 24-2015
Expressing the Congratulations of Worthington City Council to Sydney Welter for being named a National Merit Scholarship Finalist and for her Academic and Extracurricular Achievements.

Resolution No. 25-2015
Expressing the Congratulations of Worthington City Council to George Liu for being named a National Merit Scholarship Finalist and for his Academic and Extracurricular Achievements.

End of Consent Agenda

Introduced by Mr. Troper.

Mr. Troper congratulated the students and commented that council appreciates their hard work. He also congratulated the parents. Council is excited to honor these students tonight.
MOTION

Ms. Dorothy moved to adopt Resolution No. 18-2015, Resolution No. 19-2015, Resolution No. 20-2015, Resolution No. 21-2015, Resolution No. 22-2015, and Resolution No. 23-2015, Resolution No. 24-2015, and Resolution No. 25-2015. The motion was seconded by Dr. Chosy.

The motion to adopt the Consent Agenda passed unanimously by a voice vote.

Ms. Michael invited Vice Mayor Lorrimer forward to proceed with the recognition of these outstanding students.

Vice Mayor Lorrimer commented that Worthington City Council has for many years welcomed the opportunity to recognize the achievements of outstanding Worthington High School students. This evening council again has the opportunity to recognize, on behalf of our community, six Worthington High School students who have proven themselves among the best and brightest students in our nation.

These students from Thomas Worthington and Kilbourne High Schools have obtained national recognition for their scholastic achievement in the National Merit Scholarship Program. This is the largest and most competitive of all national scholarship programs which involves more than a million and a half high school students who take the test each year. High scoring in this testing program qualifies students for scholarship consideration both within the Merit Program as well as favorable consideration for assistance in many other scholarship programs. The recognition this year of these Worthington High School scholars is a very special and noteworthy achievement. They are most promising, already contributing and bright young leaders in our community whose talents extend to music, sports, and the creative arts.

Recipients from Thomas Worthington High School include:

Nikhita Airi

- Plays clarinet with the Columbus Symphony Youth Orchestra as well as High School Pit Orchestra
- Member of the Feminist Club and French Club
- Member of the Softball Team
- Favorite Subjects are History and English
- Obtained a 4.25 Grade point average
- Participated in the 2014 American High School Honors Performance series at Carnegie Hall
- Participated in the Ohio Math League
- Competed in the 2014 High School Jeopardy Team Tournament and member of the “In the Know” Team
- Plans to attend the Ohio State University, majoring in history and political science with the goal of pursuing a career in Foreign Policy
- Daughter of Laura Khaw and Vikram Airi
Zachary DeMartini
- Attended Worthington schools since kindergarten
- Favorite sport is soccer
- Participated in the Worthington field studies program involving two ecological studies courses in the central Rockies and the Pacific Northwest
- Plans to attend Miami University, majoring in chemistry with interest in computer science, career goal still open
- Son of Benjamin and Michelle DeMartini

Samuel Fojas
- Served as Thespian Officer and Student Director of Thomas Worthington’s theater department
- Plays alto saxophone in the concert and symphonic bands
- Served as mentor to freshman students at Thomas Worthington
- Maintained a 4.18 grade point average
- Member of the National Honor Society and the Spanish National Honor Society
- Volunteers for church and children’s programs
- Plans to attend the Ohio State University, majoring in biology
- Son of Augusto and Sherri Fojas

Hannah Peffly
- Participated in volleyball and basketball at Thomas Worthington
- Member of the National Honor Society
- Took additional studies in Japanese at the Ohio State University
- Maintained a 3.8 grade point average
- Plans to attend Miami University with additional study abroad in Japan. Her special interest is in world languages and cultures
- Daughter of Chris and Lori Peffly

Elizabeth Chiu
- Co-Captain of the Thomas Worthington Varsity Tennis Team
- President of the high school orchestra and played violin
- Played with OMEA All-star Orchestra for the past three years
- Participated in the Columbus Chinese Academy for fourteen years
- Member of the Science Olympiad for the past three years
- Plans to attend Duke University and major in chemistry or biomedical engineering
- Daughter of Mingte and Suchuan Chiu
Recipient from Worthington Kilbourne High School:

George Liu

- One and only Worthington High School student in history to attain perfect scores on both the ACT and SAT College Entrance Examinations
- Maintained a grade point average of 4.45
- Won National Awards in Scholastic Arts Competitions
- Captain of the Tennis Team at Worthington Kilbourne
- Participated in the Science Olympiad
- Member of student council
- Plans to attend Harvard University

Mr. Lorrimer added that his mother shared that George had a choice between several schools, one of whom was Princeton who accepted him. He was particularly attracted by Princeton University because they have a mascot of the tiger. George’s middle name is Tiger.

- Son of Jason Liu and Tina Tang (owners of the J Liu Restaurants). Some of George’s fine art work are on displayed at the Worthington restaurant

Mr. Lorrimer understands that George was looking forward to this evening and views tonight as a night of reflection. He asked him if he would share some of his personal reflections of his life with those present. Mr. Lorrimer commented that if he will do that, let him begin by asking if his Dad adequately compensated him for his excellent mural work this appears on the walls of J Liu restaurant. Mr. Liu replied sometimes and sometimes not. He feels that he is pretty lucky to have grown up in Worthington. It is really all about what you make out of it. He feels like there are many resources and it’s how you take advantage of the opportunities that are presented to you. He has just been very lucky.

Vice Mayor Lorrimer commented that we are very lucky on occasions such as these to have the leadership of Worthington schools here with us. He acknowledged Principal Jim Gaskill of Thomas Worthington and Principal Angie Adrean of Worthington Kilbourne.

Mr. Lorrimer also recognized Dr. Thomas Tucker who has served as the Superintendent of the Worthington School System for four years. He has been and is a great education and community leader. During the past four years he has participated in every City Council recognition ceremony involving students of Worthington High Schools. Several of these ceremonies have involved Worthington athletes who have won Ohio State championships across a range of sports. It is a pleasure to mention that Dr. Tucker’s own personal record of .47 seconds in the 400 meter dash marks him as a model who has continued to achieve as should the young champions we were recognizing. During Dr. Tucker’s four year tenure the academic achievement record of students throughout the
Worthington School system has risen each year, which is a significant accomplishment. Dr. Tucker has also spearheaded an important and successful community ballot effort to obtain passage of a needed Bond Issue to support the operations of the Worthington School system.

Mr. Lorrimer shared that Dr. Tucker has now elected to move his educational leadership career in a new direction by becoming Superintendent of the Princeton School system in Cincinnati. City Council and our entire Worthington Community wish Dr. Tucker continued great success. He thanked him for his leadership, his great contribution and his service to our Worthington community.

Dr. Tucker commented that it has been a pleasure to serve this community for the last four years that included the promise that was made by our founding mothers and fathers that we would maintain a strong government, religious opportunity, schools, and library. He feels very blessed to have been a part of this community. But unlike Mr. Liu he did not score perfect in the ACT/SAT. Very few students do. All of our honorees are humbled kids and they have outstanding role models and the best high school administrators. It is his sincere hope that over the next 200+ years the community will continue in keeping the promise that was made over 200 years ago.

Ms. Michael thanked the students and their parents.

VISITOR COMMENTS

Ms. Michael commented that the United Methodist Children’s Home (UMCH) topic is not on the agenda tonight but members are aware that there are a number of people who are interested in that subject. Staff is going to provide council with an update. She recognized that we are at the very beginning of a development process that is going to be coming about. She will let staff has a few minutes to explain where we are going and then provide members of the audience an opportunity to speak. We will not stop anybody from having a chance to speak who wants to but council does have a full meeting and she asked that the speakers be sensitive to that.

Mr. Greeson introduced himself as the City Manager as there were some in the audience that may not know him. Staff will provide a brief summary of where we are with the UMCH property and provide information regarding the process we anticipate potentially undertaking should we receive a formal development proposal in the coming months. He will try to be brief. For those who have followed this process in detail over the last couple of years he will probably repeat some things that they already know and for that he apologizes. But for those who are newer to the subject he hopes that they will find it informative. It seems like this property has been the subject of some form of community conversation for a long time. He thinks we are in another evaluation of that.

Mr. Greeson shared that the most recent conversation regarding the roughly forty acres that are across the street from this property surrounded a pro-active planning effort that the city initiated over the last couple of years. It culminated last year in the adoption by
the city council of an amendment to our Comprehensive Plan. When UMCH decided to sell the property, we decided as a city that it was important to update our plan in order to be prepared for development proposals. We had had some proposals that did not fit our plan and we thought it needed more community dialog as well as more specificity than the original 2005 plan had about that property. The Comprehensive Plan is a vision document so every property including all the ones that residents own have a zoning category and when someone wants to change the use of their property, in this case from a mostly institutional use to a mix of uses, we evaluate that in part on what our future vision for the community is and that vision is outlined in words as it relates to land use in our Comprehensive Plan. So the plan serves as a guide.

When we did the Comprehensive Plan amendment for the UMCH site we really came out with a vision for a mix of uses on the site, in three main areas:

1) High St. mixed use – Mix of Office, Retail, Residential (more dense)
2) Neighborhood Core – Center part of the site (might have a variety of housing types of various densities)
3) An area called Worthington Estates Edge (lower density area intended to buffer the existing Worthingway and Worthington Estates communities and serve as a transition between the various types of housing and uses.

Mr. Greeson commented that we can talk about that in more detail if necessary about what that plan says but that is a rough summary.

Mr. Greeson shared that since that process there has been a great deal of interest in the site and it is important to note that the city doesn’t own it. Some of the recent dialog that we’ve monitored has questioned why we picked a particular developer and questions like that. The city does not own that site. It is owned and controlled by the United Methodist Children’s Home and a Board of Directors. That entity has selected a developer in Lifestyle Communities and we are expecting Lifestyle to be prepared to present concept plans which would go to the Municipal Planning Commission and Architectural Review Board (MPC/ARB). Staff anticipates that will occur informally, which means that Lifestyles has indicated their desire to present their conceptually plans at some point in the middle of the summer in advance of a formal application, which is a little unusual in the sense that they will want to have a public forum, get the Planning Commission as well as the public’s testimony about their plan before they would file a formal application and all of the requisite things that come with a formal application.

At this point, city staff and some of the city leadership has seen an early conceptual plan but no formal proposal. Staff encouraged Lifestyle to meet with some of the citizen groups that have followed this issue for several years such as Worthington Alliance for Responsible Development (WARD) and the Old Worthington Association, and they did that. They shared some of their conceptual plans with those citizens and essentially at this point those groups have seen the same things city staff has seen. That is kind of the level we are at, at this point. This development is notable in its size although not unheard of if we were a green field community out in the far flung parts of Delaware County but it
is more notable because of its mix uses: office, retail, residential, park space, etc. All of that also makes it more complex and it is a very important site in the life of this community. It is very context sensitive. So we anticipate and have articulated to them that there will be a requirement to complete a number of studies and we are aware that they have already initiated a number of those. It’s customary, particularly on a site this complex and large in a community like this that a traffic studies are performed around your ideas and plans. Staff is aware that they have hired a traffic consultant and site consultant. EMH&T has begun those studies. The city has hired consultants to assist us by basically being a contract extension of staff to help us overview all of the technical work and submittals that we anticipate they will provide. The city hired a firm, Carpenter Marty Transportation and John Gallagher to help us with traffic. Our traffic consultant has met with their traffic consultant to help articulate what we will expect in terms of a level of analysis. We have also hired MS Engineering for storm water and sustainability. They have met with Lifestyle to determine how the site will drain as well as what innovative sustainability practices might be implemented in order to kind of meet our sustainability objectives in unconventional ways. He would say we have hired the right consultants to help with what we anticipate will be a rigorous evaluation. We don’t have much to evaluate yet because they haven’t done much work but we are geared up. They will assist us in the review and will provide advice to the MPC and ultimately to City Council.

Mr. Greeson thinks residents will start to see public information from the city in the form of website updates and using our various mediums. Anne Brown our Public Information Officer will endeavor to share what we know, when we know it to the best of our ability. We also expect the developer will also begin more community outreach as their plans take more shape. While he doesn’t know when that will happen but we would expect that. For those who have been involved in our development review process you know that we always encourage the development community to reach out directly to their neighbors. Some of that has already been done but we would expect and encourage more of it.

Mr. Greeson shared that the next step will be the informal discussion in front of MPC. At some point, after they have had an opportunity to react to any public feedback they may obtain they will make revisions to their plans and make a formal application. While we don’t know when that will occur, we would expect that with all of this effort that is the goal. He thinks the council, the staff, and the MPC recognize how important this is to the community and he is personally open to discussing the process, our knowledge of their conceptual ideas, and how we plan to technically review their work as it comes forward with anyone, anywhere. Given the growing community conversation of this we are going to endeavor to put more information on our website as it becomes available. There is some already and you can link to the Comprehensive Plan amendment and we will put additional details out and start using various ways to update the community as information becomes available.

Ms. Michael thinks it is safe to say that this is the tip of the iceberg for the development. It is the very beginning of what is going to be a very open community process. There will
be many opportunities for community input and dialogue and until a plan is actually submitted we really don’t know exact what “it” is that we are looking at.

Ms. Michael commented that Tom Hamer asked if he could go first and she invited him to do so.

Tom Hamer, 160 Longfellow Ave; speaking on behalf of WARD
Mr. Hamer shared that WARD has a prepared statement that he would like to deliver. He read the attached statement and provided copies to the Clerk of Council for distribution to Council members.

