City Council Meeting Agenda

Monday, July 20, 2015 ~ 7:30 P.M.

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

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

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

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

Roll Call

Pledge of Allegiance

VISITOR COMMENTS

APPROVAL OF MINUTES

1) June 8, 2015 – Committee of the Whole Meeting
2) June 15, 2015 – Regular Meeting
3) July 6, 2015 – Regular Meeting
4) July 13, 2015 – Committee of the Whole Meeting

PUBLIC HEARINGS ON LEGISLATION

5) Ordinance No. 26-2015

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 for the Design Costs for the Central District Sanitary Sewer Repairs and all Related Expenses and Determining to Proceed with said Project. (Project No. 618-15)

Introduced July 6, 2015
P.H. July 20, 2015

6) Ordinance No. 27-2015

Approving a Plat Amendment to the Platted Front Building Setback Line for Lot #53 in Medick Estates Subdivision. A Property at 410 Tucker Drive (Aaron and Susan Bakshai)

Introduced July 6, 2015
P.H. July 20, 2015

7) Ordinance No. 28-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

Introduced July 6, 2015
P.H. July 20, 2015
8) **Ordinance No. 29-2015**

An Ordinance Authorizing the City Manager and Director of Finance to Enter into a Community Reinvestment Area Agreement with FC Bank to Grant FC Bank a Fifty Percent (50%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6600 North High Street, Parcel No. 100-002591-00 in the City of Worthington for a Period Not to Exceed Ten (10) Years.

Introduced July 6, 2015
P.H. July 20, 2015

9) **Ordinance No. 30-2015**

Approving a Grant as Part of the City’s Economic Development Venture Program and Authorizing the City Manager to Enter into an Economic Development Grant Agreement for the Same.

Introduced July 6, 2015
P.H. July 20, 2015

NEW LEGISLATION TO BE INTRODUCED

10) **Resolution No. 36-2015**

Approving an Agreement and Permit for the City of Dublin, an Ohio Municipal Corporation, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

11) **Resolution No. 37-2015**

Amending the Staffing Chart of the City of Worthington to Provide for Two Additional Firefighter EMT-P Positions in the Division of Fire for a Six Month Period and One Additional Assistant Chief Position in the Division of Fire for a Three Month Period.

12) **Resolution No. 38-2015**

Authorizing a Six-Month Extension of Time for Recording of the Final Plat for the Worthington Lodge, LLC Development.
13) **Ordinance No. 31-2015**
   
   Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor and Declaring an Emergency.

14) **Ordinance No. 32-2015**
   
   To Provide for the Submission of an Amendment to the Charter of the City of Worthington, Ohio, for a Vote of the City Electorate at a Regular Municipal Election to be Held on November 3, 2015.

15) **Ordinance No. 33-2015**
   
   An Ordinance Authorizing the City to Accept Title in the City to Certain Property and to Transfer Title to the Property Back to the Original Owner for Public Purposes.

16) **Ordinance No. 34-2015**
   
   Approving a Grant as Part of the City’s Economic Development Venture Program and Authorizing the City Manager to Enter into an Economic Development Grant Agreement for the Same.

**REPORTS OF CITY OFFICIALS**

**REPORTS OF COUNCIL MEMBERS**

**OTHER**

**EXECUTIVE SESSION**

**ADJOURNMENT**
APPROVAL OF MINUTES

1) June 8, 2015 – Committee of the Whole Meeting
2) June 15, 2015 – Regular Meeting
3) July 6, 2015 – Regular Meeting
4) July 13, 2015 – Committee of the Whole Meeting

Recommendation: Approval of Minutes as Presented

PUBLIC HEARINGS ON LEGISLATION

5) Ordinance No. 26-2015 – Appropriation – Central District Sanitary Sewer Repairs

The Central Districts Sanitary Sewer Study is nearing completion and three repair projects have been identified. This Ordinance appropriates $50,000 for the development of plans and specifications for those projects. Additional information, including a description of the three projects, is included in the attached memorandum from the Director of Service & Engineering.

Recommendation: Approval of Ordinance as Presented

6) Ordinance No. 27-2015 – Plat Amendment – 410 Tucker Drive

The property located at 410 Tucker Drive has a platted setback of 300 feet for the front building line. The property is being purchased by new owners who want to demolish the existing house and build a new house on the property. The applicant has requested a Plat Amendment to reduce the platted setback line to 135 feet. This requested setback exceeds the minimum required front setback in the City’s R-16 zoning district, which is the zoning for this property. Since the platted setback is more restrictive than the zoning setback, the platted setback applies. Additional information is provided in the attached memorandum from the Director of Planning & Building. Municipal Planning
Commission considered this application on June 11, 2015 and unanimously recommended approval.

**Recommendation:** Approval of Ordinance as Presented

7) **Ordinance No. 28-2015 – Supplemental Appropriation**

This Ordinance provides funding for water main repairs and plumbing inspections. The Ordinance includes a transfer of funds from the General Fund to the Water Fund to cover the cost of the water main repairs billed by the City of Columbus based on the agreement between the City of Worthington and the City of Columbus for water service. The Ordinance appropriates the funds in the Water Fund so the payment can be made. The 2015 Operating Budget included $25,000 for water main break repairs, but the bill from the City of Columbus is for $60,566.31. This appropriation provides the additional amount needed. Attached is a memorandum from the Director of Service & Engineering that provides additional information.

Additionally, the Ordinance appropriates $10,000 for plumbing inspections to cover anticipated expenditures for the plumbing inspections for the remainder of the year. The City contracts with Franklin County Board of Health for plumbing inspection services and these costs are offset by fees collected by the City.

**Recommendation:** Approval of Ordinance as Presented

8) **Ordinance No. 29-2015 – Community Reinvestment Area Abatement – FC Bank**

FC Bank proposes to demolish existing structures and construct a new 18,500 square foot two-story building at 6600 N. High Street to accommodate its regional headquarters and enhanced bank branch operations. The project will involve a total investment of approximately $4.6 million, including property acquisition. This Ordinance authorizes a Community Reinvestment Area (CRA) property tax exemption for 50 percent of the taxes on the value of improvements made to the site for a ten-year period. As required under State law, notice of this proposed exemption has been provided to Worthington Schools. Additional information is provided in the attached memorandum from the Economic Development Manager.

**Recommendation:** Approval of Ordinance as Presented

9) **Ordinance No. 30-2015 – Economic Development Venture Grant – FC Bank**

The staff has negotiated a Venture Grant agreement with FC Bank, to be paid in five annual installments of $11,565. This grant has a net present value of $52,925. As part of the agreement, FC Bank commits to four years of payroll amounts ranging from $1,318,000 to $2,213,000. Attached is a memorandum from the Economic Development Manager that provides additional information on this item.
Recommendation: Approval of Ordinance as Presented

NEW LEGISLATION TO BE INTRODUCED

10) Resolution No. 36-2015 – Right-of-Way Permit – City of Dublin

Section 949 of the City’s Codified Ordinances requires that persons desiring to utilize the City’s Rights of Way to provide public utility and/or telecommunications services, other than cable television service, obtain a Telecommunication and Utility Permit. The City has received an application from the City of Dublin for renewal of its permit. This Resolution authorizes the City Manager to sign the Telecommunications and Utility Permit for the use of the Rights of Way in Worthington. The permit is for three years.

Recommendation: Approval of Resolution as Presented

11) Resolution No. 37-2015 – Temporary Amendment to Staffing Chart

The Division of Fire is anticipating vacancies before the end of 2015. In order to expedite the process to hire and train individuals to fill these anticipated openings, staff requests that the staffing chart be amended to allow for up to two additional Firefighter-EMT positions for up to a six month period, and one additional Assistant Chief position for a three month period. Attached is a memorandum from the Fire Chief and the Personnel Director that provides additional information.

Recommendation: Approval of Resolution as Presented

12) Resolution No. 38-2015 – Extension of Time for Plat Recording – Worthington Lodge, LLC

This Resolution extends the time for the recording of the Final Plat for the Worthington Lodge, LLC Development at 634 High Street and 41 E. New England Avenue. The City’s Codified Ordinances require the Final Plat be recorded within six months of approval by City Council. Worthington Lodge, LLC has requested a six month extension to allow them to file their applications for federal and state funds for the rehabilitation and re-use of the historic buildings prior to the recording of the Final Plat. Additional information is provided in the attached memorandum from the Director of Planning & Building and the Director of Law.

Recommendation: Approval of Resolution as Presented
13) Ordinance No. 31-2015 – Accepting the Amounts and Rates and Authorizing the Necessary Tax Levies

This Ordinance accepts the tax rates and amounts as determined by the Franklin County Budget Commission. This is an annual action by the City as required by State law and the rates and amounts are based on the tax budget that was submitted in July. State law requires this action be effective by October 1st and we will not receive the amounts and rates from the Budget Commission until late August or early September. Due to this timeline, staff recommends this Ordinance be introduced with blank amounts, which will be amended at the public hearing.

**Recommendation:** Introduction for Public Hearing on September 8, 2015

14) Ordinance No. 32-2015 – Amendment to City Charter

The City has received a petition to amend the City’s Charter and the Board of Elections has verified 692 signatures on the petition, which exceeds the required 351 valid signatures needed. This proposed charter amendment would, in summary, provide for a 60 day waiting period following passage by Council of all ordinances or other measures “amending the City’s zoning code or changing the zoning for any property in the City” to afford the opportunity for a referendum petition to be filed within that time. It would also prohibit those types of ordinances from being passed on an emergency basis.

Once a petition to amend the charter, signed by ten percent of municipal electors, is submitted to the City, the Ohio Constitution requires the City, by ordinance, to submit the question to the electors at the next regular municipal election. This Ordinance submits the question for the election to be held on November 3, 2015.

Due to the timing of the filing of the petition, it will be necessary to schedule a special City Council meeting in August to vote on this Ordinance. Staff seeks direction from City Council regarding a date in August for the meeting. The Constitution requires the Ordinance be passed by a two-thirds vote, so at least five affirmative votes are necessary. Additional information is included in the attached memorandum from the Law Director.

**Recommendation:** Introduction for Public Hearing on August date set by City Council

15) Ordinance No. 33-2015 – Property Purchase and Transfer – 350 W. Wilson Bridge Road

Staff has been in discussions with Trivium Development regarding the purchase and renovation of the office building located at 350 W. Wilson Bridge Road, which has been vacant since the early 2000s. Staff is preparing legislation for the City Council’s consideration in September for the formation of an urban redevelopment tax increment financing (TIF) arrangement. This type of TIF requires the City to be in the chain of title for the property. This Ordinance authorizes the City Manager to accept title to the
property and immediately transfer it back to Trivium Development. It also declares certain improvements to the property as a public purpose. Additional information is included in the attached memorandum from the Economic Development Manager.

**Recommendation:** Introduction for Public Hearing on September 8, 2015

16) **Ordinance No. 34-2015 – Economic Development Venture Grant – Trivium Development**

In addition to the TIF included in the previous agenda item, staff has negotiated a Venture Grant agreement with Trivium Development tied to the anticipated annual payroll associated with the future tenants of the building at 350 W. Wilson Bridge Road. This recommended grant will be paid in three annual installments of $78,800. This grant has a net present value of $222,000. As part of the agreement, Trivium commits to at least $6,000,000 in total annual payroll to be paid to persons working in the renovated building within three years. Attached is a memorandum from the Economic Development Manager that provides additional information on this item.

**Recommendation:** Introduction for Public Hearing on September 8, 2015

**REPORTS OF CITY OFFICIALS**

**EXECUTIVE SESSION**
Meeting Minutes

Monday, June 8, 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, June 8, 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, 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 12 visitors present.

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

REPORTS OF CITY OFFICIALS

Discussion Item(s)

- Outdoor Dining Policy and Procedures

Mr. Greeson stated 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. At this point, staff is seeking input on the draft and direction as to whether City Council wants to schedule it for formal adoption.

Mr. Norstrom commented the state liquor law defines what needs to be done to serve alcohol in a public right-of-way. Ms. Fox replied the state liquor laws define what needs to be done to serve alcohol outside of the physical boundaries of a building. Mr. Norstrom commented Mr. Greeson alluded to this in his earlier statement, we have
approved these in the past, we basically have procedures for approving outside dining. Mr. Greeson replied yes we do and we have permitted it in the past. Mr. Norstrom stated which leads me to ask why are we spending our time on this because we have the procedures in place, we have the state law that we have to follow, coming up with a whole new set of procedures seems to me like a whole waste of time. Mr. Greeson replied I think it’s primarily the issue of alcohol and the practice of the Division of Liquor Control that requires you to essentially warden off that space that is notably different from what we have now.

Mr. Norstrom replied we basically can approve anything that we wanted under our current and if they wanted to serve alcohol we could approve it with meeting State guidelines. Mr. Myers asked is there a provision Ohio Liquor law that would require City Council approval of public right-of-way for consumption. Mrs. Fox replied I’m not aware of anything. Mr. Myers commented I realize alcohol has not been a part of the other applications, but we have had applications that go through the ARB process which is very similar to what we’re going to engage in this council, the only difference is alcohol. Mrs. Fox commented I think that when we look at these, there are conditional uses permits that may be affected; there are the fencing or the planters. Mr. Myers commented the fencing and the planters that’s a liquor guideline; you have to enclose an outdoor area if you have liquor consumption.

Mrs. Fox replied yes, but the way they look may be of interest to the ARB. Mr. Myers commented and as I read the current plan, in effect some of what the City of Worthington has done might not be compliant with this plan; I’m thinking of the rubberish (whatever that means) no offense to the drafter; materials for the trash receptacles, you have metal trash receptacles on the Village Green and those things are typically hashed out in ARB and they would again be hashed out in ARB under your proposal. Another question I have is, this goes through an ARB application process or is merely referred to ARB like we would.

Mr. Harris replied the application would be supplied to the City Manager who would then hand it off to staff which would then take it through and parallel MPC Unconditional Use permit side or Architectural Review on building material side. Mr. Norstrom commented which means we’re adding an extra step because currently restaurants can do this just by going through ARB and MPC. Mr. Myers asked but so far we haven’t had a restaurant ask for alcohol in the public right-of-way, that’s why I asked my previous question. Mr. Norstrom commented I think that the point that you’re making is the point I was trying to make is that’s where state law sets the requirement.

Ms. Michael shared this has me confused from about four years ago, because I remember asking what it would take to be able to allow the Old Bag of Nails to serve a drink with the food outside, and I was told that we couldn’t have alcohol on the public right-of-way, so I was told the exact opposite and so I’m trying to square what I was told four years ago which was something we couldn’t do to how we can do it now. I’m glad we can do it now, but I’m just wondering why the difference in four years, has something changed.
Mr. Greeson stated there is a new state law that has been approved that Mr. Harris can overview that doesn’t take effect for communities like ours for a couple of years that would have a broader implication in downtown and there are things that we discussed in the past called Community Entertainment District which we applied at the mall which allow for people to get lower costs and more numerous liquor permits for areas that you might want more restaurants and that is different; this merely a policy of how you want your right-of-ways to be used and in the past we have allowed outdoor dining, but we have not allowed a segmenting off of the right-of-way in order to provide outdoor dining and alcohol; and so the two issues really here that I think Mr. Myers and Mr. Norstrom are raising are (1) do you want to allow alcohol consumption in the public right-of-way adjacent to the premises of a restaurant which in order to do so, there is a requirement to have some segmenting off of that public right-of-way at least seasonally; and (2) what level of review do you want (things like the esthetics of the fencing, how much processing do you want in the decision making; how many steps do you want in the process to decide; but it starts with do you want it and in the case of the Old Bag of Nails there are some physical difficulties in where their seating is in relationship to their door that may have resulted in the answer we gave you a few years ago; I don’t recall, but legally it’s possible and it’s a policy issue of this Council on whether or not you want to allow it.

In order to consider that fully and all of its implications, we did a draft; like to think through an issue, write it out. What I would suggest is that we walk through the draft, then we can take questions and entertain your debate on individual topics that are within the draft, but we will follow the will of the Council.

Mr. Harris presented the following presentation for the Downtown Worthington Outdoor Dining Facilities – Policy & Procedures:

**Downtown Worthington Outdoor Dining Facilities - Policy & Procedures**

- Attractiveness of outdoor dining along High Street in the downtown.

- Create energy and vibrancy, and contribute to increased foot-traffic

- “Downtown” - outdoor dining, encompassing commercial parcels located on, adjacent to, or bounded by High Street, from South Street to North Street.

- This Policy & Procedures document for restaurants, cafés and related businesses to feature outdoor dining, including alcohol service, on the sidewalk.

- “Outdoor Dining Facilities: to tables, chairs, benches, or planters directly outside and adjacent to their indoor dining facilities

  - For the purpose of serving food and alcohol in the public right-of-way (“Outdoor Dining Facilities”).
Section 1: General policy concerning Outdoor Dining

- City’s stated policy to allow facilities for outdoor dining, including serving alcohol, on sidewalks and appropriate elements of the public right-of-way within downtown Worthington.

- Application must be submitted by the owner of the retail food establishment – and, if it is a lessee, with the building owner’s written permission

- Create or significantly change existing Outdoor Dining Facilities.

- Expressly intended only for business customers or other invited guests of the retail food establishment

- Retail food establishments seeking to serve alcohol must already possess the relevant liquor permits for on-premises consumption (e.g., D-1, D-2, D-3 and/or D-5 permits)
  - Must remain in good standing and otherwise compliant with all Division of Liquor Control.

Section 2: Design Guidelines

- Table and chairs must be comprised of metal or wood and the color must complement the related storefront.

- Retail food establishments serving alcohol in the public right-of-way must **clearly delineate** the entire area with a boundary that is **permanent** (not easily movable), and the bounded area is **contiguous** to the permitted premises.

  The delineating boundary must be in the form of either (i) a fence that is 36 inches in height or (ii) appropriately arranged planters.

  The delineated boundary materials may be removed on a seasonal basis.

- Maintain, at the very least, a 5-foot pedestrian clearance on the sidewalk; the City expects use only the **minimum amount necessary**.

- Umbrellas, when raised, do not interfere with pedestrian traffic; shall not depict any advertising.

Mr. Norstrom asked does the state require anything. Mr. Harris replied the state requires the three part test that I just read out for you so that it’s a clearly delineated area is a state requirement for a boundary that is permanent and that bounded area
must be contiguous to the premises. We actually asked around about the 36 inches and spoke with the Liquor Council and they said that’s a City policy; both Delaware and Lakewood have gone that route; could be a different route chosen by Worthington.

Section 3: Application process

- Submit an application to the Worthington City Manager after all appropriate application and approval with the Division of Liquor Control.

- Site plan of the Outdoor Dining Facilities

- Strongly advised to meet with City staff before submitting application & discuss his or her plans with neighboring property owners, businesses and/or residents.

- Notify the real property owners and occupants encompassed within 100 feet of the proposed Outdoor Dining Facilities of the City Council’s scheduled public hearing.

- City not obligated to approve submitted applications.

- Worthington City Council may approve or deny applications
  - application requirements satisfactorily met;
  - Outdoor Dining Facilities conform to the City’s planning documents and design guidelines; and
  - City believes Outdoor Dining Facilities substantially contribute to entertainment, retail, commercial, and residential opportunities.

Application -

Within 5 days  Worthington City Manager hands-off the application to staff.

Within 20 days  On the agenda of the Worthington ARB & conditional use permits from MPC.

Within 45 days  Recommendation to City Council.

Non-refundable fee: $1,000.00, payable to the Worthington CIC.

Renewals may be granted administratively by City staff ($500.00).
Mr. Norstrom asked if there is a state requirement for the renewal. Mr. Harris replied every one of these has to go through liquor control; so when you’ve got a D3 permit which we’re familiar with here, that allows service up to 1:00 A.M. in the morning for spirituous liquor for premises consumption; you have to apply for adjacent outdoor use or adjacent to the premises; so you get your D3 permit and then you go back down to the State for an addendum that says I’m going to serve alcohol outside of my previous defined area; and so each time you do that Mr. Norstrom, I think there is a state requirement (it may be indirect as to renewal), but we do know that state liquor permits are renewable.

Section 5: Responsibilities & Annual review
Permit Holder must remain compliant:

- Enter into a Use of Public Property Agreement, include providing City a certificate of personal liability insurance naming the City as co-insured. And indemnify the City for injury, damages or other harm from the use and operation of the Outdoor Dining Facilities.

- Nothing stored on any portion of the public right-of-way.

- Free of advertising (including any logos, graphics or names), litter and other debris at all times.

Additional Considerations for Serving Alcohol

- Valid on-premises liquor permit required; sale for on-premises consumption only.

- Site plan information must be identical to any such plans submitted to the Ohio Department of Commerce, Division of Liquor Control.

- Alcohol must not be removed from Outdoor Dining Facilities area.

The City retains the right to revoke its permission for Outdoor Dining Facilities.

Mr. Norstrom asked the first one you just mentioned is State law “alcohol cannot be removed from the area.” Mr. Harris replied only unless you’ve got a “C” or “D” carry out permit.

Ms. Michael asked what happens if the sidewalk is damaged or routine maintenance. Mr. Harris commented I think the way we’ve written here is that the sidewalk behind the demarcated boundary would be the responsibility of the user and then if they took up the fencing or the planters, then it would revert back to the City Park staff and others.
Mr. Norstrom commented so part of the year it would be theirs and the part of the year it would ours. Mr. Harris replied there is an added wrinkle to that and part of that is if you want to remove your seasonal boundary, you actually have to tell the State you’re going to do so; and if you wanted to put it back in April, you would have to get permission from the State; so there is a heavy amount of regulation involved in that; so that may shy some folks away from doing constant removals and additions.

Mr. Norstrom stated my fellow council members may find it unbelievable that I’m advocating for small government, but I think we’re creating a problem because it exists. There maybe a couple of small things we need to talk about, but I would refer that to MPC, but I think what we have before us is basically something that is already covered by our current code; I would say approximately 95% of our code would cover these things, and state law covers the rest. I don’t think it’s appropriate to bring these things to Council since we have in place an ARB and an MPC just for handling these kinds of issues.

Dr. Chosy commented it has to be controlled as to what it will look like.

Mr. Myers stated I thought that the new restaurant as part of their Certificate of Appropriateness from ARB asked for and I can’t remember. Mr. Norstrom commented I’ve talked with the owner and they don’t want it out front, they want it out back. Mr. Myers replied maybe that’s what it was. Ms. Michael commented that makes sense to have Planning Commission working with and part of it is we’re talking about reducing the amount of sidewalk space that’s being used; and so I think there needs to be some oversight of working between the City and the business establishment to weigh the business need as well as the public need for being able to get up and down the street. I agree with you, I think it makes sense for it to go through MPC/ARB so that whenever whatever lines there are and somebody doesn’t take it the whole way and there’s no way for pedestrians to pass, but on the other hand, you want to be able to have a nice place to dine outside.

Mr. Norstrom commented I think staff has identified a couple of issues that I think MPC should discuss and if there is anything that needs to change they can recommend that to us. One item would be for example, I don’t think we would want to have permanent fencing put in, but removable fencing or whatever demarcation put in so that during the cold weather when you’re not serving outside that the sidewalk would be wide open; and the second item is the look of the fencing; I’m not sure we need to be descriptive of that. I would look to staff and ARB to look at whether fencing fits in within the standards of the district. Dr. Chosy commented there has to be some control. Ms. Michael stated that some people use greenery as a form of demarcation which is still very appropriate and nice.

Mr. Norstrom shared the other side of that is we’re not Westerville, we don’t have a long history of not serving alcohol in this city, so I think whether or not alcohol is served in the public right of way is an issue to be left to an individual restaurant as long as the
ability to use the sidewalk and to have passage, etc. and be architecturally compliant with signs and things like that, I don’t any reason for us to get more involved.

Mr. Myers indicated I see three sorts of layers here. First, and from what I understand staff is telling us what they’re looking for first off is we need to put on the record whether we’re favor of alcohol in the public right-of-way and that is strictly a council decision. I think that can be done by Resolution or whatever. This is something appropriate that we want downtown. Second, I agree with most of the aesthetics of this can go through the process it’s gone through before ARB/MPC and I think that’s recognized in the policy when you suggest that we ask for input of ARB/MPC; they are the aesthetics experts in town and can deliberate that better than we can; but then there is a level that is a little more technical than typically ARB would not delve into, and we don’t have like we have in other codes, the height of the fence. Guess maybe we need some code changes and would it be appropriate to that by policy; the only thing we eliminate from this policy is that it comes back to council other than by the normal appeal process through ARB and that we then delegate it to ARB. I’m also concerned about the permanent nature of the fences; I can see some owners drilling holes in pavers and then they’ll take it up in the spring and then with the freezing and thawing our pavers crack and we have to replace them; so some little technical things like that ARB isn’t currently looking at that we very well might need to hone in on. My bottom line is if we adopt this policy tonight The Whitney House you will not have outdoor seating this year. We’re talking a two-month process to get this through if it has to come back to Council. I want to steamline this process as much as possible.

Mr. Norstrom commented I’m sure we need to pass a policy or not pass a policy saying alcohol in public right-of-way because that’s already defined by the state and we don’t have no prohibitions against it in our current laws so it’s allowed. The second thing is because The Whitney House has asked this, I think that within the current rules and regulations (again we don’t have a height of a fence to be specified), but ARB does in its discretion have the ability to look at a fence and say it fits or it will architecturally acceptable within the district. The third element would be we could talk to The Whitney House and others who are here tonight and have what I will call a removable fence that they need to use at least right now before we finish other aspects of this. I think a removable fence is actually the way the City should go anyway.

Mr. Myers asked how would this impact existing outdoor seating? Does Old Bag of Nails have to come back and apply? Mr. Harris replied the way this suggestion has been written, if they wanted to do alcohol service in the public right-of-way they would have to apply as a change and existing service. For the elements that are related to alcohol service, if you’re Old Bag of Nails and you’re already out there on the public right-of-way without alcohol service but you wanted to transition to alcohol, this policy or something like this. Mr. Greeson indicated I think the way we treat the Old Bag of Nails is right now for instance in here it reads “no logoed umbrellas”; if things continued the way they were, then we would as we have in some other instances grandfather the existing baring no change; but there are cases where there would be one that wanted to serve alcohol and this may be a bigger undertaking because you would have to propose a
relocation of where the seating is and potentially some changes to the street to accommodate it. Mr. Norstrom commented from the perspective of the city the requirement would simply be meet the state requirement. Mr. Greeson replied I think in that case it would have a potential physical change in the streetscape in order to get approximate to the building, which quite frankly would be subject to a number of reviews. Interestingly enough the Architectural Review requirements don’t apply to the right-of-way, in other words the Architectural Review Board administers the design guidelines as they apply to parcels whether it be City Hall or a private parcel in downtown. Mr. Norstrom commented or signs in the public right-of-way. Mr. Greeson replied no; to the degree that Architectural Review has approved signs in public right-of-way it’s because we’ve taken it to them for their input not because of their inherent authority. We do this on any number of things, for instance we do that for input on things on the Village Green. Though in this case if we are asking the Architectural Review Board to look at this, they’re not administering the design guidelines per say because it’s in the public right-of-way; they’re administering this document we’re creating and that is why we embedded some of those things in here; and so to the degree that you want to make that more subjective, I think that’s fine. If you want to eliminate a step where it goes to Council where it’s either approved administratively under certain conditions or by the Planning Commission or the Architectural Review Board, I think that’s fine.

Mr. Norstrom commented an awning going out over a sidewalk is something that is approved by ARB. I think that line that you’re making is an easy go in and erase if we have to; and I understand that. I don’t think we need a separate policy to deal with this; I think we have the capabilities and the structure in place to deal with all of these issues except the one or two small ones that Mr. Myers and me have talked about already.

Ms. Dorothy asked how late could people be out for outdoor dining? Mr. Greeson replied I’m not sure this addresses that; their liquor permit and hours of operation address that, though it depends on their liquor permit I believe. Mrs. Fox commented that is correct. I don’t know the exact answer on this particular question, but I’m going to say based on what I do know that their approval for outdoor dining is an extension of their premises, so what happens inside is likely what’s going to be happening outside.

Mr. Norstrom commented we’ve had approaches from for example Pub Outback as discussed potentially serving on the patio back there and neighbors in the condos have objected to it; so we’ve already dealt with issues like that and we do that under MPC not ARB, that’s what I’m saying, I think we’ve got the structure in place including MPC approval of outdoor serving of alcohol. Ms. Dorothy explained I’m questioning the time, is that something, Mr. Norstrom commented that is something that MPC sets in approval. Ms. Dorothy asked isn’t that something that we would like to include in the policy that we give them to then go and administer. Mr. Greeson replied I think the time relates to a condition of a conditional use permit unless otherwise they are appropriately zoned and have a Certificate of Appropriateness from Architectural Review Board; I’m not sure we can restrict their hours of operation. Mr. Norstrom asked the public right-of-way is not zoned, am I correct. Mr. Greeson replied now we can condition this on an hour of operation which we don’t have in here, but we can condition granting this on that, but
there are restaurants that are there by virtue of their straight zoning not by virtue of a conditional use permit where we’re not restricting their hours of operation.