Kathy Hamer, 160 Longfellow Ave.
Mrs. Hamer commented that she appreciated what Mr. Greeson and Ms. Michael shared. She thinks there has been some concern among the WARD group that there is kind of a rush the community is not going to have an opportunity to share ideas. With that in mind she thinks Mr. Greeson relaxed them a little bit so her statement might seem a little bit out of context

Mrs. Hamer shared that this community is dear to all residents. We value its aesthetics and quality of the community. It needs to be remembered that Worthington does belong to the residents and not developers and not just City Council. We all want ideas and we all have ideas on how the community should look. It seems to her, with the developing going on that it is important to get ideas generated to the developer either through staff or through the developer himself. She has heard a little bit about the preliminary plans and one of the things that concerns her is that there are plans to be kind of a big block mix-use apartment and retail at Larrimer and at Wesley. This bothers her a great deal. There is nothing of this size along High Street. Even though they may be done artfully, nothing ameliorates the largeness. She would like to suggest that the plans for Larrimer and Wesley Blvd., at the corners anyway and maybe up and down those streets for a block or so, could be framed with something like two story condos or townhouses or something that would be smaller but still meet the rental needs of the developer. It would at least be more aesthetic than anything that is three story. Three story buildings are quite overwhelming and they have been looking around at apartments in that category. She thinks if the developer did something along that line that would be more consistent with the architectural theme of Worthington.

Finally, she would like to request that Lifestyle Communities and City Council hold public meetings and she hopes that they will have mock ups of the plan so that people can comment.

Rick Bradley, 6670 Hayhurst St.
Mr. Bradley shared that he is a recent member of the WARD planning group. He is in total agreement with Mr. Hamer’s comments. He is not anti-development. He knows something is going to happen to that piece of property. He just wants to be sure, as Mr. Greeson was eluding to, that the residents not only of that area but also of the city have ample opportunity for public input. They are concerned about four issues:
Mr. Bradley added that the city hasn’t received any tax revenue on this property since the United Methodist Church built a Children’s Home there. He doesn’t see a need and he would urge council not to rush into any final decisions until we get it right. We only have one chance on this piece of property. He thinks we can afford to take the time that it will take to hear everybody and see what other ideas are out there and how we can do it the best way possible for the City and for the future of our City.

Jason Phillips, 140 E. North St.
Mr. Phillips shared that he stands before council as a concerned resident regarding the proposal to build apartments at the former location of the United Methodist Children’s Home. He is not opposed to development as other speakers have said but he thinks turning it into apartments would not be the best use of this area. His concerns involve the population density that would result from building an apartment complex in that location. His understanding is that there are roughly thirty-five acres that the developer proposed houses be built on. If the number he is hearing is correct and if his math is correct, the discussion about building roughly 570 units on 35 acres which is at a minimum over 16 units per acre and that assumes we don’t go above that number with a finished development, to the best of his knowledge that density would be considerably heavier than any apartment or condo complex that he knows of in Worthington. He doesn’t think the current infrastructure would be able to take care of that many new people in that small of an area. It is good to hear that a transportation study is going to be done. While we are already experiencing extremely heavy traffic flow while the US23/I-270 interchange is under construction, one of the concerns is that this congestion will become a more permanent fixture even after the construction is finished due to the greater density the apartment project will most likely bring.

Kathy Harper, 6769 Hayhurst St.
Ms. Harper commented that she is also concerned about the apartments. Since this issue came up it seems to her that there have been apartment complexes have sprung up very close to Worthington in every direction. She just hopes that as we go forward and evaluate the various proposals that come in that we really look at how many apartment complexes we think this area can support. She hopes that at the time any proposal comes in that we look at those other apartment areas. She asked why we think these apartments are going to be better. Why do we think that they are going to be occupied? Are we going to look at the existing complexes and see how they are doing and really think about whether we really want to become a community of apartment complexes because it kind of feels like every empty space around here is being taken up with that and that is not the Worthington that she moved into. She is a scientist and she hopes that we don’t move forward without taking some good data, especially on that.
One other little point, she hopes that the traffic studies are done while school is in session so you can see how many children walk through that area to school every day and think about if some of the proposed streets that have been thrown around are put in there, what that will do to the experience of our children who walk to and from school every day. Two areas that she thinks we need data.

**Erin Armstrong, 140 E. North St.**

Ms. Armstrong shared that she was one of the recent Good Neighbor Award recipients. She thinks part of being a good neighbor is to speak up when she is concerned about her community especially when she’s heard a number of concerns from her friends and neighbors in the community.

Ms. Armstrong stated that she has a few different things to share. She actually would like to share several alternatives that she has heard from friends and neighbors.

1) Development specifically focused on senior housing.

Ms. Armstrong said that she understands that may be part of the proposal but she thinks there is a big difference between mixed development that includes condominiums and townhomes that includes some senior housing as opposed to an entire senior community of cluster homes which would be defined as detached, single family dwelling units with their own garages, their own small yards and a complex that would be geared towards a senior community. She mentions this because last fall while looking for senior housing for her father she discovered a lack of such facilities in Worthington. If an approach was taken with a developer on one story cluster versus apartments, townhouses and condominiums, she thinks it would not have the density problems that some others talked about and it would meet some demands of seniors who are only interested in one story. The location would be perfect as it is within walking distance of the Shops at Worthington Place, the Senior Center, and the new Fresh Thyme grocery on High St. Sunrise Assisted Living could possibly be part of a partnership and seniors could transition from independent living to assisted living.

2) City purchase and facilitate development for higher education (graduate school or branch campus)

Ms. Armstrong understands that there are some members of WARD who have volunteered to help put together a proposal for this and she would be help to help with any research. She teaches for Ohio State University and has worked at a branch campus. We are a community that really supports education. She acknowledged higher education facilities existed in our city’s past and thinks it would be great to bring some back as a campus.

3) Green space

Ms. Armstrong shared that she would love to see the space used as green space. She knows that it would be costly but also knows that it would be possible to put to the voters
as a thirty year bond issue. Many in the community are interested in this issue so why not give the community that chance to vote on whether this should be developed or whether we should be taxed as new parkland that would be available to all residents. She could envision a gazebo, a botanical garden, and/or community garden. While it would be difficult, she thinks it is possible and should be put to the voters.

Ms. Armstrong felt that there could be some combination of green space as well as other ideas. She added that there is a lot of community hurt and disappointment after the pocket park issue and she thinks a commitment to having more green space in this property would go a long way in helping to alleviate those hard feelings. She suggested soliciting community opinion in a more comprehensive way. She understands there was a survey about potential apartments at this property. She did not receive any links or alerts to the survey but she knows some of her neighbors did. They mentioned that there was a question that gave choices of would you prefer 300, 600, or 900 apartments but reported there being no option for no apartments. There also weren’t specific questions about types of materials, etc.

Mr. Norstrom shared that the property is currently zoned for a college to move in. No one has approached the United Methodist Children’s Home about that. It is a great idea and we a discussed that. Ms. Armstrong agreed. She noted that someone had posted to WARD that they would love to work with City Council on a proposal. Mr. Norstrom commented that Council is not the one that does this. An Ohio State or Columbus State would have to come forward and make the offer but no one has done that.

Ms. Michael commented that at this point in time this property is in contract for sale by the United Methodist Children’s Home to Lifestyles Community. The city doesn’t own the property. Ms. Armstrong stated that if the city purchased the property then they would be able to work. . Ms. Michael explained that the city doesn’t have the funds to be able to purchase the property. Ms. Armstrong replied that the city doesn’t have the funds on hand but if there was an issue presented to the voters then why not try.

Ms. Michael commented that the city also spent hours and hours on the Comprehensive Plan and the community in general, you won’t get 100% but the community in general agreed to the Comprehensive Plan that is in place.

Many in the audience disagreed.

Ms. Armstrong stated that she didn’t come here to start a fight but rather to suggest some alternatives. She has heard many neighbors and friends who are really upset about this issue. She will leave members with her thoughts in that there are two perspectives on city government. One is that elected officials are more enlightened than the general populates and think they act in the best interest of constituents who are unable or unwilling to contribute to decision making. This may work in some communities but she thinks here in Worthington we are really lucky to have such an educated residency. By other people here tonight as well as she understands the many, many letters members have received in the past few weeks they are very committed to the planning and
direction of our city. Thomas Jefferson once said, “Whenever the people are well informed, they can be trusted with their own government.” So as elected official, we put our trust in council to represent our interest, values and ideals. She thinks council has an incredible opportunity. She doesn’t think it has to be developed by this particular group. She thinks there could be the possibility of putting this to the voters and let us vote on whether we would want this and be something we would be willing to pay for. Let us decide. President Michael mentioned earlier that this is just the tip of the iceberg in terms of a development project. She hopes it is not the iceberg that was involved with the Titanic. She hopes that it is not something that we regret. As others have said, this property is so close to Old Worthington and High St., it is so visible and council has such a chance to leave a really wonderful lasting legacy on this community. She thinks specifically if it was focused on our senior population, education or green space it would be a much better route to take than apartments.

Ms. Michael echoed the need for housing that has first floor living space. There are people who have houses in Worthington and want to be able to retire and not leave the community. She understands the very strong need for that type of housing in this development. She thinks everyone is in agreement with that being a high priority in the housing.

Ms. Armstrong thanked council for their time.

Dr. Chosy shared that obviously council hasn’t conveyed what is going on because there is no attempt to rush things through. Nothing has even been turned in yet. But he wants to share something that he personally resents. He shared that he and his neighbor were walking their dogs on opposite sides of the street and the neighbor began talking about some of these things in a very negative tone. When he got to one area it upset Dr. Chosy so much emotionally that he yelled a very negative comment across the street. He shared that not being typical of him but he shares that to show members of the audience how important it is that council members not hear from the people of this community that we have turned over. That we are in cahoots with developers and that we want to make this so that we increase the income to the city. He has served on council for twenty years and there has never been a time that he has ever felt that way and watching all of the council members through those twenty years, none of us have had that attitude. We are trying to do the best we can. We did the planning, which not everybody was happy about, but the city did it for private land so that we could get some semblance of control and then you say we are meeting secretly with the developer and we are working on all kinds of things and we are not going to pay attention to residents. That is totally and absolutely false. He resents it so much that he said something that he shouldn’t have. He wants people to know that council members’ point of view is to do the best we can for the community. He asked them to remember that it is private land. We don’t have total, absolute, or complete control. So please don’t say those things in writing or verbal that members are a bunch of jerks because we are not.

Ms. Michael thanked everyone. She shared that staff will be making a concerted effort to find more avenues in which we can have improved communication, especially as we get
information. If we don’t have anything to share then there is not much we can do. When we do have information then it is our duty to get it out to the public and to give the community of Worthington the opportunity to be able to share their views, thoughts, and ideas. We work towards a perfect compromise. Residents’ views and input are important as are your thoughts and ideas. She encouraged them to continue to bring things forward and thanked them for attending.

APPROVAL OF MINUTES

- April 6, 2015 – Regular Meeting
- April 13, 2015 – Committee of the Whole

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

There being no additions or corrections, the motion to approve the minutes as presented 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. 12-2015 Vacating Street Right-of-Way on the West Side of Linworth Road.

The foregoing Ordinance Title was read.

Mr. Greeson shared that council may recall that they tabled an ordinance that was a request to vacate right-of-way on Linworth Road. A motion is needed to remove the ordinance from the table.

MOTION A motion was made by Mr. Norstrom to removed Ordinance No. 12-2015 from the table. The motion was seconded by Ms. Dorothy.

The motion to remove Ordinance No. 12-2015 carried unanimously by a voice vote.

Mrs. Fox shared that at the public hearing on April 6th we had a discussion about this vacation petition. As members will recall, this is a petition to vacate the right-of-way that was established in 1888 by plat for street purposes that is currently in front of what has become five different homes along Linworth Road and north of StRt 161. At the last meeting there was a drawing that was prepared by the County, the City is working in conjunction of the County on this petition that showed the vacation of enough right-of-way to take the house that currently is located at the northern most lot out of the right-of-way. It was about a ten foot strip of land in front of that house. The petitioner that owns that home was not in agreement with that small amount of right-of-way being vacated.
Council asked if staff would go back to that particular owner and see if we could work out some other arrangement if they tabled the ordinance. Staff did meet with Mr. Zollars (MRZ Investments, the property owner), and his attorney Mr. Hrabcak as well as a County representative. Members have a revised drawing that shows an extended area of proposed vacated right-of-way. She displayed two drawing for council to review. The first is the area being proposed to be vacated while the second shows where those lines fall now within the proximity of the houses along that area.

The first shows the line that run parallel to Linworth Rd. at measure 50 feet from the center line, which is the distance that the County has established for the Linworth Rd. right-of-way. It is actually 100 foot right-of-way (50 feet on either side of the center line). That newly drawn line is about twice as wide as what was originally proposed and runs parallel with the center line of Linworth Road all the way down to the third house. The other two properties were not part of the original proposed vacation and they are not part of this proposed vacation either. But that line is then parallel to Linworth Road until it connects to that original right-of-way line that begins to travel a little bit southeast.

Ms. Michael asked if the two lines on the drawings showed the difference between the earlier proposal and the new one. Mrs. Fox replied no. She explained that the earlier proposal was only a ten foot strip that was right in front of the house all the way to the left of the screen. That amount was not acceptable to Mr. Zollars so this new triangle is the new proposed area to be vacated.

Dr. Chosy commented that at the point of the triangle there is another line that is not particularly visible. He asked if that is the current one. Mrs. Fox replied yes. The line that runs slightly through that house to the north is the original right-of-way line.

Dr. Chosy asked for clarification on what is 50 feet from the center line. Mrs. Fox replied that the center line is the yellow line and then straight west down to that first dark line is fifty feet. Dr. Chosy commented that it is less than fifty feet to the south. Mrs. Fox agreed. She added that is why there is no proposal to vacate any of that. She explained that fifty feet from the center line is the County’s proposed right-of-way for Linworth Road and they will also agree to recommend that this amount of right-of-way be vacated even though it is less than fifty feet to the south. There isn’t anything in this petition that the property owners can do about that.

Mr. Greeson added that members will hear a term called Thoroughfare Plan and this is consistent with the County’s Thoroughfare Plan. Mrs. Fox agreed.