Dr. Chosy commented he is more comfortable with the City’s point of view; prefer what we have in the draft with some modifications.

Mr. Norstrom commented for those of us who’ve been on ARB and MPC there is always changes, so you can’t make a decision based on the current environment.

Mr. Greeson stated Ms. Dorothy was raising a point earlier that I’m not sure got answered. Ms. Dorothy remarked I would like somewhere if it is possible to limit the hours of serving alcohol outside, the patrons can always move inside the establishment; I’m basically concerned about the noise; downtown currently the restaurants aren’t open that late and this is something we can revisit at a later date; however, I would not like to start with having people to be able to drink alcohol until 2:00 A.M. outside.

Mr. Myers commented I think in the past, always reluctant if the State permits something, do we have the ability to prohibit. Mrs. Fox replied that brings up a point I was going to respond to Mr. Norstrom earlier; this is our right-of-way and for that reason that’s why we are establishing some sense of control. Mr. Myers stated ARB sets what time a grocery store is allowed to pick up their trash and most of time there are reasonable restrictions and the applicant agrees to it. I would imagine it would be the same thing with this applicant if we said we really like you to stop serving liquor at 11:00 P.M., they would probably be happy to; it probably fits their business motto anyway. Mrs. Fox commented I think we’re also talking about a very limited boundary here. Mr. Myers commented Mr. Greeson raises a good point that I hadn’t considered, it seems to be me that we have consensus on Council at this point where we want some regulations and guidelines, but we think it’s most appropriately handled by ARB/MPC...that seems to be the consensus we’re moving toward; but then you throw out the wrinkle that that well ARB/MPC doesn’t really have jurisdiction over the public right-of-way, so what are we giving ARB/MPC the authority to do; asked can we delegate implementation of a policy to ARB/MPC and can we include within that the general statement that anything should comply generally with the design guidelines of the City of Worthington.

Mr. Greeson replied I think you can put in this policy you’re delegating that authority to them; the code doesn’t otherwise delegate it to them. Mr. Norstrom commented I don’t think we need it in policy, let’s put it in the code so that way it would apply anywhere, not just downtown; for example, we are developing a grocery store on a sidewalk north of Old Worthington, tell us what is going to happen if they wanted to do something in the public right-of-way there, whether it’s serving alcohol or something else, let’s just give MPC/ARB the ability to authorize. Mr. Greeson replied but most things that occur within the public right-of-way on a routine basis are not the placement of structures like this; most of them are sometimes daily (i.e. right-of-way for managing public utilities, traffic signs, all those normal municipal operations.
Mr. Watterson commented we process several right-of-way permits a week; we process the following types of permits (1) Cable Television Franchise, (2) Telecommunications and Utility Permits, (3) Special Permit, these are permits granted to persons for a specific, limited use of the Rights-of-way or a specific portion thereof; (4) Residential Permit. All permits shall specify the use or uses for which such permits or franchises are granted.

Rights-of-Way means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement or right of way now or hereafter held by the City, which shall, within its proper use, entitle a Permittee or Franchisee, in accordance with the terms hereof and of any Permit, to the use thereof for the purpose of installing or operating any poles, wires, cables, transformers, conductors, ducts, lines, mains, conduits, vaults, manholes, amplifiers, appliances, attachments or other property or facilities as may be ordinarily necessary and pertinent to the provision of utility, cable television, communications or other services as set forth in any Franchise or any Permit. Right of Way shall also include Public Property, but only to the extent the use or occupation thereof is specifically granted in a Permit or by Regulation.

Mr. Norstrom commented Mr. Brown approves certain permits such as yard signs for yard sales, so there is also another department within the City that has some approval process and since that’s the same department that deals with MPC/ARB, I would suggest we look at that rather than create a new function within the City Manager’s office.

Ms. Michael stated I think what I’m hearing are (2) two things (1) some Council members are saying that want to have a policy having alcohol being served in the right-of-way; (2) I’m hearing some Council members say they would like to have a policy and the policy implemented by Municipal Planning Commission; and Mr. Norstrom has indicated we don’t need a policy, we just need to change the code. Mr. Norstrom stated there is nothing that currently prohibits the sale of alcohol in the public right-of-way; in other words we do not have any prohibition against that. Ms. Michael commented that is correct. Mrs. Fox commented we have the right to say what can and cannot happen in the public right-of-way. Mr. Norstrom commented we have not said you can’t serve alcohol, so we don’t need to pass a policy that says you can because we don’t have a policy now that prohibits it. Mrs. Fox indicated but as the owner of the right-of-way, you would be establishing some level of control over what happens in that right-of-way and what doesn’t happen in that right-of-way.

Mr. Myers asked Mrs. Fox what is the City’s liability. Mrs. Fox replied we can get sued for anything that happens in our right-of-way, but in this instance I think we’re better off if we have a policy and follow it and if we in writing transfer that liability to the user that portion of the right-of-way. Note that doesn’t mean we would never get sued.

Ms. Michael asked Mrs. Fox what legal procedure does City Council need to follow. Mr. Greeson commented we believe you need to adopt the policy by Resolution; and in an
effort to build a consensus here or get some clear direction for us so that we can do a re-
draft of this. Ms. Michael replied I think one of the clear directions that I heard is having
Municipal Planning Commission not Council doing the review and details of hours of
operation, logos on umbrellas. Mr. Norstrom commented I would go further, logos on
umbrellas which we currently have, does not appear to be detracted from the City: I think
we should minimalist in terms of the regulations, not maximalist. Mrs. Fox asked Mr.
Norstrom would you have ARB regulate certain colors then in that instance. Mr.
Norstrom replied yes, the same way that they currently regulate things not in the public
right-of-way: I think we just take what the ARB powers currently are and apply them to
the right-of-way. Mr. Myers stated we are going to have something, some sort of a policy
that we adopt that allows ARB to do that. Mr. Norstrom replied I agree with that.

Mr. Myers explained I would like to see staff come back with is revise this and I would
really for Whitney House sake is for this to come back next week. Mr. Norstrom
commented Council has the ability to grant a temporary permit to The Whitney House to
do whatever we would allow them to do on a trial basis to see. Mr. Myers replied it seems
awfully omnipotent to me.

Ms. Michael stated it would helpful to get ARB involved and see if we can expedite this.
Mr. Myers commented staff has enough feedback from us at this point. Mr. Greeson
commented yes, let me recount what that is. Ms. Dorothy commented she would like to
include the time period. It doesn’t sound like it’s going to be expeditious, but I would like
to have the Bike and Pedestrian Committee involved once it’s formed to give feedback on
pinch points and pedestrian access. Mr. Greeson commented that adds a layer of
complexity to it as well. Mr. Myers stated ARB does that all the time. Dr. Chosy asked
what happens during Farmer’s Market, which can get real pinchy up in there. Mr.
Greeson commented I think the way we wrote this policy is a minimum of five feet which
is what we’re now requiring of developers doing lot splits. Our code reads when we build
a new subdivision four feet; we’ve required of late or convinced developers to do five
feet, so there was nexus between our code and that, but the way Mr. Harris drafted it was
that we really wanted to look at the restaurant tour having the minimum amount they
needed in order to accomplish what they’re trying to accomplish and have maximum
sensitivity to maintain pedestrian flow.

Dr. Chosy asked if The Whitney House created their area for dining with alcohol and a
fence is there with little space for people to walk by; there is no way there is going to be
space for Farmer’s Market. Mr. Norstrom responded there isn’t now; if you look at
where The Whitney House is, there is no Farmer’s Market in front of The Whitney House,
they’ve got tables outside currently. Mr. Greeson stated that the proposal from The
Whitney House, the wall in front of The Whitney House angulates there and their
proposal which was attached in your packet had a seven foot distance between the wall
and the fence at the smallest part and at the widest part where the wall bows out was
12.5 feet distance. The distance of the fenced in area where they would serve and have
what I believe is 4 2-tops is about 6.5 feet. Mr. Norstrom commented the way this is laid
out it appears that they would eliminate the tables on the outer wall as they currently
have them, so in reality the approval of this will create a broader sidewalk than what
currently exists. Mr. Greeson stated the only difference I think that happens why some cities have regulated it is that you ended up with the hard edge of the fence, but it can be something else, planters or whatever.

Ms. Michael advised there are two thoughts coming forward now (1) the request to have a temporary permit for The Whitney House at this point and time and (2) I’ve heard others indicate that they want to get the policy in place next week and move from there. Mr. Norstrom commented the only reason I suggested a temporary permit is because staff could not have anything ready until next week. I guess the question is though, if we want to help The Whitney House and we do, do we need to send this one through ARB as we have discussed the policy. Mr. Greeson responded that is up to Council. Mr. Norstrom replied I understand, but that’s why I’m asking what you can bring to us as a policy as we’ve discussed which would be a policy that would take it back to ARB and that adds extra time as opposed to a temporary permit that we could give them to move forward.

Mr. Greeson commented if I may recount what I heard so I can make sure we’re heading in the right direction. (1) You want the Planning Commission and Architectural Review Board to be designated in here as a review entity that looks specifically and/or basically designating the authority to give approval for the design of the barrier, the distance between the barrier and the pedestrian width, hours of operation and matters related to aesthetics like the umbrellas and tables. I think there is enough information in the design guidelines that we can reference so that one ties to the other for administrative purposes. It will not come back before Council and we’ll look at any of these other issues. Some of the other issues may be administrative in nature and we’ll look at streamlining it.

Dr. Chosy commented they’re talking about pre-drilling. I thought we were not going to drill holes. Mr. Greeson replied the engineer will review and evaluate the effect on the infrastructure; we do that with utility companies and kinds of people all the time.

Mrs. Fox asked Mr. Brown does The Whitney House operate under Conditional Use. Mr. Brown replied yes.

- **Crandall Avenue Stop Sign(s) Request**

Mr. Greeson stated recently in relationship to a discussion about a Crandall Avenue sidewalk project, residents raised the issue of multi-way stop signs in particular at Crandall and Rdigedale and Crandall and Morning; and I think probably more Crandall and Ridgedale than Crandall and Morning. You asked us to schedule a discussion of this and we have done that. In order to kind of talk about where we put multi-way stop signs I thought it is important to cover some of the issues related to placing multi-way stop signs.

Mr. Greeson presented the following PowerPoint presentation:
Traffic Control Device Placement

Crandall Drive

Codified Ordinances

DEFINITION:

301.46 TRAFFIC CONTROL DEVICE.

“Traffic control device” means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))
305.01 POWER TO PLACE TRAFFIC CONTROL DEVICES; CONSIDERATIONS.

Pursuant to Ohio R.C. 737.021 and 737.022, a Division of Traffic Engineering and Safety is hereby created and the Director of Safety shall be the executive head of such Division.

The Director of Safety is hereby authorized to place and maintain traffic control devices upon any street or highway under his jurisdiction as are necessary to effectuate the provisions of this Traffic Code, or to regulate, warn or guide traffic, and such other traffic control devices as he shall deem necessary for the proper control of traffic. The Director shall determine the location, timing and coordination of such traffic control devices upon the basis of applicable engineering or traffic investigation and shall consider the following:

(a) The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage;
(b) The existing and potential traffic movement, volume and conditions;
(c) The location and frequency of accidents, including studies of remedial measures;
(d) The recommendations of the Police and Fire Chief;
(e) The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety;
(f) The convenience and welfare of the general public in parking, standing, loading and unloading and the use of the streets as affecting business concerns and places of assembly;
(g) Economy in the expenditure of money.

305.02 TRAFFIC CONTROL DEVICES; CONFORMITY TO STATE MANUAL AND ERECTION.

(a) All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the "Manual of Uniform Traffic Control Devices for Streets and Highways" adopted by the Ohio Department of Transportation.

(b) It shall be the duty of the Director of Service to erect and maintain such traffic control devices as may be required to inform the public of the provisions of this Traffic Code.
Codified Ordinances

305.05 RESERVATION OF POWER TO COUNCIL.

Notwithstanding the provisions of Sections 305.01 to 305.04, inclusive, Council may override any decision of the Director of Safety made under such provisions, and may assume any of the powers delegated to the Director, by a resolution adopted by a vote of a majority of the Council members duly elected thereto. Upon the adoption of any such resolution, the same may be changed only by an amending or repealing resolution adopted by Council.

Codified Ordinances, cont.

313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS

(d) Council or the authorized local authority may designate additional through streets or highways and shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection.

(ORC 4511.65)
Mr. Norstrom stated there doesn’t appear to be reference to pedestrian. Mr. Greeson replied there is in several instances; in this criteria on this slide, there is a reference to vehicle and pedestrian conflicts; and in 305.01(a) the maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage. What’s not referenced here is bicycles, but we would approach that the same way.
Stealth Stat Definitions

Glossary of Terms:

- **Average speed:** The average of all vehicles, which were registered by StealthStat.
- **Ten Mile Pace:** This is the block of ten miles per hour that contain the most vehicles.
- **50th Percentile:** Means that 50% of the vehicles were traveling this speed or slower than this speed.
- **85th Percentile:** Means that 85% of the vehicles were traveling this speed or slower than this speed.

Stealth Stat Report

*Crandall Dr. area of Ridgedale Dr. E.* Speed Limit – 25 mph (Weekend Data +/-)

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<th>End Date</th>
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Crandall Dr. area of Ridgedale Dr. E.  Speed Limit – 25 mph (Weekday Date +/-)

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<th>Direction</th>
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Compiled by: Sgt J.A. Moran # 328

Crandall Drive

- Crash history, traffic volumes and speed data suggest that it would not meet criteria for multi-way stop sign
- Safety Director has heretofore denied requests for a multi-way stop at Crandall and Ridgedale or Morning.
Mr. Troper asked for someone to explain what the negative impact would with putting up stop signs at those locations. Mr. Watterson replied negative impacts are rear-end collisions at the stop sign. Dr. Chosy commented one stop would make sense, but to have another right away may not be good. Dr. Chosy asked do we have drawings on how close these are. Mr. Greeson presented some aerial shots. Ms. Dorothy asked is the stealth state able to count anything other than cars; is it able to count bikes and pedestrians. Chief Mosic replied it is not and the stealth stat the way it counts vehicles is based upon the Doppler shift in regards to the radar and it requires a technical explanation of the Doppler shift; so in laymen’s terms the number you see here represented is going to be over represented of the number of vehicles. Let me say that it could track a bicycle if the bicycle was exerting enough energy on the radar unit. Dr. Chosy asked why would it be over, each car would do one thing. Chief Mosic replied the Doppler shift measures the vehicle exerting the most energy, you may have more than one vehicle on the roadway at any given time and whichever vehicle is exerting the most energy will be picked up by the radar unit; and that radar unit will bounce from target to target as the amount of energy is increased closer to the unit.

Ms. Dorothy asked for just any intersection in Worthington do you have any officers who observe if people stop at the stop signs or just general observations about what happens at stop signs here in Worthington. Chief Mosic replied stop sign violations are one of main complaints in the neighborhoods and we issue citations; I’m not exactly sure what your question is, but my thought is if you put too many stop signs in a general area, the public is less likely to observe those stop signs, so you have to be careful on the number within a given area.
Ms. Dorothy commented Mr. Troper asked for someone to explain what the negative impact would be if we added another stop sign and Mr. Watterson replied rear-end collisions; you would have people stopping who are not used to stopping, and you might also have the opposite with people rolling through the stop sign; asked is that a possibility. Chief Mosic replied that is correct, there is an anticipation that the other driver is going to do what they’re supposed to do and stop, so we see our common accidents from stop signs or failure to yield from a stop sign where one party expects the other to yield and they don’t, so you have that to if you have a multi-way stop.

Ms. Dorothy commented what we are trying to do here is make it as safe as possible for everyone living in this area.

Dr. Chosy confirmed Crandall Drive has not stop signs all the way down. Ms. Michael replied correct.

Sarah Zeller, 292 Crandall Drive, thanked Council for listening to the safety concerns of the residents of Crandall Drive; stated I remember that Mr. Greeson stated that there had been a traffic study done previously as a request for citizens who lived on Crandall for a stop sign a few years ago. So it’s interesting to me that even though the data is not showing the numbers we want to support us, periodically people keep coming to you saying the street feels unsafe; and I think that cannot be ignored; and if I remember correctly as well Ms. Michael you echoed that in agreement with me the last time we were here, you said that knew there had been other studies done other places where the data has not supported, but people who live and or frequent those streets have known, and council members from personal experience that they don’t feel safe; and that is very important to note on Crandall I do believe.

I think at Morning and Crandall it is not as big of an issue as Ridgedale and Crandall. Ridgedale and Crandall should be a four-way stop. I think two-way stops in my mind are dangerous because I think most people expect the traffic is going to stop in all directions; and so when you get to Ridgedale and Crandall, I believe that most people who don’t know there isn’t a stop sign there, it looks like a place where everyone should be stopping; it’s a very big area, it’s open, stop signs would be easy to see. The park is right there, the school is the other way, it’s a long stretch. It feels natural for a stop sign to be there; I think more people probably anticipate the stop sign than don’t on that street; and I really think that it would make it safer.

Christopher Jolley, 474 Crandall Drive, commented I guess I am of the opposite opinion to a certain extent. I think a stop sign at Morning and Crandall Drive would be completely unnecessary being that it’s a three-way intersection; but at Ridgedale and Crandall Drive I could probably go either way; but then I would say you would have to look at Northland as well, there is a stop sign there before Crandall as it intersects Northland, so I think that would need to accessed as a four-way stop as well. I also feel that the issue of stop signs is kind of detracting from the issue of sidewalks which I am a supporter of sidewalks, but maybe not as much about the stop signs.
Dr. Chosy asked with all of this testing and everything else, Worthington Council has the right to put stop signs there no matter if it flunks every test in the whole thing, is that right. Mr. Greeson replied yes that is correct.

Dr. Chosy commented some years back on Highland Avenue W, a stop sign was put up in the middle of the block not at an intersection to slow down traffic because of children walking to school; and shortly thereafter or a couple weeks later, it was removed. What was the mechanism there. Mr. Greeson replied I don’t know, it could have been done by a Traffic Order.

Mr. Smith asked Mr. Watterson how much does a stop sign cost. Mr. Watterson replied $250.00 per sign.

RESOLUTION 30-2015

Introduced by Mr. Smith.

MOTION A motion was made by Mr. Norstrom authorizing the Installation of Stop Signs on Crandall Drive at Ridgedale Drive. The motion was seconded by Dr. Chosy.

The motion carried unanimously by a voice vote.

- Monthly Financial Update

Mrs. Roberts stated the fund balances for all accounts increased from $19,632,293 to $20,624,733 for the month of May with revenues exceeding expenditures by $992,440. Year to date fund balances for all accounts increased from $20,023,436 as of January 1, 2015 to $20,624,733 with revenues exceeding expenditures by $601,296.

Expenditures for all funds tracked at 91.2% of anticipated levels. Year to date revenues for all funds are below 2014 revenues by $1,103,090 and above estimates by $130,301. The General Fund balance increased from $9,712,591 to $10,696,209 for the month of May with revenues exceeding expenditures by $983,618.

The year to date general Fund balance increased $10,245,729 on January 1, 2015 to $10,696, 209 with revenues exceeding expenditures by $450,480. General Fund expenditures tracked at 90.91% of anticipated expenditure levels.

Total General Fund revenues are above estimates by $61,702 or .58% and below 2014 collections by $172,011 or -1.59%. General Fund revenue variances are detailed on page of the report. May 2015 income tax collections are above year to date 2014 collections by $147,168 or 1.54% and above year to date estimates by $282,246 or 3.00%.
Mr. Norstrom stated I have an observation, if you look on page 1 it shows that our fund balance average interest rate is .79%. I’m going to make it easy on the math, if we leave a million dollars in there for 10 years at 1% we would earn $10,000; we received the document titled project 595-13 which shows if we were to invest a million dollars over ten years we would earn about $350,000 - $400,000. I would like to point that out to Council for our future discussions.

MOTION Councilmember Troper made a motion to accept the May Financial Report. The motion was seconded by Councilmember Dorothy.

The motion carried by a voice vote.

OTHER

REPORTS OF CITY STAFF

Greeson – Commended staff on their support of the Gary Smith Classic and the Summer on the 614 event and also on this past Friday, we did an experiment with Lunch on the Green. Mr. Norstrom commented it was a very nice lunch event with good music; asked did it meet our expectations. Mr. Hurley replied we are in the process of evaluating this event; we were pleasantly surprised at the turn out of families and children; we had hoped for more employees and workers; it could be a matter of getting the word out better or finding a location more closer to some of our larger business operations.

EXECUTIVE SESSION

MOTION Councilmember Myers made a motion to meet in Executive Session to discuss Pending Litigation, Economic Development Incentives, Boards and Commissions. The motion was seconded by Councilmember Chosy.

The motion carried by the following voice vote:

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

No      0

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

MOTION Councilmember Dorothy made a motion to return to open session. The motion was seconded by Councilmember Troper.

The motion carried unanimously by a voice vote.
MOTION  Councilmember Norstrom made a motion to appoint Eugenia Martin Chairman of the Bike and Pedestrian Advisory Board. The motion was second by Councilmember Dorothy.

The motion carried unanimously by a voice vote.

MOTION  Councilmember Troper made a motion to reappoint Mikel Coulter, David Kittredge, Sarah Mullen, and Joe Decker to the Community Relations Commission. The motion was second by Councilmember Chosy.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:10 P.M.

____________________________________
Temporary Clerk of Council

APPROVED by the City Council, this 20th day of July, 2015.

_______________________________
Council President
Meeting Minutes

Monday, June 15, 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, June 15, 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: Rachael R. Dorothy, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent: Robert F. Chosy

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Service and Engineering Director 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 seven visitors present.

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

VISITOR COMMENTS

APPROVAL OF MINUTES

- May 4, 2015 – Regular Meeting
- May 11, 2015 – Special Meeting
- May 11, 2015 – Committee of the Whole Meeting
- May 18, 2015 – Regular Meeting
- June 1, 2015 – Special Meeting

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. 21-2015

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

The foregoing Ordinance Title was read.

Mrs. Fox shared the background on the topic of bamboo and Council’s decision to enact this code change to assist in the regulation of its growth.

Ms. Fox commented that the ordinance before members tonight regulates the growth of the specific type of bamboo called running bamboo. The section was drafted with the intent to allow the city to impose penalties on a bamboo owner who allows the bamboo to encroach on a neighbor’s property. It requires a neighbor to take the first steps by contacting the grower of the bamboo to let them know that this bamboo has encroached on their property and asking them to take care of it. The primary focus of this ordinance is that it is a bamboo owner’s duty to confine the bamboo. We had some discussions about the manner in which that could happen. She noted that there are some amendments that need made.

Changes from previous draft:
In Section (c) Duty to Confine we talked about the bamboo owners taking all required steps, any reasonable measures to keep this bamboo confined to their own property including an installation of an underground physical barrier system. We believe that simply cutting it back may not necessarily solve the problem. For repeated violations she also included in the ordinance that either the city can do it or cause a contractor to go in and install that barrier system on the bamboo owner’s property.

Mrs. Fox commented that it is a fairly comprehensive type of an ordinance giving the bamboo owner notice that:

1) The bamboo has encroached
2) Requires the people that are affected to contact the bamboo owner and attempt to get the issue resolved initially
3) Allows the city to go on to the encroached property and remove the bamboo at the bamboo owner’s cost
4) Install a physical barrier if the city determines that is the method that will help contain this
5) Hearing provision – if the owner believes that a determination that they violated this ordinance is incorrect than they can request a hearing
6) Hearing before the city manager or the city manager’s designee, which was included in this change.
7) Penalty provision – the penalty is $100 per day for each day that this ordinance has been violated. If the city goes onto the neighbor’s property to remove the bamboo or goes onto the bamboo owner’s property to try to contain it, the cost for doing so will be assessed against the bamboo owner. However, the penalty costs cannot be assessed and collected through the county auditor’s office. Penalties, if not paid would have to go through a civil proceeding.

Mrs. Fox stated that those are most of the changes that staff included. She shared that since the introduction of this ordinance she was contacted by Caryn Rickel for a second time, who is with the Institute of Invasive Bamboo Research in Connecticut who sent several links to ordinances, all of which are from the east coast. She also left a voice message indicating that in her opinion it was important to have a requirement that the bamboo not grow within a certain distance of a property line. Members may remember that being one of the items that she had included in her original memo. It was a fairly prevalent provision in the east coast ordinances that she looked at. After some discussion she recalls that council did not want that stipulation included. She did however want to pass that information along to member because it was provided to her and she thought she would do that.

Mrs. Fox commented that we also talked that the city manager or his designee could have the ability to conduct a hearing. She thinks in speaking with the city manager we also wanted to talk about the option of him maybe even appointing a hearing officer to do that which would in essence be his designee but wouldn’t necessarily be another city employee just to provide a little more objectivity of the review. So we wanted to talk about that a little bit as well.

Mr. Myers shared that he is happy with the changes. He would support a neutral designee to oversee the hearings.

Shawn Haybron, 482 Loveman Ave.
Mr. Haybron shared that he is speaking on behalf of he and his neighbor. The property at 488 Loveman is a large dried forest of bamboo. It dies after a few years and sends out rhizomes to new areas. It is a fire danger. It is a nesting place for many species of birds and creates a health hazard. Running bamboo can’t be maintained simply by mowing the lawn. It actually causes it to grow faster. The bamboo at 488 Loveman encroaches onto five neighboring properties, including his neighbors. He thanked council for taking the issue of bamboo seriously.

Miriam Utter, 194 Sinsbury Dr. N.
Mrs. Utter brought a ten foot section of bamboo rhizome to show council members what she has been dealing with. She had to dig up her shrubbery in order to dig up the rhizome. It grows in April and May and is virtually unstoppable. It is growing into the neighbors yards on all sides.
Mrs. Utter shared that she encouraged her neighbor not to plant it but to no avail. She thinks a provision to not allow it to be planted within a certain distance from the property line is important and encouraged members to consider it.

Anne Matteis, 445 Crandall Ave.
Ms. Matteis shared that the property at 439 Crandall has bamboo. The former owners are now deceased and the house sits vacant. She thinks they planted the bamboo without knowing about the problems that it would cause. She shared that they can’t keep ahead of it. Numerous animals and birds inhabit the area. She encouraged council to do something about the issue as it has caused many problems.

Mr. Norstrom questioned the definition of “bamboo owner” on page 1 given the testimony that members heard by individuals who have bamboo on their property. Mrs. Fox directed him to the exceptions that continue on page 2. Mr. Norstrom thanked her for the clarification.

MOTION
Mr. Myers made a motion to amend Ordinance No. 21-2015 as distributed and to include the amendment to allow the City Manager to appoint a “hearing officer” to hear any appeals. The motion was by Mr. Smith.

Mr. Myers asked if the ordinance as amended says “designee”. Mrs. Fox confirmed that it did. Mr. Myers asked if Mrs. Fox is asking for an amendment to mandate a hearing officer or to include a hearing officer as a designee. Mrs. Fox replied a hearing officer as a designee. Mr. Myers commented that it isn’t required. Mrs. Fox agreed.

Mr. Norstrom asked when this ordinance will be effective. Mrs. Fox replied twenty three days after passage.

There being no additional comments the motion to amend passed unanimously.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 21-2015 (As Amended). The motion carried by the following vote:

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

No  0

Ordinance No. 21-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mr. Greeson shared that there are two items included in this ordinance. One relates to the salt supply while the other relates to the Economic Development Fund.

Members may recall that the city received a $10,000 grant from the American Electric Power Company for our ReCAP Program. This legislation will appropriate those funds. It is staff’s desire to use those dollars to help continue with the services of the Neighborhood Design Center as we implement the ReCAP Program.

Mr. Greeson added that there is also $85,000 for implementing the collective bargaining agreement with the fire employees.

Mr. Myers shared that the Attorney General’s office reached a large settlement with several of the salt suppliers. He asked if any of the $11M in that settlement will trickle down to Worthington. Mr. Watterson replied no.

Mr. Myers thinks it was all ODOT purchases. Mr. Watterson explained that the city purchased our salt through the SWAP4G program and not through ODOT.

Ms. Dorothy asked if this appropriation will fill our salt storage facility. Mr. Watterson replied that it will come pretty close. There is approximately 600 tons on hand and this appropriation will buy an additional 1100 tons. The salt bin holds about 1700 tons so this will allow us to start the season with almost a full bin. Hopefully an appropriation in 2016 will allow us to make additional purchases through the winter months. Usage varies quite a bit. In 2011 the city used 3 tons of salt over the December period and in 2013 we used 800 tons. Ms. Dorothy commented that it is best to be prepared.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 22-2015. The motion carried by the following vote:

Yes  6  Norstrom, Dorothy, Smith, Myers, Troper, Michael
No     0

Ordinance No. 22-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 31-2015  Approving the Downtown Worthington Outdoor Dining Facilities Policy & Procedures and Authorizing the Municipal Planning Commission
and the Architectural Review Board to Regulate and Implement Certain Provisions of the Policy.