Dr. Chosy asked how the fifty feet was determined. Mrs. Fox replied that when they re-did the plat they measured the fifty feet directly west and the remainder (or triangle) is what staff would recommend to be vacated.

Mrs. Fox explained that as part of this agreement MRZ Investments, which is fairly typical when there is right-of-way vacation, has agreed to allow the city and/or the
County to retain an easement through that area for drainage and utilities. Our City Engineer believes that with the city maintaining that type of an easement through that area it address his concerns that any future improvements that may be made at Linworth Road and StRt 161 or any major construction that could occur in the future would allow for this particular route to be used for storm water drainage down to the creek which is farther to the north.

Mrs. Fox commented that the easement is also part of the amended ordinance. She has spoken with the two property owners farther to the south about this new drawing. She was not able to reach the property owner in the middle but left a voice message. She didn’t have a phone number for the Alexander’s but she sent everybody a detailed letter to let them know what the newly revised drawings showed and invited anybody to give her a call if they wanted to talk. She has received no calls from anybody.

Mr. Norstrom complimented staff. He commented that when this item came before council the first time it was clear that there was just lack of discussion amongst the parties. That has now taken place and he thinks it is a great compromise.

MOTION

A motion was made by Mr. Norstrom to amend Ordinance No. 12-2015 to include the new drawing (Exhibit A) of the vacation and to reserve an easement for utilities and drainage. The motion was seconded by Dr. Chosy.

The motion to amend Ordinance No. 12-2015 carried unanimously by a voice vote.

Mr. Smith asked Mr. Hracak if his clients have been appeased.

Mr. Hracak shared that he is counsel for MRZ. He thanked Mrs. Fox, Mr. Greeson and Mr. Brown for their time, attention and courtesy throughout this entire process. They have done a magnificent job and we thank them for that. He wants council to know that they are well served by these individuals and you need to know that.

Mr. Hracak commented that his law firm has been in Worthington for twenty years and we have enjoyed this community. He has been remised that he hasn’t sat through these meetings often. He thanked council members and city leaders for all that they do. He applauds them. Just having witnessed what he has in the two meetings that he has attended because of this matter the words Hercules, colossal, and even titanic for the task that you all undertake is amazing. Just as a community participant and having my business here, he thanked them for what they do and bless them for doing it. He thanked them for their service. He is sure he doesn’t just speak for himself but for many Worthington residents and business owners.

Dr. Chosy asked about how his client feels about the amendments. Mr. Hracak replied that he is satisfied. This is exactly what we had talked about. They talked at some length about this with Mr. Greeson, Mrs. Fox, and Mr. Brown and they were receptive as was Mr. Zollars.
Ms. Dorothy thanked staff and Mr. Zollars and his representative for working this out. She is glad we have a compromise that everyone agreed to.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 12-2015 (As Amended). The motion carried by the following vote:

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

No  0

Ordinance No. 12-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 16-2015  Approving the Provisions of a Collective Bargaining Agreement Between the City of Worthington, Ohio and the International Association of Firefighters Local #3498 and Authorizing the City Manager to Execute Same on Behalf of the City.

The foregoing Ordinance Title was read.

Mrs. Stewart shared that she was joined on the negotiating team by Mrs. Fox, Mrs. Roberts, Chief Highley and Ms. Trego our personnel director as well as Dan Guttman who represents us for personnel issues. She placed a red lined version of the agreement at council members’ places this evening that shows the language changes from our most recent three year agreement with the International Association of Firefighters for what is being proposed for adoption. She noted that staff is still waiting on the final review by the attorneys so there could be some slight tweaking of words here and there but the substance should not change. Staff is asking members to approve an amended ordinance tonight that gives authorization to sign an agreement that is substantially like what is presented this evening but since we don’t have all of the final sign-offs by the attorneys we wanted to have it be “substantially like” this language rather than “exactly like” it in case there was a word tweak here or there.

Bullet points of the changes:

- Remove reference to Battalion Chiefs throughout (two places where it will remain)
- Update effective dates of the contract
- Adds updated language around use of the city’s e-mail and information technologies systems by the union and indicated that those needed to comply with the city’s rules and regulations around those systems
- Clarifies that grievances do not have the option to go through the Personnel Appeals Board since they have the option of a grievance procedure that ultimately leads towards arbitration.
• Updates language around time limits and provides for those to be extended via e-mail when grievances are occurring. It indicates that if any time limits are not met within the procedure the grievance goes to the next step in the process
• Adds language around labor relations meetings regarding the subject of health and safety matters that will occur quarterly
• Adds some clarification to the substance abuse and testing section. Adds language to allow for the implementation of random testing of the members at the city’s option
• Clarifies language around our personnel files and makes that section consistent with the public records law in terms of requests of personnel related records
• Changes language around the retention of items that are removed from personnel records. They are moved to an out-of-date file
• Adds a new section on promotions and implements the promotional process when a vacancy is declared and intended to be filed by the city
• Removes two sections in the contract that no longer apply to the current members
  o Maintenance differential since that function no longer exists
  o Language that applied to the transition from Sharon Township into the city. It applied to a member who has retired
• Clarifies that call-in pay, court pay, and civil leave apply to matters not related to personal matters
• Substitutes Veteran’s Day for Columbus Day in the holiday section
• Adds language around the conversion of sick leave to annual leave to clarify that you have to be within the annual cap on annual leave
• For wages:
  o Provides for a $2,500 lump sum to members upon ratification of the contract
  o In December 2015 there is a 3% increase in base wages
  o January 2016 there is a 2½% increase
  o January 2017 there is a 2% increase
• Paramedic deferential moves from 4% to 4 ½% in 2017
• Annual Service Credit amount come in line with those provided to other city employees
• Life insurance comes in line with what is provided to other city employees

Ms. Michael echoed her thanks, appreciation and services of the negotiating team. She has gone through negotiations several times from the council’s perspective and we really appreciate when we can work together and come up with a compromise that works so well. She thanked the team for their excellent effort.

When asked by Ms. Michael for assistance with the amendment Mrs. Fox suggested that it: Should allow for the changes to be made that aren’t inconsistent with the ordinance and not material adverse to the city. They are the tweaks that Mrs. Stewart talked about in case the wording changes slightly.
MOTION

Mr. Troper made a motion to amend Ordinance No. 16-2015 as recommended by Mrs. Fox. The motion was seconded by Ms. Dorothy.

The motion to amend Ordinance No. 16-2015 carried unanimously.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 16-2015 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 16-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 17-2015

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

The foregoing Ordinance Title was read.

Mr. Greeson explained that the ordinance is a transfer of funds from the general fund to the sewer fund to deal with timing issues of when we receive our revenues from the city of Columbus. It is a cash flow management transfer.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 17-2015. The motion carried by the following vote:

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

No 0

Ordinance No. 17-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 26-2015

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 (1028 Proprietors Road).
Introduced by Dr. Chosy.

**MOTION**  Mr. Smith made a motion to adopt Resolution No. 26-2015. The motion was seconded by Mr. Norstrom.

Mr. Greeson shared that staff is excited about this project. It is another really good ReCAP application for council’s consideration. Members have a little bit different tasks this evening than you have had in the past. He asked Mr. Harris to overview what we need members to do this evening.

Mr. Harris commented that this is the seventh ReCAP application under the program. Tonight we are actually joined by the principles for MAC Construction, Lori and Walt McHenry. He will briefly overview the project and then run through the application scoring recommendation, which is usually done at the CIC level but given that the CIC has an active contract with MAC Construction for the Kilbourne Building we are bringing it directly to council.

Mr. Harris briefly explained the ReCAP process and showed a slide that highlighted the various sites that council has approved to date. He shared the following information regarding this application.

- Property located at 1028 Proprietors Road
- MAC Construction purchased the property in 2012 and moved their business operations previously located at Lewis Center back home to Worthington since the principles in the family-owned business are longtime Worthington residents
- They used Neighborhood Design Center to help with the proposed changes
- Showed a slide of the existing exterior conditions of two buildings on site (one is office and one is warehouse)
- Showed a slide of the proposed exterior changes that include:
  - Twelve suspended awnings
  - Painting the exteriors of both buildings
  - Installing new architectural finishes and masonry (stone veneers)
  - New aluminum storefront door and side light
  - New landscaping beds and plantings throughout
  - New signage and street numbers
- Completion date of September 2015
- Total estimated costs: $54,509.00
- Request ReCAP assistance: $25,000 (which is the maximum allowed)

Mr. Harris briefly went through the application scoring process. An application must receive a minimum score of 52 points in order to be recommended for approval under the program. Mr. Harris added that he is recommending a score of 90 points for this application. The application is evaluated on:
Current Physical Condition / Exterior Appearance (up to 20 points)
Mr. Harris recommends a score of 15 points

Score of Work (20 points)
Mr. Harris recommends a score of 20 points

Applicant’s Project Viability & Demonstrated Ability to Repay (20 points)
Mr. Harris recommends a score of 15 points

Applicant’s Demonstrated Commitment to Worthington Business Community (10 points)
Mr. Harris recommends a score of 10 points

Overall Quality of Application (30 points)
Mr. Harris recommends a score of 30 points. He shared that Council charged them last year to do more than just painting and window caulking and he thinks this is a good illustration of that effort.

Dr. Chosy asked the maximum number of points for any given application. Mr. Harris replied 100. Dr. Chosy commented that picking the number of points is totally subjective. Mr. Harris explained when the scoring rubric was designed they looked at the best way to spread the points around and they actually weighted them according to what would be a passing score versus what would not. The application must receive at least a 52 in order to pass.

Dr. Chosy asked how that score was selected as a passing score. Mr. Harris shared that he actually used a score sheet like this in his former life at the State so he actually obtained a copy because it worked pretty well there. He took some of the rubric elements and applied them to the scoring sheet. The elements helped frame the information. It is not just 52 points out of nowhere but it is spread out over the six project elements on a rubric that had some pretty good experience in other areas.

Dr. Chosy asked the value of the point system. It is so subjective, why bother. It is either a good project or it isn’t. Mr. Harris thinks there is always an element. You want the ability to say in relation to what is this a good project or not. He thinks that this rubric is attempting to get at, in relation to what. So 90 point on this application versus a project we saw last year which really was just painting and window caulking and received a lower score all be it a passing score. We are trying to derive at what are the comparable qualities of these applications.

Mr. Norstrom asked Mr. Harris if he is the only one that scores the applications or are their multiple scorers. Mr. Harris replied usually him. Mr. Norstrom shared that he is using the word “we” and he is trying to figure out who that is. So the CIC would be receiving the same presentation that council is this evening. Mr. Harris agreed.

Mr. Greeson confirmed that staff looks at them.
Mr. Norstrom commented that he doesn’t understand the impropriety or the conflict of interest in this case. Mrs. Fox replied because MAC has a contract with the CIC, she didn’t want there to be any concern that the CIC might be looking at them more or less favorably and maybe not be looking at them with quite an objective eye as we like to see in these applications. We offered that they just skip this process because this is the process that the CIC goes through with all of the scoring to make recommendation to council.

Mr. Norstrom pointed out that the same person is scoring the applications. Mrs. Fox replied that now we have a different body that can ask all of these questions about where the scoring comes from, which she never knew by the way so members are asking him some questions that the CIC has never asked so that is a good thing.

Mr. Smith confirmed that the CIC goes through this process and they can change the score and they have. Mr. Norstrom stated that he understands that.

Dr. Chosy commented that if the score falls below 52 then it doesn’t get approved. He asked if that is what he is hearing. Mr. Norstrom replied that it doesn’t even get submitted to council. Mr. Harris stated that he hasn’t seen that yet but he probably wouldn’t even present such an application to the CIC. If that were the case he would probably just contact the applicant to say that the application is not appropriate.

There being no additional comments, the motion to adopt Resolution No. 26-2015 carried unanimously by a voice vote.

**Ordinance No. 18-2015**

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2015 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 616-15)

*Introduced by Mr. Troper.*

**Ordinance No. 19-2015**

An Ordinance Enacted by the City of Worthington, Franklin County, Ohio, in the Matter of the Stated Described Project, (FRA-161-8.67, PID 96305).

*Introduced by Ms. Dorothy.*

Mrs. Fox shared that this ordinance pertains to the resurfacing of StRt 161.
Ordinance No. 20-2015  Approving the Removal of Two Silver Maple Trees from the Northeast Quadrant of the Village Green and the Construction of a Concrete Entranceway to the Elevator Planned for the James Kilbourne Memorial Library Building.

Introduced by Dr. Chosy.

Mrs. Stewart shared that this item is a request to remove trees related to the Village Green, which requires a six/seventh vote of city council. She understands that Mr. Myers will not be present at the June 1st meeting so she wanted to make sure that the remaining members of council plan to be in attendance on that date.

Dr. Chosy commented that he will need some more information on this item. Mrs. Fox explained that members received two pictures at their places this evening. The first one is somewhat of a guess as the hash mark in front of the window is where she anticipates another concrete slab will be located for the entranceway into that elevator which will be right at that window. She understands the construction drawings may have been delivered while we were here or may be delivered tomorrow morning so when this ordinance comes to council the next time we will have this attachment “A” showing the two trees and attachment “B” showing where that concrete section is intended to go.

Mrs. Fox shared that the second page just shows the location of the property line in relation to the building and the Village Green Drive. The property line actually hugs the building pretty closely on that side of the building so she just wanted to provide those drawings for members’ reference.

Mr. Greeson shared that these trees are silver maples and construction activity will impact the root system of one of them.

Mr. Norstrom commented that we will be planting some trees in that location after these trees are removed. Mr. Greeson thinks the ARB has asked the city to come back with our landscape plan.

Dr. Chosy commented that is the point he would make in that there should be trees to replace these on the green. He doesn’t think they need to be planted in the same location.

Mr. Norstrom suggested we try to keep it next to the building to provide shade.

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

Policy Item(s)

- Confirmation of TIRC Appointment

Mr. Greeson shared that the TIRC (Tax Incentive Review Council) is a body that meets once a year. It is a statutory body that is made up of representatives from the various taxing entities that are impacted by abatements and tax increment financing so it has representatives from the townships, the county, the schools and the city and the county auditor’s office (whose representative chairs the meetings). We have two appointments, Parker MacDonell and Tom Dietrich. Mr. Dietrich has stepped down. The statutory procedure authorizes him to make the appointment but it requires council’s concurrence. Worthington resident Matt Gregory is interested in serving. Mr. Gregory lives on Abbot Ave. He is an experienced commercial broker and familiar with economic development issues. He has expressed an interest in getting involved and this was an avenue to do so. Mr. Greeson shared that he met with him and recommends that council concur with his appointment of Mr. Gregory to the TIRC.

Mr. Norstrom asked if this is the gentleman who advised council recently. Mr. Greeson replied no. He works for the same company (NAI Ohio Equities) and his principal and the president of that company, Mike Simpson has provided some advice to staff on the Kilbourne leasing.

MOTION

A motion was made by Dr. Chosy to confirm Matt Gregory as one of the City’s representatives to the Worthington’s Tax Incentive Review Council. The motion was seconded by Mr. Smith.

The motion carried unanimously.

REPORTS OF COUNCIL MEMBERS

Mr. Smith shared that he is hearing feedback on the microphones. Mrs. Stewart commented that staff and the contractor are still working on the settings of the system.

Ms. Dorothy thanked everyone for getting the city ready for the Memorial Day celebration. She hopes to see everyone at Walnut Grove Cemetery if they are in town on Monday.

OTHER

EXECUTIVE SESSION

MOTION

Mr. Troper made a motion to meet in Executive Session to discuss economic development incentives, particularly negotiations tied to the Kilbourne building. The motion was seconded by Ms. Dorothy.
The motion carried by the following voice vote:

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

No 0

Council recessed at 9:30 p.m. from the Regular meeting session.

Council returned to open session at 9:50 p.m.

MOTION Mr. Smith made a motion to authorize the City Manager to sign a letter of intent to initiate negotiations for a lease for the Kilbourne Memorial Library Building. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

____________________________________
Clerk of Council

APPROVED by the City Council, this 15th day of June, 2015.

_______________________________
Council President
REMARKS TO COUNCIL BY WARD

May 18, 2015

At this critical juncture, when a developer for UMCH has been selected and a development plan produced, what is the best way forward? How can there be a cooperative approach among all stakeholders which will assure the best outcome for generations to come for this legacy property in the center of our community? What recommendations can we, WARD, offer to you, the decision makers?

First, members of Council, we believe that you will want to know that there is a strong feeling among your constituents that the process is moving too fast and without proper public participation. By proper public participation I mean that the views of residents are not just listened to, but are pondered and responded to before you make your decisions. In WARD's case, we are beginning to wonder if, after the hundreds of hours we have devoted to this issue, we are still being taken seriously. Why do I say that?

We are aware that later this week Lifestyle Communities will begin to meet privately with council to explain the project and elicit your support. Your August recess is within sight. This has created the fear that, encouraged by UMCH and the developer, you will formulate your decisions before there has been enough careful consideration of the competing factors. A better approach would have been to have LC make its presentation to the community in a public meeting at the same time they presented to you. Residents could be invited back later to make comments. This would show that you are partners with them.

On May 3rd WARD submitted a position paper called "WARD Priorities and Questions", which outlined in detail our concerns and questions about the project, to the city and the developer. Aside from acknowledgement of receipt of the paper, there has been no response. If Lifestyle Communities, which has a professional team dedicated to this project, responded in the same 18 day time
frame it took WARD to formulate our paper, we would have a response by next Thursday.

Council has also received this paper. Will you have read it by the time you meet with LC? Can we have your promise that you will carefully consider the points we have raised at the same time you are learning more about the developer's proposal? Some may say that it is MPC's job to sort out our concerns, but Council is the decision authority and we need the assurance that our efforts have not been in vain. On other points, why not have a team of volunteer retired Worthington architects, who would start from a neutral position, review and evaluate the LC plan for you at no cost to the city? Why not have a few knowledgeable and responsible Worthington residents sit in with you as you negotiate with LC? Once again, let's be partners.

At an April 15th meeting with city staff and the developer, WARD pushed for public meetings and we were told that would be considered. While the development process moves along, there has been no announcement about meetings. The establishment of a public website for residents' comments and place where they could see the development plan was also discussed. So far nothing has happened.

Finally, let me illustrate for you some of the pitfalls that can occur from a speeded up process. First, key elements may not be considered as carefully as they should be if more time were taken. I'm told that some people now wish that Fresh Thyme did not have a flat roof and the brick color was different. More to the point, there is some lingering regret over how some of the CVS situation was handled. UMCH is much more important than either of those projects, worthy though they were.

Next, there is a question of priorities. Let me give you a hypothetical. Suppose LC comes to you and says that we really need to move the process along or we will risk losing the medical clients we've lined up. This might or might not be true, but if it were that would be regrettable because those clients would be a revenue stream for the city, for as long or as briefly as they were there. But what would be more important? Possibly losing those clients in the short run or
taking the time to create a well thought out legacy project that would benefit our city for decades?

Lastly, the ultimate pitfall from a speeded up process could be a situation where key decisions are already made by the time input from the community is evaluated. In other words, the desire to get the project going would outweigh the need to hear from and value the views of the residents. That would be less than democratic and would be seen by many as a violation of trust.

So - what is to be done? Let's slow the process down and take the time to consider what everyone has to offer. Let's all work together in a sharing and inclusive way, to the benefit of our city.
Special Meeting
Minutes

Monday, June 1, 2015 ~ 6:00 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 Special Session on Monday, June 1, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Bonnie Michael called the meeting to order at or about 6:00 P.M.

Members Present: Rachael R. Dorothy, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael (Robert F. Chosy arrived at 6:15 p.m.)

Members Absent: Scott Myers

Also present: City Clerk

EXECUTIVE SESSION

Ms. Michael reported the need for an Executive Session to interview for Boards and Commission and for general purposes.

MOTION Mr. Troper moved that council meet in executive Session to interview for Boards and Commissions. The motion was seconded by Mr. Norstrom.

The motion carried by the following vote:

Yes 5 Troper, Norstrom, Smith, Dorothy, and Michael

Council recessed at 6:00 p.m.

MOTION Ms. Dorothy made a motion to reconvene into open session. The motion was seconded by Dr. Chosy.

The motion carried unanimously by a voice vote.

ADJOURNMENT

President Michael declared the meeting adjourned at 7:29 p.m.

_____________________________
Clerk of Council

APPROVED by the City Council, this 15th of June, 2015

_____________________________
President of Council
ORDINANCE NO. 21-2015

Enacting Section 1180.08 of the Codified Ordinances of the City of Worthington to Regulate the Growth of Running Bamboo.

WHEREAS, the growing of running bamboo, if not controlled and/or contained, results in a rapid spreading and infestation of bamboo plants through its root system and underground rhizomes; and

WHEREAS, the growth of the bamboo plants may cause serious damage to structures and plant materials located in the path of the underground root system; and

WHEREAS, property owners adjacent to parcels that contain bamboo cite difficulty and expense in attempts to keep unwanted running bamboo from extending onto their yards and spreading; and

WHEREAS, the City wishes to preserve and protect private and public property from the damaging spread of bamboo, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of the residents of the City.

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

SECTION 1. That Section 1180.08 of the Codified Ordinances of the City is enacted to read as follows:

1180.08 GROWTH OF BAMBOO.

(a) Definitions. As used in this chapter, certain terms are defined as follows:

(1) “Bamboo” means any tropical or semi-tropical grasses classified as “running bamboo” with monopodial (leptomorph) rhizome (root) systems which typically send off the rhizomes far away from the plant.

(2) “Bamboo Owner” means any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

(i) Did not plant or grow or cause Bamboo to be planted or grown on his or her property; and

(ii) Has provided satisfactory proof to the City that, within a reasonable period of time after discovering the encroachment
ORDINANCE NO. 21-2015

of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property, by delivery of a written notice, of an objection to the encroachment of the Bamboo and a request for the Bamboo to be removed; and

(iii) Has initiated steps for the removal of the Bamboo from the property.

(b) **Applicability.** For purposes of this Section 1180.08, Bamboo found growing upon property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and with the consent of the owner upon whose property the Bamboo is growing. If the Bamboo is found to have encroached, spread, invaded or intruded upon any property other than the property on which it was planted, including public property and right-of-way, it shall be presumed that the Bamboo is “running bamboo” as defined herein, and subject to the provisions of this Section 1180.08.

(c) **Duty to Confine.** All Bamboo Owners must confine Bamboo in a manner that will prevent the Bamboo from encroaching, spreading, invading or intruding onto any other private or public property or right-of-way, and shall be required to take any such reasonable measure to do so, including but not limited to the installation of a properly constructed and maintained underground physical barrier system. A Bamboo Owner who fails to confine Bamboo to the Bamboo Owner’s property shall be subject to the penalty provisions of Section 1180.08(g) herein.

(d) **Property Owners Affected by Bamboo.** In the event that a property owner notifies a Bamboo Owner that Bamboo is encroaching, spreading, invading or intruding upon such property owner’s property, as required under Section 1180.08(a)(2)(ii), such notifying property owner shall give consent to the Bamboo Owner for the Bamboo Owner to enter such notifying property owner’s property in order that the Bamboo Owner may remove the Bamboo thereon. Failure to give consent shall hold the notifying property owner responsible for the removal of the encroaching Bamboo at such property owner’s cost. Consent hereunder shall also be deemed to be consent given to a contractor that the Bamboo Owner may hire for the removal of the Bamboo, and to the City or the City’s contractor should that become necessary. Neither the Bamboo Owner, the City, or a contractor hired on behalf of the Bamboo Owner or the City to remove Bamboo from a neighboring property, shall be liable for incidental damages caused by the removal of the Bamboo.
(e) Failure to Confine. In the event Bamboo growing on a Bamboo Owner’s property encroaches or grows onto an adjoining or neighboring property, and the Bamboo Owner fails to remove the Bamboo, or fails to cause it to be removed following a request to do so by the affected adjoining property owner within ten (10) days from the date of the request, the affected adjoining property owner shall notify the Director of Service and Engineering of such encroachment. The Director shall be provided satisfactory proof from the affected adjoining neighbor that the Bamboo Owner was notified of the encroachment and had the requisite number of days to remove the Bamboo. The Director shall confirm the presence of the encroaching Bamboo and shall notify the Bamboo Owner in writing of such encroachment, which notice shall:

1. Specify the nature and location of the violation;
2. Provide notice of the requirement to remove all portions of the Bamboo plant from the affected adjoining property within ten (10) days from the date of the notice; and
3. State that the failure to comply with the notice and order may hold the Bamboo Owner liable to the City for the cost of removal, any fines that may be imposed pursuant to Section 1180.08(g), and the City’s cost to install a barrier system as may be permitted under Section 1180.08(i).

The Director’s notice shall be sent to the Bamboo Owner by certified mail, return receipt requested.

(f) Appeal. If a Bamboo Owner believes that the determination of the Director of Service and Engineering that he or she is in violation of the provisions of this Section 1180.08 is in error, then that determination may be appealed to the City Manager within five (5) days of receipt of the notice to remove the Bamboo issued pursuant to subsection (e) hereof, by the filing of a written notice of appeal. The Bamboo Owner shall have the opportunity to present relevant evidence to the City Manager, or the City Manager’s designee, with or without legal counsel. A record of the hearing shall be kept, including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, whose testimony shall be duly sworn. The decision of the City Manager, or designee, shall be rendered at the hearing and mailed to the person to whom the original notice was served by regular and certified mail, within five (5) days of the date of the decision.

At the hearing, the City Manager, or designee, may: (i) direct the Bamboo Owner to remove the encroaching Bamboo within ten (10) days of the receipt of the appeal decision; (ii) order the Bamboo to be removed, order
ORDINANCE NO. 21-2015

the installation of a physical barrier system (for subsequent violations), or order both, either with City crews or by contracting with a third party, in which case the Bamboo Owner will be charged with the cost of such work ordered to be done, plus a 25% administrative fee as set forth in subsection (j) hereof; or (iii) grant the appeal and reverse the Director’s order.

(g) Penalty. Any Bamboo Owner, whether a person, firm, corporation, or other legal entity, that is found to have failed to remove Bamboo when noticed to do so under Section 1180.08(e) shall be fined $100.00 per day for each day that the Bamboo remains after the expiration of the 10-day notice period given by the Director of Service and Engineering. This penalty shall be vacated only if the Bamboo Owner is found not to be responsible for the Bamboo removal as a result of an appeal determination. A penalty shall be stayed from the date the matter is appealed to the date the appeal is decided. All penalty amounts not paid when due may result in the City pursuing collection through the court, which amounts sought shall include all unpaid fines plus the cost of collection.

(h) City Removal of Bamboo. If the Bamboo Owner fails to remove the Bamboo as directed in the notice sent pursuant to subsection (f) or as a result of an order to do so by the City Manager at the appeal hearing, the Director of Service and Engineering shall cause the Bamboo to be removed and destroyed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. The City shall not be liable to an owner of property affected by Bamboo for damages caused as a result of the Bamboo removal.

(i) Installation of a Physical Barrier System by City. Successive violations of this Ordinance may result in the City determining, at the City’s discretion, to enter upon the land of the Bamboo Owner and install a physical barrier system designed to contain the Bamboo and prevent its encroachment to adjoining properties. The cost of the installation of the barrier system shall be charged to the Bamboo Owner as provided in subsection (j) herein. The City shall not be liable to a Bamboo Owner for damages caused as a result of the barrier system installation.