**Introduced by Mr. Norstrom.**

**MOTION** Mr. Troper made a motion to adopt Resolution No. 31-2015. The motion was seconded by Ms. Dorothy.

*Mr. Greeson commented that members will recall from last week’s Committee of the Whole meeting a discussion regarding our Outdoor Dining Facilities Policy & Procedures. Staff has attempted to re-draft that to respond to some of the issues that members raised. He recalls those issues as:*

1) Time  
2) Go before the Architectural Review Board for aesthetics and not necessarily come before Council  
3) Tried to better marry the three different types of laws that regulate the areas:  
   a. The process of Conditional Use that allows restaurants in downtown  
   b. The process of authorizing the private use of public right-of-ways, Chapter 949 of the Codified Ordinances  
   c. The process of ensuring quality aesthetics in our community, which is our Design Guidelines through the Architectural Review Board

*He asked Mr. Harris to address the changes to the Policy.*

*Mr. Harris thanked Mr. Greeson and introduced Ian Brown, proprietor of the Whitney House in the downtown area, who has joined us tonight to engage in dialog as necessary. He shared that he will go through the changes from the last version of the policy that members saw. He would be happy to take any questions afterwards.*

1) Page 1, Paragraph 2 – Inserted references to public safety, economic development and protecting public property.

*Mr. Harris stated that this effort marries this policy back to Codified Ordinance Chapter 949.*

2) Page 1, Paragraph 3 – If adopted, this section states that Council is making the policy consistent with Chapter 949.

*Mr. Harris commented that this is part of the effort to marry three discreet policy areas together. This policy deals with what will be the authority of the Director of Service and Engineering to authorize private use of public right-of-way.*

3) Page 1, further down the page, it is called out again that City Council intends to allow facilities for outdoor dining, to include serving alcohol on sidewalks. At the bottom of the page it states that in all instances those matters are controlled...
under chapter 949 of the Codified Ordinances and therefore City Council would entrust to the Director of Service and Engineering the approval of those permits with subsequent approvals for aesthetics and any conditional use from MPC/ARB respectively.

4) Page 2 – Therefore an application would be submitted to the Director of Service and Engineering.

Mr. Harris stated that he or she would then have the ability to review the materials rather than coming through the City Manager’s office like was discussed last week.

5) Page 2 – The rest of the policy on this page remains as it was last week in terms of a delineated boundary on outdoor dining for alcohol service, the fact that anything in the public right-of-way must adhere to the existing liquor control permits from the State.

6) Page 3 – Continue with the discussion of what is required under state law for liquor permits, a delineated boundary.

Mr. Harris shared that a question was asked prior to tonight as to whether item #3 on page 3 regarding outdoor garbage containers should stay in or be removed. It is a matter that staff looked into and it may be best to have, although not require, at least have a garbage container outside in the area for outdoor service so that city trash cans are not filled with refuse from restaurants and so forth.

7) Page 4 – It was suggested that Item #8 at the top of page 4 (the look of umbrellas) be removed from the Director of Service and Engineering’s authority as that is probably best left to ARB.

8) Page 4 – Bottom of Item #8, that we could still allow for umbrellas to be used in conjunction with awnings so long as they are spatially separated as opposed to an umbrella underneath of an awning, which is what we were trying to get at on our initial drafting exercise.

9) Page 4 – Section 3, This policy is intended to capture installation of outdoor facilities, the creation of outdoor facilities, or the continuing of outdoor facilities.

Mr. Harris shared that a question arose as to whether this policy applies to existing users of the right-of-way. As this is written the answer is yes, so you have existing users in the downtown that would fall under this permit process if Council chooses to do so.

10) Page 4 – Applications go to the Director of Service and Engineering with concurrent applications to the ARB and MPC.

11) If the Director of Service and Engineering approves, a special permit under Chapter 949 for Outdoor Dining, he or she would then forward that permit to the Planning Department. The Planning Department would then share those with ARB and MPC as they review the outdoor facilities.

12) Page 5 – Middle of the page, Director of Service and Engineering approves or denies applications with an appeals process to City Council. If City Council overrules the denial, therefore allowing a special permit to continue, the
ARB/MPC must act according to City Council’s desire and that permit when they in turn approve the facilities.

13) Page 5 – Application Fees would be in the amount of $300.00 per year, every year, for which the permit has been requested.

Mr. Harris shared that a question came in from one of the council members as to whether that is an annual renewal. He looked it up and the liquor law is on an annual permit renewal basis. Ohio Revised Code stated that those permits are issued one per year and therefore this policy is written on an annual renewable basis.

14) Page 6 – Bottom of page, staff strengthened the language in that the city has the right to revoke permission. In particular we site several ordinance sections that would allow staff to do so under existing Codified Ordinance.

15) Page 6 – A suggestion was made as to whether we need to require that all tables and chairs be promptly removed from the sidewalk, Item E.

Mr. Harris shared that staff discussed this item and believes that existing downtown users move their tables and chairs off of the right-of-way at night. That was an item that he wanted to make sure he addressed.

Mr. Harris commented that he would be happy to take any questions.

Ms. Michael recalls that there was a question about having times limited. She didn’t see that. Ms. Dorothy directed her to page 5, section 5, B. Mrs. Fox commented that the policy references hours of operations but not hours of service.

Ms. Michael thinks there was a definite concern that the policy include how late in the evening outdoor service can occur. Mr. Norstrom thinks it would depend on the location. If there is residential around the location then maybe going until 10:00 p.m. Hours of operation are addressed by MPC when a Conditional Use permit is obtained.

Ms. Michael commented that she doesn’t see anything in the policy giving ARB/MPC the authority to be able to limit the hours of use for the outdoor service. Mr. Norstrom explained that those are already limited under Conditional Use in the Code.

Mrs. Fox stated that there may be a situation where the restaurant is not a Conditional Use but a Permitted Use in some of the locations in the downtown area.

Mr. Norstrom commented that we don’t currently have any limits on restaurants in the downtown area other than what liquor control laws might be. Mr. Greeson thinks there are three properties that have restaurants as part of their zoning. In other words, almost all of the restaurants in the downtown exists by virtue of a Conditional Use. There are a few properties where the zoning would allow for a restaurant without a Conditional Use.

Mrs. Fox commented that council might also want to be more specific on “near residential” because we will have some residents on High St. and behind Worthington.
Inn. We will also have residents at the new development so if members have an idea of what they mean by that it would be helpful. Mr. Norstrom shared that the Whitney House isn’t near any residential area. With the condos that are going in next to Deweys.

Mr. Myers commented that if Council could just insert some broad language, considering the issue, MPC/ARB may regulate hours as it deems appropriate. MPC/ARB does that all the time and they will take into consideration all that Mr. Norstrom is saying. The Pub Outback is a very different view than the Whitney House because the Pub Outback is surrounded by condominiums and the Whitney House is not. He doesn’t think that parameters are needed if council just gives MPC/ARB a general grant authority.

**MOTION**

Mr. Myers made a motion to include the broad statement that MPC may regulate the hours of outdoor service. The motion was seconded by Ms. Dorothy.

The motion to amend passed unanimously by a voice vote.

Mr. Norstrom in referring to Section 2: Design Guidelines, Section 1 (describes the table and chairs) asked if tables and chairs will be regulated by ARB or the Service Director. Mr. Harris replied that as written it will go to the Service Director. Mr. Norstrom thinks that is the wrong place for it.

Mr. Norstrom recalls there being a discussion about a boundary that is permanent and not easily movable in Section 2. The gentleman that suggested that is not here to speak for himself tonight so he will say that he doesn’t think that it should be permanent. In fact, later in this section it talks about removing during the winter so he doesn’t’ think that “permanent” is the correct language to have in this policy.

Mrs. Fox thinks in cases where they will be serving alcohol outdoors the Department of Liquor Control will indicate what they believe will be permanent enough. Mr. Norstrom agreed to that. He asked that the language be consistent with what the Liquor Control Board requires rather than us putting an additional burden on it. He understands that they don’t want the space to be one size one day and a different size another day. Mrs. Fox commented that they will define what the premise is in the permit so it has to be just that and nothing else in order for them to serve alcohol.

Mr. Norstrom suggested that we use the language we have on the third paragraph on Page 3 that says a permanent appearance. What we don’t want are fences that are basically up all year long. So on page two, the outdoor dining facilities with a boundary that has a permanent appearance and a boundary, etc.

Ms. Michael asked if the motion is to amend the section to read, that the area of boundary that had a permanent appearance (not easily movable), etc. Mr. Norstrom agreed. He commented that he had additional items to add to his motion.
Mr. Norstrom referred to Page 3, #3 pertaining to garbage containers. He stated that he didn’t check with Bag of Nails but he doesn’t think they have a garbage container outside and from a perspective of allowing maximum retail space to the restaurant, there should not be a reason for the city to force an outside garbage container. Mr. Greeson asked for the authority to require one. He understands that it may not be relevant in the case of the Old Bag of Nails but he thinks there are other instances where restaurants fill the public containers in the absence of a private container. What is the business model where that would happen inside of a fence area? He doesn’t know but if the city has the ability to require one then . . . Mr. Norstrom agreed to allow the garbage container.

Mr. Greeson replied that he thinks it really ties to whether their business model results in them bussing the tables.

Ms. Michael asked if #3 should state “must” or “may”.

The consensus by members after a short discussion was “may be required”.

Mr. Norstrom referring to Page 4, shared that he would like to strike the last sentence of #8 that states that “Umbrellas are not to be used in an area of the Outdoor Dining Facilities where an awning is in place”. He understands staff’s concern about umbrellas under awning but he doesn’t think that is an issue. If there is space both for umbrellas and awnings then that should be allowed and that language should not necessarily indicate that.

Mr. Harris asked Mr. Norstrom if he wanted the second sentence under item # 8 struck as well since it is something that is already regulated by ARB. Mr. Norstrom agreed because it will all go through ARB regardless as it will be in the downtown Historic District.

Mr. Norstrom clarified for Ms. Michael that his suggestion is for the removal of the last two sentences of Section 8. He thanked Mr. Harris for the reminder.

Mr. Norstrom thinks the item on page 6, paragraph E, should be left up to the business, especially if it is within a fenced area or a permanent type area. He doesn’t see putting an extra burden on our retailers.

When asked by Ms. Michael what he is suggesting, Mr. Norstrom replied that he suggests that the entire paragraph be deleted.

Mr. Greeson commented that he would like to get Mr. Watterson’s reaction to that suggestion. This is the paragraph that states that all tables and chairs must be promptly removed? Mr. Norstrom replied yes. Those are not within a fenced area. Even though they are not in the right-of-way, if we try to look at something similar to it, House Wine has its patio on the side. La Chatelaine has a patio and the furniture stays there. It is brought in some nights but not every night and there doesn’t appear to be any reason for the city to enforce that on the retailers who are using the right-of-way.
Mr. Watterson commented but comments were inaudible.

Mr. Norstrom suggested that members remove that paragraph and amend it at a later time.

Ms. Michael reiterated the amendments that Mr. Norstrom asked to include in his motion. Those changes are as follows:

**MOTION**

Mr. Norstrom made the following motion:

1) Section 2, Item 2 – Amend to include: . . . a boundary that has a permanent appearance. . .
2) Page 3, Item 3 – Amend to include: Retail establishments may be required to have at least one outdoor garbage container. . .
3) Section 2, Item 8 – Remove the last two sentences
4) Page 6, Item E – Remove

Ms. Michael asked if that was the correct motion. Mr. Norstrom agreed that it was.

Mr. Harris shared that he had a note that Section 2, Item 1 needed to be amended.

Mr. Norstrom agreed that all architectural elements are subject to review by the Architectural Review Board.

Mrs. Fox wanted to make sure that the hours of operation sentence was included. Ms. Michael confirmed that the motion was already approved.

Ms. Michael read the motion again to include Mr. Norstrom’s comments:

The motion was seconded by Mr. Myers.

Mr. Norstrom asked if there is anyone that objects to any of those amendments as the items could be brought as separate motions. He would not like for the motion to fail.

Mr. Troper objected to the fourth item – the removal of Item E.

Mr. Norstrom asked that the part of the motion pertaining to Page 6, Item E – All tables, chairs, etc. must be promptly removed . . . be removed from his motion. Mr. Myers agreed to the change in the motion.

Mr. Myers commented that MPC approved new tables for a business going in. The tables that were originally approved are no longer being manufactured so the applicant came back and received an amendment for new tables. They will have to apply for a permit that states that the Service Director approves of the tables. He can’t remember specifically but he thought the tables that were approved Thursday night were made of resin, which does not fit our policy. So we have a situation set up where the Service
Director has to deny based on what is listed in the policy something that has already been approved by ARB. He asked how we deal with that. Mr. Greeson replied that if council approves this motion, he thought he heard that council struck Section 2, Design Guidelines on page 2, that states that table and chairs must be comprised of metal or wood, etc. That was replaced with “all architectural elements are subject to ARB review.”

Mr. Myers stated that was proposed but he doesn’t know if we came up with language for that. Mr. Norstrom agreed. He did propose that but we did not get specific language. He likes the idea of just striking #1 completely because ARB already deals with this.

Mr. Myers commented that most of the time ARB has approved it before it gets to this point as part of the original Certificate of Appropriateness.

Mr. Norstrom shared that if staff looks at this and wishes to change something, they can always bring it back for council to amend to state to specifically go to ARB.

Mr. Greeson suggested the following amendment: Tables and chairs, umbrellas, planter style and materials, and other architectural elements will be subject for review by the ARB. Mr. Norstrom agreed to the amendment.

Mr. Norstrom noted that this policy covers the area in front of the shops. He shared that ARB has approved behind and he doesn’t know if that is public right-of-way (the parking lot). He asked if there is any public rights-of-way located behind businesses because this is written for public rights-of-way in front of businesses in several places in the policy.

Mr. Harris confirmed Mr. Norstrom’s comment by pointing out Item 4, Page 3. which refers to items placed on the sidewalk in front of the business.

Mr. Myers commented that he doesn’t think this policy pertains to that but ARB certainly reviews it.

Ms. Michael shared that if Rivage wanted to expand behind its business onto city green space, she asked if this policy will cover that expansion request. Mr. Greeson replied that the area in question is city property and not right-of-way that is governed by Chapter 949. Mr. Myers added that they would still have to enter into a lease agreement with the city. Mr. Greeson agreed.

Mr. Myers continued that through that lease agreement the Service Director could still require the same types of things that council is setting out as our policy in this document. Mr. Greeson replied that the Codified Ordinance don’t vest in the Service Director the authority to apply Chapter 949 on parking lot properties.

Mr. Myers stated that it is a contract so we could include anything we want to. Mr. Greeson agreed.
Mr. Norstrom added that council could use this policy as guidelines for doing that. Mr. Myers agreed that to be his point.

Ms. Michael repeated the motion as:

1) All architectural elements are going to be reviewed by ARB
2) Boundary that has a permanent appearance
3) Trash receptacles may be required by the City
4) Keep on the first sentence in Section 8, Page 4
5) Keep in Section E on Page 6

The motion to amend as stated carried unanimously by a voice vote.

Mr. Norstrom commented that he has another amendment.

MOTION

Mr. Norstrom made a motion that Council grandfather in any existing outdoor dining facilities for at least one year from the effective date of this resolution. The motion was seconded by Mr. Smith.

Ms. Michael shared that the current restaurants that we have do not have the authority to serve alcohol outdoors. So that would not be grandfathering them in because allowing them to serve alcohol outdoors is something new. Mr. Norstrom agreed but added that this policy is broader than that which is why he would recommend that we grandfather them in.

Mrs. Fox commented that under what staff considers to be “grandfathering” means that it is a legal, non-conforming situation and she thinks we would consider that until such time that they need to come in and change something. So if for instance a restaurant that already has outdoor dining but does not serve alcohol and they wish to, they will then have to comply with this policy even if it is in six months.

Ms. Michael asked what would be grandfathered. Mrs. Fox gave the example of Old Bag of Nails. They can continue to do everything they are doing today until such time that they want to change it but they wouldn’t have to comply with this.

Ms. Michael stated they would only have to comply with this policy if they want to include alcohol. Mrs. Fox agreed because they would physically have to change how they are doing things.

Ms. Michael commented that we don’t have places like this coming forward to continue to just serve food on the outside.

Mr. Harris pointed out that this draft has the word “continue” included in it. It says “if you want to continue outdoor dining service irrespective of alcohol or not they need to fall under 949. Mr. Norstrom stated that is his point.
Mrs. Fox commented that what Mr. Norstrom is saying is that he would like that to be stayed for one year. The point she is trying to make is that if that is stayed for a year as a grandfather then if they do come in in six months and want to serve alcohol and need to change the physical then they would need to comply.

Mr. Myers said he has one more concern about that but he is not sure how to add it. He would want to add if Mr. Norstrom would accept this as a friendly amendment, “to the extent that they would otherwise comply with design guidelines, sign ordinances, etc.” His concern is Jet’s. He went by it again tonight and he really kind of wonders if their advertising doesn’t violate our sign ordinance.

Mr. Norstrom thinks that any approvals that Jet’s has, that Bag of Nails has, that the new one has are all within our requirements. Mr. Myers doesn’t remember Jet’s having outdoor dining as a part of their Certificate of Appropriateness. Mr. Norstrom agreed that they should not be allowed to have it if that is the case. Mr. Myers added that he doesn’t want this to grandfather Jet’s if it is otherwise non-conforming.

Mr. Norstrom asked how about if the amendment is if the locations that are grandfathered are locations that have previously been approved by MPC/ARB.

Mr. Greeson asked if that is still for one year. Mr. Norstrom replied that he doesn’t like the one year but he doesn’t want to hold things up. As Mr. Harris has indicated, on the liquor he has no problems with it because they have to come back annually for the liquor license. But why should we make other restaurants who aren’t serving liquor come back on an annual basis as long as they are meeting our requirements.

Ms. Michael commented that we are currently talking of amending the policy to grandfather in those entities that have already received the ARB/MPC approval for outdoor dining for one year.

Mr. Norstrom commented that he would like to have that discussion. He asked if it should be permanently. He asked if there is any reason for restaurants that have already been approved and that aren’t serving alcohol to come back to us annually.

Ms. Michael added and they are not making any changes. Ms. Dorothy and Mr. Norstrom agreed.

**Mr. Norstrom and Mr. Smith withdraw the motion to grandfather.**

Mr. Norstrom made a new motion as follows:

**MOTION**

Mr. Norstrom made a motion to amend the first sentence of Section 5 to state that Special Permits to establish Outdoor Dining Facilities serving alcohol are issued on an annual, renewable basis, and during such period the Permittee must remain compliant with, etc.
Ms. Michael stated that “serving alcohol” is the amendment. Mr. Norstrom agreed because that means that anyone not serving alcohol is not subject to an annual, renewable basis.

The motion was seconded by Mr. Smith.

Mr. Myers asked why council is creating this distinction. Mr. Norstrom replied because we have to review the restaurants on an annual basis when we renew their liquor license. Mr. Myers injected that council is giving them a license. That is what this policy is. We are giving them a license to operate on our sidewalk. Mr. Norstrom agreed.

Mr. Myers commented that he doesn’t know of any profession that receives a perpetual license. Everybody renews their license. Mr. Norstrom shared that we currently have a restaurant that has a perpetual license. Mr. Myers agreed. He added that he doesn’t necessarily approve of that. Requiring the renewal of licenses is our hook to get compliance. If we have someone that is out of compliance, we either have to take enforcement action to bring them into compliance or we deny the renewal application for the non-compliance. It is a whole lot easier to deny a renewal application than it is to enforce an existing statute. From a regulator’s perspective it is just a whole lot easier to do it. Mr. Norstrom stated that he has no problems with that when it comes to liquor.

Ms. Michael stated we have a motion and second to change Section 5, first sentence to include “serving alcohol”.

The motion failed by a vote of two (2) “yea” Norstrom, Smith to four (4) “nay” Myers, Dorothy, Troper, Michael

There being no additional comments, the motion to adopt Resolution No. 31-2015 (As Amended) carried unanimously by a voice vote.

Mr. Norstrom commented that writing Resolutions this way is not desirable. He knows we are under time pressure because we want to help the restaurants in the area but he would encourage staff to find a better way to do this because council only received this today and this was the only way we could do it.

Mr. Myers asked if we are going to be able to get a permit through the process before recess. Mr. Brown replied that Whitney House already has a permit for outdoor dining. This is for the alcohol portion so once the applicant is ready to make application everything will be in place.

Mr. Norstrom asked if there is anything changing in their application except for serving alcohol because then all Mr. Watterson has to do is approve it. Mr. Brown believes that the table layout might be a change.
Mrs. Fox shared that if they want to serve alcohol they will have to process that application through the Department of Liquor Control so that will take a little bit of time.

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).

Introduced by Mr. Troper.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 32-2015. The motion was seconded by Mr. Myers.

Mr. Harris shared that this application is the seventh one under this program. This application is for 6601 Huntley Road (former Tri-State flooring building). The gun range has located as a new lessee at the southwest corner of Schrock and Huntley. This building has been owned continuously since 2000 by an affiliate of Huntley Partners LLC, which is based out of Bexley. This building has the Maxton Auto Shop on the southern portion and then the gun range is in the northern portion.

The building has shown some wear although when the building was purchased in 2000 the owners invested some money into it. Mr. Harris shared that last summer when he did a drive up and down the corridor, they were identified by him for a letter and a friendly phone call, in which case they took him up on it.

Mr. Harris showed slides of the current condition of the building. He stated that they have interacted with Neighborhood Design Center for a modest outdoor improvement package that includes:

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

There being no additional comments, the motion to adopt Resolution No. 32-2015 carried unanimously by a voice vote.
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

Introduced by Mr. Smith.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 33-2015. The motion was seconded by Mr. Troper.

Mr. Harris shared that on June 4th the 2015 Worthington TIRC (Tax Incentive Review Council) met. They recommended that this council continue all active Community Reinvestment Abatements (CRA) and Tax Increment Financing (TIF) exemptions. Staff manned that meeting and reviewed those recommendations. We believe them to reasonable and ready for council’s action tonight. This action will continue the city’s various tax exemption projects for 2015 with re-evaluation occurring in 2016. State law requires that this council act by August 3rd on the TIRC’s recommendations. He would be happy to take any questions.

Mr. Norstrom asked if anything is happening at the 862 Proprietors Rd. site. Mr. Harris acknowledged that being the vacant land south of Dr. Heilman’s condo unit and at this moment no. He shared that staff receives repeated phone calls from various developers, users and all manner of folks that want to make use of that property. They are almost exclusively for uses not appropriate for the current zoning. The property is represented by Skip Weiler of the Bob Weiler Company. This property is part of an estate as the owner passed away last fall. The family has told the attorneys representing the estate that they want to see that land go away. It is a matter of finding a proper use that fits zoning.

Mr. Norstrom asked if it is properly zoned. He doesn’t need to have that question answered tonight.

There being no additional comments, the motion to adopt Resolution No. 33-2015 carried unanimously by a voice vote.

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.

Introduced by Ms. Dorothy.

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)

**Introduced by Mr. Myers.**

**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.

**Introduced by Mr. Smith.**

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**

*Mr. Greeson reported on some legislative activities that council may want to be aware of. He shared that he is going to reference an Ohio Municipal League legislative bulletin. Members may have read in the news media that the Ohio Senate has unveiled their version of the biennium budget. There are a number of things in there that appear to affect municipalities. Staff is trying to ascertain the impact of Worthington. If they negatively impact us financially he would like some authority to write to that affect and we think the timing of that might be important to be able to do that.*

**Local Government Fund** – There seems to be an ongoing propensity to reduce funding for local services while at the same time increasing micromanagement of municipal activities. In this particular proposal there is a redirection of about $24M of the biennium from the Local Government Fund municipal distribution to townships and small villages.

**Law Enforcement Assistance Fund** – We need to look at that more closely because it redirects about $15M from the Local Government Fund over the biennium to this specific fund. We would be eligible to receive some of those dollars to offset increased requirements for law enforcement training. So it is a redirect of funds to pay for mandated hours of which you are covered in the first year and only partially covered in the second year and we are not sure where it goes from there.

**Governor’s Task Force -** $2M would come off of the Local Government Fund revenue to fund the Governor’s Community Police Relations Task Force.

*Obviously there are some priorities in there that we think are good like training and police relations task force but concerning might be the fact that those previous municipal*
dollars are now be encumbered for specific policy objectives of the state. Then dollars that had previously been directed to municipalities are now being redirected to townships and villages.

Ms. Michael understood that Local Government Funds were going to be increased but a significant amount of the increase would be redirected to townships with a smaller amount going to municipalities. She asked if the redirection is of existing funds or additional funds. Mr. Greeson replied that he can’t tell from the bulletin. What is referenced is about $41M over two years so what he has to dig into is whether that is from a projected increase in overall income tax proceeds at the state level and they are taking the increase or whether this is cutting into the base and has the potential to reduce our current allocation.

Mr. Norstrom asked Mr. Greeson what he is asking for tonight. Mr. Greeson replied that he thinks if we are negatively impacted then we need to be proactive.

**MOTION**

Mr. Myers made a motion to authorize the City Manager to take appropriate measures to effectively preserve the financial well-being of the City of Worthington. The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote

Mr. Greeson thinks the motion covers his next item. There are two pages of municipal tax changes that are bulleted in this bulletin that staff recently learned about that are individual proposals imbedded in this budget document that change a whole range of municipal income tax provisions. We will also look to see if they negatively impact us but we just need time to analyze this. This is in addition to all the changes that were part of House Bill 5 that was adopted last year.

Mr. Norstrom asked when this will be adopted. Mr. Greeson replied that it could be acted on this week in the Senate. It would then go to conference committee as they try to reconcile the House and Senate budgets.

Mr. Myers commented that we are at the end of the two year, right? Then we are talking July 1st.

**REPORTS OF COUNCIL MEMBERS**

**OTHER**

**EXECUTIVE SESSION**

**MOTION**

Ms. Dorothy made a motion to meet in Executive Session to discuss personnel as it relates to Codified Ordinance Section 109.10. The motion was seconded by Mr. Myers.
The motion carried by the following voice vote:

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

No  0

Council recessed at 8:58 p.m. from the Regular meeting session.

MOTION    Mr. Myers made a motion to return to open session at 9:15 p.m.  
The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote.

ADJOURNMENT

The motion carried unanimously by a voice vote.

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:16 p.m.

____________________________________
Clerk of Council

APPROVED by the City Council, this  
20th day of July, 2015.

____________________________________
Council President
Meeting Minutes

Monday, July 6, 2015 ~ 7:30 P.M.

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

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, July 6, 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: Rachael R. Dorothy, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper, and Bonnie D. Michael

Member(s) Absent: Robert F. Chosy

Also present: Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Service and Engineering Director William Watterson, Chief of Police James Mosic, and Chief of Fire Scott Highley

There were four visitors present.

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

VISITOR COMMENTS

Ms. Michael welcomed Alec Kapps to tonight’s meeting. Kapps shared that he is a Delaware Hayes student and currently working on an AP Government assignment. He attended Evening Street Elementary School and McCord Middle School prior to moving to Delaware. He thought it would be good to see how Council works in Worthington.

Ms. Michael encouraged him to ask questions.

APPROVAL OF MINUTES

• June 1, 2015 – Regular Meeting

MOTION

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

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. 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.

The foregoing Ordinance Title was read.

Mrs. Fox shared that she is filling in for Lee Brown this evening. She reported that staff received a request from a business called Pathways to Independence of Central Ohio who was interested in locating in a suite at 7020 Huntley Road for the purpose of operating a training and education facility for young adults with disabilities, which would require a Conditional Use as vocational instruction. Vocational instruction is already a Conditional Use in the I-1 district but as part of the business model a dog day care would be used to teach all aspects of running a business. Currently a dog and cat day care is neither a Permitted Use nor a Conditional Use in the I-1 zoning district. The I-1 currently allows veterinary care centers and animal hospitals as Permitted Uses. The only district that currently allows dog and cat day care centers, which is currently defined under our code as a Conditional Use is the C-2 district. So we have definitions of dog and cat day care centers, veterinary care centers, and animal hospitals but we just don’t have a category as a Conditional Use for dog and cat day care centers in the I-1 district. The Municipal Planning Commission on May 28th reviewed this and unanimously recommended approval. Staff recommends approval because the use is not significantly different from other animal uses already allowed in the district and as a Conditional Use this could be reviewed for potential impact on the surrounding properties. We currently have restrictions on veterinary care centers and dog and cat day care centers with respect to noise and numbers of animals they can have in a 4,000 square foot facility. So staff feels that this use would be compatible with the existing uses that are already over there.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 23-2015. The motion carried by the following vote:

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

No 0

Ordinance No. 23-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)
The foregoing Ordinance Title was read.

Mr. Watterson shared that bids were opened on Friday, June 19th. A total of three bids were received. The low bid was from Insight Pipe Contracting LP for $138,450.00. The Engineer’s estimate for the work was $143,390.00. The CIP budget for 2015 was $150,000. Staff recommends the award to Insight Pipe Contracting and an appropriation of $152,295.00, which includes the construction contract, related expenses and a 10% contingency.