(j) Statement of Cost to Owner. When the Director of Service and Engineering causes Bamboo to be removed as provided in subsection (h) above, or when the City installs a physical barrier system as provided in subsection (i) above, a statement of the cost thereof shall be mailed to the Bamboo Owner by certified mail, return receipt requested. If the certified mail is returned or refused, then such statement may be sent by ordinary
ORDINANCE NO. 21-2015

mail, or personal service by posting at the subject property if the Bamboo Owner is the occupant thereof, by any means that assures and documents delivery. Such statement of cost shall include the following costs of the City:

(1) Labor and materials.
(2) Transportation of equipment.
(3) Equipment rental.

The minimum fee to be charged shall be twenty-five dollars ($25.00) per hour. A 25% administrative fee shall be charged on the total amount of the costs of removal.

(k) Cost Payment; Unpaid Costs a Lien. The Bamboo Owner shall pay such amounts as are charged in accordance with subsection (j) hereof to the City Clerk within thirty days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the cost was paid. If the fee is not paid when due, the Director of Finance shall certify to the County Auditor the proceedings taken under this section, together with a statement of the charges for services as listed in subsection (j) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by Ohio Revised Code Section 731.54. These costs shall be separate from any fine that may be imposed as a penalty under subsection (g) hereof.

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

Passed ______________

____________________________________
President of Council

_______________________________ P.H. June 15, 2015
Clerk of Council

Attest:

Introduced June 1, 2015

P.H. June 15, 2015
At the May 4th City Council meeting, I presented a draft ordinance to Council on the regulation of running bamboo. Council requested some changes during that discussion and asked for those to be made before the ordinance is introduced.

Attached is a clean revised Ordinance as well as a redlined version showing those changes made since Council last saw the draft.

The most notable changes in the revised version are the addition of a section that gives the City the right to enter upon the bamboo owner’s property and install a physical barrier system in instances where there has been more than one violation. I also added a designee provision to the appeal section that would give you the ability appoint someone else to handle the appeal hearings. There were also comments about the options available to the City in determining an appeal as well as providing for the fines to be stayed during an appeal. Those changes have been made.

I included some indemnity provisions to the City for damages that may occur as a result of the City having to remove Bamboo or install a barrier system.

Because of the distance that bamboo can travel, and because of the rapid growth of the vegetation, the ordinary time periods that we may give property owners to correct property maintenance violations have to be shortened, and I have tried to do that while maintaining their due process rights.

In general, I continue to believe that this type of enforcement could be burdensome to the City and in large part involves the City in matters that are better left to resolve between private
properties much like storm water drainage issues and overhanging trees. However, while it is expected that a bamboo owner will take the necessary steps to prevent encroachment to neighboring properties, we understand that not all do. We may want to consider some type of community outreach to inform bamboo owners and bamboo neighbors of these expectations. I have drafted this legislation based on similar legislation found in other parts of the country. I have not contacted anyone involved with the discussions before Council last year.

Please let me know if you want any other information to be presented with this legislation.
ORDINANCE NO. xx-2015

Enacting Section 1180.08 of the Codified Ordinances of the City of Worthington to Regulate the Growth of Running Bamboo.

WHEREAS, the growing of running bamboo, if not controlled and/or contained, results in a rapid spreading and infestation of bamboo plants through its root system and underground rhizomes; and

WHEREAS, the growth of the bamboo plants may cause serious damage to structures and plant materials located in the path of the underground root system; and

WHEREAS, property owners adjacent to parcels that contain bamboo cite difficulty and expense in attempts to keep unwanted running bamboo from extending onto their yards and spreading; and

WHEREAS, the City wishes to preserve and protect private and public property from the damaging spread of bamboo, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of the residents of the City.

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

Section 1. That Section 1180.08 of the Codified Ordinances of the City is enacted to read as follows:

1180.08 GROWTH OF BAMBOO.

(a) Definitions. As used in this chapter, certain terms are defined as follows:

(1) “Bamboo” means any tropical or semi-tropical grasses classified as “running bamboo” with monopodial (leptomorph) rhizome (root) systems which typically send off the rhizomes far away from the plant.
(2) “Bamboo Owner” means any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:

1
(i) Did not plant or grow or cause Bamboo to be planted or grown on his or her property; and
(ii) Has provided satisfactory proof to the City that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property, by delivery of a written notice, of an objection to the encroachment of the Bamboo and a request for the Bamboo to be removed; and
(iii) Has initiated steps for the removal of the Bamboo from the property.

(b) Applicability. For purposes of this Section 1180.08, Bamboo found growing upon property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and with the consent of the owner upon whose property the Bamboo is growing. If the Bamboo is found to have encroached, spread, invaded or intruded upon any property other than the property on which it was planted, including public property and right-of-way, it shall be presumed that the Bamboo is “running bamboo” as defined herein, and subject to the provisions of this Section 1180.08.

(c) Duty to Confine. All Bamboo Owners must confine Bamboo in a manner that will prevent the Bamboo from encroaching, spreading, invading or intruding onto any other private or public property or right-of-way, and shall be required to take any such reasonable measure to do so, including but not limited to the installation of a properly constructed and maintained underground physical barrier system. A Bamboo Owner who fails to confine Bamboo to the Bamboo Owner’s property shall be subject to the penalty provisions of Section 1180.08(g) herein.

(d) Property Owners Affected by Bamboo. In the event that a property owner notifies a Bamboo Owner that Bamboo is encroaching, spreading, invading or intruding upon such property owner’s property, as required under Section 1180.08(a)(2)(ii), such notifying property owner shall give consent to the Bamboo Owner for the Bamboo Owner to enter such notifying property owner’s property in order that the Bamboo Owner may remove the Bamboo thereon. Failure to give consent shall hold the notifying property owner responsible for the removal of the encroaching Bamboo at such property owner’s cost. Consent hereunder shall also be deemed to be consent given to a contractor that the Bamboo Owner may hire for the removal of the Bamboo, and to the City or the City’s contractor should that become necessary. Neither the Bamboo Owner, the City, or a contractor hired on behalf of the Bamboo Owner or the City to remove Bamboo from a neighboring property, shall be liable for incidental damages caused by the removal of the Bamboo.
(e) Failure to Confine. In the event Bamboo growing on a Bamboo Owner’s property encroaches or grows onto an adjoining or neighboring property, and the Bamboo Owner fails to remove the Bamboo, or fails to cause it to be removed following a request to do so by the affected adjoining property owner within ten (10) days from the date of the request, the affected adjoining property owner shall notify the Director of Service and Engineering of such encroachment. The Director shall be provided satisfactory proof from the affected adjoining neighbor that the Bamboo Owner was notified of the encroachment and had the requisite number of days to remove the Bamboo. The Director shall confirm the presence of the encroaching Bamboo and shall notify the Bamboo Owner in writing of such encroachment, which notice shall:

(1) Specify the nature and location of the violation;
(2) Provide notice of the requirement to remove all portions of the Bamboo plant from the affected adjoining property within ten (10) days from the date of the notice; and
(3) State that the failure to comply with the notice and order may hold the Bamboo Owner liable to the City for the cost of removal, any fines that may be imposed pursuant to Section 1180.08(g), and the City’s cost to install a barrier system as may be permitted under Section 1180.08(i).

The Director’s notice shall be sent to the Bamboo Owner by certified mail, return receipt requested.

(f) Appeal. If a Bamboo Owner believes that the determination of the Director of Service and Engineering that he or she is in violation of the provisions of this Section 1180.08 is in error, then that determination may be appealed to the City Manager within five (5) days of receipt of the notice to remove the Bamboo issued pursuant to subsection (e) hereof, by the filing of a written notice of appeal. The Bamboo Owner shall have the opportunity to present relevant evidence to the City Manager, or the City Manager’s designee, with or without legal counsel. A record of the hearing shall be kept, including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, whose testimony shall be duly sworn. The decision of the City Manager, or designee, shall be rendered at the hearing and mailed to the person to whom the original notice was served by regular and certified mail, within five (5) days of the date of the decision.

At the hearing, the City Manager, or designee, may: (i) direct the Bamboo Owner to remove the encroaching Bamboo within ten (10) days of the receipt of the appeal decision; (ii) order the Bamboo to be removed, order the installation of a physical barrier system (for subsequent violations), or order both, either with City crews or by contracting with a third party, in
which case the Bamboo Owner will be charged with the cost of such work ordered to be done, plus a 25% administrative fee as set forth in subsection (j) hereof; or (iii) grant the appeal and reverse the Director’s order.

(g) Penalty. Any Bamboo Owner, whether a person, firm, corporation, or other legal entity, that is found to have failed to remove Bamboo when noticed to do so under Section 1180.08(e) shall be fined $100.00 per day for each day that the Bamboo remains after the expiration of the 10-day notice period given by the Director of Service and Engineering. This penalty shall be vacated only if the Bamboo Owner is found not to be responsible for the Bamboo removal as a result of an appeal determination. A penalty shall be stayed from the date the matter is appealed to the date the appeal is decided. All penalty amounts not paid when due may result in the City pursuing collection through the court, which amounts sought shall include all unpaid fines plus the cost of collection.

(h) City Removal of Bamboo. If the Bamboo Owner fails to remove the Bamboo as directed in the notice sent pursuant to subsection (f) or as a result of an order to do so by the City Manager at the appeal hearing, the Director of Service and Engineering shall cause the Bamboo to be removed and destroyed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. The City shall not be liable to an owner of property affected by Bamboo for damages caused as a result of the Bamboo removal.

(i) Installation of a Physical Barrier System by City. Successive violations of this Ordinance may result in the City determining, at the City’s discretion, to enter upon the land of the Bamboo Owner and install a physical barrier system designed to contain the Bamboo and prevent its encroachment to adjoining properties. The cost of the installation of the barrier system shall be charged to the Bamboo Owner as provided in subsection (j) herein. The City shall not be liable to a Bamboo Owner for damages caused as a result of the barrier system installation.

(j) Statement of Cost to Owner. When the Director of Service and Engineering causes Bamboo to be removed as provided in subsection (h) above, or when the City installs a physical barrier system as provided in subsection (i) above, a statement of the cost thereof shall be mailed to the Bamboo Owner by certified mail, return receipt requested. If the certified mail is returned or refused, then such statement may be sent by ordinary mail, or personal service by posting at the subject property if the Bamboo Owner is the occupant thereof, by any means that assures and documents delivery. Such statement of cost shall include the following costs of the City:
The minimum fee to be charged shall be twenty-five dollars ($25.00) per hour. A 25% administrative fee shall be charged on the total amount of the costs of removal.

(k) Cost Payment; Unpaid Costs a Lien. The Bamboo Owner shall pay such amounts as are charged in accordance with subsection (j) hereof to the City Clerk within thirty days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the cost was paid. If the fee is not paid when due, the Director of Finance shall certify to the County Auditor the proceedings taken under this section, together with a statement of the charges for services as listed in subsection (j) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by Ohio Revised Code Section 731.54. These costs shall be separate from any fine that may be imposed as a penalty under subsection (g) hereof.

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

Passed ________________

____________________________________
President of Council

Attest:

_______________________________  P.H.
Clerk of Council

Introduced

Effective
Enacting Section 1180.08 of the Codified Ordinances of the City of Worthington to Regulate the Growth of Running Bamboo.

WHEREAS, the growing of running bamboo, if not controlled and/or contained, results in a rapid spreading and infestation of bamboo plants through its root system and underground rhizomes; and

WHEREAS, the growth of the bamboo plants may cause serious damage to structures and plant materials located in the path of the underground root system; and

WHEREAS, property owners adjacent to parcels that contain bamboo cite difficulty and expense in attempts to keep unwanted running bamboo from extending onto their yards and spreading; and

WHEREAS, the City wishes to preserve and protect private and public property from the damaging spread of bamboo, protect indigenous plant materials from the invasive spread of bamboo, and maintain the general welfare of the residents of the City.

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

Section 1. That Section 1180.08 of the Codified Ordinances of the City is enacted to read as follows:

**1180.08 GROWTH OF BAMBOO.**

(a) **Definitions.** As used in this chapter, certain terms are defined as follows:

(1) “Bamboo” means any tropical or semi-tropical grasses classified as “running bamboo” with monopodial (leptomorph) rhizome (root) systems which typically send off the rhizomes far away from the plant.
(2) “Bamboo Owner” means any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on the property, or who permits Bamboo to grow or remain on the property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or resident who:
   (i) Did not plant or grow or cause Bamboo to be planted or grown on his or her property; and
(ii) Has provided satisfactory proof to the City that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property, by delivery of a written notice, of an objection to the encroachment of the Bamboo and a request for the Bamboo to be removed; and

(iii) Has initiated steps for the removal of the Bamboo from the property, including remedies at law.

(b) Applicability. For purposes of this Section 1180.08, Bamboo found growing upon property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and with the consent of the owner upon whose property the Bamboo is growing. If the Bamboo is found to have encroached, spread, invaded or intruded upon any property other than the property on which it was planted, including public property and right-of-way, it shall be presumed that the Bamboo is “running bamboo” as defined herein, and subject to the provisions of this Section 1180.08.

(c) Notification. Within 120 days after the effective date of this Section, each Bamboo Owner shall notify the City in writing that Bamboo is present on his or her property.

(d) Duty to Confine. All Bamboo Owners must confine Bamboo in a manner that will prevent the Bamboo from encroaching, spreading, invading or intruding onto any other private or public property or right-of-way, and shall be required to take any such reasonable measure to do so, including but not limited to the installation of a properly constructed and maintained underground physical barrier system. A Bamboo Owner who fails to confine Bamboo to the Bamboo Owner’s property shall be subject to the penalty provisions of Section 1180.08(h) herein.

(e) Property Owners Affected by Bamboo. In the event that a property owner notifies a Bamboo Owner that Bamboo is encroaching, spreading, invading or intruding upon such property owner’s property, as required under Section 1180.08(a)(2)(ii), such notifying property owner shall give consent to the Bamboo Owner for the Bamboo Owner to enter such notifying property owner’s property in order that the Bamboo Owner may remove the Bamboo thereon. Failure to give consent shall hold the notifying property owner responsible for the removal of the encroaching Bamboo at such property owner’s cost. Consent hereunder shall also be deemed to be consent given to a contractor that the Bamboo Owner may hire for the removal of the Bamboo, and to the City or the City’s contractor should that become necessary. Neither the Bamboo Owner, the City, or a contractor hired on behalf of the Bamboo Owner or the City to remove
Bamboo from a neighboring property, shall be liable for incidental damages caused by the removal of the Bamboo.