MOTION

Mr. Myers made a motion to amend Ordinance No. 24-2015 in Section 1. to insert the amount of One Hundred Fifty Two Thousand Two Hundred Ninety Five Dollars ($152,295.00) and in Section 2. to insert the firm of Insight Pipe Contracting, L.P. The motion was seconded by Mr. Smith.

The motion carried unanimously by a voice vote.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 24-2015 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 24-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mrs. Fox shared that as members may recall, as part of the rezoning for the development on East New England Ave. by Worthington Lodge LLC, the developer was required to enter into an agreement with the City for access from East New England Ave. to the Methodist Church parking lot, substantially consistent with the access drive that is currently in existence there. Staff has negotiated a lease agreement. Members received copies of the “Exhibit” tonight but the lease agreement remains as previously provided. It requires the Worthington Lodge to repave that access drive when they are undergoing their development construction. They are also required to construct a sidewalk on the western side of that drive for pedestrian access, which includes lighting that is all consistent with their approval through MPC. The city then will lease that property co-terminusly with the lease that we have with the Methodist Church on substantially the
same terms. We will provide maintenance of the drive, the sidewalk and the lighting during the lease term. The owner will be responsible for snow and ice removal on the sidewalk. Consistent with the arrangement that we have with the church, the Lodge will pay their proportionate share, a nominal amount for maintenance consistent with the arrangement that we have with the church for maintenance. The initial lease term will expire in 2024 when the parking lot lease expires and will terminate only if the parking lot lease expires. We also indicate in the lease that if the Methodist Church lease is renewed then the city would have a right of renewal of this lease agreement.

Mrs. Fox shared that Showe closed on their purchase of the property on June 26th and they have filed easements with the church for access in and out of that access drive as we had required they do for their development. Those agreements have been executed and recorded and they are ready to proceed.

Ms. Dorothy asked if this is the last piece that council will see before they can start redevelopment. Mrs. Fox replied yes, as far as she knows.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 25-2015. The motion carried by the following vote:

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

No 0

Ordinance No. 25-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 34-2015 Providing for Adoption of the Tax Budget for the Fiscal Year Beginning January 1, 2016.

Introduced by Mr. Norstrom.

MOTION Mr. Troper made a motion to adopt Resolution No. 34-2015. The motion was seconded by Ms. Dorothy.

Mr. Greeson shared that the tax budget is not like our annual budget but it is something that is required by the Ohio Revised Code and we have to submit it every year to the Franklin County Budget Commission. He asked Mrs. Roberts to comment.

Mrs. Roberts reported that this is an annual housekeeping item that is required by Section 5705.28 of the Ohio Revised Code. After approved by this Council it is required to be submitted to the County Auditor on or before July 20th of each year. We primarily use this budget as a planning document. It gets us in gear for the annual operating budget cycle, which is approved by this Council later in the year. This budget was
prepared with the preliminary estimates that were included in the 2015 Operating Budget that was approved and is in force. She would be happy to answer any question.

Mr. Myers asked if leisure time activities is Parks and Recreation. Mrs. Roberts replied in the affirmative.

There being no additional comments, the motion to adopt Resolution No. 34-2015 carried unanimously by a voice vote.

Ordinance No. 26-2015 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 for the Design Costs for the Central District Sanitary Sewer Repairs and all Related Expenses and Determining to Proceed with said Project. (Project No. 618-15)

Introduced by Mr. Myers.

Ordinance No. 27-2015 Approving a Plat Amendment to the Platted Front Building Setback Line for Lot #53 in Medick Estates Subdivision. A Property at 410 Tucker Drive (Aaron and Susan Bakshai)

Introduced by Mr. Smith.

Ordinance No. 28-2015 Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

Introduced by Mr. Norstrom.

Ordinance No. 29-2015 An Ordinance Authorizing the City Manager and Director of Finance to Enter into a Community Reinvestment Area Agreement with FC Bank to Grant FC Bank a Fifty Percent (50%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6600 North High Street, Parcel No. 100-002591-00 in the City of Worthington for a Period Not to Exceed Ten (10) Years.

Introduced by Mr. Troper.
Ordinance No. 30-2015

Approving a Grant as Part of the City’s Economic Development Venture Program and Authorizing the City Manager to Enter into an Economic Development Grant Agreement for the Same.

Introduced by Ms. Dorothy.

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

REPORTS OF CITY OFFICIALS

Mr. Greeson commented that he would like to briefly comment on the State’s biennium budget. Members may have had an opportunity to review legislative reports from the Ohio Municipal League that have gone out but if members haven’t he will make sure that they receive those that summarize the State’s biennium budget that was passed recently.

Mr. Greeson shared that members will recall that at our last Council meeting he asked for Council’s authority to express our concern about the Senate’s version of the budget, which was out at that time. After receiving the authority to do that, he sent some e-mails, made some phone calls, talked to members of our delegation, the Governor’s office, and he convened a call with City Manager’s from Upper Arlington, Dublin, Westerville, and Delaware with OML. We primarily interacted with Representative Duffey’s office, Senator Hughes, and Senator Bacon. Representative Duffey made some contacts on our behalf and Senator Hughes wrote a letter sharing our concerns with the leadership but despite all of those efforts and the central Ohio communities and the Ohio Municipal League the biennium budget still includes some things that are detrimental to municipalities and Worthington. Most notably is a reallocation of portions of the Local Government Fund. The Local Government Fund wasn’t cut per se but there are divided portions of the Local Government Fund, meaning income taxes that come into the State of Ohio are shared with local governments through the Local Government Fund and the divided portion goes by a formula to libraries, counties, townships, cities, schools, etc. (mostly general purpose local governments). The undivided portion is a portion of state income tax that goes to incorporated municipalities. That tradition dates back many decades to the creation of the state income tax. The concern at the time that if the state adopted a state income tax it would limit the ability of localities to be able to pass or increase their own so there was a pact created to share in that. So that is the origins of this undivided municipal portion of the Local Government Fund. The city receives about $452,000 in Local Government Fund revenue. At one point that amount was over $1M prior to the recession and other cuts that were made a few years ago. So it has been reduced by more than half already. Of the undivided portion that goes to incorporated municipalities, which is about $126,000, we believe we will lose most of that amount. The budget take portions of that and allocates it first to townships, so dollars that previously went to incorporated municipalities are now going to the state’s townships over two years. In addition to that there might be some that we get back related to law enforcement training. There are some specific policy objectives of the state that are
being funded out of that. So the exact impact we have is not clearly known but we will have less than our previous $452,000.

Ms. Michael shared that in reading the newspaper it also stated that the state is giving a 5% increase to township trustees. That is being paid for out of state funds. Municipalities seem to be getting a short stick on this.

Mr. Greeson replied that in this case we are certainly losing money. He is not aware of any committee opportunities for testimony. Essentially it came out of the leadership of the Senate. It was incorporated at the final hour as the Senate version of the budget was adopted and went straight to conference committee and never was negotiated out during conference committee. So it was on the floor for most legislators to influence it so there was no opportunities for municipalities or the Ohio Municipal League to testify or to be a part of any deliberative conversation about the effect of this on Ohio municipal services.

Mr. Myers asked Mrs. Roberts if she remembers how much we budgeted in from the Local Government Fund for this year. He thought we had $450,000 in our budget. Mrs. Roberts replied that we budgeted $500,000.

Mr. Greeson shared that it was $452,000 last year. Mrs. Roberts agreed. She added that it has been on a steady decline over the last two years.

Mr. Myers stated that the amount that they are cutting is just about the amount that we appropriated to pay for sewers tonight. Mrs. Roberts agreed.

Mr. Myers added that the Law Enforcement Trust Fund reallocation is basically a micromanaging at the state level of how the unencumbered money is to be spent. Mr. Greeson agreed. They will give us less money and tell us how to spend it. Mr. Myers added that it is for issues that doesn’t necessarily pertain to Worthington but they are a matter of statewide interest and not necessarily municipal interest. Mr. Greeson agreed.

Ms. Dorothy commented that overall our revenue sources, it seems that we use to have more varied sources of revenue. She asked if it is correct that we are now much more reliant on our income tax. Mr. Greeson replied yes. He added that tangible personal property tax is being phased out. The estate tax has been eliminated. Now we will be down to less than half of the previous amounts of Local Government Funds.

Ms. Dorothy asked how many times we have increased our own income tax to make up for this or at least be more sustainable over the last ten years. Mr. Greeson replied that we have increased our income tax by ½% and we have increased our property tax millage rate by 2 mills within the last decade. He thinks the millage increase was in 2006.

Mr. Myers asked if the 6% income tax cut survived in this budget. Mrs. Roberts believes it did. Mr. Myers sees that as equating to about $3.00 or $4.00 per check, just like the last time. So it will just get passed down to the municipalities from the state.
Mr. Greeson stated that staff will get the details of that out but he just wanted to summarize what he thought were the main points of it.

Ms. Michael thinks as we move forward we really need to strengthen the Ohio Municipal League for working with other municipalities to start reversing this trend for future years. There is only so much tax money that cities can ask of the individuals and the state keeps cutting and cutting. This doesn’t mean that municipalities can’t push back in future years. State of Ohio, we are providing very high quality services to our populations and we need to get the state funds back. Mr. Greeson stated that staff agrees and we will be working on that.

Mr. Norstrom commented that the argument has been made and will be made that Ohio has too much government. The overhead embedded on local government in this state is higher than most states so he would suggest that we also push forward on eliminating or combining township and other local governments to reduce costs.

Mr. Myers shared that it is ironic because some of the people that were elected a few years ago, that was one of their priorities when they were elected and now we are seeing townships inflated while we are seeing the cuts.

Mr. Greeson thanked Ms. Michael for joining him in a valiant effort to get our point across. Ms. Michael acknowledged the effort as a last minute attempt. She was glad that they were able to reach all three of our area representatives. They all did what they could but unfortunately none of them serve on the conference committee and that is where the decisions were made. She added that Senator Hughes wrote a wonderful letter on our behalf. It wasn’t just us but the other municipalities but it didn’t get the result that we had hoped.

Mr. Norstrom commented that the Governor also had the option to line item veto. He did forty-two vetoes or something like that but he left this one go through so there is enough blame to go around.

Ms. Michael read the follow statement:

I would like to take a moment to reflect on the public dialog that began with the United Methodist Children’s Home and Lifestyle Communities.

First, I want to thank the Municipal Planning Commission for hosting, staff for helping to organize and for each Council Member for attending this meeting last Monday night. We had a record breaking crowd. If we have another meeting in the future we probably should look at the High School auditorium because we had so many people it was difficult for everyone to see and hear. But anybody that wanted an opportunity to speak had the opportunity to speak. She thinks everybody had an opportunity to say what they felt.
Reflecting on the meeting, I discussed with Council leadership, Dr. Chosy, and our representative to the Municipal Planning Commission (MPC), Mr. Myers, whether there were any important next steps that should be taken in order to set the right tone and provide context for what is a continuous and critically important issue in our community.

That resulted in requesting staff to draft a letter from City Council to Lifestyle Communities, which attempts to do three key things:

- First, it articulates that we remain committed to the principles of the Comprehensive Plan and the established Municipal Planning Commission process, while also being mindful of our role as elected officials.
- Second, it stresses the importance of the site and the project and encourages Lifestyle to do what they said they will do, which is engage in a comprehensive community outreach program.
- Last, it recognizes that the Comprehensive Plan is not prescriptive, but a flexible document that requires interpretation, and urges Lifestyle to take into consideration the many issues raised by the community as it prepares studies, conceptual plans and other presentations.

This letter (copy attached) has been circulated for your review and I would like to facilitate a discussion about it.

*Ms. Michael commented that Mr. Myers served on that committee. She asked if he wished to comment.*

*Mr. Myers shared that he thinks this was originally his idea. In large part it was because of comments that he heard and the tenor of many of the comments that he heard at the meeting. For him the letter was as much as anything a recommitment to the process and an acknowledgement that council understood what the citizens had to say and we would hope that the developer heard what the citizens had to say. He thought that it was very important that council not take a position on the subject as it is not before us. It needs to go through MPC first. He thinks that the process in the past has worked and it has for many decades. He looks at the Showe development. Though some people are not pleased with the ultimate results, the density of the project was reduced almost in half, rental units were eliminated in favor of “for sale” unit exclusively, materials were changed and significantly upgraded and setbacks were changed on the property, all as a result of public input. That is the way our process has worked and that is the way he hopes it continues to work. He trusts that Lifestyle is understanding of the goals that we have for this property.*

*Mr. Myers commented that he also thinks it is very important if we do issue a letter like this that it be unanimous and if we can’t reach unanimity then that is okay. This is a very important issue and we may not reach seven votes and if that is the case he thinks they should just express their opinions and let the letter sit. He certainly cannot disagree with Mr. Norstrom’s comments. He tried to address that in some of the drafting that he did.*
Mr. Norstrom commented that council didn’t send a letter to Showe development with their development did we? Mr. Myers agreed that council didn’t send a letter.

Mr. Norstrom stated that for the record he would like to enter into the minutes excerpts from a column written by Jim Weiker in this past Sunday’s Columbus Dispatch. The headline read: “Passions run deep over site in Worthington”.

“But the most vitriolic comments were directed at the 350 apartments proposed for the site. (In addition to the apartments, the proposal calls for 21 custom homes, and 250 cottages and condominiums. It also includes office buildings and retail spaces.)”

A few residents didn’t like the look of the buildings, others worried that the custom-home lots wouldn’t attract buyers, and some fretted about the development’s impact on schools.

Worthington residents unleashed a full-frontal assault on the apartments — and on the people who might live in them.

“Do we really need 350 new apartments in Worthington?” one resident asked to a resounding “No!” from the audience.

“I don’t know why Worthington wants that type of resident here,” said another.

Others spoke of fears of “ghettos,” “Section 8 housing” and growing “police blotters.”

Mr. Norstrom stated that this letter, as it is drafted, says that we want Lifestyle communities to listen to what our residents said. He has no desire for them to listen to those kinds of comments made by some residents in this community. Basically, this is an important development but having been on MPC/ARB for ten years and chairing it for seven, this is not an unusual process for something as controversial as this. From a point of view of council, if we want to individually express our opinions, he thinks that is appropriate but he thinks as Mr. Myers indicated, there is a process that has served us well for years and we don’t interfere in that process. Council is the last step in that process. We do not tell MPC what to do otherwise it is not really the process as it was designed. We are the final body to hear it. As he said, he thinks all members could express their opinions on that development and he knows there are a number of them not only in the community but also on this council and there are on MPC but he thinks that this type of letter is inappropriate for the process and he cannot support it.

Mr. Smith commented that as he shared in his e-mail, Mr. Norstrom’s thoughts are very thoughtful but he mostly disagrees with them. Even though there are some members of the community who did speak of potential dangers of an apartment complex, there also were some very well thought out comments.
Mr. Smith read the following e-mail that he sent to Council members on this topic:

I think it is very important that we stay ahead of this (UMCH) and let the community know we are keeping a pulse.

Even though it was an MPC meeting, we have authority over MPC. Not only would it be beneficial for the public to see this letter from Council, but it would also be important for MPC to see the letter to have more direction as it relates to the Comprehensive Plan. Often, knowing what direction NOT to go is the best way to find out the direction that you want to go.

Since this is a very large project with potential for large development, we need to be a little more proactive than the typical development.

Since the Comprehensive Plan is a guideline/framework, it is up to us to taper the plan into more directional action from a policy perspective. The Comprehensive Plan update has many potential interpretations, and it might behoove Council to start figuring out what is, and is not, acceptable. Thank you.

Mr. Smith shared that he is in favor of this letter.

Mr. Troper stated that he agrees with everyone’s comments so far except that he is in support of the letter.

Ms. Dorothy shared that she can see both sides of what Mr. Norstrom was saying and what Mr. Myers thoughts were. She definitely wants to emphasize, as Ms. Michael noted, that all seven members of council were at the MPC meeting and we were listening to the citizens’ concerns. We definitely want to emphasize continued dialog throughout this process and some of the information in this letter emphasized dialog. Mutual respect is something she would like to definitely emphasize during this whole process.

Mr. Myers shared that for him this letter was much bigger than just the specific UMCH property. In the going on sixteen years that he has served Worthington, he has never before been accused of being a Russian dictator or creating a fiefdom. He took that pretty personally. Does he find the people that made those comments and the comments that Mr. Norstrom quoted to be credible in any way, he doesn’t. We’ll never convince them to do anything but leave that a 42 acre park and as members heard tonight our budget keeps shrinking. But he felt, personally, like he needed to say something in return that let the people know we did listen. We are doing our job. We understand that we have to make the decision that is best for Worthington and that some times that won’t be popular but that we are doing our jobs.

Mr. Myers commented that in the initial discussion, one of the sticking points came down to what he thinks is the last clause in the fourth paragraph, where it sights the comments that were made by the public and then it says “...are many of the issues you should incorporate into future discussions...” He shared that that language was inserted to get
a vote. One person said “no”. They wanted to be firmer. They want to stake out a position. He thinks Mr. Norstrom was correct that that sentence probably does get ahead of MPC, which we shouldn’t be doing. But he thinks that it merely recites . . . in the beginning of the paragraph, what the public said and that as is the case with every other application that has come before MPC modifications are made based upon public comment.

Mr. Norstrom stated that council doesn’t have the minutes of that meeting so we can’t even totally say what we are supporting. Mr. Myers replied that he is only supporting the process. That is all that he wants to support.

Mr. Norstrom stated then we should change the letter. Mr. Myers replied that he is okay with that.

Mr. Norstrom commented that the interesting thing about this is that he doesn’t feel that council has enough information at this point in time to take a stance one way or the other except to say we believe in our process and they are pursuing it. They even said in the meeting that they plan to go out and continue to have a public process. So, is council saying that we are glad they came and presented something to MPC? We are glad they are going to have a public process and we look forward to watching it.

Ms. Michael thinks that with this particular meeting and with talking to quite a few people since the meeting, people have various concerns. There were also many people at the meeting that felt that Council didn’t hear them. She thinks that it is important and Dr. Chosy also felt that it was very important that Council send a message to the community that we hear them. What she really likes in the next to the last paragraph is that it states that: “The Comprehensive Plan provides a framework for development. There are numerous ways in which the expressed goals can be interpreted and translated to the site. We understand that your presentation represented an initial concept rather than a formal application or final proposal.”

Then it says: “Issues raised by the community such as creating abundant green space and parklands, effectively dealing with stormwater, cautiously managing the impact of traffic on adjacent neighborhoods, school capacity, the mix of housing types, amount of residential units and the sizes of the buildings are among the many issues you should incorporate into future discussions, studies and conceptual plans.”

Ms. Michael commented that the letter isn’t telling Lifestyle Communities how to do it but it is telling the community that Council is asking Lifestyle Communities to acknowledge and incorporate the concerns of the community. She thinks that the list is a pretty good list of the real issues that people mentioned.

Mr. Norstrom disagreed. He stated that school capacity is not an issue that Council needs to deal with. It is an issue that the school board needs to deal with and they have remained silent on this development so far. He thinks that the other issues that she identified, Lifestyle also identified. In his letter to the editor a few months ago he
addressed the issue of not hearing. There was a counter letter to his that said, well, we
don’t think you are hearing us because you are not doing what we are saying. As Mr.
Myers just indicated, those are people that Council is not going to be able to change their
minds until we agree with them. He is lacking so much information on this development
at this point in time. When we met with the developers, when they presented their initial
concept, they have indicated that the apartments could be one bedroom apartments,
which doesn’t encourage people with children. So they could have minimal impact. They
could be apartments that are very acceptable to the transition housing in our senior
citizens which is something council has talked about for years. Again, minimal impact to
the schools. Does council know the impact of apartments on a community? Members
haven’t seen anything so far except that we can see our sister cities have been building
apartments.

Mr. Norstrom shared that one of the other interesting paragraphs in the newspaper
article stated that: “the idea that apartments attract crime and poverty while lowering
property values doesn’t hold up well. Some of the priciest neighborhoods in central Ohio
– the Short North, Grandview Heights and Victorian Village – are full of apartments.
And the last time I check, Lane Avenue in Upper Arlington hasn’t become a war zone of
crime since apartments opened there.”

Mr. Norstrom commented that members heard what some citizenry think are the impact
of apartments. Here is a professional sharing some contrary evidence. He hasn’t seen
evidence for city staff at this point in time and that is evidence that he thinks will come
through the process. So for Council to make comments that we believe that what we
heard in that meeting is factual and members support it and they should listen to it, is a
false statement.

Ms. Michael doesn’t think that is what she is hearing the Council members saying. Mr.
Norstrom asked then why is Council writing this letter. We are writing the letter because
we are saying that we don’t think they are listening to the public. Ms. Michael clarified
that members just want to make sure that they are listening to the public.

Mr. Norstrom asked Ms. Michael what makes her think that they aren’t listening to the
public. What makes her think that Council has to say, “Listen to the public”. Mr. Myers
replied why not. Mr. Norstrom replied because their developers and it interferes in our
process and it telegraphs that we seem to be saying that we don’t hear what you are
saying. The developers also made a very good presentation and addressed many issues.
We are not saying anything about what they said. So Council is going to take a position
now and interfere in the process.

Mr. Myers reiterated that it was not his intention to take a position but to merely recite
what comments were made. He asked Mr. Norstrom in all sincerity, what language leads
him to the conclusion that Council is taking a position because if that language is there,
that is not the intent. Mr. Norstrom replied that we are taking a position that we have
never taken before. We have never interfered in the process so what is different this time.
Mr. Smith indicated that it is the largest development that we have seen in the last fifteen
years. Yes, it is. He has a call into Dr. Goorey to find out, in his term on council, we know Colonial Hills was an issue when it first came in. We know that the creation of Rush Creek upset the community and resulted in the city getting an ARB. There have been large issues before this community before and we have handled them all well. Sometimes history, for example, had to prove that Rush Creek is one of the few neighborhoods, the total neighborhood is in the Historic District and recognized as an architectural treasure. He is not sure that what could happen across the street would receive an award like that in fifty years although it would be nice but by being very active and doing what we are doing, we are telling the developers that either we don’t agree with them or we are telling them to really listen to the public because we think they are right.

Mr. Myers doesn’t think that Council is saying either of those. He feels that something has led Mr. Norstrom to that conclusion and he doesn’t buy that just because we have never done it this way before then we shouldn’t now. He thinks that is a faulty premise. Mr. Norstrom understands that and he hates that kind of language.

Mr. Myers reiterated that all he wanted to do was recite the comments and say, this isn’t your first rodeo. You will engage with the public and we trust that you will do that. But at least . . . a long time ago when his parents taught him how to engage in a conversation they always said that the first thing that you want to do is acknowledge the speaker. That gives you credibility, creates better dialog and creates better interaction. All he is trying to do with this letter is acknowledge the speaker because he thinks that by in large, there were some speakers that their language was inflated to say the least. He thinks there were comments there that were valid. He is not going to say at this point that Council supports the comments but he is also not going to belittle the comments that were made. All he is trying to do with this letter is acknowledge those comments. Now, if there is some language there and he will admit that the last sentence of the fourth paragraph could lead one to the conclusion . . .

Mr. Norstrom commented that given what Mr. Myers is saying, he could support the letter if members eliminate the fourth paragraph. Ms. Michael stated that Dr. Chosy wouldn’t agree to that. Mr. Norstrom stated that they would be on opposite sides as they often are.

Mr. Myers stated that maybe they need to go back to the drawing board and see if there is a compromise between Mr. Norstrom and Dr. Chosy with that fourth paragraph that everyone can live with because he doesn’t think that without Dr. Chosy here that he would feel comfortable removing it and voting on it without his input. He also is firmly committed, he doesn’t think that he could vote on this letter tonight if we don’t have seven votes. It is very important to him that council speak with one voice and if there is a way that we can resolve our differences . . . He added that we are in the process of resolving differences in a very professional and above board manner which is different then we have seen in the last few months. He thinks Council should pursue that goal.
Mr. Norstrom agreed. Especially if they could push to get the MPC minutes to them so that they can look at what was actually said instead of relying on their memories.

Ms. Michael commented that if members want to table this discussion for a short period of time because we only have two more meetings before the August recess. She feels strongly that if council is going to send a letter than it needs to be sent out sooner rather than later. She was looking at this as a basic letter to the community that Council would give to the newspaper to publish so that the whole community would be able to see where Council’s thoughts were and that we have actually been hearing what the community has to say and have a letter out there so that people can know as a unit, here is where the community has been standing.

Mr. Norstrom shared that unfortunately he will not be present at the next meeting so Council will be in the same position that Dr. Chosy is right now. Mr. Myers added that he also will not be at the next meeting.

Mr. Norstrom commented that someone could probably say that if Council tried to pass this letter that he would oppose it.

Mr. Myers commented that he is also very hopeful that Council’s discussion tonight will appear in next week’s newspaper and will lay out some of the concerns that we have as Council and some of the approaches we have taken. We’ll address the core issues that we are committed to the development plan and that just because we disagree does not mean we don’t listen. So for that alone and the mental exercise on how we approach issues like this, he thinks this has been a very meaningful discussion tonight with or without a letter.

Ms. Michael stated that what she is hearing is have the minutes get out, revise the letter, and look at approving a letter two weeks from tonight when we should have everyone here. Mr. Myers shared that he will not be at the next two meetings but he trusts Mr. Norstrom will agree with everything that he wants to do because he always does.

Mr. Norstrom shared that honestly he doesn’t think that there is that big of a push. We are not going to see anything before the MPC at least until September, if that early. The developer has things, such as a traffic study that needs to be done. They are clearly going to have to do some stormwater studies, so there is so much work that needs to be done. He is not sure when their next public process is going to be but given what Ms. Michael and Mr. Myers has said, if this appears in the paper then the concept behind the purpose of this letter will be telegraphed to the developer. Ms. Michael agreed. Mr. Myers added that more importantly to the people in Worthington. Mr. Norstrom and Ms. Michael agreed.

Ms. Michael thinks the community needs to hear that members were there, we listened and here are some of the concerns that we know residents have.
Mr. Norstrom stated that he doesn’t doubt this community. They have elected each of us. They have supported us in the past, some members for twenty years. He has complete faith in this community and people who say that members don’t listen to them are simply people who we will not agree with on the issues. They will make that point and they will possibly say that he should not be here or that some of the other members should not be here because you do not think the way they do. Members were literally threatened by some individuals in terms of going to get us off of council and things like that when we did not approve the pocket park. That is what citizens can do.

Mr. Troper stated that he is fine with sending the letter. He doesn’t think that we will get seven votes tonight but he doesn’t necessarily feel that it needs to be unanimous.

Ms. Dorothy commented that she would like to mirror Mr. Myers once again about how this is really a good act in active listening and showing that we are listening and the whole creating an atmosphere of trust is what she would go for. She thinks that the process of talking about this at Council is sufficient to accomplish that task though.

Ms. Michael asked if she thinks Council doesn’t need to do a letter at all or wait a couple of weeks or what. She is trying to figure out where her thoughts are. Ms. Dorothy replied that she thinks tonight’s talking about this is sufficient. If members can come to agreement then she would be happy to support the letter but she doesn’t think that it is necessary after members have had this discussion.

Mr. Smith commented that he is kind of leaning with Mr. Troper. He would take it a step further. There is an itch out in the community and members are kind of calamine lotion with this letter. He thinks members could scratch that itch a little bit. He says that whoever wants to sign it sign it as part of Council and whoever doesn’t, don’t.

MOTION

Mr. Myers made a motion to send the letter. The motion was seconded by Mr. Troper.

There being no further comments, the motion to send the letter passed by a vote of four (4) “Yea” (Troper, Dorothy, Smith, Michael) to two (2) “Nay” (Myers, Norstrom).

Ms. Michael asked if those who opposed sending the letter wish to sign it. Mr. Norstrom replied no. He added that he wants to make sure that the letter states that, we the members signed below or if Ms. Michael signs on behalf of City Council, we do not want to say this letter represents all members of City Council.

Mr. Myers suggested that the letter be revised to state that we the majority of the members of City Council and it should be signed by the Council president.

Ms. Dorothy said she wouldn’t support that amendment.
Mr. Smith commented that this is out of order. He suggested members have an e-mail
dialog to edit before Mr. Norstrom and Mr. Myers leave on a trip. Mr. Norstrom thinks
what needs to be done needs to be done in public and not by e-mail. Mr. Smith replied as
far as conversation and not final product. Mr. Norstrom agreed. He added that even the
editing and why. He has nothing to hide. Mr. Smith stated that he was just throwing it
out there for the sake of efficiency.

Mr. Myers asked Mr. Smith if he thinks that with further editing we could achieve a letter
that he could live with that might be softened. Mr. Norstrom replied yes. Mr. Smith
replied that he is okay with editing to some degree.

Mr. Norstrom pointed out that members just voted on this item. Mr. Myers pointed out
that he could always move to reconsider.

MOTION
Mr. Myers moved to reconsider. Ms. Dorothy seconded the
motion to reconsider.