(f) Failure to Confine. In the event Bamboo growing on a Bamboo Owner’s property encroaches or grows onto an adjoining or neighboring property, and the Bamboo Owner fails to remove the Bamboo, or fails to cause it to be removed following a request to do so by the affected adjoining property owner within ten (10) days from the date of the request, the affected adjoining property owner shall notify the Director of Service and Engineering of such encroachment. The Director shall be provided satisfactory proof from the affected adjoining neighbor that the Bamboo Owner was notified of the encroachment and had the requisite number of days to remove the Bamboo. The Director shall confirm the presence of the encroaching Bamboo and shall notify the Bamboo Owner in writing of such encroachment, which notice shall:

(1) Specify the nature and location of the violation;
(2) Provide notice of the requirement to remove all portions of the Bamboo plant from the affected adjoining property within ten (10) days from the date of the notice; and
(3) State that the failure to comply with the notice and order may hold the Bamboo Owner liable to the City for the cost of removal, in addition to any fines that may be imposed pursuant to Section 1180.08(hg), and the City’s cost to install a barrier system as may be permitted under Section 1180.08(i).

(g) The Director’s notice shall be sent to the Bamboo Owner by certified mail, return receipt requested.

(f) Appeal. If a Bamboo Owner believes that the determination of the Director of Service and Engineering that he or she is in violation of the provisions of this Section 1180.08 is in error, then that determination may be appealed to the City Manager within five (5) days of receipt of the notice to remove the Bamboo issued pursuant to subsection (fe) hereof, by the filing of a written notice of appeal. The Bamboo Owner shall have the opportunity to present relevant evidence to the City Manager, or the City Manager’s designee, with or without legal counsel. A record of the hearing shall be kept, including without limitation all documentary evidence presented together with a record of the testimony offered by any witnesses, whose testimony shall be duly sworn. The decision of the City Manager, or designee, shall be rendered at the hearing and mailed to the person to whom the original notice was served by regular and certified mail, within five (5) days of the date of the decision.

At the hearing, the City Manager, or designee, may: (i) direct the Bamboo Owner to remove the encroaching Bamboo within ten (10) days of the
receipt of the appeal decision. Alternatively, the City Manager may: (ii) order the Bamboo to be removed by the City, order the installation of a physical barrier system (for subsequent violations), or order both, either with City crews or by contracting with a third party to have it removed, in which case the Bamboo Owner will be charged with the cost of removal such work ordered to be done, plus a 25% administrative fee as set forth in subsection (j) hereof; or (iii) grant the appeal and reverse the Director’s order.

(hg) Penalty. Any Bamboo Owner, whether a person, firm, corporation, or other legal entity, that is found to have failed to remove Bamboo when noticed to do so under Section 1180.08(fe) shall be fined $100.00 per day for each day that the Bamboo remains after the expiration of the 10-day notice period given by the Director of Service and Engineering. This penalty shall be vacated only if the Bamboo Owner is found not to be responsible for the Bamboo removal as a result of an appeal determination. A penalty shall be stayed from the date the matter is appealed to the date the appeal is decided. All penalty amounts not paid when due may result in the City pursuing collection through the court, which amounts sought shall include all unpaid fines plus the cost of collection.

(ih) City Removal of Bamboo. If the Bamboo Owner fails to remove the Bamboo as directed in the notice sent pursuant to subsection (f) or as a result of an order to do so by the City Manager at the appeal hearing, the Director of Service and Engineering shall cause the Bamboo to be removed and destroyed, and may employ the necessary labor and equipment to perform such task, together with any cleanup work required, within appropriations previously made by Council. The City shall not be liable to an owner of property affected by Bamboo for damages caused as a result of the Bamboo removal.

(i) Installation of a Physical Barrier System by City. Successive violations of this Ordinance may result in the City determining, at the City’s discretion, to enter upon the land of the Bamboo Owner and install a physical barrier system designed to contain the Bamboo and prevent its encroachment to adjoining properties. The cost of the installation of the barrier system shall be charged to the Bamboo Owner as provided in subsection (j) herein. The City shall not be liable to a Bamboo Owner for damages caused as a result of the barrier system installation.

(j) Statement of Cost to Owner. When the Director of Service and Engineering causes Bamboo to be removed as provided in subsection (h) above, or when the City installs a physical barrier system as provided in subsection (i) above, a statement of the cost thereof shall be mailed to the Bamboo Owner by certified mail, return receipt requested. If the certified mail is returned or refused, then such statement may be sent by ordinary
mail, or personal service by posting at the subject property if the Bamboo Owner is the occupant thereof, by any means that assures and documents delivery. Such statement of cost shall include the following costs of the City:

(1) Labor and materials.
(2) Transportation of equipment.
(3) Equipment rental.

The minimum fee to be charged shall be twenty-five dollars ($25.00) per hour. A 25% administrative fee shall be charged on the total amount of the costs of removal.

(k) Cost Payment; Unpaid Costs a Lien. The Bamboo Owner shall pay such amounts as are charged in accordance with subsection (j) hereof to the City Clerk within thirty days after receipt of the statement of costs. Any payment so received shall be restored to the appropriation from which the cost was paid. If the fee is not paid when due, the Director of Finance shall certify to the County Auditor the proceedings taken under this section, together with a statement of the charges for services as listed in subsection (j) hereof and a legal description of the premises. Such amounts shall be entered upon the tax duplicate and shall be a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City General Fund as provided by Ohio Revised Code Section 731.54. These costs shall be separate from any fine that may be imposed as a penalty under subsection (hg) hereof.

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

Passed ______________

_______________________________  P.H.
President of Council
Attest:  Clerk of Council
Introduced  Effective
ORDINANCE NO. 22-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance for Salt and Ice Control and the Economic Development Fund Unappropriated Balance for Economic Development Incentive Program Funding.

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:

Account No. Description Amount
--- --- ---
101.305.521016 Salt/Ice Control – Grounds Maintenance $ 140,000.00
101.6070.511170 Supplemental Pay – Fire Operations 85,000.00

General Fund Total $ 225,000.00

Economic Development Fund #219

219.1919.540650 Building Improvement Incentives $ 10,000.00

Economic Development Fund Total $ 10,000.00

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: ____________________________
Introduced June 1, 2015
P.H. June 15, 2015

Clerk of Council
RESOLUTION NO. 31-2015


WHEREAS, the City places an importance on the energy and vitality of the Worthington central business district and the positive experiences of the patrons of the businesses, including the dining establishments; and,

WHEREAS, provisions to permit outdoor dining on the City’s sidewalks within the street right-of-way can, in certain circumstances, enhance and promote the public’s desire to patronize the restaurants; and,

WHEREAS, a policy to allow the placement of dining facilities on the City’s sidewalks for food and beverage service provides guidance to the owners of those businesses wishing to offer outdoor dining, and establishes a framework for the City’s applicable boards and commissions to consider applications that may be submitted.

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 Downtown Worthington Outdoor Dining Facilities Policy & Procedures, as set forth in the attached Exhibit “A”.

SECTION 2. To the extent not already within the power of the Municipal Planning Commission and the Architectural Review Board, Council delegates the authority to those bodies, as applicable, to implement the Policy by considering applications consistent with the guidelines contained therein, including without limitation, the aesthetic character of the outdoor dining facilities and hours of service outdoors on the public right-of-way.

SECTION 3. That the Clerk of Council be instructed to record this Resolution in the appropriate record book.

Adopted ________________

____________________________________
President of Council

Attest:

______________________________
Clerk of Council
RESOLUTION NO. 32-2015

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 (6601 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 property 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 Huntley Partners LLC to make exterior improvements to commercial real property the applicant owns at 6601 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 a special meeting on June 5, 2015; and,

WHEREAS, although the CIC lacked quorum at its June 5 special meeting, those Board members present favorably reviewed Huntley Partners LLC’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 Huntley Partners LLC 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 $5,000 in assistance under the Re-emergent Corridor Assistance Program, or ReCAP, to Huntley Partners LLC, 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. 32-2015

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 (2015)

Those 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>Applicant Name</td>
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<tr>
<td>Contact Name &amp; Title</td>
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<tr>
<td>Contact Email</td>
</tr>
<tr>
<td>Contact Phone No.</td>
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<tr>
<td>Project Site Address</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Is this site:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Applicant's Federal Identification Number (FEIN)</td>
</tr>
</tbody>
</table>

Huntley Partners has owned the building at 6601 Huntley Road since 2000. (The property was titled to J.M. Partners a family partnership previously). When the partners purchased this building it was in deplorable condition having been all but abandoned and about to go into foreclosure. We renovated the building and found two great tenants who occupied the building until last year when one of them moved to smaller space. We are a property management/development company that believes in holding property for the long term when possible.
| 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 | |
| Property Owner Name* | Same as above |
| Email | |
| Phone No. | |

* 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

Healthy Partners LLC. by Cyndy [signature]

STATE OF OHIO )

ss.

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

My Commission expires: [signature]

---

| 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 | This is an industrial building in an industrial part of Worthington and serves a functional rather than aesthetic purpose. The building could be spruced up with new paint and landscaping and some design elements included in the paint scheme to improve the overall look. |

Page 2 of 5
## Project Scope of Work & Applicant Experience

| Estimated Total Exterior Project Costs | $10,000  

(Attach additional sheets if necessary)
Repair the exterior of the building as per design by Neighborhood Design Group and perform minor repairs as needed to the exterior. Add extensive landscape as per NDG plan.

### In the Space Provided,
- Describe the Exterior Improvement Project's Scope of Work*
In the space provided, describe the Applicant's 
Experience in Undertaking/ 
Managing Similar Projects

I have been managing and renovating property since 1985 including 
many residences and office building construction and renovation 
projects including extensive work to this property at the time that it 
was purchased.

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

Project Work Bids

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

Name: Spurbeck Construction

Approximate date work to begin: 7/10/2015
Approximate date work to be completed: 8/10/2015

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

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.

1 If qualified to do so, the Applicant may perform the improvement work. But note that ReCAP funds cannot be 
used to compensate you for the purchase or rental of tools and equipment or for your labor or the labor of family, 
friends, employees, or others with a financial interest in the business or property; in such instances, ReCAP can be 
used only to pay for materials.

Page 4 of 5
I am aware that Ohio law sets forth criminal penalties for falsification on applications for economic development assistance (Ohio Revised Code 322.13(A)(4)).

[Signature]

Applications are to be submitted to the following:

City of Worthington, Economic Development
6550 North High Street
Worthington, Ohio 43085
This is intended to provide background information concerning the recommendation that City Council approve $5,000 in exterior enhancement assistance under the ReCAP initiative to Huntley Partners LLC at 6601 Huntley Road.

**Recommended Action:**

The CIC conducted a special meeting on June 5, 2015 and reviewed the proposed exterior improvements to 6601 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 Huntley Partners LLC was scored by both City staff and the CIC Board members present, receiving a final score of 80 points (out of 100 possible; a minimum passing score of 52 points is required).

Staff recommend that City Council approve $5,000 in ReCAP assistance to Huntley Partners LLC 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 6601 Huntley Road is owned by Huntley Partners LLC, a long-term owner, having purchased the building in 2000 and made renovations to the building at that time. Since then, the building has been in need of some improvements in its exterior facade.

The work proposed by the applicant was designed by the Neighborhood Design Center and consists of updates to the signage, paint and landscaping at this site. Specific improvements will include removing existing paint and an awning; applying fresh paint on the entire exterior, including new grey and red bars and borders around the signage; and the addition of new landscaping.

The proposed timeline would result in an August 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 $10,000, which means the request for ReCAP assistance would be $5,000.

The City staff’s recommended scoring was reviewed by those CIC Board members present at the June 5 meeting. With one change requested by the CIC Board, the total score assigned to the 6601 Huntley Road project was 80 out of 100 points.

Please make special note of 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.
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
A Recap of ReCAP – cont.

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
ReCAP Application 7

6601 Huntley Road – “Tri-State Flooring” Building
Existing Condition

6601 Huntley Road – “Tri-State Flooring” Building
Existing Condition

6601 Huntley Road – “Tri-State Flooring” Building
Existing Condition

6601 Huntley Road – “Tri-State Flooring” Building
Proposed Improvements

6601 Huntley Road – “Tri-State Flooring” Building
Proposed Improvements

6601 Huntley Road – “Tri-State Flooring” Building
Scope of Work

• Neighborhood Design Center-recommended updates to concentrate on signage, paint and landscaping:
  - Remove existing exterior paint and awning
  - Fresh coat of paint on entire exterior, including additional gray / red bars & new borders
  - Addition of landscaping shrubbery to hide HVAC & mechanicals

• Timeline: August 10, 2015 completion
• Total estimated costs: $10,000.00
• Request ReCAP assistance: $5,000.00
RESOLUTION NO. 33-2015

Accepting the Recommendations of the 2015 Worthington Tax Incentive Review Council Concerning Parcels of Commercial Real Property in the City of Worthington Receiving Tax Exemptions for Purposes of Economic Development

WHEREAS, Worthington City Council has from time to time provided economic development incentives through means of Community Reinvestment Area (CRA) and Tax Increment Financing (TIF) exemptions to foster redevelopment of various commercial properties within the City; and,

WHEREAS, the City of Worthington annually collects performance data from each such exempted economic development project and reports the same to the Ohio Development Services Agency; and,

WHEREAS, in addition to reporting to the State, Worthington City Council has acted pursuant to Ohio Revised Code Section 5709.85 to create the Worthington Tax Incentive Review Council (TIRC) for purposes of annually reviewing all City agreements granting CRA and TIF property tax exemptions; and,

WHEREAS, the TIRC met on June 4, 2015 for purposes of its annual review of performance data collected from all tax-exempted economic development projects (the same data reported to the State), with the TIRC making recommendations concerning the on-going status of each such economic development project; and,

WHEREAS, Worthington City Council must thereafter meet and vote to accept, reject or modify all or any portion of the TIRC’s recommendations within sixty days of the TIRC’s review, as per Ohio Revised Code Section 5709.85(E); and,

WHEREAS, the City is desirous of ensuring that each tax-exempted economic development project that remains in good standing and eligible under Ohio law continues to receive the benefits of such tax incentives.