Mr. Smith stated that what he would rather have sooner rather than later. If Mr. Myers
is gone for two weeks and then we are in recess... Mr. Myers commented that if he is not
here and the subject comes up then his absence is a “yes” vote because it is not a vote
and he will be stuck with whatever the other six members decide and that is the risk when
you take a vacation.

The motion to allow the reconsideration carried by a vote of five (5) (Dorothy,
Norstrom, Smith, Myers, Michael) to one (1) (Troper).

Members held a brief conversation about the motions and vote.

Mr. Myers asked Mrs. Fox for direction. Mrs. Fox shared that somebody who voted
“yea” on the motion can submit a new motion to reconsider the vote.

MOTION
Ms. Dorothy made a motion to reconsider the previous motion.
The motion was seconded by Mr. Smith.

The motion to reconsider carried unanimously.

Mr. Myers asked for direction from Mrs. Fox concerning the motion. Mrs. Fox stated
that the vote was to reconsider the motion. She added that the motion could be amended.

Mr. Smith commented that the motion could be to table.

MOTION
Mr. Myers made a motion to table the conversation of the letter. The
motion was seconded by Mr. Norstrom.

There being no additional comments, the motion to table passed unanimously.
Ms. Michael asked for direction on what happens next with the letter. Mr. Myers replied that he would like to see this come back up for conversation before the end of July.

Mr. Smith commented that Mr. Myers will be gone the next two weeks and Mr. Norstrom will be gone next week but not the following.

Ms. Michael commented that we will look at having this topic come back at the last meeting of the month. She understands that Mr. Norstrom wants to get the minutes of the MPC meeting.

Other Business
Mrs. Fox reported that petitions for charter amendments were filed with the Clerk’s Office today. Staff will review those petition and have discussions with Franklin County Board of Elections and will report back to Council with our results.

Mr. Myers assumes that at this point it is too early to determine if we will be holding a special meeting at the end of the month. Mrs. Fox confirmed that she doesn’t know the timing right now and won’t know until talking with the Board of Elections.

Mr. Norstrom commented that there is a formal process that we have to follow under state law. He asked if that was correct. Mrs. Fox agreed that there was. She will keep Council informed.

Mr. Greeson thanked all of staff that was involved in a great July 4th weekend. He added that Ms. Dorothy very effectively ran the Rotary Family Picnic, which as usual was very additive to the whole experience.

REPORTS OF COUNCIL MEMBERS

Mr. Troper asked members to support the Shoot Out for Soldiers event which begins at 5:30 p.m. this Friday evening at Thomas Worthington High School.

Ms. Dorothy also thanked all that were involved with the Worthington fireworks and the Worthington Family Picnic. She called out the Worthington Police, Fire, members of the Parks and Recreation, the members of the Dublin-Worthington Rotary Club and all of the community sponsors. A special acknowledgement to our neighbor Andy Tilton who is moving his business to another part of Worthington. Tilton’s was one of our major sponsor and she would especially like to thank him.

Ms. Michael also thanked staff and everyone involved in the 4th of July celebration.

OTHER
EXECUTIVE SESSION

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

The motion carried by the following voice vote:

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

No 0

Council recessed at 8:38 p.m. from the Regular meeting session.

MOTION Mr. Myers made a motion to return to open session at 8:52 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 at 8:53 p.m.

_______________________________
Clerk of Council

APPROVED by the City Council, this 20th day of July, 2015.

____________________________________
Council President
Meeting Minutes

Monday, July 13, 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, June 8, 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.


Member(s) Absent: Scott Myers and David M. Norstrom

Also present: Deputy Clerk of Council Tanya Word, City Manager Matthew Greeson, Director of Finance Molly Roberts, City Engineer William Watterson, Director of Planning and Building Lee Brown, Chief of Police James Mosic and Chief of Fire Scott Highley

There were no visitors present.

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

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 35-2015 Amending the Position Descriptions for Court Clerk and Part-Time Deputy Court Clerk and Amending Resolution No. 54-2014 to Adopt the Salary Range for Part-Time Deputy Court Clerk.

Introduced by Councilmember Dorothy.

MOTION Councilmember Chosy made a motion to adopt Resolution No. 35-2015. The motion was seconded by Councilmember Smith.

Mrs. Stewart explained that our part-time Deputy Court Clerk has recently resigned; she found a full time position. Our Deputy Court Clerk position is part-time, about 20 hour per week is currently vacant; the previous incumbent resigned to take on a full-time position elsewhere.

In the process of preparing to advertise the vacancy we looked at the job description as we usually and reviewed that to make sure it was current and up-to-date, and as we were updating it we realized our full-time Court Clerk job description had not been updated in
a while, and so once we updated the Deputy Court Clerk job description, they were not as consistent as they should be, so we went through the process of updating both of those. We did obtain input from the Mayor on the job descriptions also and so we’re presenting the revised job descriptions for your approval so we can proceed forward with advertising the Deputy Court Clerk position.

At the same time we also looked at the compensation for the Deputy Court Clerk, it’s been residing in the number 9 range and in reviewing what other municipalities are paying for part-time Court Clerk positions and internally the level of responsibilities for this position compared to other positions within the organization, we do recommend changing from range 9 to range 10 for this job position and the changes in those is Step A is currently 18.71 per hour and range 10 is at $19.46 per hour, but we did feel that was more consistent with what we were seeing in the comparisons with other municipalities.

There being no additional comments, the motion to adopt Resolution No. 35-2015 carried unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Information Item(s)

• Monthly & Quarterly Financial Reports

Mrs. Roberts presented the following PowerPoint presentation for the Second Quarter 2015 report.
Second Quarter 2015 Financial Report – All Funds

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

Year to date total revenue: $19,071,436

Year to date total expenditures: $17,410,951

6/30/2015 Fund Balances: $21,683,921

2015 Financial Report All Fund Summary

• Year to date revenues exceeded expenditures by $1,660,485 and $1,059,189 for the month of June.

• Expenditures tracked at 91.7%.

• Revenues for all funds are below 2014 revenues by $363,934 and above estimates by $335,348.
2015 Financial Report
All Fund Summary

Second Quarter
Revenue to Expenditures
All Funds

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<th>Year</th>
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Second Quarter 2015
General Fund Summary

1/1/2015 Beginning General Fund Balance: $10,245,729

Total General Fund Revenue: $13,398,115

Total General Fund Expenditures: $12,122,263

6/30/2015 General Fund Balance: $11,521,582
2015 Financial Report
General Fund Summary

- Year to date revenues exceeded expenditures by $1,275,853.
- June revenues exceeded expenditures by $825,372.
- Expenditures tracked at 90.38%.
- Year to date revenues are above estimates by $440,866 and above 2014 year to date revenues by $427,980.
- Income tax collections are above year to date 2014 collections by $664,045 or 5.64%.
- Income tax collections are above estimates by $586,348 or 4.95%.

2015 General Fund
Revenue as of 6/30/2015

<table>
<thead>
<tr>
<th>General Fund Revenue</th>
<th>Budgeted Revenue</th>
<th>Actual Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Income Tax</td>
<td>$ 9,482,374</td>
<td>$ 9,951,452</td>
</tr>
<tr>
<td>Property Tax</td>
<td>1,300,000</td>
<td>1,300,113</td>
</tr>
<tr>
<td>Local Government</td>
<td>250,000</td>
<td>246,338</td>
</tr>
<tr>
<td>Inheritance Tax</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Interest Income</td>
<td>37,500</td>
<td>57,495</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>130,000</td>
<td>97,504</td>
</tr>
<tr>
<td>Township Fire Service</td>
<td>240,000</td>
<td>218,851</td>
</tr>
<tr>
<td>Community Center Membership</td>
<td>662,500</td>
<td>747,787</td>
</tr>
<tr>
<td>EMS Transport</td>
<td>300,000</td>
<td>237,374</td>
</tr>
<tr>
<td>All Other Revenue</td>
<td>554,875</td>
<td>451,201</td>
</tr>
</tbody>
</table>

$ 12,957,249                      $ 13,398,115
Ms. Michael commented someday I would like to see what was our percentage of income tax back about 20 years ago, we had a very high carryover balance back then something like Ten Million dollars. Ms. Dorothy asked didn’t we have like a broader sources of revenue. Ms. Michael replied the percentage was pretty much income tax.

Dr. Chosy asked why is there more money coming in than expected. Mrs. Roberts replied that’s a good thing. Dr. Chosy said oh no, no, I didn’t mean it as a bad thing. Mrs. Roberts indicated primarily it is related to income tax revenues; I generally try to estimate that relatively conservatively, so our income tax collections are about 5% above estimate and I probably estimated closer to 1½. Dr. Chosy stated but they were also 5% above last year, asked does this mean there are more businesses, more employees. Mrs. Roberts replied I really don’t know that off the top of my head, I would have to say a lot of it has to do with the cycle and the way collections are, and timing; so I can’t guarantee my July report will be as favorable, I hope it is, but I make no guarantees.
### Income Tax Collections

**Income Tax Collections as of 6/30/2015**

<table>
<thead>
<tr>
<th>Year</th>
<th>Collections</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>2010</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>2011</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>2012</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>2013</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>2014</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>2015</td>
<td>$11,000,000</td>
</tr>
</tbody>
</table>

### 2015 General Fund Expenditures as of 6/30/2015

<table>
<thead>
<tr>
<th>General Fund Expenditures</th>
<th>Budgeted Expenditures</th>
<th>Actual Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning &amp; Building</td>
<td>$337,841</td>
<td>$326,213</td>
</tr>
<tr>
<td>General Government</td>
<td>3,216,355</td>
<td>2,806,124</td>
</tr>
<tr>
<td>Fire Operations</td>
<td>3,091,236</td>
<td>2,912,172</td>
</tr>
<tr>
<td>Parks &amp; Recreation</td>
<td>2,238,884</td>
<td>2,013,206</td>
</tr>
<tr>
<td>Police Operations</td>
<td>2,772,152</td>
<td>2,551,414</td>
</tr>
<tr>
<td>Service &amp; Engineering Department</td>
<td>1,296,492</td>
<td>1,100,884</td>
</tr>
<tr>
<td></td>
<td>$12,955,958</td>
<td>$11,710,013</td>
</tr>
</tbody>
</table>
Mrs. Roberts stated she thought it might be helpful to show Council where our local government funds were. In 2007 which is when I began trending things through year to date. We anticipated cuts back in 2010, 2011 or 2012 for state budget years and 2011-2013 fiscal years, so these are on track with the cuts that we anticipated, but again we are showing some significant impacts. Ms. Michael asked this doesn’t show the additional impact we’re going to have from the most recent cuts, am I correct. Mrs. Roberts replied that is correct.

Ms. Michael shared I’m thinking next year is going to be a State Senate/State House race; I think we need to work with Ohio Municipal League and set up a group to start advocating those who are running for office, what are you going to about the local government fund; we’ve been putting all this money in for all these years, it’s supposed to be coming back to us. I don’t know about other council members, but I’m thinking 2016 is going to be a year for the Statehouse and that’s the time you start asking people what are you going to do about the local government fund and make that something that becomes an issue that those running for office have to address.
Dr. Chosy asked why there was any in 2014 if it was stopped that year. Mrs. Roberts replied we still had some flow-through revenue from estates that are still to be settled that were prior to the 2013 elimination of estate tax.
Ms. Michael asked are personal property taxes going to be taking money from us again. Mrs. Roberts replied personal property taxes is essentially eliminated; I think last year we received about $60.00. Ms. Michael commented sometime what I would enjoy seeing is what’s happened over the last few years in state tax revenues that have been cut from just out little city budget. Mr. Greeson remarked we have that. Ms. Michael replied personal property tax, estate tax, local government fund, putting it in an easy readable format abc…123 because I’m thinking we need to start saying excuse me Mr. Legislator or Ms. Legislator, you’re looking at giving more and more money to Townships, but little cities like us, we really need the money too. Ms. Dorothy requested to make sure you emphasize when we’ve increase our taxes too over that time period. Ms. Michael asked how much more can we do.

Mr. Smith commented even further back, Mrs. Robert started tracking in 2007 local government fund, do we know when that started. Mrs. Roberts replied a long time ago. Ms. Michael stated the philosophy of the local government fund was money was going into the state….Mr. Greeson can probably explain this better than I can. Mr. Greeson replied my understanding of what I read about its history and actually there’s some good written history on that I can get and share with Council about the legislative intent basically behind all of that which has really been attacked in recent years; it was a pact basically because the state was creating an income tax at the state level and in doing so the thought was going to put pressure on the ability of localities to enact or increase their own income taxes so the legislation was passed to share some of the revenue; so it was a revenue sharing program, so the local government services were supported statewide, formula driven and sharing with a broad array of governmental entities at the local level; and that I think was the basis for that fund for many decades.

Ms. Michael commented recently it’s been cut and in addition to being cut then they reallocated this past year so that a significant amount of funds are going to townships instead of cities and we’re all providing services and we should all be treated equally. Mr. Greeson commented the largest cut a few years ago as opposed to this most recent one which was a reallocation to townships; the largest cut a few years ago really went to plug the state budget hole; so in essence what happened was the revenue that was derived from those millions of dollars that would have otherwise went to state government, so the taxpayers supported state services rather than municipal, county, or township services that they used to support with their state income tax.

**MOTION**

Councilmember Dorothy made a motion to accept the Second Quarter 2015 Financial Report Summary and the June Financial Report as presented this evening. The motion was seconded by Chosy.

The motion carried unanimously by a voice vote.
Update on Projects & Activities

Mr. Greeson explained it’s a little past mid-year and you’ve had a full plate with a variety of issue going on; and we wanted to provide an update on a number of projects that we don’t want to lose sight on, and we want to make sure Council stays abreast of what’s going on with these projects and more importantly you have some understanding of when they are coming to you for a decision.

I will touch on the subjects that were listed in the City Manager’s memo, however, I will not touch on the Parks Master Planning process, and the Bicycle and Pedestrian Advisory Board tonight, we will wait until Mr. Hurley is back from vacation so that he can talk about that project.

Mr. Greeson, Mr. Watterson and Mr. Brown presented the following the PowerPoint presentation

A. Huntley Road, Wilson Bridge, Worthington-Galena Project

Mr. Watterson presented the following on the Huntley Road, Wilson Bridge, Worthington-Galena project.

- Federally funded intersection improvement
- City hired EMH&T to conduct evaluation of intersection and make recommendations
- Update:
  - September presentation by consultants to City Council
  - Roundabout eliminated as an alternative due to poor operation as a result of heavy turning movements and large truck volumes
- Utility coordination meeting in August
- Staff working with MORPC, ODOT and EMH&T to identify additional funding sources

Mr. Watterson added one advantage might mention to the conventional intersections is it will be much easier to handle bike and pedestrian access through the intersection as opposed to doing to a roundabout, so that has an impact as far as if we attempt to get funding for the bike paths through one of the programs specifically for that.
Ms. Dorothy commented that was one of my questions, what was being done to address multi-motor opportunities (bike and pedestrian); asked is that included in the study. Mr. Watterson replied yes including the railroad crossing on Wilson Bridge Road, they’ve extended the study to get the pedestrians and bikes across that railroad crossing to the west so it can connect with the other bike path project in a controlled manner. Ms. Michael asked so we’re looking at a September presentation. Mr. Watterson replied yes that is what we’re shooting for at this point.

B. Mobility Study

Mr. Gresson commented Council will recall you authorized an issuance of an RFP and we selected a consultant DLZ to conduct a mobility study in primarily the downtown area. Phase I the item that you deemed most important for us to work on first was the crossing at Stafford Avenue.

Mr. Watterson presented the following presentation on Mobility Study.

- Phase 1 included review of Stafford Avenue and High Street intersection
  - Draft report received for staff review
  - Will distribute to Bicycle and Pedestrian Committee in August for discussion in September
  - Phase I recommendation to City Council in October. Construction funding can be considered as part of CIP
  - Additional phases will be programmed in CIP and scheduled for future implementation
  - Budget:
    - $100,000 for bicycle and pedestrian improvements in 2016 CIP.

Ms. Michael asked when is the first Bike and Pedestrian Meeting. Mr. Greeson replied Tuesday, August 4th at 6:30 P.M. at the Community Center.
C. Signage and Wayfinding

Mr. Brown presented the following on Signage & Wayfinding. Mr. Brown stated that Dr. Chosy and Mr. Myers serve on the Steering Committee as well as members from the Architectural Review Board and Municipal Planning Commission.

- Wayfinding uses local landmarks, signage, pathways and environmental elements to help orient residents and visitors to the City.
- Goal: Wayfinding will accentuate the Wilson Bridge Road Corridor and Old Worthington’s identity, as well as improve movements for pedestrians, cyclists and motorists throughout the City.
- City hired MKSK and Studio Graphique to develop program
- Steering Committee established.

- Timeline:
  - Council, MPC & ARB briefing in March 2015
  - Draft signage & wayfinding program to Steering Committee in June 2015
  - Draft program to ARB & MPC in September 2015
  - Recommended program to City Council in late September or early October 2015
- Budget:
  - $120,000 – CIP 2015
  - $25,000 per year in CIP from 2016-2019
Ms. Michael asked have we resolved the issue of the Worthington Women’s Club signs, the four signs that were created by the Worthington Women’s Club that marked the four posts of the historic district. I don’t know what wayfinding is doing, but I will tell you right now I will highly oppose those being removed at any costs. Mr. Brown replied I believe it is a discussion item that is open for all the groups. I know when it was brought up at the Steering Committee meeting there was talk that if they do stay, the posts needed serious enhancement. Ms. Michael stated they can work on the enhancement of the posts, but the signs have to stay. Dr. Chosy asked what signs are you speaking about. Here is a picture of the sign.

Ms. Michael commented these are the ones we want to keep and the Wayfinding Signage did not include that and this has been a tradition of the City and we have a not-for-profit organization that is taking care of refurbishing and maintaining the signs. If you all want to enhance the posts, I’m sure the Worthington Women’s Club will be very happy; but this has been part of our tradition and I would hate to see us lose those four signs. Mr. Smith asked so those are the Worthington Women’s Club. Ms. Michael replied yes the Worthington Women’s Club are the ones who created these signs.

Dr. Chosy commented it is very interesting to see it all develop and come together. They’ve done a very good job. Mr. Brown chimed in everyone has been great to work with.

Ms. Dorothy asked when is the implementation. Mr. Brown replied the implementation if we’re able to will take place the first of the year 2016. Mr. Greeson remarked hopefully we can encumber the funds for this year and then some of it maybe weather dependent and fabrication dependent, but we can definitely include more timelines at our approval presentation.
Dr. Chosy commented I do remind them if they have any hesitation about putting a sign up, don’t do it.

D. Wilson Bridge Road Corridor Enhancement Program

Mr. Brown presented the following two PowerPoint slides on Wilson Bridge Road Corridor Enhancement Program.

Project:

Develop enhancements to improve the Wilson Bridge Road corridor consistent with the recommendations of the adopted Wilson Bridge Road Corridor Study.

Includes consideration for:

- Wayfinding, bicycle and pedestrian mobility, traffic management improvements, and gateway, landscaping and streetscape improvements.
Mr. Greeson explained you will likely see a phased approach to this project; the $850,000 is bonded money in the CIP; what we want to do is leverage that to seek a variety of grant sources and also one of the apartment buildings next year will have better projections for TIF revenues off the TIF district we created, so that will be dollars available for this project and so it will be larger than the $850,000, but we’re going to have chunks of it that if TIF eligible chunks of it that we’ll go after certain types of grant money with; some of it will be locally fund and our presentation will include not only the physical recommendation, but a funding strategy recommendation.
E. Wilson Bridge Road Corridor Overlay District

Mr. Brown presented the following PowerPoint slide on Wilson Bridge Road Corridor Overlay District.

![Wilson Bridge Road Corridor Overlay District](image)

- **Project:** Overlay District
- **Goal:** Facilitates implementation of the Corridor Study and promotes redevelopment of the Corridor to generate new economic growth within the City.
- **Timeline:**
  - Draft text to Code Review Committee in May 2015
  - Draft text to Steering Committee in August 2015 & September 2015
  - Draft text to ARB & MPC in October 2015
  - Recommended text to City Council in November 2015

Ms. Michael advised I would like to see actually get in place before the end of this calendar year. Mr. Brown replied that is my goal. Ms. Michael stated there are various forces that could potentially be out there and I want to make sure that this gets through this year; we have been working on this for a long time and I think it’s very important to the community that we move this through in the same timely manner as you are recommending. Ms. Dorothy commented I agree; going back to our earlier conversation in the meeting today about how heavily funded we are on income tax, so anyway we can generate new economic growth within the City to make sure that we’re able to provide the high quality services and other services that people enjoy in Worthington is something we definitely need to look into, so yes this is very important.
F. Eggs & Issues

*Mr. Greeson presented the following PowerPoint slide on Eggs & Issues.*

- Partnership with Chamber on economic development speakers series:
  - WHEN: Wednesday, July 29, 2015, breakfast (approx. 7am to 9am)
  - WHERE: Worthington Holiday Inn, 7007 North High Street, Worthington OH 43085
  - TOPIC: Changing & Improving Workforce Policy in Ohio
  - The panel includes a representative from the Governor’s Office, Battelle for Kids, and the Worthington City Schools Superintendent.

*Ms. Michael asked does this cost, and if so how much is it. Mrs. Roberts commented $10.00 - $20.00 at best. Mr. Greeson replied I will double-check the cost and get back with you.*
G. State Road 161

Mr. Greeson presented the following PowerPoint slide on State Road 161.

- Worthington, Perry Township and Columbus hired MORPC to conduct Traffic Study
  - Analyzed existing conditions
  - Projected future growth
  - Tested future scenarios
- Next step is for jurisdictions to move into a Planning, Engineering & Design (PED) evaluation to conduct and in-depth evaluation of alternatives
- Meeting this month with key staff of jurisdictions
- Identify cost share of PED for consideration as part of 2016 CIP

Mr. Greeson advised Council to anticipate that I might make a recommendation about a cost-share of that PED evaluation that you can consider as part of the 2016 CIP.

Dr. Chosy asked how expensive is something like that. Mr. Greeson replied it really depends on how much of the roadway and I think ODOT has estimated it from say Olentangy all the way to Sawmill, it might be around a $600,000 study; it ultimately depends on how much of that roadway you end up studying. The initial traffic study showed that the major problem areas on the corridor are all areas that we know are problems...Olentangy River Road intersection; the worst is the Linworth Road intersection. Ms. Dorothy commented if I remember correctly nothing would work unless we addressed the train tracks. Mr. Greeson explained when a train comes you have a lot of back up in the Linworth Road intersections close to it; in terms of just comparing the intersections Linworth is the worst one.

Dr. Chosy asked part of this evaluation there is some possible suggestion. Mr. Greeson replied yes and much more in-depth evaluation and ultimately what you come up with is a preferred alternative that the communities have to support if you want to move forward with federal funding. Ms. Michael chimed in that can be challenging. Mr. Greeson stated this would be the first step and it’s a fairly serious step. Ms. Dorothy commented I appreciate that you’re us up to at least be in the contention for any additional federal
funding alternative revenue resources to fund these projects. This is very important. Mr. Greeson replied this is not the scale of project that we could do on our own.

H. Miscellaneous

Mr. Greeson presented the following PowerPoint slide on miscellaneous items

- 1st Bicycle & Pedestrian Advisory Board meeting – August 4th at 6:30 p.m. at Community Center
- Old Worthington Partnership grant application
  – When do you want to receive a presentation?
- National League of Cities Conference participation
  – November 4 – 7 in Nashville, TN
  – Deadline for early bird registration, July 31st
- Ohio Municipal League
  – October 21-23 in Columbus
  – Information TBD

Mr. Greeson advised we need to schedule Old Worthington Partnership for a presentation; staff is reviewing budget numbers and we’ll be identifying any questions that we have of them to give to them in advance. If you have any questions you would like us to collect from Council that we can share with them to be prepared to answer, I think that would be appropriate, please e-mail us. We can either have them clarify those ahead of time or be prepared to address them in the Council chambers and then I think it’s a matter of when do you want to hear the presentation.

Ms. Michael stated if Council wants to take action we can hear the presentation at the 1st or 3rd meeting. For input and details, it would be the 2nd meeting. Ms. Dorothy said I would be ready to take action after either meeting. Mr. Troper commented I was going to say middle meeting. Ms. Michael said we hear the presentation at the second meeting in September; Monday, September 14, 2015.

Sidebar: Ms. Dorothy indicated she will not be at the September 7th meeting.

National League of Cities Conference: We’ve historically sent a Council member or two to this conference. This year the conference is November 4th – 7th in Nashville, TN. We
have a July 31st early bird registration deadline. Mr. Smith and Mr. Norstrom are the only two who expressed interest in attending. Ms. Michael asked is there anyone else who has an interest in attending the conference. Ms. Michael expressed I would like to go on record and say that I have an interest for next year 2016 just because it is too crazy with election this year, but I would definitely like to attend in 2016. Ms. Dorothy commented I am interested in attending the NLC Leadership Conference; I actually participated in that last year on my own dime and I thought it was a phenomenal conference; I liked much better than the whole conference.

Ms. Michael asked Mr. Greeson when the conference schedule becomes available can you send it out. Mr. Greeson replied I will make sure you get it when it becomes available.

Mr. Smith stated in past meetings we’ve talked about getting a ReCap seminar in the bid process for National League of Cities or Ohio Municipal League, if Mr. Harris isn’t available to go down there to that, I plan on going to NLC and will be happy to give information out about ReCap. Ms. Michael commented they had that one little program they sent over on ReCap, it was a short caption asking the communities to show what’s one of your really cool things. Mr. Greeson stated I think that one was a little more leading edge initiative than side grant programs.

Ms. Michael commented in coming up for the following year I would really to enlist staff to take pictures and do some videos of things to include in Live Government.

**LETTER TO DEVELOPER**

Dr. Chosy commented I would like for to clarify this letter that we’re trying to write to the developers. I still have the original drafts and I’m hearing something about the proportion of the fourth paragraph being removed and I would absolutely totally object to that. In fact the way we’ve said all these things to them, it’s even kind of light-handed to suggest that we can’t say these areas of importance to the developer in this letter makes the letter meaningless.

I want to make clear that I too resent the beefed up stuff that we’re not doing anything and all that because that’s really not true. From my standpoint we were watching and talking with the Developer kind of seeing what was going on; a couple of things as you recall Mr. Greeson there was one time when I directly asked them why it is they had some bad aspects or reputation of their apartment buildings; and their answer was in some of the places that they built they weren’t in charge of what was supposed to be built, so they were limited by the directions and by the funds, which was at least a partial answer. I think and I think most of us thought this, I think we were all just trying to be good listeners more than anything else, clearly the density has to decrease and to fudge around and not even hint at that in our letter why send the letter. So I don’t know how we’re going to resolve this but I absolutely will not sign a letter that has any less than this draft that we have.
Mr. Smith commented as the intermediary of somebody who voted in favor of this original letter last time who then offered for trying to get a feel for unanimity which it looks like we will not yet; I believe you have a majority here who voted on the original letter that you’re looking at last time, so seeing that we will not get unanimity on a different revised letter why don’t you go ahead and call for the motion.

Ms. Dorothy and Mr. Troper both asked for clearer details of what we’re voting on. Ms. Michael replied last week it was everyone but Mr. Norstrom who was in favor of this letter being sent to the Developer and there is a strong feeling that we should not sign the letter unless we have full unanimous support of Council and that’s why it didn’t pass last time because it didn’t have unanimous support of this letter. Mr. Greeson commented your other alternative I think you discussed was having the Council president sign the letter since it reflected the majority.

Ms. Dorothy asked do we have the Council President sign this. Ms. Michael replied I will do whatever is the pleasure of Council. Mr. Smith said I believe in the letter and I would sign it. Dr. Chosy commented I have no problem signing it. Ms. Michael commented I will sign it. Ms. Dorothy indicated what the letter says right now is “We the members of the Worthington City Council...” and then it ends with Sincerely, Worthington City Council. Ms. Michael commented it can be revised to say “We the majority of Worthington City Council....” or “On behalf of the majority...” Ms. Dorothy confirmed we’re sending this letter to Lifestyle Communities. Ms. Michael replied yes we are. Council agreed to have the letter signed by the Council President.

MOTION

Councilmember Chosy made a motion that this draft letter be sent to the Developer with the amendment “On behalf of the majority of Worthington City Council.” The motion was seconded by Mr. Smith.

The motion carried unanimously by a voice vote.

Mr. Troper confirmed the letter will read “On behalf of the majority of Worthington City Council.....” Ms. Michael it will be “On behalf of the majority.....”

Ms. Michael asked Mr. Greeson if he was okay with the letter. Mr. Greeson replied you just voted to approve it; of course I’m okay with it.

REPORTS OF CITY COUNCIL

DR. ROBERT CHOSY – on Wednesday, I will be headed with my wife and my grandson to Thailand for two weeks, will be back on July 30th.

MR. DOUG SMITH – I have two items (1) the Charter Amendment Petition. I’ve heard rumor that we’re going to get some education on that and what it actually means. Mr. Greeson replied we’re working on it at least from a staff perspective. (2) The same thing but probably less urgent, I’ve heard rumors about maybe getting some information about
a comprehensive view of our bond capacity for anybody who is interested or not interested in purchasing land as a City; just so we have the education on that. Ms. Michael replied staff is working on that too because we’ve talked about.

We’re talking about whether or not the city has the bond capacity to purchase UMCH property. Mr. Smith commented I’m very interested to see what that would look like…the levies/debts/possibilities vs. likelihood vs. probabilities vs not likely. Education is what I’m looking for. Mr. Greerson replied I think we have some materials that we can share that might be helpful; we did a presentation a few years ago all about debt/debt capacity.

MR. MICHAEL TROPER – thanked the City and Matt for attending the closing ceremony of the Shootout for Soldiers event. It was a great event, my wife stayed out there for 36 straight hours and the event raised $45,000.00 for 5 Veterans charities. Thank you to the sponsors and volunteers.

MS. BONNIE D. MICHAEL – the Historical Society did a wonderful job this past weekend with their Home and Garden Tour and anyone who missed it, you missed wonderful opportunity. It’s just fantastic that Worthington has all this wonderful opportunities. I’m also finding that we’re having a difficult time communicating dates between different groups; Worthington Partners was going to have a Movie Night as the same night as Parks and Recreation, and the fact that I had the Parks and Recreation scheduled I had to go back and tell the Worthington Partners that they were both trying to do Movie Night on the same day and time. I don’t know how we do it, but somehow, someway we need to really try to work a little bit better with our groups so that they’re not scheduling things that conflict with each other.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:30 P.M.

________________________
Temporary Clerk of Council

APPROVED by the City Council, this 20th day of July, 2015.

________________________
Council President
ORDINANCE NO. 26-2015

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 for the Design Costs for the Central District Sanitary Sewer Repairs and all Related Expenses and Determining to Proceed with said Project. (Project No. 618-15)

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. 308.8170.533346 the sum of Fifty Thousand Dollars ($50,000.00) to pay for the design cost for the Central District Sanitary Sewer Repairs and all related expenses (Project 618-15).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with firm of DLZ, Inc. 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: 

______________________________
Introduced July 6, 2015
P.H. July 20, 2015

______________________________
Clerk of Council
MEMORANDUM

To: Matthew H. Greeson, City Manager

From: William W. Watterson, Director of Service and Engineering

Subject: Central District Sanitary Repairs, Project Number 618-15

Date: July 1, 2015

The Central Districts Sanitary Sewer Study being conducted by DLZ Engineering is nearing completion with the final report expected in late July 2015. During the study three deficiencies have already been identified as needing repair beyond typical inflow and infiltration reduction strategies. These repairs include:

- Replacement of a section of 8 inch sewer in South Street near Garden Drive with a 12 inch sewer
- Construction of a new manhole on North Street at Hartford Street and reconnection of existing sanitary sewers to correct a distribution deficiency
- Construction of a new manhole in Granville Road at Proprietors Road to eliminate a blind connection and permit conventional sewer cleaning techniques

DLZ has proposed to prepare plans and specifications for the work at a proposed fee of $43,619.70.

The Five-Year Capital Improvement Program includes $250,000.00 for Central District Sewer Repairs in calendar year 2015 and $500,000.00 for Central District Sewer Improvements in calendar year 2016. An accurate estimate of costs for the proposed improvements will be developed when detailed plans are complete, but I anticipate that the cost work will fit within the budgeted expenditures. Additional inflow and infiltration reduction improvements will be prioritized in the final report and can be performed with future contracts. In order to expedite the identified improvements, I recommend that City Council appropriate $50,000.00 to fund detailed design of the repairs. With approval at the July 20, 2015 Council Meeting plans will be completed for bidding in October 2015 with construction beginning in late 2015.
ORDINANCE NO. 27-2014

Approving a Plat Amendment to the Platted Front Building Setback Line for Lot #53 in Medick Estates Subdivision. A Property at 410 Tucker Drive (Aaron and Susan Bakshai)

WHEREAS, a request has been made by Aaron and Susan Bakshai to modify the platted front building setback line for a property located at 410 Tucker Drive; and,

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

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

SECTION 1. That the Plat Amendment to a platted front building setback line for a property located at 410 Tucker Drive, Lot #53, as per Case No. SUB 02-15, Drawings No. SUB 02-15, dated May 29, 2015 attached hereto as Exhibit “A” be approved.

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: Introduced July 6, 2015
____________________________________
Clerk of Council P.H. July 20, 2015
MEMORANDUM

TO: Matthew H. Greeson, City Manager
FROM: R. Lee Brown, Director of Planning & Building
DATE: July 1, 2015
SUBJECT: Ordinance for a Plat Amendment – Medick Estates – 410 Tucker Drive

Background & Request:
The property located at 410 Tucker Drive, Lot #53, in the Medick Estates Subdivision has requested a Plat Amendment to the platted front building line. The platted setback is 300 feet for the front building line. When the Medick Estates Subdivision was platted in 1950, the setbacks ranged from 100 feet on the lots to the west, increasing fifty (50) feet every lot to the east for an eventual setback of 350 feet for the lot to the east. This stair step approach seems to have been platted to protect the views of the residences looking west towards the Olentangy River.

The applicant would like to move the setback approximately 165 feet to the south, resulting in a new setback of 135 feet. The property is being purchased by new owners who would like to demolish the existing house, which is at the platted setback line, and construct a new house on the property.

The site is approximately 1.7-acres in size and is located in the R-16 District (Very Low Density Residential). The existing lot exceeds all minimum development standards required today by the R-16 District.

<table>
<thead>
<tr>
<th>R-16 District</th>
<th>Lot Width</th>
<th>Lot Area</th>
<th>Front Setback</th>
<th>Rear Setback</th>
<th>Side</th>
<th>Sum of Side Yards</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>100 feet</td>
<td>16,000 sq. ft.</td>
<td>30 feet</td>
<td>30 feet</td>
<td>10 feet</td>
<td>25 feet</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

Land Use Plans:
Worthington Comprehensive Plan
The 2005 Worthington Comprehensive Plan states that one of the strengths of the Worthington Community is its residential neighborhoods. Encouraging redevelopment in existing neighborhoods is important in maintaining the housing stock throughout Worthington.
Staff Analysis:
1. The zoning requirements in the R-16 District requires the front building setback to be a minimum of thirty (30) feet from the right-of-way; however the plat requires a minimum of 300 feet. The stricter of the two requirements apply in reviewing development proposals.
2. A Plat Amendment is needed to make any modifications to an existing plat and must be approved by City Council.
3. The applicants would like to demolish the existing 2,700 square foot house and construct a new house.
4. Substantial reinvestment in existing residential neighborhoods is strongly encouraged.
5. The reduction in the front setback line to 135 feet should not have a negative impact on the surrounding neighbors.
6. A similar request was granted in January 2014 to reduce the platted setback line by fifteen (15) feet, resulting in a new setback of 135 feet at 470 Tucker Drive.

Recommendations:
Staff is recommending approval of the Plat Amendment. Staff feels that the substantial reinvestment in an existing neighborhood should be strongly encouraged.

Municipal Planning Commission reviewed and unanimously recommended approval to City Council on a Plat Amendment at its meeting on June 11, 2015.
City of Worthington
SUBDIVISION APPLICATION

A. General Information

1. Property Location: 410 Tucker Drive
   Fee: $250.00
   Date Received: 5/28/15

2. Zoning and Use: R-1w
   Fee: $100.00
   Date Received: 5/29/15

3. Applicant: Aaron & Susan Bakshai
   Address: 58 Riverbend Dr., Worthington, OH
   Home Phone: Work Phone: 937-269-1269

4. Property Owner: Jeanne Bonomo
   Address: 410 Tucker Dr., Worthington, OH
   Home Phone: 646-2647

5. Surveyor or Engineer: Todd Willis
   Address: 12512 West Bank Dr., Milpitas, OH 43046
   Phone: 740-739-4030

B. Existing

1. Number of lots: 1
2. Area:

C. Proposed

1. Number of lots: 1
2. Area
3. Dimensions

4. Frontage
5. Utilities available?

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

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

[Signature] 5/29/15
Applicant (Signature)

[Signature] 6/1/15
Property Owner (Signature)
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City, State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Helm &amp; Tracey Trgovac</td>
<td>411 Highgate Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Anthony &amp; Bethany Hahn</td>
<td>399 Highgate Ave.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>William &amp; Carol Damsel</td>
<td>390 Tucker Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>John Winkler</td>
<td>400 Medick Way</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Kevin &amp; Molly King</td>
<td>420 Medick Way</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Christopher &amp; Mary Dillhoff</td>
<td>430 Tucker Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
</tbody>
</table>
May 26, 2015

City of Worthington
374 Highland Ave.
Worthington, OH 43085

Re: Project Description for 410 Tucker Drive, Worthington, OH

Legal Description: Lot 53, Medick Estates, as the same is shown of record in Plat Book 24, Page 2, Recorder’s Office, Franklin County, Ohio.

To Whom It May Concern:

Due to a planned new residential home to be built in the Medick Estates subdivision at 410 Tucker Drive, Worthington, OH, an amendment to the plat is requested to accommodate a new home with the removal of the existing home and its footprint. The project will include a new home designed specifically for the lot.

The current residence has a set back of 300’ from the front of the lot. The request is to change the setback to 135’ from the road. The subdivision is in an R-16 area of development which requires a 30’ setback line. The Medick Estates subdivision was platted in the early 1950s and the setbacks range from 100’ to the west to 350’ to the east.

Our plans will include building a new 2 story colonial style home. The planned design will give our family a larger back yard which will suit our families wants and needs.

Given the extensive nature of this project and substantial improvement to the value and aesthetics of the residence, the home will not impede the view or cause any foreseeable issue to the adjacent properties.

Sincerely yours,

Aaron & Susan Bakhshi
410 Tucker
PLAT OF SURVEY LOT
53-MEDICK ESTATES

SITUATED IN THE CITY OF WORTHINGTON, FRANKLIN CO, OHIO

BAR SCALE

IN FEET
1 inch = 100 ft.

CITY OF WORTHINGTON
DRAWING NO.
DATE 5-29-15
PLAT OF SURVEY LOT
53-MEDICK ESTATES

SITUATED IN THE CITY OF WORTHINGTON, FRANKLIN CO, OHIO
410 Tucker Drive

Current Drive of 410 Tucker Dr.
Neighboring Homes
Street View
470 Tucker Dr.

470 Tucker Drive, 135' setback
Possible Elevation Styles
ORDINANCE NO. 28-2015

Amending Ordinance No. 40-2014 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

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 and Water Fund unappropriated balances to:

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund #101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>101.1110.560985</td>
<td>Operating Transfer – Transfers</td>
<td>$ 61,000.00</td>
</tr>
<tr>
<td>101.5010.540572</td>
<td>Plumbing Inspections – Planning &amp; Building</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>Water Fund #204</td>
<td></td>
<td></td>
</tr>
<tr>
<td>204.6010.540640</td>
<td>Water Main Repairs – Water</td>
<td>$ 36,000.00</td>
</tr>
<tr>
<td><strong>Total All Funds</strong></td>
<td></td>
<td><strong>$107,000.00</strong></td>
</tr>
</tbody>
</table>

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 ________________

Attest: ____________________________

Clerk of Council

President of Council

Introduced July 6, 2015

P.H. July 20, 2015
The water contract between the Cities of Worthington and Columbus requires that Columbus repair water main breaks that occur to water lines owned by the City of Worthington. The contract includes a provision that Worthington pay for repairs that exceed 150% of the Equivalent Maintenance Ratio (EMR) of water of breaks in the Columbus system during each calendar year. The operating budget includes $25,000.00 to cover the cost of excess breaks.

In 2014 the EMR for the Worthington portion of the system was 24 breaks. A total of 36 breaks were experienced resulting in 12 excess breaks at a repair cost of $60,566.31. A supplemental appropriation of $36,000.00 is requested to cover the balance due the City of Columbus.
ORDINANCE NO. 29-2015

An Ordinance Authorizing the City Manager and Director of Finance to Enter into a Community Reinvestment Area Agreement with FC Bank to Grant FC Bank a Fifty Percent (50%) Tax Exemption for Real Property Improvements to be Made to the Property Located at 6600 North High Street, Parcel No. 100-002591-00 in the City of Worthington for a Period Not to Exceed Ten (10) Years.

WHEREAS, the Worthington City Council adopted Ordinance No. 18-2005, creating a Community Reinvestment Area (CRA) pursuant to Ohio Revised Code ("ORC") §§3735.65 through 3735.70; and,

WHEREAS, effective June 27, 2005, the Director of Development of the State of Ohio determined that the area designated in Ordinance No. 18-2005 contains the characteristics set forth in ORC §3735.66, and confirmed said area (i.e., Area No. 049-86604-01) as a CRA under said ORC Chapter 3735; and,

WHEREAS, FC Bank, a Division of CNB Bank ("FC Bank") has acquired real property at 6600 North High Street, within the Worthington Community Reinvestment Area, and proposes to redevelop said property for the purpose of constructing new regional headquarters and bank branch operations in the City, provided that the appropriate development incentives are available to support the economic viability of the proposed redevelopment; and,

WHEREAS, FC Bank has remitted the required application fee, set forth under ORC §3735.672(C) and Ohio Administrative Code Rule 122:9-1-01, payable to the State of Ohio and which will be forwarded to the Development Services Agency with a copy of the final Community Reinvestment Agreement; and,

WHEREAS, the City Housing Officer verified the application materials submitted by FC Bank and determined the construction meets the requirements for such an exemption under the City’s CRA program; and,

WHEREAS, the project site as acquired by FC Bank is located in the Worthington School District and the Board of Education of the Worthington City School District ("Board") has been notified in accordance with ORC §5709.83 and been given a copy of the draft CRA agreement; and,

WHEREAS, the City and the Board have mutually agreed, and will reduce to writing, that sufficient revenues to the Board will accrue by virtue of the FC Bank project and as such there will be no compensation to the Board during the exemption period approved hereby.
ORDINANCE NO. 29-2015

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

SECTION 1. Pursuant to ORC §3735.67(D), the proposed construction of a new structure by FC Bank on the property located at 6600 North High Street, Worthington, Ohio 43085 (Franklin County Auditor Parcel ID 100-002591-00)(the “Property”), hereby is declared to be a public purpose for which exemptions from real property taxation may be granted.

SECTION 2. The City Manager is hereby authorized and directed to enter into a Community Reinvestment Area Agreement with FC Bank, a Division Of CNB Bank, a bank doing business under authority granted by the bank chartering authority of the State of Pennsylvania and making use of such fictitious name in Ohio, for a fifty percent (50%) tax exemption for real property improvements to be made to the Property for a period not to exceed ten (10) years, as evidenced by the CRA Agreement attached hereto as EXHIBIT A and which is incorporated herein.

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

Passed: ____________________

_________________________________
President of Council

Attest:

_________________________________
Clerk of Council

Introduced July 6, 2015
P.H. July 20, 2015
EXHIBIT A

COMMUNITY REINVESTMENT AREA ABATEMENT AGREEMENT

This Community Reinvestment Area Abatement Agreement (“Agreement”) is made and entered between the CITY OF WORTHINGTON, a municipal corporation with its offices at 6550 North High Street, Worthington, Ohio 43085 (the “City”), and FC BANK, A DIVISION OF CNB BANK, a bank doing business under authority granted by the bank chartering authority of the State of Pennsylvania and making use of such fictitious name in Ohio, with its principal offices at One South State Street, Clearfield, Pennsylvania 16830 (“FC Bank”), (both collectively referred to herein as the “Parties”) and sets forth the complete understanding of the Parties as to the exemption of real property taxes on improvements made to the Property, defined below, pursuant to the City’s Community Reinvestment Area exemption program and Ohio Revised Code (“ORC”) §§3735.65 et seq. (the “CRA Exemption”).

WITNESSETH:

WHEREAS, the Worthington City Council, by Ordinance 18-2005, adopted May 16, 2005, designated an area of the City as a “Community Reinvestment Area” pursuant to ORC Chapter 3735; and,

WHEREAS, the Director of Development of the State of Ohio, as of June 27, 2005, determined that the so-designated area in Ordinance 18-2005 contains the characteristics set forth in ORC §3735.66 and confirmed said area (i.e., Area No. 049-86604-01) as a Community Reinvestment Area thereunder; and,

WHEREAS, the City has encouraged the acquisition and redevelopment of real property in the Worthington Community Reinvestment Area; and,

WHEREAS, FC Bank has acquired real property within the Worthington Community Reinvestment Area and proposes to redevelop said property for the purpose of constructing new regional headquarters and bank branch operations in the City, provided that the appropriate development incentives are available to support the economic viability of the proposed redevelopment; and,

WHEREAS, pursuant to ORC §§3735.65 et seq., the City has the authority to provide, and is desirous of so providing, FC Bank with a CRA Exemption to induce the Project, defined below; and,

WHEREAS, in the time since the Director of Development of the State of Ohio’s confirmation, the Worthington City Council has from time to time adopted legislation to maintain its authority to provide CRA Exemption incentives, to include making the City Economic Development Manager the City Housing Officer under ORC §3735.66 (Ordinance 58-2011, adopted December 12, 2011) and naming new members to the Worthington CRA Housing Council under ORC §3735.69 (Resolution 03-2012, adopted January 17, 2012 and Resolution 34-2013, adopted September 3, 2013); and,
WHEREAS, FC Bank filed an application with the City Housing Officer on June 1, 2015, which said application is incorporated herein and referenced hereto as part of this Agreement (the “Application”), for an exemption from real property taxation of a percentage of assessed valuation of the new structure to be constructed under the Project, defined below, with such new structure to be used for commercial purposes; and,

WHEREAS, the City Housing Officer verified the Application submitted by FC Bank and determined the construction meets the requirements for such a CRA Exemption; and,

WHEREAS, the City Housing Officer will include in filings with the Ohio Development Services Agency regarding this matter the application fee, remitted by FC Bank, as such fee is set forth under ORC §3735.672(C) and Ohio Administrative Code Rule 122:9-1-01; and,

WHEREAS, the City is not required to obtain approval of the CRA Exemption by the Board of Education of the Worthington City School District (the “Board”), pursuant to ORC §3735.671(A)(2)(a), namely that 50 percent of the taxes on the Property, defined below, will not be exempted from taxation under this Agreement; and,

WHEREAS, the City provided the Board with notice of the proposed CRA Exemption on July 1, 2015 pursuant to the requirements set forth under ORC §5709.83; and,

WHEREAS, FC Bank and the City acknowledge that this Agreement must be approved by formal action by the Worthington City Council as a condition for this Agreement to take effect, with this Agreement thereafter taking effect upon any such approval; and,

WHEREAS, the Worthington City Council adopted Ordinance 29-2015 on July 20, 2015, declaring that construction of new structures under the Project, defined below, are a public purpose for which exemptions from real property taxation may be granted (the “Improvements”); and,

WHEREAS, FC Bank and the City further acknowledge that this Agreement has been entered into prior to the commencement of construction under the Project as defined herein.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the Parties from the execution hereof, the Parties herein agree as follows:

§1. Project Description. FC Bank has purchased 6600 North High Street, Worthington, Ohio 43085, Franklin County Auditor Parcel ID 100-002591-00 (the “Property”) in fee and will demolish existing structures thereon and construct a new 18,500 square foot two-story building with frontage on High Street to accommodate its regional headquarters and enhanced bank branch operations in the City (the “Project”). The Project will involve a total investment by FC Bank of approximately four million five hundred ninety-five thousand dollars ($4,595,000.00). Included in this investment is approximately one million six hundred ninety-five thousand dollars ($1,695,000.00) for the acquisition of the Property, and an estimated two million nine-hundred thousand dollars ($2,900,000.00) in new constructions costs.

The Project will commence on or about August 31, 2015 (the “Commencement Date”). It is intended that all construction and improvements will be completed by December 31, 2016.
§2. Employment Positions & Total Annual Payroll. Beginning with the Commencement Date and continuing throughout the term of this Agreement, according to the itemized schedule set forth in this §2, FC Bank shall create a total of 32 new full-time permanent employment positions at the Project ("New Jobs"). In addition, and continuing throughout the term of this Agreement, FC Bank shall retain four (4) existing full-time permanent employment positions relocated to the Project from leased space at 5858 North High Street, Worthington, Ohio 43085 ("Retained Jobs").

Pursuant to ORC §3735.671(B)(4) and (5), FC Bank’s New Jobs, the Retained Jobs and the total annual payroll therefrom are itemized below:

<table>
<thead>
<tr>
<th>Time Period (Year)</th>
<th>New Jobs Created (Cumulative)</th>
<th>Retained Jobs (Cumulative)</th>
<th>Total Annual Payroll</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14</td>
<td>4</td>
<td>$1,318,000</td>
</tr>
<tr>
<td>2</td>
<td>19</td>
<td>4</td>
<td>1,719,000</td>
</tr>
<tr>
<td>3</td>
<td>22</td>
<td>4</td>
<td>1,939,000</td>
</tr>
<tr>
<td>4</td>
<td>25</td>
<td>4</td>
<td>2,213,000</td>
</tr>
<tr>
<td>5</td>
<td>27</td>
<td>4</td>
<td>2,445,000</td>
</tr>
<tr>
<td>6</td>
<td>30</td>
<td>4</td>
<td>2,787,000</td>
</tr>
<tr>
<td>7</td>
<td>32</td>
<td>4</td>
<td>2,995,000</td>
</tr>
<tr>
<td>8</td>
<td>32</td>
<td>4</td>
<td>2,995,000</td>
</tr>
<tr>
<td>9</td>
<td>32</td>
<td>4</td>
<td>2,995,000</td>
</tr>
<tr>
<td>10</td>
<td>32</td>
<td>4</td>
<td>2,995,000</td>
</tr>
</tbody>
</table>

§3. CRA Exemption. The City hereby grants FC Bank a tax exemption equal to a percentage of the assessed valuation of the Property exempted hereunder, for the Improvements made under the Project, for the following period and for the following benefit level:

<table>
<thead>
<tr>
<th>Exemption Period</th>
<th>Exemption Benefit Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten (10) Years</td>
<td>Fifty Percent (50%)</td>
</tr>
</tbody>
</table>

The exemption provided under this §3 commences the first year for which the Property would first be taxable were that property not exempted from taxation under this Agreement. No CRA Exemption hereunder shall commence after tax year 2017 (i.e., tax lien date January 1, 2017), nor extend beyond tax year 2027.

FC Bank agrees and consents to the City preparing and filing all necessary applications and supporting documents to obtain the exemption authorized by the CRA Exemption Statutes and the City. The City shall perform such acts as are reasonably or legally necessary or appropriate to effect, claim, reserve, and maintain the CRA Exemption granted under this Agreement, including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemption.

§4. Annual Monitoring. FC Bank shall provide the Worthington Tax Incentive Review Council, organized under ORC §5709.85 ("Worthington TIRC"), any information reasonably required by the Worthington TIRC to evaluate FC Bank’s compliance with this
Agreement, including returns filed pursuant to ORC §5711.02 if requested by the Worthington TIRC.

Pursuant to ORC §3735.671(D), FC Bank shall remit an annual monitoring and reporting fee payable to the City at such time as the Worthington TIRC requests information under this §4, with the annual fee equal to the greater of five hundred dollars ($500.00) or one percent (1%) of the amount of taxes exempted hereunder up to a maximum two thousand five-hundred dollars ($2,500.00) annually, for each year throughout the term of this Agreement.

§5. **Taxes Otherwise Due.** FC Bank shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If FC Bank fails to pay such taxes or file such returns and reports, exemptions under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

§6. **CRA Exemption Continues.** If, for any reason, the Community Reinvestment Area designation expires, or the Director of Development of the State of Ohio revokes his or her confirmation of the area, or the City revokes the designation of the area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless FC Bank materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the CRA Exemption pursuant to this Agreement.

§7. **Certifications.** Pursuant to ORC §3735.671(C)(3), FC Bank hereby certifies that at the time this Agreement is executed, FC Bank does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which FC Bank is liable under Chapter 5733, 5735, 5739, 5741, 5743, 5747, or 5753 of the ORC, or, if such delinquent taxes are owed, FC Bank currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against FC Bank. For the purposes of this §7, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the ORC chapter governing payment of those taxes.

§8. **Failure to Comply.** If FC Bank materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification under §7, above, is fraudulent, the City may terminate or modify the CRA Exemption under this Agreement, and may require the repayment of the amount of taxes that would have been payable had the Property not been exempted from taxation under this Agreement. Repayment of taxes under this §8 may be secured by the City by a lien placed on the Property in the amount required to be repaid hereunder, and such lien shall attach, and may be perfected, collected and enforced in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as such.
§9. **Discontinuing Operations.** If FC Bank discontinues operations at the Property prior to the expiration of the term of this Agreement, FC Bank and any successor or any related member shall not enter into an agreement under ORC §§3735.671, 5709.62, 5709.63 or 5709.632 within five years after such discontinuation. The CRA Exemption granted under this Agreement shall be revoked if it is determined that FC Bank, any successor to that person, or any related member has violated the prohibition against entering into this Agreement under ORC §§3735.671(E), 5709.62 or 5709.63 prior to the time prescribed by that division of either of those sections. For purposes of this §9, "successor" and "related member" have meanings as defined in ORC §3735.671(E).

§10. **Non-Discriminatory Hiring Practices.** As required under ORC §5709.85(D), and by executing this Agreement, FC Bank is hereby committing to offer equal opportunity and equal consideration to all persons who seek employment with FC Bank, that no individual will be discriminated against on the basis of race, color, ancestry, religion, creed, national origin, age, sex, veteran status, disability, and/or any other characteristic protected by applicable federal, State or local law.

§11. **Agreement Not Transferrable.** This Agreement is not transferrable or assignable without the express, written approval of the City, which such approval shall not be unreasonably withheld.

§12. **Non-Waiver.** No failure by the City to enforce its rights or seek its remedies under this Agreement upon any non-compliance or default by FC Bank shall affect or constitute a waiver of the City’s rights to enforce that right or seek that remedy.

§13. **Miscellaneous.**

(a) **Notices.** Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by a recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to or counterpart of this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, Notices shall be addressed to:

If to City: City of Worthington  
Attn: Economic Development  
6550 North High Street  
Worthington, Ohio 43085

with a copy to:

City of Worthington  
Attn: Director of Law  
370 Highland Avenue  
Worthington, Ohio 43085
If to FC Bank: FC Bank
Attention: President
6600 North High Street
Worthington, Ohio 43085

with a copy to:

Price Finley, Esq.
Bricker & Eckler LLP
100 South Third Street
Columbus, Ohio 43215

The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

(b) Extent of Provisions: No Personal Liability. All rights, remedies, representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. No representation, warranty, covenant, agreement, obligation, or stipulation contained in this Agreement shall be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future official, member, officer, agent or employee of the City or FC Bank in other than his or her official capacity. No official executing or approving the City's or FC Bank’s participation in this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

(c) Amendments. This Agreement may only be amended by a written instrument executed by both Parties.

(d) Executed Counterparts. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

(e) Severability. In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:

(i) that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into, or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein;

(ii) the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof; and
(iii) each section, provision, covenant, agreement, obligation or action, or part thereof shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the fullest extent permitted by law.

(g) Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of the Agreement.

(h) Governing Law and Choice of Forum. This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the Company, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Franklin County, Ohio.

In witness thereof, the Parties have caused this Agreement to be executed this ______ day of ______________________, 2015.

CITY OF WORTHINGTON

By: ________________________________
Matthew H. Greeson, City Manager

FC BANK, A DIVISION OF CNB BANK

By: ________________

Its: ________________
MEMORANDUM

TO: Matt Greeson
FROM: Jeffry Harris
DATE: July 1, 2015
SUBJECT: CRA Abatement – FC Bank HQ project

I write to provide background and staff recommendation concerning a proposed Community Reinvestment Area (“CRA”) Abatement to exempt property taxes on a new bank headquarters project on North High Street in Worthington.

Staff Recommendation:

Staff recommends adoption of Ordinance 29-2015, thereby creating a CRA Abatement that will exempt FC Bank’s real estate taxes on its property improvements by 50 percent for a 10-year period.

Background:

In May 2015, FC Bank, a division of Pennsylvania-based CNB Bank (“FC Bank”), purchased 6600 North High Street and intends to demolish the three existing structures thereon, including an existing automotive repair shop. In turn, FC Bank proposes to construct a new 18,500 square foot two-story building with frontage on High Street to accommodate its regional headquarters and enhanced bank branch operations in the City of Worthington (the “Project”).

The Project will involve a total investment by FC Bank of approximately $4.6 million. Included in this investment is the $1.695 million paid for the Property. FC Bank foresees another $2.9 million in new constructions costs.

The Project will commence on or about August 31, 2015. It is intended that all construction and improvements will be completed by December 31, 2016.
CRA Abatement – Structure:

Under the Project, FC Bank is undergoing substantial development costs to create a new regional headquarters facility. City staff have determined that a CRA Abatement will provide a beneficial form of assistance in this redevelopment project.