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

SECTION 1. That the City hereby accepts the TIRC’s recommendations to continue as-is the three (3) active CRA abatement projects and the five (5) active TIF projects on the basis of performance data reported for the year ending December 31, 2014.
RESOLUTION NO. 33-2015

SECTION 2. That the Clerk of Council is hereby directed to deliver a copy of this Resolution to the Auditor of Franklin County, Ohio, after its passage and upon request made by said Auditor’s representative.

SECTION 3. That the Clerk of Council be instructed to record said Resolution in the appropriate record book.

Adopted _____________________

President of Council

Attest:

_____________________________
Clerk of Council
MEMORANDUM

TO: Matt Greeson

FROM: Jeffry Harris

DATE: June 9, 2015

SUBJECT: 2015 Worthington TIRC follow-up actions by City Council

This memo is intended to summarize actions taken by the Worthington Tax Incentive Review Council (TIRC) during its recent meeting as well as to recommend follow-up actions by Worthington City Council.

**Recommended Action by City Council**

- The 2015 Worthington TIRC recommended continuing all active Community Reinvestment Area abatements and Tax Increment Financing exemptions.
- The Worthington TIRC’s recommendations are believed by City staff to be reasonable and appropriate.
- This action will continue the City’s various tax exemption projects for 2015. The Worthington TIRC will re-evaluate the projects again in 2016.

**Background**

Community Reinvestment Area (CRA) abatements and Tax Increment Financing (TIF) exemptions are administered locally by the City’s economic development staff, subject to State law requirements. One such requirement is to hold an annual TIRC meeting to review active projects in Worthington receiving tax exemptions.

The Worthington TIRC held its annual meeting on June 4, 2015 to review the City’s three (3) CRA abatement projects and five (5) TIF projects active during reporting year 2014. The Worthington TIRC is charged with making recommendations to City Council to continue, modify, or cancel each active exemption agreement. The TIRC has made its recommendations and action by Worthington City Council is required under State law by August 3.
CRA - ACTIVE PROJECTS

1. WORTHINGTON STATION PROJECT (862–918 Proprietors Road)

Project Background:

The Worthington Station Project is made up of individual parcels comprising the former Worthington Foods manufacturing site. The facility sat vacant and unused and the property was demolished by the Robert Weiler Company in 2005. Thereafter, the property was sold to developer 900 Proprietors, LLC.

Worthington City Council passed Ordinance 13-2007 (April 2007) authorizing the 75 percent, 10-year abatement on any improvements made to the Worthington Foods site. To-date, only a portion of the entire manufacturing site has been redeveloped. Although the original plan was to construct up to 12 office condominium buildings (total 85,000 sq ft), only four (4) such buildings (total 17,900 sq ft) were ever constructed; each building is located on its own parcel. In response, Worthington City Council passed Ordinance 57-2010 (December 2010) to limit the CRA abatement to only those parcels redeveloped through 2010.

During the 2014 reporting year, all four buildings at the project site were subject to an active CRA abatement. All the abated properties have been purchased from the original developer. The four owners during the 2014 reporting period were: BCR Worthington LLC; Ohio Soybean LLC; Rail Road Investments LLC; and WFP Properties LLC.

2014 Reporting Year -- Project Performance:

<table>
<thead>
<tr>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Estate Investment Commitment</td>
<td>$1,962,100</td>
</tr>
<tr>
<td>Investment Time Frame</td>
<td>01.31.2011</td>
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<tr>
<td>Retained Jobs</td>
<td>-</td>
</tr>
<tr>
<td>Retained Payroll</td>
<td>-</td>
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<tr>
<td>New Jobs</td>
<td>44 FT</td>
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<tr>
<td>New Annual Payroll</td>
<td>$2,599,936</td>
</tr>
</tbody>
</table>

The 2014 monitoring fee ($500) was properly paid by the property owners.

TIRC Recommendation:

City Council should continue the CRA abatement, with project companies in compliance. City staff agrees with the recommendation by the Worthington TIRC to continue the CRA abatement as-is.
2. **ROADRUNNER PROJECT (535 Lakeview Plaza Blvd.)**

   Project Background:

   The City of Worthington entered into a CRA exemption agreement with the developer Lakeview Properties in October 2007 to encourage development of office, warehouse and retail space on the site at 535 Lakeview Plaza Blvd. Under the terms of the agreement, a 75 percent, **10-year** tax exemption was put in place on the property. The agreement expressly identified the developer Lakeview Properties as the owner and RoadRunner Sports Inc. as the tenant.

   Amendments were made in 2011 by the TIRC and City Council to change the abatement: (i) reducing the benefit from 75 to **60 percent** for the remainder of the abatement term; (ii) reducing new full-time jobs committed to 50; (iii) reducing annual payroll commitments to $1,395,000; and (iv) assigning the abatement to the new owner of the parcel (RM-Use LLC).

   **2014 Reporting Year -- Project Performance:**

<table>
<thead>
<tr>
<th>Real Estate Investment Commitment</th>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,750,000</td>
<td>$3,492,000</td>
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<td>Investment Time Frame</td>
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<td>10.2008</td>
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<tr>
<td>Retained Jobs</td>
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<td>-</td>
</tr>
<tr>
<td>Retained Payroll</td>
<td>-</td>
<td>-</td>
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<tr>
<td>New Jobs</td>
<td>50</td>
<td>59</td>
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<tr>
<td>New Annual Payroll</td>
<td>$1,395,000</td>
<td>$1,805,902</td>
</tr>
</tbody>
</table>

   The 2014 monitoring fee ($500) has not yet been paid by the property owner; a notice will be provided to the property owner by City staff.

   **TIRC Recommendation:**

   City Council should continue the CRA abatement, with the project company in compliance. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

3. **WORTHINGTON PROFESSIONAL PARK PROJECT (740-760 Lakeview Plaza Blvd.)**

   Project Background:

   Worthington entered into a CRA abatement agreement with the developer Worthington Professional Park Limited (WPPL) in May 2007 to encourage the redevelopment of commercial space located at 150-760 Sancus Blvd (now the office condominiums at 740-760
Lakeview Plaza Blvd). Under the terms of the agreement, a **75 percent, 10-year** tax abatement was to have been put in place on the property.

The original development plan for the property was for WPPL to improve existing facilities at the site and create office condominiums for sale to commercial office users. At this time, the condominium project has been built-out, with improvements to 740 Lakeview Plaza Blvd completed in October 2007 and improvements to 760 Lakeview Plaza Blvd completed in November 2008. The several condominium units comprising those buildings were then sold to new commercial owners.

After the 2012 TIRC, at which this project was presented as incomplete, City staff submitted CRA applications for the condominium parcels comprising the project site. The Franklin County Auditor’s Office responded that it would recognize abated improvements for six (6) of the 11 condominium parcels at the project site.

### 2014 Reporting Year -- Project Performance:

<table>
<thead>
<tr>
<th></th>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Real Estate Investment Commitment</strong></td>
<td>$1,500,000</td>
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<td><strong>Investment Time Frame</strong></td>
<td>12.31.2009</td>
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<td><strong>Retained Jobs</strong></td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Retained Payroll</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>New Jobs</strong></td>
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<tr>
<td><strong>New Annual Payroll</strong></td>
<td>$1,886,345</td>
<td>$2,167,733</td>
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</tbody>
</table>

The 2014 monitoring report and fee ($500) was properly filed by each of the four property owners.

### TIRC Recommendation:

City Council should continue the CRA abatement, with project companies in compliance. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

### TIF - ACTIVE PROJECTS

1. **WORTHINGTON STATION PROJECT (862 – 918 Proprietors Road)**

   **Project Background:**

   Worthington City Council passed Ordinance 50-2007 to authorize a **25 percent, 10-year** parcel TIF on the redevelopment of the former Worthington Foods manufacturing site. The TIF
revenues are to reimburse the City’s investment, made in 2005, of $150,000 for constructing a sound barrier along the railroad tracks at the eastern end of the site.

Because only a portion of the site actually was redeveloped, Worthington City Council limited the TIF by removing the exemption from the undeveloped portions of the Worthington Foods site (Ordinance 58-2010).

In December 2008, Worthington’s outside legal counsel filed documentation on behalf of the City to effect the dual tax incentives (CRA and TIF) for each of the four (4) developed parcels at the project site.

In February 2012, City staff became aware that the TIF materials included an erroneous filing: namely, the paperwork filed to TIF the parcel at 862 Proprietors Road had been mistakenly filed on behalf of the property owner; such documentation was to have been filed on behalf of the City.

After fully reviewing the issue, Worthington City Council approved legislation in December 2012 demonstrating to the Ohio Tax Commissioner and the Franklin County Auditor that the City consented to both CRA abatement and TIF exemptions in place on the project site. (This step was required under Ohio Revised Code §5709.911(B)(1) to preserve the City’s original intent to use both tools at this location.) The Ohio Tax Commissioner thereafter issued a revised final determination acknowledging both the CRA and TIF exemptions for 862 Proprietors Road.

2014 Reporting Year -- Project Performance:

Through year-end 2014, the City recognized $127,801.57 in deposits to the TIF fund for purposes of reimbursing the cost of construction for a sound wall at the project site.

For reporting year 2014, the increase in the true value of parcels of real property on which TIF’ed improvements took place equaled $758,700. The number of new employees at the project site was 42, and retained employees were zero (0).

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

2. WORTHINGTON SQUARE VENTURE LLC (7227 North High Street)

Project Background:

Worthington City Council passed Ordinance 47-2010 to authorize a 100 percent, 30-year urban redevelopment TIF on the value of improvements made to the former Worthington Square Mall. The TIF revenues are intended to reimburse the developer, Worthington Square
Venture LLC, for the costs of various improvements to entrance facades and streetscapes at the southern, eastern and northeastern portions of the 140,000 sq ft retail facility.

In late December 2011, the developer submitted the required documentation to file the TIF. In February 2013, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the mall parcel.

2014 Reporting Year -- Project Performance:

During 2014, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has not found an increase in the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

3. WEST WILSON BRIDGE ROAD INCENTIVE DISTRICT TIF (160 W. Wilson Bridge)

Project Background:

Worthington City Council passed Ordinance 45-2012 to authorize a 100 percent, 30-year, non-school incentive district TIF on the value of improvements made by Worthington Square Acquisition, LLC to develop a mixed-use office and residential project on the rear parking lot behind the Shops at Worthington Place and the former James Tavern site at 160 West Wilson Bridge Road.

In April 2014, the City submitted the required documentation to file the TIF. In May 2014, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the mixed-use project.

2014 Reporting Year -- Project Performance:

During 2014, the City recognized zero dollars ($0) in deposits to the TIF fund. Although the Franklin County Auditor has acknowledged a nominal taxable value of improvements made to the parcel (e.g., $84,400), the timing of payments resulted in no revenues flowing into the TIF fund in 2014.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.
4. **WEST DUBLIN GRANVILLE ROAD TIF (2233 - 2299 West Dublin-Granville Rd.)**

**Project Background:**

Worthington City Council passed Ordinance 42-2013 to authorize a **75 percent, 10-year** parcel TIF on the value of improvements made to the former Segna Volvo dealership property. The TIF revenues are intended to cover the construction of public infrastructure improvements to the intersection of State Route 161 (West-Dublin Granville Road) and Linworth Road.

During 2014, the City had not yet submitted the required documentation to create the TIF with the Franklin County Auditor.

**2014 Reporting Year -- Project Performance:**

During 2014, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has yet to acknowledge the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

**TIRC Recommendation:**

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

5. **933 HIGH STREET TIF (933 High St.)**

**Project Background:**

Worthington City Council passed Ordinance 24-2014 to authorize a **75 percent, 10-year** parcel TIF on the value of improvements made to the former multi-tenant office development on High Street in Old Worthington. The TIF revenues are intended to cover the construction of storm sewer improvements, buried utility lines and other public infrastructure improvements at the site being redeveloped by Fresh Thyme Farmers Market.

In September 2014, the City submitted the required documentation to file the TIF; City awaited the Ohio Tax Commissioner’s final determination.

**2014 Reporting Year -- Project Performance:**

During 2014, the City recognized zero dollars ($0) in deposits to the TIF fund.

**TIRC Recommendation:**

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.
ORDINANCE NO. 23-2015

To Amend Section 1147.01 of the Codified Ordinances of the City of Worthington to Add Dog and Cat Day Care Center as a Conditional Use in the Restricted Light Industrial (I-1) Zoning District.

WHEREAS, it is the wish of City Council to monitor and revise the Planning and Zoning Code of the City to ensure economic viability and preserve the character of the City; and,

WHEREAS, the Municipal Planning Commission, on recommendation of City staff and the Code Review Committee unanimously passed a motion to recommend approval to add Dog and Cat Day Care Center as a Conditional Use in the Restricted Light Industrial (I-1) District; and,

WHEREAS, it is the desire of City Council to approve this amendment to accommodate this use where appropriate.

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

SECTION 1. That Section 1147.01 of the Codified Ordinances be and hereby is amended by adding Dog and Cat Day Care Center as a Conditional Use in the Restricted Light Industrial (I-1) Zoning District.