The proposed Ordinance 29-2015 includes several items required under Ohio CRA Abatement law (Ohio Revised Code (ORC) §§3735.65 et seq.):

- The Ordinance declares improvements under the project to be a public purpose and 50 percent exempt from real property taxes for 10 years.

- The Ordinance authorizes and directs the City Manager to enter into an agreement making available tax exemptions under the City’s CRA Abatement program to FC Bank for its Project.

In addition to the contents of Ordinance 29-2015, the City provided notice to the Board of Education of Worthington City Schools (“Board”) at least 14 days prior to adopting the Ordinance. Staff provided notice to the Board on July 1, 2015 (see Appendix I).

CRA Abatement Exemption – Terms & Benefits:

Proposed redevelopment by FC Bank to create new regional headquarters and bank branch operations are recommended for a CRA exemption of 50 percent of the taxes, for a 10-year period, on the value of improvements made to 6600 North High Street.

Foregone real property taxes under this proposed exemption are estimated to provide FC Bank a net present value of $435,000 in assistance across the agreement term, at a three percent discount rate. This calculation is based on $2.9 million in improvements being captured by the Franklin County Auditor. If the Project is appraised by the Auditor at a higher improvement value, FC Bank will benefit from the upside (of course, if the Auditor values the improvements lower than estimated, FC Bank will likewise see a commensurate reduction in its benefit).

School Compensation:

The May 2015 purchase by FC Bank increased the property’s taxable basis from $450,000 ($11,400 in annual property taxes to the Schools in tax year 2014) to $1.695 million (which was the purchase price). This increase in property value is not included in the improvements subject to the exemption, thus this purchase value will result in an additional $31,552 in annual property taxes to the Schools. In addition, City Council is recommended to exempt only 50 percent of the taxes under the CRA Abatement; staff estimate the other half of net, new taxes due each year will equal $36,925 to the Schools.

Because of the positive tax implications to the Schools resulting from this project, even with a CRA Abatement in place, staff recommend that no compensation payments be made to the Schools during the exemption term.
APPENDIX I

Notice to Board of Education of Worthington City Schools

July 1, 2015

Julie Keegan, President
Board of Education of Worthington City Schools
via Jeff McCuen, Treasurer
200 East Wilson Bridge Road
Worthington, Ohio 43085

VIA EMAIL & US MAIL

Re: City of Worthington CRA Abatement Notice – FC Bank HQ site

Dear Ms. Keegan:

I write to provide the Board of Education of the Worthington City School District ("Board") with notice of a to-be-proposed Community Reinvestment Area ("CRA") property tax abatement for real property at 6600 North High Street in Worthington, Franklin County (Franklin County Auditor parcel ID 100-002591-00) (the "Property").

Pursuant to Ohio Revised Code ("ORC") §5709.83, and on behalf of the Worthington City Council, I am providing notice that the City contemplates declaring improvements to this parcel to be a public purpose and therefore partially exempt from taxes.

Project Scope

In May 2015, FC Bank, a division of Pennsylvania-based CNB Bank, purchased the Property in fee and intends to demolish existing structures thereon, including an existing automotive repair shop. In turn, FC Bank proposes to construct a new 18,500 square foot two-story building with frontage on High Street to accommodate its regional headquarters and enhanced bank branch operations in the City (the "Project").

The Project will involve a total investment by the Company of approximately $4.6 million. Included in this investment is the $1.695 million paid for the Property. FC Bank foresees another $2.9 million in new constructions costs.

The Project will commence on or about August 31, 2015. It is intended that all construction and improvements will be completed by December 31, 2016.
City of Worthington CRA Abatement Notice  
July 1, 2015  
Page 2

As you may be aware, the Property had been for-sale for many years, and FC Bank’s proposed redevelopment helps satisfy the City’s economic development goal of attracting new headquarters operations into Worthington.

CRA Abatement

Under the Project, FC Bank is undergoing substantial development costs to create a new regional headquarters facility. City staff have determined that a CRA Abatement will provide the best form of assistance to this redevelopment project (see ORC §§3735.65 et seq.).

Staff will recommend on July 20, 2015 that Worthington City Council use the CRA Abatement to exempt 50 percent of the taxes on the value of improvements made to the Property, for a 10-year period.

Relative to your organization, this project represents an increase in revenues even with an approved CRA Abatement. (See table, below)

<table>
<thead>
<tr>
<th>Worthington City Schools position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Year 2014 Condition</td>
</tr>
<tr>
<td>Appraised Value</td>
</tr>
<tr>
<td>450,000</td>
</tr>
</tbody>
</table>

2015 Purchase

| FMV - basis adj. | 1,695,000 | 31,552 |

Non-CRA’ed collections

<table>
<thead>
<tr>
<th>Appraised Value</th>
<th>2,900,000</th>
<th>36,925</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$68,477</td>
<td></td>
</tr>
</tbody>
</table>

Namely, the purchase by FC Bank increased the taxable basis in the Property from $450,000 (netting approximately $11,400 in annual property taxes to the Board in tax year 2014) to $1.695 million (which will provide an additional $31,552 in annual property taxes to the Board). Moreover, only 50 percent of the taxes are to be exempt under the CRA Abatement, which will result in a calculated $36,925 in net, new annual property taxes to the Board. Because of the positive tax implications to the Board resulting from this project, even with a CRA Abatement in place, my proposed handling of the matter to Mr. McCuen has been to dispense with any compensation payment structure to the Board (i.e., no compensation to the Board during the term of the CRA Abatement).
City of Worthington CRA Abatement Notice
July 1, 2015
Page 3

Request

Worthington City Council will take action at 7:30pm on July 20, 2015 to review staff recommendations and may adopt an ordinance declaring improvements to the Property to be a public purpose and therefore allow a CRA Abatement. Staff has prepared a draft ordinance – to be introduced by City Council on July 6 – containing language to allow for the CRA Abatement, a copy of which is attached for your reference. Please review this correspondence and provide a response, if any, to this notice.

Feel free to address any concerns or questions to me at (614) 436-4518 or via email at jharris@ci.worthington.oh.us.

Sincerely,

Jeffry Harris
Economic Development Manager

Enclosure

cc: Matt Greeson, City Manager
Robyn Stewart, Asst. City Manager
Molly Roberts, Finance Director
Pam Fox, Law Director
ORDINANCE NO. 30-2015

Approving a Grant as Part of the City’s Economic Development Venture Program and Authorizing the City Manager to Enter into an Economic Development Grant Agreement for the Same.

WHEREAS, this City Council has established an Economic Development Venture Grant Program in order to assist in creating job and employment opportunities within the City; and,

WHEREAS, this City Council created an Economic Development Fund (the “Fund”) to provide incentives to businesses wishing to remain or locate within the City; and,

WHEREAS, in amending the Economic Development Venture Policy under Ordinance 57-2006, this City Council stated its intention to allow the use of grants payable from the Fund to encourage the productive reuse and development of targeted properties; and,

WHEREAS, formal development plans have been submitted by FC Bank, a Division of CNB Bank to redevelop property adjacent to, and immediately north of, the Louis J.R. Goorey Municipal Building, by constructing, at least 18,500 square feet of office space to accommodate regional headquarters and new bank branch operations in a building at 6600 North High Street (the “Project”); and,

WHEREAS, the property purchased by FC Bank for the Project has been for-sale for many years, and the redevelopment helps satisfy the City’s economic development goal of attracting new headquarters operations into Worthington; and,

WHEREAS, the City has identified the construction of high-quality, Class A-grade office space as a critical priority in establishing a sustainable economic environment in Worthington for the foreseeable future; and,

WHEREAS, the City seeks to assist FC Bank, a Division of CNB Bank (the “Company”) in the cost of building new headquarters and branch operations space on the High Street Corridor; and,

WHEREAS, as structured, this Venture Grant Project otherwise meets all of the criteria for a grant of funds established in the City Economic Development Incentive Policy;

NOW THEREFORE; BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:
ORDINANCE NO. 30-2015

SECTION 1. That there be and hereby is approved a grant to the Company approximately equal in net present value to Fifty-Two Thousand Nine Hundred Sixty-Five Dollars ($52,965.00) in assistance, to be paid in five (5) annual installments each equaling Eleven Thousand Five Hundred Sixty-Five Dollars ($11,565.00) during the agreement term from the Fund to assist in the construction of new bank headquarters and branch operations space in the City of Worthington.

SECTION 2. That the City Manager is hereby authorized and directed to enter into an Agreement with the Company substantially in the form in EXHIBIT A, attached hereto and made a part hereof, establishing the conditions of the grant, provided however that the City Manager shall not be directed to sign said Agreement unless and until the Community Reinvestment Area Abatement Agreement associated with the Project is executed by the Company.

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

Passed ______________

____________________________________
President of Council

Attest: 

_____________________________   P.H. July 20, 2015
Clerk of Council

Introduced July 6, 2015
EXHIBIT A

ECONOMIC DEVELOPMENT GRANT AGREEMENT

THIS ECONOMIC DEVELOPMENT GRANT AGREEMENT (the "Agreement") is made and entered into this ___ day of __________________, 2015 (the “Effective Date”), by and between the CITY OF WORTHINGTON, a municipal corporation with its offices at 6550 North High Street, Worthington, Ohio 43085 (the “City”), and FC BANK, A DIVISION OF CNB BANK, a bank doing business under authority granted by the bank chartering authority of the State of Pennsylvania and making use of such fictitious name in Ohio, with its principal offices at One South State Street, Clearfield, Pennsylvania 16830 (“Company”), (both collectively referred to herein as the “Parties”).

RECITALS

WHEREAS, pursuant to Ordinance No. 44-2002 (As Amended), Ordinance No. 37-2004, and Ordinance No. 57-2006 (As Amended) (the “Approval Ordinances”), and consistent with its goal of encouraging the development and maintenance of commercial and industrial businesses within the City and to provide for the creation of jobs and employment opportunities, the City has established an Economic Development Fund (the “Fund”) and adopted an Economic Development Incentive Policy (the “Policy”); and

WHEREAS, Worthington City Council stated its intention in the Approval Ordinances to allow the use of grants payable from the Fund to encourage the productive reuse and development of targeted properties; and,

WHEREAS, as authorized in Article VIII, Section 13 of the Ohio Constitution and in accordance with the guidelines established under the Policy, the City has offered to provide the Company an economic development incentive grant to encourage the Company to construct 18,500 square feet of new bank headquarters and branch operations space located within the City (the “Project”), as more fully described and set forth in EXHIBIT A, Scope of Work, attached hereto and incorporated herein; and,

WHEREAS, the Worthington Municipal Planning Commission and Architectural Review Board have each approved plans for the development of such bank headquarters and branch operations to be constructed by the Company at 6600 North High Street, City of Worthington (the “Subject Premises”); and,

WHEREAS, the Company has agreed to enter into this Agreement, which sets forth the Company’s respective rights and obligations concerning the payment of such grant.

NOW THEREFORE, the Parties covenant, agree and obligate themselves as follows:

Section 1. Terms of the Grant. The City shall provide to the Company an economic development incentive grant in amounts set forth in this section (the “Grant”), which the Company shall use in connection with the redevelopment to occur under the Project, defined above, and
situated within the City of Worthington. The first payment under this Section shall be provided to the Company after the City’s issuance of the Project’s Final Certificate of Occupancy and Certificate of Zoning Compliance (as the Certificate of Zoning Compliance relates to all improvements described in the Company’s approved development plan) (collectively, the “Certificates”), provided that this Agreement has been fully executed by both Parties. By accepting the Grant, the Company agrees to meet the Grant Objectives defined in Section 3 below.

The Grant shall be payable to the Company in five (5) consecutive annual installments of Eleven Thousand Five Hundred Sixty-Five dollars ($11,565.00) (each representing an “Annual Installment Amount”), with the first such Annual Installment Amount to be payable upon the City’s issuance of the Certificates and each subsequent Annual Installment Amount to be payable every twelve (12) months hence during the Term defined herein, subject to the City’s Annual Review as set forth in Section 4 of this Agreement. The term of this Agreement shall commence on the Effective Date and end seven (7) years after such Effective Date (the “Term”).

Section 2. City’s Obligation to Make Payments Not Debt: Payments Limited to Nontax Revenues. Notwithstanding anything to the contrary herein, the obligations of the City pursuant to this Agreement shall not be a general obligation debt or bonded indebtedness, or a pledge of the general credit or taxes levied by the City, and the Company shall have no right to have excises or taxes levied by the City, the State or any other political subdivision of the State for the performance of any obligations of the City herein. Consistent with Section 13 of Article VIII, Ohio Constitution, any payments required to be made by the City pursuant to this Section 2 shall be payable solely from the City's non-tax revenues. Further, the obligation of the City to make the payments pursuant to this Agreement shall be in accordance with the Approval Ordinances and subject to certification by the Director of Finance of the City as to the availability of such non-tax revenues.

Section 3. Grant Objectives. In consideration of the City’s agreement to provide the Grant to the Company, the Company agrees to meet and maintain the following Grant Objectives:

a) The Company shall remain upon the Subject Premises for at least seven (7) years from the date of the City’s issuance of the Project’s Certificates (the “Term of Occupancy”); and

b) At the end of the first 12-month period during the Term of Occupancy, the Total Annual Compensation of the Company shall equal or exceed One Million Three Hundred Eighteen Thousand dollars ($1,318,000.00); and

c) At the end of the second 12-month period during the Term of Occupancy, the Total Annual Compensation of the Company shall equal or exceed One Million Seven Hundred Nineteen Thousand dollars ($1,719,000.00); and

d) At the end of the third 12-month period during the Term of Occupancy, the Total Annual Compensation of the Company shall equal or exceed One Million Nine Hundred Thirty-Nine Thousand dollars ($1,939,000.00); and
e) At the end of the fourth 12-month period during the Term of Occupancy, the Total Annual Compensation of the Company shall equal or exceed Two Million Two Hundred Thirteen Thousand dollars ($2,213,000.00); and

f) For purposes of this Agreement, the “Total Annual Compensation” of the Company shall be equal to the total wages paid by the Company which are subject to City withholding.

g) The Company shall remain current on all real estate tax obligations relevant to the Project during the Term.

Section 4. Annual Review of Grant Objectives; Actions by City.

The Company shall make annual reports, in such detail as may reasonably be requested by the City, as to the actual progress of the Company with respect to the Project and the terms of this Agreement. Information requested by the City may include the amount of investment made, number of new jobs created, the amount of payroll attributable to such new jobs, and such other information related to carrying out this Agreement as the City reasonably requires. Prior to remitting the Annual Installment Amount for the respective period, the City shall review the information supplied by the Company to determine whether it is satisfying the Grant Objectives (the “Annual Review”).

In the event the City determines in its Annual Review that the Company has met the Grant Objectives during the respective period, the City shall remit to the Company the Annual Installment Amount for that period. If, however, the City determines in its Annual Review that the Company did not meet the Grant Objectives for the respective period, the Annual Installment Amount shall not be remitted to the Company for that period.

Section 5. Miscellaneous.

(a) Notices. Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by a recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to or counterpart of this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, Notices shall be addressed to:

If to City:  City of Worthington  
Attn: Economic Development  
6550 North High Street  
Worthington, Ohio 43085

with a copy to:
The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

(b) **Extent of Provisions: No Personal Liability.** All rights, remedies, representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. No representation, warranty, covenant, agreement, obligation, or stipulation contained in this Agreement shall be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future official, member, officer, agent or employee of the City or the Company in other than his or her official capacity. No official executing or approving the City’s or the Company’s participation in this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

(c) **Successors.** This Agreement shall be binding upon and inure to the benefit of FC Bank and its successors and assigns.

(d) **Amendments.** This Agreement may only be amended by a written instrument executed by both Parties.

(e) **Executed Counterparts.** This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

(f) **Severability.** In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:
(i) that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into, or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein;

(ii) the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof; and

(iii) each section, provision, covenant, agreement, obligation or action, or part thereof shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the fullest extent permitted by law.

(g) Captions. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of the Agreement.

(h) Governing Law and Choice of Forum. This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the Company, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Franklin County, Ohio.

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date written above.

CITY OF WORTHINGTON  

By: ___________________________  
Matthew H. Greeson, City Manager

FC BANK, A DIVISION OF CNB BANK  

By: ___________________________  
Its: ___________________________

Approved as to form:

______________________________  
Pamela A. Fox, Law Director  
City of Worthington, Ohio
Exhibit A

Scope of Work

FC Bank (the “Company”) has purchased 6600 North High Street, Worthington, Ohio 43085, Franklin County Auditor Parcel ID 100-002591-00 (the “Subject Premises”) in fee and will demolish existing structures thereon and construct a new 18,500 square foot two-story building with frontage on High Street to accommodate its regional headquarters and enhanced bank branch operations in the City (the “Project”).

The Project will involve a total investment by the Company of approximately four million five hundred ninety-five thousand dollars ($4,595,000.00). Included in this investment is approximately one million six hundred ninety-five thousand dollars ($1,695,000.00) for the acquisition of the Property, and an estimated two million nine-hundred thousand dollars ($2,900,000.00) in new constructions costs.

The Project will commence on or about August 31, 2015. It is intended that all construction and improvements will be completed by December 31, 2016.
MEMORANDUM

TO: Matt Greeson
FROM: Jeffry Harris
DATE: July 1, 2015
SUBJECT: Venture Grant – FC Bank HQ project

I write to provide background and staff recommendation concerning a proposed Venture Grant award to assist in the construction of a new bank headquarters project on North High Street in Worthington.

Staff Recommendation:

Staff recommends adoption of Ordinance 30-2015, thereby authorizing the City Manager to enter into a Venture Grant agreement as described below, to assist FC Bank’s new headquarters project.

Background:

In May 2015, FC Bank, a division of Pennsylvania-based CNB Bank (“FC Bank”), purchased 6600 North High Street and intends to demolish the three existing structures thereon, including an existing automotive repair shop. In turn, FC Bank proposes to construct a new 18,500 square foot two-story building with frontage on High Street to accommodate its regional headquarters and enhanced bank branch operations in the City of Worthington (the “Project”).

Under the agreement, FC Bank will cause at least $2 million in total annual payroll to be paid to persons working in the completed headquarters facility (approximately 26 full-time equivalents) within three years of the start of the Project. Once reached, this annual payroll level will adjust upwards throughout the term of the Venture Grant (to a total on-site annual payroll of approximately $3 million estimated by year seven).
**Venture Grant – Terms & Benefits:**

Proposed redevelopment by FC Bank to create new regional headquarters and bank branch operations are recommended for a Venture Grant payable in five (5) annual installments of $11,565. These equal payment amounts, in the aggregate, are 15% of the estimated income tax collections by the City from FC Bank’s annual payroll during a 7-year period after construction is complete. This grant is estimated to provide FC Bank with a net present value of $52,965 in assistance across the agreement term, at a three percent discount rate.

Each annual payment will be conditioned on FC Bank meeting its payroll commitments for the respective period. FC Bank’s failure to meet its commitments in a given year will result in the City not remitting the annual installment amount for that period.
RESOLUTION NO. 36-2015

Approving an Agreement and Permit for the City of Dublin, an Ohio Municipal Corporation, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

WHEREAS, the City of Dublin, an Ohio municipal corporation, has requested authority to provide telecommunications services in the City of Worthington; and,

WHEREAS, the City of Worthington has enacted a comprehensive Right-of-Way Ordinance, Chapter 949 of the Codified Ordinances of the City of Worthington; and,

WHEREAS, City Council found the technical ability, and plan for services of the City of Dublin acceptable; and,

WHEREAS, the City of Dublin has facilities within the community under a permit initially approved in 2005; and,

WHEREAS, the authority is nonexclusive; and,

WHEREAS, the City of Dublin has certified that the company meets the criteria of Section 949.05 of the Codified Ordinances of the City of Worthington for the issuance of a permit;

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

SECTION 1. That pursuant to Chapter 949 of the Codified Ordinances of the City of Worthington, an agreement between the City of Worthington and the City of Dublin, an Ohio municipal corporation, as attached hereto and made a part hereof is hereby authorized and approved and the City Manager is hereby authorized and directed to execute said agreement on behalf of the City, upon approval thereof by the Director of Law.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted _______________

_____________________________________
President of Council

Attest:

_____________________________________
Clerk of Council
TELECOMMUNICATIONS AND UTILITY PERMIT FOR THE USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF WORTHINGTON, OHIO

This Agreement is executed on this _____ day of ____________, 2015, by and between the City of Dublin an Ohio municipal corporation, (“Company”) and the City of Worthington, Ohio, an Ohio municipal corporation (the “City”) pursuant to Resolution No. __________ passed by the Worthington City Council on ____________________, 20__.

Now, therefore, in consideration of the foregoing and of the covenants, promises and conditions hereinafter set forth it is hereby agreed as follows:

I. That the Company, a municipal corporation organized under the laws of the State of Ohio, its successors and assigns, is hereby granted the non-exclusive right, privilege and authority in accordance with the provisions of Chapter 949 of the Codified Ordinances of the City to acquire, construct, maintain and operate a telecommunications system and/or utility in the City in and under, above, across and along the streets, alleys, thoroughfares, public rights-of-way, public property and easements as the same now exist or may hereafter be laid out in the City, with minimum interference with the proper use of same, for the provision of all competitive telecommunications services as authorized by the Public Utilities Commission of Ohio.

II. The Company shall construct and operate the telecommunications and/or utility system in accordance with all laws, ordinances, construction standards, governmental requirements, FCC technical standards and any other standards incorporated by reference. Nothing in this Agreement permits the Company to provide any other utility services or cable television services.

III. The Company shall comply with the applicable requirements of Chapter 949 of the City Codified Ordinances.

IV. The Company shall pay the annual permit fee as determined by City Codified Ordinances Section 949.07.

V. The Company agrees that all contractors and subcontractors proposed for work on construction, installation, operation, maintenance and repair of the system shall be properly licensed under the laws of the state of Ohio and all City ordinances.

VI. Subject to the final requirements of this Section VI, in those areas where telephone and electric services are provided by underground facilities, the Company shall place all new facilities underground. In all other areas, the Company agrees to use its Best Efforts (as defined in Chapter 949 of the City Codified Ordinances) to place all facilities in the City right-of-way underground except for equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities. In addition, where the City Manager or his designee determine that such transmission facilities should not be located underground, the City Manager shall have the authority to relieve the Company of the requirement to do so. In making such a determination, the City Manager may take into account unusual circumstances or physical characteristics including but not limited to the existence of underground facilities which might interfere with the operations of the Company, topographical features or use
requirements which may interfere with existing facility locations. The City Manager may also relieve the Company of the requirement to locate transmission facilities underground when to do so in a particular circumstance would not be in the best interest of the City. The installation of above-ground locator wire markers is prohibited.

VII. The rights, privileges and authority hereby granted shall not be effective prior to acceptance of this Agreement by the Company and the City and shall terminate three years from the date of acceptance.

VIII. The Company shall, at its sole cost and expense, fully indemnify, defend and hold harmless the City, its officers, public officials, boards and commissions, agents and employees from and against any and all lawsuits, claims, causes of action, actions, liability, and judgments for injury or damages in connection with this permit, the Company system, and construction, installation, maintenance, and repair thereof.

IX. Whenever in this Agreement the City or Company is referred to, such reference shall be deemed to include the respective successor or assign of either, and all rights, privileges, and obligations herein contained shall bind and inure to the benefit of such respective successor or assign, in which the predecessor of such successor or assign is divested of all such rights, privileges, or obligations, whether so expressed or not.

X. The terms and provisions of this Agreement are joint and several, and the invalidity of any part shall not affect the validity of the Agreement.

CITY OF DUBLIN

By: ________________

Name: Dana McDaniel

Title: City Manager

CITY OF WORTHINGTON

By: ________________

Name: ______________________

Title: ______________________

Witness

Witness

Witness

Witness

Approved as to Form:

Law Director, City of Worthington
RESOLUTION NO. 37-2015

Amending the Staffing Chart of the City of Worthington to Provide for Two Additional Firefighter EMT-P Positions in the Division of Fire for a Six Month Period and One Additional Assistant Chief Position in the Division of Fire for a Three Month Period.

WHEREAS, in its adoption of Resolution 50-2014 City Council approved a Staffing Chart for the City providing the staffing levels for each of the departments and divisions of the City; and,

WHEREAS, City Council wishes to amend said Staffing Chart to add two Firefighter EMT-P Positions in the Division of Fire for a six month period to meet the Division’s needs; and,

WHEREAS, City Council wishes to amend said Staffing Chart to add one Assistant Chief Position in the Division of Fire for a three month period to meet the Division’s needs;

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

SECTION 1. That City Council does hereby amend the Staffing Chart of the City to add two Firefighter EMT-P positions to bring the total number authorized in the year 2015 to twenty-six (26) for a six month period.

SECTION 2. That City Council does hereby amend the Staffing Chart of the City to add one Assistant Chief position to bring the total number authorized in the year 2015 to two (2) for a three month period.

SECTION 3. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted_________________

_____________________________________
President of Council

Attest:

__________________________
Clerk of Council
July 16, 2015

To: Matt Greeson, City Manager

From: Scott Highley, Fire Chief
Lori Trego, Personnel Director

Subject: Resolution to Amend the City Staffing Chart for 2015

One Firefighter will retire at the end of December. Another Firefighter that has been on medical leave for an extended period, may also be retiring before the end of the year. In order to prepare for these anticipated retirements, and to expedite the process to fill these openings, we would request that the Staffing Chart be amended to increase the authorized number of Firefighter-EMT positions by two for up to a six month period. Increasing the authorized number of Firefighters would allow one to two individuals to be hired, trained and be ready to assume the open positions. This should also assist in managing the overtime related to ongoing long term leave situations. The cost of covering one Firefighter position with overtime is higher than the wage and benefit costs of hiring a Step A firefighter (approximately $20,000 in savings over a four month period). Therefore, hiring one to two additional Firefighters should result in a budgetary savings.

Assistant Fire Chief Guy Kantak will retire this fall. It is anticipated that an individual may be appointed to fill the Assistant Chief position on a temporary basis, while the selection process to permanently fill this position is developed and implemented. Amending the staffing chart to also allow for one additional Assistant Chief position for up to a three month period, would allow Chief Kantak to work with and train the temporary Assistant Chief during an over-lap period. This transition period will be important for the ongoing management and administrative functions of the Division. The costs of employing two individuals in this position will be offset by appointing the temporary Assistant Chief at Step A of the salary range (Chief Kantak is compensated at Step B).
RESOLUTION NO. 38-2015

Authorizing a Six-Month Extension of Time for Recording of the Final Plat for the Worthington Lodge, LLC Development.

WHEREAS, on January 20, 2015, Worthington City Council, by Ordinance No. 02-2015, approved a combination of the lots located at 634 High Street and 41 East New England Avenue (the “Worthington Masonic Association Subdivision”) in conjunction with a rezoning approval to PUD, Planned Unit Development; and,

WHEREAS, Section 1101.11 of the Codified Ordinances of the City requires that a Final Subdivision Plat be filed and recorded with the Franklin County Recorder within six months from approval, unless such time is for good cause shown extended by resolution of Council; and,

WHEREAS, the developer is preparing applications for historic preservation tax credits from the federal and state governments, which applications are due in August 2015 and September 2015, respectively; and,

WHEREAS, the combination of the lots will cause the State agency to review the entire development project, rather than only those lots on which the historical buildings are situated; and,

WHEREAS, in order to provide the reviewing agencies with only those application materials that are relevant to the request for historic preservation tax credits, the developer is seeking to extend the requirement for recording the plat, and the corresponding lot combination thereon, until after the application process is complete.

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

SECTION 1. That, for good cause shown, Worthington Lodge, LLC (fka Showe Worthington, LLC) is hereby granted an extension of time of six months from the effective date of this Resolution to file and record the Worthington Masonic Association Subdivision Final Plat with the Franklin County Recorder.

SECTION 2. That the Clerk of Council be instructed to record this Resolution in the appropriate record book.

Adopted ________________

__________________________________
President of Council

Attest:

__________________________________
Clerk of Council
MEMORANDUM

TO: Matthew H. Greeson, City Manager
FROM: R. Lee Brown, Director of Planning & Building
       Pam Fox, Law Director
DATE: July 15, 2015
SUBJECT: Resolution Authorizing a Six-Month Extension of Time for Recording of the Final Plat for the Worthington Lodge, LLC Development. – 634 High Street & 41 East New England Avenue

Background & Request:
On January 20, 2015 City Council approved the combination of three (3) parcels located at 634 High Street and 41 East New England Avenue to create one parcel that will be 1-acre in size. This request was part of the overall request to rezone the property to allow for the redevelopment of the Masonic Lodge site.

Section 1101.11(c) of the Codified Ordinances of Worthington requires that a Final Plat be recorded with the Franklin County Auditor within six (6) months from the date of approval by City Council.

The applicant would like to request a six (6) month extension.

The applicant has been working diligently with the State Historic Preservation Office and the National Park Service to make application for State and Federal monies to be used for the rehabilitation and re-use of the historic buildings on the site. The application deadline is in August and September with an anticipated award date of late December 2015 and January 2016.