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

Passed: ____________________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
MEMORANDUM

TO: Matthew H. Greeson, City Manager  
FROM: R. Lee Brown, Director  
DATE: June 9, 2015  
SUBJECT: Ordinance to Amend the Codified Ordinances of the City of Worthington to add Dog & Cat Day Care Centers to the I-1 Zoning District

Findings of fact & Conclusions

Background & Request:  
A request was received from a business called Pathways to Independence of Central Ohio to locate in Space D of 7020 Huntley Rd., which is in the I-1 Zoning District. The business would operate a training and education facility for young adults with disabilities, which would require a Conditional Use Permit as “Vocational Instruction”. As part of the business model a dog day care would be used to teach all aspects of running a business. “Dog and cat day care center” is currently neither a Permitted nor Conditional Use in the I-1 Zoning District. A change to the Code would be the only way such a facility could operate in the I-1 Zoning District as a Conditional Use.

Details:  
1. The I-1 Zoning District currently allows “Veterinary Care Centers” and “Animal Hospitals” as Permitted Uses.
2. The C-2 Zoning District is currently the only zoning district that allows “Dog and Cat Day Care Centers” as Conditional Uses.
3. Definitions:  
   A. “Dog and Cat Day Care Center” means an acoustically controlled facility for the care, schooling, or grooming of healthy, group-socialized cats and/or dogs. “Acoustically controlled” shall mean that the decibel level of sound emitted from animals in this facility shall not exceed forty-five decibels at any time when measured at the property line. A dog and cat day care center shall be limited to 4,000 square feet and forty
boarding animals maximum. Outdoor exercise yards and the storage of vehicles for animal transport are prohibited. Ancillary sale of pet care products including food shall not occupy more than ten percent (10%) of the gross floor area of the structure.

B. “Veterinary Care Center” means an acoustically controlled facility directly managed by a veterinarian for the care, schooling, grooming or treatment of healthy, group-socialized cats and/or dogs. “Acoustically controlled” shall mean that the decibel level of sound emitted from animals in this facility shall not exceed forty-five decibels at any time when measured at the property line. A veterinary care center shall be limited to 4,000 square feet and forty boarding animals maximum and may include indoor runs for overnight boarding of group-socialized animals, so long as the space devoted to such overnight boarding occupies less than fifty percent (50%) of the net usable area of the facility. Outdoor exercise yards and the storage of vehicles for animal transport are prohibited. Ancillary sale of pet care products including food shall not occupy more than ten percent (10%) of the gross floor area of the structure.

C. “Animal Hospital” means a facility for the care, grooming, diagnosis and medical treatment of animals and those in need of surgical procedures and may include overnight accommodations on premises for treatment, observation and/or recuperation.

4. I-1 Zoning District - Permitted and Conditional Uses:

**Permitted Uses:**
- Light Manufacturing
- Automotive Services
- Animal Hospitals
- Plant Production
- Equipment Sales/Storage
- Offices
- Essential Services
- Accessory Uses
- Warehousing
- Veterinary Care Center
- Sexually Oriented Businesses

**Conditional Uses:**
- Ancillary Retail/Service
- Restaurants
- Printing & Publishing
- Wholesale Business
- Heliports
- Public Service Facilities
- Laboratories
- Vocational Instruction
• Unit Storage Facility
• Resident Manager’s Residence
• Automotive Services – Major
• Sale & Storage of Building Materials

Land Use Plans:
Worthington Comprehensive Plan Update & 2005 Strategic Plan
An area plan focusing on the Proprietors/Huntley Road corridor should be developed that makes recommendations for repositioning it in the market place to make it attractive and competitive in the region. Because of the age and types of uses located here, this compact area is experiencing significant change and has the opportunity to reinvent itself. Issues such as building renovation, aesthetics, and possible road and infrastructure improvements should be addressed.

Recommendations:
The Code Review Committee and staff are recommending approval be recommended to City Council to add “Dog and Cat Day Care Center” as a Conditional Use in the I-1 Zoning District. The use is not significantly different from other animal uses already allowed in the district, and as a Conditional Use could be reviewed for potential impacts on the surrounding properties.

On May 28, 2015 the Municipal Planning Commission reviewed and unanimously recommended approval to City Council on an Ordinance to Amend the Codified Ordinances of the City of Worthington.
ORDINANCE NO. 24-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Basins 6 and 8 Sanitary Sewer Repairs and all Related Expenses and Determining to Proceed with said Project. (Project No. 568-11)

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 Capital Improvements Fund Unappropriated Balance to Account No. 308.8170.533290 the sum of _____________________ to pay the cost of Basins 6 and 8 Sanitary Sewer Repairs and all related expenses (Project 568-11).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with firm of ______________________________ for the provision of the aforementioned services.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 4. 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
ORDINANCE NO. 25-2015

Authorizing the City Manager to Execute a Lease Agreement with Worthington Lodge, LLC for Vehicular and Pedestrian Access from East New England Avenue to the Methodist Church Parking Lot.

WHEREAS, the City approved a rezoning at 634 High Street and 41 East New England Avenue for a PUD residential development; and

WHEREAS, the developer has agreed to enter into a lease agreement for the access drive connecting East New England Avenue and the Worthington United Methodist Church parking lot, consistent with the terms of a lease agreement between the City and the Church for public parking purposes in that lot.

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

SECTION 1. That the City Manager is hereby authorized and directed to execute and deliver on behalf of the City the Lease Agreement with Worthington Lodge, LLC, substantially in the form of the Lease Agreement attached hereto as Exhibit “A” and made a part hereof.

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
LEASE AGREEMENT

This Lease Agreement (the “Agreement”) is made and entered into this _____ day of __________, 2015 by and between WORTHINGTON LODGE, LLC, an Ohio limited liability company ("Worthington Lodge"), with offices at 45 N. 4th Street, Ste. 200, Columbus, Ohio 43215, and the CITY OF WORTHINGTON, OHIO, an Ohio municipal corporation (the “City”), with offices at 6550 N. High Street, Worthington, Ohio 43085.

Background Information

A. Worthington Lodge is the owner of a parcel of real property located within the City, which is described on Exhibit “A” attached hereto and made a part hereof, which parcel Worthington Lodge intends to develop or cause to be developed with residential housing (the “Development Parcel”).

B. A portion of the Development Parcel abuts East New England Avenue and currently serves as a private access drive from East New England Avenue to a parking lot owned by the Worthington United Methodist Church ("WUMC").

C. The City has entered into a lease agreement with WUMC for the use of WUMC’s parking lot for public parking purposes to serve the businesses located in the Old Worthington business district (the “WUMC Lease”).

D. In conjunction with its development, Worthington Lodge has agreed to enter into this Agreement to provide public vehicular access from East New England Avenue to the WUMC parking lot over and through the Development Parcel and substantially consistent with the existing access drive (the “Access Drive”), and pedestrian access along an adjacent sidewalk (described more fully herein) (the “Sidewalk”), as an extension of the City’s use of the WUMC parking lot pursuant to the WUMC Lease.

E. In exchange for this lease by Worthington Lodge, the City agrees to provide maintenance of the Access Drive and appurtenances thereto in accordance with the terms and conditions of this Agreement.

Statement of Agreement

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows with the intent of being legally bound.

§1. Grant of Lease. Worthington Lodge hereby leases to the City the non-exclusive right to the Access Drive and Sidewalk (collectively the “Leased Land”, which is more particularly described on Exhibit B) for the purpose of public ingress, egress and access to and from the public roadway known as East New England Avenue and the parking lot owned by WUMC immediately to the south, subject to the terms set forth herein. City agrees that no part of the Leased Land will be used for parking, or obstruct access to East New England Avenue, the Development Parcel or the WUMC parking lot.

§2. Construction of the Access Drive and Related Improvements. Consistent with zoning approval, Worthington Lodge shall resurface the Access Drive with a width of 19 feet, from East New
England Avenue south to the point where Worthington Lodge’s property abuts the WUMC property, in general conformance with the standard requirements of the City’s building code. Also consistent with zoning approval, Worthington Lodge shall construct the Sidewalk 5 feet in width on the west side of the Access Drive with sidewalk lighting, in general conformance with the standard requirements of the City’s building code. The total longitudinal width of the Leased Land shall be 25 feet.

§3. Use of the Access Drive and Sidewalk. The general public shall have the right to use the Access Drive for vehicular ingress, egress and access to and from the WUMC parking lot for public parking purposes, and to use the Sidewalk for pedestrian purposes to and from East New England Avenue and the WUMC parking lot. Worthington Lodge shall retain all rights of private property limited only by the terms of this Agreement.

§4. Maintenance. Upon completion of the construction of the Access Drive and the Sidewalk (including the Sidewalk lighting) the City shall be responsible for operation, maintenance and repair of the Access Drive, Sidewalk and any associated lighting, unless otherwise covered by the builder’s warranty. The City shall not be responsible for snow and ice removal on the Sidewalk. Electricity costs for the Sidewalk lighting shall be the responsibility of the City. Maintenance of the Access Drive under this Agreement shall include sealing and striping and repairing potholes on a regular basis, consistent with the manner in which the City provides those maintenance services to its own parking facilities. To the extent necessary, as determined by the City Engineer, and for so long as the City maintains a lease agreement with WUMC for public parking purposes, maintenance of the Access Drive shall coincide with maintenance activities on the WUMC property. As part of Worthington Lodge’s contribution to the maintenance of the Access Drive, Worthington Lodge shall pay to the City an annual amount of $130, with the first payment due and owing by December 31 of the year in which the Access Drive and Sidewalk construction is completed. Under the terms of the WUMC Lease and subject to City Council appropriations, the City shall resurface the WUMC parking lot once prior to March 2017; however, it is the expectation that the Access Drive will not require a resurfacing during that time period.

§5. Term of Lease. It is the intention of the Parties to this Agreement that for such time as the City is under lease with WUMC for public parking in the WUMC parking lot, the City will have the right to use the Leased Land under mutually agreeable terms. Notwithstanding the foregoing, this Agreement shall remain in full force and effect under the terms and conditions stated herein, beginning with the date inscribed above, and shall end co-terminously with the WUMC Lease currently in effect as stipulated in Exhibit “C”.

The City shall notify Worthington Lodge of the terms and conditions of any renewal or extension of the WUMC Lease, or expiration thereof as the case may be. In the event of a renewal of the WUMC Lease, the City shall have the option to renew this Agreement on terms and conditions substantially consistent with this Agreement, with such other changes by written amendment signed by both parties. In the event of the termination of the WUMC Lease, all maintenance obligations of the City (including electricity costs) and payment obligations of Worthington Lodge under §4 hereof shall terminate, effective co-terminously with the WUMC Lease.

§6. Insurance. Each party to this Agreement shall maintain in full force and effect during the term of this Agreement a policy of general liability insurance for any loss, personal injury, damage or costs that may arise from the use of, in or on the Access Drive and Sidewalk. Each party shall be
responsible for its own costs and expenses that may rise as a result of such party’s failure to comply with its obligations under this Agreement.

§7. Assignment. This Agreement may not be assigned without the prior written consent of the other party, which consent shall not be unreasonably withheld.

§8. Notices. Any notice required to be given under this Agreement shall be given in writing and shall be deemed given when delivered personally, delivered electronically (with receipt of confirmation), or mailed first class, postage prepaid, addressed to the party to whom the notice is to be given at the address first set forth above.

§9. Entire Agreement. This document (with its exhibits) contains the entire agreement between the parties and supersedes any prior discussions, representations, understandings or agreements between them respecting the subject matter. No changes, alterations, modifications, additions or qualifications to this agreement shall be made or be binding unless made in writing and signed by each of the parties.

§10. Successors. All provisions of this Agreement shall be binding upon, inure to the benefit of and be enforceable by and against the respective personal representatives, successors and assigns of each party to this agreement. This agreement may not be assigned without the prior written consent of the other party, which consent shall not be unreasonably withheld.

§11. Memorandum of Lease. This Agreement shall not be recorded; however, at the request of either party, the other party shall execute, and deliver a memorandum of this Agreement pursuant to §5301.251 of the Ohio Revised Code, for purposes of giving public notice of the rights and obligations of the parties hereunder.

In witness whereof, the parties hereto have caused this Lease to be executed by the duly authorized representatives as of the day and year first written above.

CITY OF WORTHINGTON

By_________________________

Matthew H. Greeson
City Manager

WORTHINGTON LODGE, LLC

By_________________________

Kevin M. Showe, its Manager

Approved as to form:

____________________________

Pamela A. Fox
Director of Law

[Acknowledgements contained on the following page.]
STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

The foregoing instrument was sworn to and acknowledged before me on __________, 2015 by Matthew H. Greeson, the City Manager of the City of Worthington, an Ohio municipal corporation, on behalf of the municipal corporation.

__________________________________
Notary Public

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

The foregoing instrument was sworn to and acknowledged before me on __________, 2015 by Kevin M. Showe, the Manager of Worthington Lodge, LLC, an Ohio limited liability company, on behalf of the company.

__________________________________
Notary Public
MEMORANDUM

To: Matt Greeson
From: Pam Fox
Date: June 10, 2015
Subject: Lease Agreement for Access – Worthington Lodge, LLC

In conjunction with the approval of the PUD zoning for the development at East New England Avenue and High Street, the developer is required to enter into an agreement with the City for access from East New England to the Methodist Church Parking Lot, substantially consistent with the access drive that currently exists.

The developer, Worthington Lodge, LLC is required to repave the access drive and construct a sidewalk along the western side of the drive for pedestrian access, including lighting, all as approved by the MPC. The City will lease that portion of Worthington Lodge’s property co-terminously with the lease with the Methodist Church and on substantially the same terms. The City will provide maintenance of the drive, sidewalk and lighting during the lease term. The owner will be responsible for snow and ice removal on the sidewalk. Worthington Lodge will pay the City a nominal amount annually for the maintenance consistent with the proportional amount that the Church pays the City for the maintenance of the parking lot.

This initial lease term will expire in March of 2024 when the parking lot lease expires and will terminate only if the parking lot lease terminates.

Let me know if you have any questions.