The combination of the lots will cause the State agency to review the entire development project, rather than only those lots on which the historical buildings are situated. In order to provide the reviewing agencies with only those application materials that are relevant to the request for historic preservation tax credits, the developer is seeking to extend the requirement for recording the plat, and the corresponding lot combination until after the application process is complete.

All the previously approved requirements associated with Case #PUD-03-14 will carry forward with the proposed time extension.

Recommendation:
Staff is recommending approval for a six (6) month extension of time.
ORDINANCE NO. 31-2015

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor and Declaring an Emergency.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year beginning January 1, 2016; and,

WHEREAS, the Budget Commission of Franklin County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio, six-sevenths of the members elected thereto herein concurring that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further ordained that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2015 (collection year 2016) as follows:

SCHEDULE A

SECTION 1. Summary of amounts required from General Property Tax approved by the Budget Commission and County Auditor’s estimated tax rates.

<table>
<thead>
<tr>
<th></th>
<th>Amount to be Derived from Levies Outside 10 Mill Limitation</th>
<th>Amount Approved by Budget Commission Inside 10 Mill Limitation</th>
<th>County Auditor’s Estimate of Full Tax Inside Limitation</th>
</tr>
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<td>General Fund Charter</td>
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<td>$___________</td>
<td>2.03</td>
</tr>
<tr>
<td>Bond Retirement</td>
<td>$___________</td>
<td>$___________</td>
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<tr>
<td>Police Pension</td>
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<td>$___________</td>
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<tr>
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<td></td>
<td></td>
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</tr>
<tr>
<td>TOTAL</td>
<td>$                   $</td>
<td>2.50             2.50</td>
<td></td>
</tr>
</tbody>
</table>
ORDINANCE NO. 31-2015

AND BE IT FURTHER ORDAINED:

SECTION 2. That the Clerk of Council be and hereby is directed to certify a copy of this ordinance to the County Auditor of Franklin County.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public health, safety and welfare, and 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. 32-2015

To Provide for the Submission of an Amendment to the Charter of the City of Worthington, Ohio, for a Vote of the City Electorate at a Regular Municipal Election to be Held on November 3, 2015.

WHEREAS, on June 19, 2015 a petition committee comprised of five persons filed a certified copy of a Petition for Submission of Proposed Amendment to Charter with the Finance Director of the City; and,

WHEREAS, such copy set forth a true and exact reproduction of a proposed petition that the petition committee intended to circulate for signatures which would amend the Charter of the City by enacting a new Section 1.04 REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES OR OTHER ZONING MEASURES; and,

WHEREAS, on July 6, 2015 a Petition for Submission of Proposed Amendment to Charter was filed with the Clerk, comprised of 34 part-petitions containing 781 signatures; and,

WHEREAS, the Petition was submitted to the Franklin County Board of Elections on July 9, 2015 for verification of the signatures and on July 16, 2015 the City was notified by the Board of Elections that the Petition contains 692 valid signatures; and,

WHEREAS, Section 9.04 of the Charter of the City authorizes amendments to the Charter to be made as provided in Section 9 of Article XVIII of the Constitution of Ohio, which requires the City Council to submit to the electors of the City, by ordinance, a charter amendment proposed by petition of ten percent of the electors; and,

WHEREAS, according to the Board of Elections, there were 3,501 Worthington electors who voted at the last general municipal election held in 2013; and,

WHEREAS, the Constitution provides that the charter amendment question shall be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after passage of the ordinance; and,

WHEREAS, the next regular municipal election is to be held on November 3, 2015.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio, two-thirds of the members elected thereto herein concurring:
ORDINANCE NO. 32-2015

SECTION 1. That the question of amending the City Charter by the enactment of the amendment submitted by petition signed by ten percent of the electors of the City, and the amendment establishing the effective date of amendments to the Charter, as hereinafter specifically set forth, be submitted, as a single ballot question, to the qualified electors of the City at the Regular Municipal Election to be held on Tuesday, the 3rd day of November, 2015, at the regular places and times of voting in the City:

To Enact the following proposed amendments to the Charter of the City of Worthington:

Section 1.04 of the Charter of the City of Worthington to be enacted to read as follows:

SECTION 1.04 REFERENDUM AND EFFECTIVE DATE ON ZONING ORDINANCES OR OTHER ZONING MEASURES.

(A) Notwithstanding any other provision of this Charter, the power of referendum on any ordinance or other measure passed by the Council amending the City’s zoning code or changing the zoning for any property in the City may be exercised in the manner provided by the laws of the State of Ohio except that the petition may be filed upon passage of any ordinance or other measure by Council and within sixty (60) days following publication in order to afford an opportunity during that period for the filing of referendum petitions thereon.

(B) Notwithstanding any other provision of this Charter, no ordinance or other measure passed by the Council amending the City’s zoning code or changing zoning for any property in the City shall go into effect until sixty (60) days following publication in order to afford an opportunity during that period for the filing of referendum petitions thereon; nor shall any such ordinance or measure be passed on an emergency basis.

Section 10.07 of the Charter of the City of Worthington to be amended to read as follows:

SECTION 10.07 WHEN CHARTER AMENDMENTS TAKE EFFECT.

Amendments to this Charter shall be voted upon at a Regular Municipal Election held on November 3, 2015, and if approved by the electorate, shall become effective as of such date.
ORDINANCE NO. 32-2015

SECTION 2. That the ballot for said election shall conform to the election laws of the State of Ohio, and shall: (1) be entitled “Proposed Charter Amendments – City of Worthington;” (2) contain a statement that a majority affirmative vote is necessary for passage and approval of the amendment of the Sections as proposed herein; and (3) state the question to be submitted to the electorate of the City in condensed text form.

SECTION 3. That the Director of Law be and he hereby is authorized and directed to make such arrangements with the Board of Elections of Franklin County as are necessary for giving notice of said election and for placing the question on the ballot, and for printing the text of the proposed amendments for posting at polling places.

SECTION 4. That the Clerk of Council be and she hereby is directed to certify a copy of this Ordinance to the Board of Elections of Franklin County and to publish the full text of the proposed Charter amendments, as set forth in Section 1 of this Ordinance, once a week for not less than two consecutive weeks in a newspaper of general circulation in the Municipality or as provided in Section 7.16 of the Ohio Revised Code, with the first publication being at least fifteen (15) days prior to the election hereinbefore provided.

SECTION 5. That this Ordinance, directing a question to the electorate, shall take effect immediately upon its passage and publication as provided in Section 2.19 of the Charter of the City of Worthington.

Passed ________________

______________________________
President of Council

Attest:

______________________________
Clerk of Council
On July 6, 2015, the City Clerk received a Petition for Submission of Proposed Amendment to Charter, consisting of 34 part-petitions and containing 781 signatures. The proposed charter amendment would, in summary, provide for a 60 day waiting period following passage by Council of all ordinances or other measures “amending the City’s zoning code or changing the zoning for any property in the City” to afford the opportunity for a referendum petition to be filed within that time. It would also prohibit those types of ordinances from being passed on an emergency basis.

The process for amending municipal charters is set forth in Section 9 of Article XVIII of the Ohio Constitution, and applicable statutes. If a petition to amend the charter, signed by ten percent of municipal electors, is submitted to the City, the City is required to, forthwith, provide by ordinance for the submission of the question to the electors at the next regular municipal election occurring between sixty and one hundred and twenty days after passage. The City Council must determine the sufficiency of the petition prior to considering the ordinance. A “sufficient” petition has been held to mean that it is in the proper form and otherwise conforms to the requirements established for petitions and petition circulation. A City Council may not refuse to place the question on the ballot for substantive issues that it has with the petition, such as the vagueness or overbreadth of the language, whether it calls into question any constitutional or statutory issues, or because Council may disagree with the amendment.

The petition was submitted to the Franklin County Board of Elections on July 9th for verification of the signatures. A petition to amend a charter requires ten percent of the total number of votes cast at the last preceding general municipal election. In 2013 (the last
general municipal election), 3,501 votes were cast by Worthington electors, which results in a total of 351 valid signatures needed for the petition. The Board of Elections has verified 692 signatures. The part-petitions appear to be sufficient in all other respects.

Even though the Constitution mandates the submission of the question to the electorate, the City does not have to dispense with its internal process for the passage of ordinances. To that end, an ordinance has been drafted for introduction. Because of the timing of the filing of the petition with the City and the proximity of that filing with the upcoming Council summer recess, it will be necessary to schedule one or more special City Council meetings to vote on the ordinance. And, because the Constitution requires the ordinance to be passed by a two-thirds vote, at least 5 affirmative votes are necessary. Ordinances directing a question to the electorate are effective immediately upon passage and publication (Worthington Charter Section 2.19).

While the Constitution allows up to 60 days prior to the general municipal election (September 4th of this year) for the City to pass the ordinance for the submission to the electors, to the extent that Council can call a special meeting and consider the ordinance well before that time is strongly advised. Failure of city councils to meet that deadline, resulting in the call for a special election and the costs associated with one, has been viewed with strong disfavor by the courts. Further, the Law Department will be required to clear the ballot language with the Board of Elections during what is most certainly one of the busiest times of the year.

The draft ordinance provides for the charter amendment language set forth in the petition to be submitted to the electorate. In addition, Section 10.07 traditionally has been amended each time a charter amendment has passed to indicate the date of effectiveness of the amendment. That section is proposed to be amended as well, should the measure pass at the general election.

The City is required to provide notice of the charter amendment to its electors before the election, either by mailing each elector a copy, or by advertising the amendment in a newspaper of general circulation. If mailed, the clerk is required to post the mailings no less than thirty days prior to the election. If advertisement is the selected method, the full text of the amendment must be published once a week for not less than two consecutive weeks, or as provided in Section 7.16 of the Ohio Revised Code (a recently enacted provision for abbreviated publications), with the first publication being at least fifteen days prior to the election.

I have been asked by Council to provide them with a summary of the impacts that this type of Charter provision may have on our operations, which I am in the process of completing. I will send that to you as soon as possible.

If you have any questions about the ordinance or the charter amendment petition, please do not hesitate to contact me.
ORDINANCE NO. 33-2015

An Ordinance Authorizing the City to Accept Title in the City to Certain Property and to Transfer Title to the Property Back to the Original Owner for Public Purposes.

WHEREAS, the City of Worthington (the “City”) is committed to encouraging the redevelopment of existing property within the City limits; and,

WHEREAS, Trivium Development LLC (the “Company”) or its designee desires to purchase and completely renovate approximately 53,200 square feet of office space, substantially re-grading exterior parking facilities and creating handicap accessible facilities at a vacant single-tenant office building on West Wilson Bridge Road (the “Project”) and in doing so will construct certain improvements to real property that will serve a public purpose (the “Designated Improvements”) on the property described in Exhibit A attached hereto (the “Site”); and,

WHEREAS, the Site features a single-tenant commercial office building constructed in 1976 and which has been left vacant and unused for at least ten years since its last occupant relocated out of Worthington, and which such building requires significant retrofitting and renovations in order to render it market-viable; and,

WHEREAS, the City desires to support and facilitate the construction of the Designated Improvements by passing an Ordinance under Ohio Revised Code Section 5709.41 (the “TIF Ordinance”) declaring the development of the Designated Improvements to be a public purpose; and,

WHEREAS, the City must hold fee title to the real property comprising the Site prior to enacting the TIF Ordinance; and,

WHEREAS, it is necessary for the City to execute certain documents to accomplish the acceptance and subsequent transfer back to the Company of title to the real property comprising the Site, all prior to the City’s enactment of the TIF Ordinance.

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

SECTION 1. That the development of the Designated Improvements is a public purpose in furtherance of the City’s efforts to accomplish urban redevelopment within the City.

SECTION 2. That the City Manager is hereby authorized and directed to accept, on behalf of the City, title in the City to the real property comprising the Site, and to immediately transfer the Site back to the Company.
ORDINANCE NO. 33-2015

SECTION 3. That the City Manager is authorized and directed to execute, in accordance with this Ordinance, the quit claim deed(s) and all additional documents necessary, and to take any other required action, to take title to the Site in the City’s name from the Company and to immediately transfer title back to the Company. Each such transfer shall be made for no monetary consideration.

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
EXHIBIT A

The Site is comprised entirely of the following: Franklin County, Ohio Auditor’s parcel number 100-005397-00.

The legal description of the Site is the following: 350 West Wilson Bridge Road, Officescape, Lot 4.
MEMORANDUM

TO: Matt Greeson
FROM: Jeffry Harris
DATE: July 16, 2015
SUBJECT: Title transfer – 350 West Wilson Bridge Road redevelopment project

I write to provide background and staff recommendation concerning the City taking, and immediately transferring back, fee simple title to real property located at 350 West Wilson Bridge Road in Worthington. This property transfer is in direct relation to the creation of urban redevelopment tax increment financing (“TIF”) under Ohio Revised Code (“ORC”) §5709.41, which will be recommended of City Council in September 2015.

Staff Recommendation:

Staff recommends adoption of Ordinance 33-2015, thereby authorizing you to execute quit claim deed, and related documentation, to take title to 350 West Wilson Bridge Road and to immediately transfer title back to the developer.

Background:

This ownership transfer action concerns the former Mettler-Toledo headquarters building at 350 West Wilson Bridge Road, in the area identified in the City’s Wilson Bridge Corridor Study as intended for office use (the “Site”). The City’s development interest in this property is longstanding, dating back to the early 2000s when Mettler-Toledo moved to the Polaris area, leaving behind this large single-use tenant space. More recently, the property was purchased by Canadian buyers as part of a portfolio of commercial office space; earlier this year, a local real estate broker was successful convincing the owners to place the Site for-sale on the open market ($1.95 million asking price).

As you are well aware, substantial redevelopment and investment has occurred within walking distance of the Site along West Wilson Bridge Road. Through presentations, phone calls and marketing collateral material, the City has publicly sought to partner financially with private development interests to bring the Site back to market viability and commercial use.
In April 2015, Trivium Development LLC (“Trivium”) entered into a purchase agreement with the Canadian owners to acquire the Site and fully renovate its 53,200 square feet of interior space and exterior parking facilities into high-quality multi-tenant medical office space (the “Project”). Trivium plans to close on the Site’s purchase in August.

The Project is expected to involve a total investment by Trivium of approximately $5.8 million. Included in this investment is the $1.95 million paid for the Site, with $3.9 million in new constructions costs.

The Project will commence fall 2015, with all construction and improvements likely completed by December 31, 2016.

**Title Transfer:**

At the time of this writing, staff are preparing for City Council’s adoption an urban redevelopment TIF structure under ORC §5709.41, which would allow the City to direct TIF revenues to reimburse Trivium for public-focused improvements throughout the entire Site, including interior renovations. There are a number of steps that must be taken to create the TIF, including the City entering the chain of title to the Site prior to adopting the enabling ordinance.

Specifically, ORC §5709.41(B) states that a municipality may declare a public purpose any improvement to the real property, so long as the municipality held fee simple title prior to the adoption of the TIF’s enabling ordinance and the property was then conveyed away by the municipality.

The City has precedent in undertaking this approach in the context of another critical redevelopment project: the Shops at Worthington Place. As you may recall, prior to adoption of the TIF under Ordinance 47-2010 in that project, the City Council authorized you to accept and convey fee simple title to the mall property.
ORDINANCE NO. 34-2015

Approving a Grant as Part of the City’s Economic Development Venture Program and Authorizing the City Manager to Enter into an Economic Development Grant Agreement for the Same.

WHEREAS, this City Council has established an Economic Development Venture Grant Program in order to assist in creating job and employment opportunities within the City; and,

WHEREAS, this City Council created an Economic Development Fund (the “Fund”) to provide incentives to businesses wishing to remain or locate within the City; and,

WHEREAS, in amending the Economic Development Venture Policy under Ordinance 57-2006, this City Council stated its intention to allow the use of grants payable from the Fund to encourage the productive reuse and development of targeted properties; and,

WHEREAS, Trivium Development LLC (the “Company”) desires to purchase and completely renovate approximately 53,200 square feet of office space, substantially re-grading exterior parking facilities and creating handicap accessible facilities at the vacant single-tenant office building at 350 West Wilson Bridge Road (the “Project”); and,

WHEREAS, the property to be purchased by the Company for the Project has been vacant for many years, and the redevelopment helps satisfy the City’s economic development goal of attracting new medical office operations into Worthington; and,

WHEREAS, the City has identified the construction of high-quality, Class A-grade office space as a critical priority in establishing a sustainable economic environment in Worthington for the foreseeable future; and,

WHEREAS, the City seeks to assist the Company in the costs borne under the Project to fully renovate into high-quality multi-tenant medical and commercial office space for new users on the Wilson Bridge Road Corridor; and,

WHEREAS, as structured, this Venture Grant Project otherwise meets all of the criteria for a grant of funds established in the City Economic Development Incentive Policy;

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 approved a grant to the Company approximately equal in net present value to Two Hundred Twenty-Two Thousand Dollars ($222,000.00) in assistance, to be paid in three (3) annual installments, each equaling Seventy Eight Thousand Eight-Hundred Dollars ($78,800.00), during the first three sequential years of the agreement term from the Fund to assist in the renovations of new high-quality medical and commercial office space in the City of Worthington.

SECTION 2. That the City Manager is hereby authorized and directed to enter into an Agreement with the Company substantially in the form in EXHIBIT A, attached hereto and made a part hereof, establishing the conditions of the grant, provided however that the City Manager shall not be directed to sign said Agreement unless and until the tax increment financing agreement associated with the Project is executed by the Company.

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

Passed ____________________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
EXHIBIT A

ECONOMIC DEVELOPMENT GRANT AGREEMENT

THIS ECONOMIC DEVELOPMENT GRANT AGREEMENT (the "Agreement") is made and entered into this ___ day of _______________ ___, 2015 (the “Effective Date”), by and between the CITY OF WORTHINGTON, a municipal corporation with its offices at 6550 North High Street, Worthington, Ohio 43085 (the “City”), and TRIVIUM DEVELOPMENT LLC, an Ohio limited liability company with its principal offices at 210 North Lazelle Street, Columbus, Ohio 43215 (“Company”), (both collectively referred to herein as the “Parties”).

RECITALS

WHEREAS, pursuant to Ordinance No. 44-2002 (As Amended), Ordinance No. 37-2004, and Ordinance No. 57-2006 (As Amended) (the “Approval Ordinances”), and consistent with its goal of encouraging the development and maintenance of commercial and industrial businesses within the City and to provide for the creation of jobs and employment opportunities, the City has established an Economic Development Fund (the “Fund”) and adopted an Economic Development Incentive Policy (the “Policy”); and

WHEREAS, Worthington City Council stated its intention in the Approval Ordinances to allow the use of grants payable from the Fund to encourage the productive reuse and development of targeted properties; and,

WHEREAS, as authorized in Article VIII, Section 13 of the Ohio Constitution and in accordance with the guidelines established under the Policy, the City has offered to provide the Company an economic development incentive grant to encourage the Company to renovate 53,200 square feet of new multi-tenant medical and commercial office space located within the City (the “Project”), as more fully described and set forth in EXHIBIT A, Scope of Work, attached hereto and incorporated herein; and,

WHEREAS, the Project features a single-tenant commercial office building constructed in 1976 and which has been left vacant and unused for at least ten years since its last occupant relocated out of Worthington, and which such building, located at 350 West Wilson Bridge Road, City of Worthington (the “Subject Premises”), requires significant retrofitting and renovations in order to render it market-viable; and,

WHEREAS, the Company has agreed to enter into this Agreement, which sets forth the Company’s respective rights and obligations concerning the payment of such grant.

NOW THEREFORE, the Parties covenant, agree and obligate themselves as follows:

Section 1. Terms of the Grant. The City shall provide to the Company an economic development incentive grant in amounts set forth in this section (the “Grant”), which the Company shall use in connection with the redevelopment to occur under the Project, defined above, and situated within the City of Worthington. The first payment under this Section shall be provided to
the Company after the City’s issuance of the Project’s Final Certificate of Occupancy and Certificate of Zoning Compliance (as the Certificate of Zoning Compliance relates to all improvements described in the Company’s approved development plan) (collectively, the “Certificates”), provided that this Agreement has been fully executed by both Parties. By accepting the Grant, the Company agrees to meet the Grant Objectives defined in Section 3 below.

The Grant shall be payable to the Company in three (3) consecutive annual installments of Seventy Eight Thousand Eight Hundred dollars ($78,800.00) (each representing an “Annual Installment Amount”), with the first such Annual Installment Amount to be payable upon the City’s issuance of the Certificates and each subsequent Annual Installment Amount to be payable each of the following two twelve (12) month periods hence during the Term defined herein, subject to the City’s Annual Review as set forth in Section 4 of this Agreement. The term of this Agreement shall commence on the Effective Date and end five (5) years after such Effective Date (the “Term”).

Section 2. City's Obligation to Make Payments Not Debt: Payments Limited to Nontax Revenues. Notwithstanding anything to the contrary herein, the obligations of the City pursuant to this Agreement shall not be a general obligation debt or bonded indebtedness, or a pledge of the general credit or taxes levied by the City, and the Company shall have no right to have excises or taxes levied by the City, the State or any other political subdivision of the State for the performance of any obligations of the City herein. Consistent with Section 13 of Article VIII, Ohio Constitution, any payments required to be made by the City pursuant to this Section 2 shall be payable solely from the City's non-tax revenues. Further, the obligation of the City to make the payments pursuant to this Agreement shall be in accordance with the Approval Ordinances and subject to certification by the Director of Finance of the City as to the availability of such non-tax revenues.

Section 3. Grant Objectives. In consideration of the City’s agreement to provide the Grant to the Company, the Company agrees to comply with all the following objectives throughout the Term (the “Grant Objectives”):

(a) Within eighteen (18) months after the Effective Date, the Company will construct the Project in accordance with plans reviewed and approved by the Worthington Municipal Planning Commission;

(b) Within thirty-six (36) months after the Effective Date and continuing without interruption throughout the remainder of the Term, the Company shall cause at least Six Million dollars ($6,000,000.00) in total annual wages to be paid to persons working within the Subject Premises, and such payroll shall not be comprised by wages paid for the construction of said Subject Premises, with such total wages resulting from other third party employers and such wages paid are subject to City withholding (the “Total Annual Compensation”);

(c) The Company shall remain current on all real estate tax obligations relevant to the Project, including any service payments in lieu of taxes otherwise due, during the Term.
Section 4. **Annual Review of Grant Objectives; Actions by City.**

The Company shall make annual reports, in such detail as may reasonably be requested by the City, as to the actual progress of the Company with respect to the Project and the terms of this Agreement. Information requested by the City may include the amount of investment made, number of new jobs created, the amount of payroll attributable to such new jobs, and such other information related to carrying out this Agreement as the City reasonably requires. Prior to remitting the Annual Installment Amount for the respective period, the City shall review the information supplied by the Company to determine whether it is satisfying the Grant Objectives (the “Annual Review”).

In the event the City determines in its Annual Review that the Company has met the Grant Objectives during the respective period, the City shall remit to the Company the Annual Installment Amount for that period. If, however, the City determines in its Annual Review that the Company did not meet the Grant Objectives for the respective period, the Annual Installment Amount shall not be remitted to the Company for that period.

Section 5. **Miscellaneous.**

(a) **Notices.** Except as otherwise specifically set forth in this Agreement, all notices, demands, requests, consents or approvals given, required or permitted to be given hereunder shall be in writing and shall be deemed sufficiently given if actually received or if hand-delivered or sent by a recognized, overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to the other party at the address set forth in this Agreement or any addendum to or counterpart of this Agreement, or to such other address as the recipient shall have previously notified the sender of in writing, and shall be deemed received upon actual receipt, unless sent by certified mail, in which event such notice shall be deemed to have been received when the return receipt is signed or refused. For purposes of this Agreement, Notices shall be addressed to:

If to City: City of Worthington  
Attn: Economic Development  
6550 North High Street  
Worthington, Ohio 43085

with a copy to:

City of Worthington  
Attn: Director of Law  
370 Highland Avenue  
Worthington, Ohio 43085

If to Company: Trivium Development LLC  
210 North Lazelle Street  
Columbus, Ohio 43215
The Parties, by notice given hereunder, may designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

(b) **Extent of Provisions: No Personal Liability.** All rights, remedies, representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. No representation, warranty, covenant, agreement, obligation, or stipulation contained in this Agreement shall be deemed to constitute a representation, warranty, covenant, agreement, obligation or stipulation of any present or future official, member, officer, agent or employee of the City or the Company in other than his or her official capacity. No official executing or approving the City's or the Company’s participation in this Agreement shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of the issuance thereof.

(c) **Successors.** This Agreement shall be binding upon and inure to the benefit of the Company and its successors and assigns.

(d) **Amendments.** This Agreement may only be amended by a written instrument executed by both Parties.

(e) **Executed Counterparts.** This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same agreement. It shall not be necessary in proving this Agreement to produce or account for more than one of those counterparts.

(f) **Severability.** In case any section or provision of this Agreement, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:

(i) that illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into, or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein;

(ii) the illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof; and

(iii) each section, provision, covenant, agreement, obligation or action, or part thereof shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the fullest extent permitted by law.

(g) **Captions.** The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of the Agreement.
(h) **Governing Law and Choice of Forum.** This Agreement shall be governed by and constructed in accordance with the laws of the State of Ohio or applicable federal law. All claims, counterclaims, disputes and other matters in question between the City, its agents and employees, and the Company, its employees and agents, arising out of or relating to this Agreement or its breach will be decided in a court of competent jurisdiction within Franklin County, Ohio.

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in their respective names by their duly authorized representatives, all as of the date written above.

CITY OF WORTHINGTON

By: ______________________________
Matthew H. Greeson, City Manager

TRIVIUM DEVELOPMENT LLC

By: ______________________________

Its: ______________________________

Approved as to form:

_________________________________
Pamela A. Fox, Law Director
City of Worthington, Ohio
Exhibit A

SCOPE OF WORK

Trivium Development LLC (the “Company”) has purchased 350 West Wilson Bridge Road, Worthington, Ohio 43085, Franklin County Auditor Parcel ID 100-005397-00 (the “Subject Premises”) in fee and will significantly renovate and construct improvements thereon for purposes of creating 53,200 square feet of medical and commercial office multi-tenant space with frontage along I-270 to accommodate new employers in the City (the “Project”).

The Project is expected to involve a total investment by the Company of approximately five million eight hundred thousand dollars ($5,800,000.00). Included in this investment is approximately one million nine hundred fifty thousand dollars ($1,950,000.00) for the acquisition of the Subject Premises, and an estimated three million eight hundred fifty thousand dollars ($3,850,000.00) in new constructions costs.

The Project will commence on or about August 31, 2015. It is intended that all construction and improvements will be completed by December 31, 2016.
MEMORANDUM

TO: Matt Greeson
FROM: Jeffry Harris
DATE: July 16, 2015
SUBJECT: Venture Grant – Trivium Development LLC redevelopment project

I write to provide background and staff recommendation concerning a proposed Venture Grant award to assist in the renovation of new, high-quality multi-tenant medical and commercial office space on West Wilson Bridge Road in Worthington.

Staff Recommendation:

Staff recommends adoption of Ordinance 34-2015, thereby authorizing the City Manager to enter into a Venture Grant agreement, as described below, to assist Trivium’s redevelopment project.

Background:

The former Mettler-Toledo headquarters building at 350 West Wilson Bridge Road has long been a redevelopment target of the City since Mettler-Toledo moved to the Polaris area in 2000, leaving behind this large single-use tenant space. More recently, the property was purchased by Canadian buyers as part of a portfolio of commercial office space; earlier this year, a local real estate broker was successful convincing the owners to place the property for-sale on the open market ($1.95 million asking price).

In April 2015, Trivium Development LLC (“Trivium”) entered into a purchase agreement with the Canadian owners to acquire the property and fully renovate its 53,200 square feet of interior space and exterior parking facilities into high-quality multi-tenant medical and commercial office space (the “Project”). Trivium plans to close on the Site’s purchase in August.

The Project is expected to involve a total investment by Trivium of approximately $5.8 million. Included in this investment is the $1.95 million paid for the Site, with $3.9 million in new constructions costs.
The Project will commence fall 2015, with all construction and improvements likely completed by December 31, 2016.

Under the agreement, Trivium will cause at least $6 million in total annual payroll to be paid to persons working in the renovated multi-tenant facility within three years of the start of the Project. Once reached, this annual payroll level will be maintained throughout the five-year term of the Venture Grant.

**Venture Grant – Terms & Benefits:**

Proposed redevelopment by Trivium to renovate multi-tenant medical and commercial office space is recommended for a Venture Grant payable in three (3) annual installments of $78,800. These equal payment amounts, in the aggregate, are 33% of the estimated income tax collections by the City from expected annual payroll during a 5-year period after construction is complete. This grant is estimated to provide Trivium with a net present value of $222,000 in assistance across the agreement term, at a three percent discount rate.

Each annual payment will be conditioned on Trivium meeting the payroll commitments for the respective period. Trivium’s failure to meet its commitments in a given year will result in the City not remitting the annual installment amount for that period.