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

  o 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 is there 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 maybe 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 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 streamline 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. Greenson 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 for 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. Myers 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 Ridgedale 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 an 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.

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Stealth Stat Report

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

<table>
<thead>
<tr>
<th>Direction</th>
<th>Start Date</th>
<th>End Date</th>
<th>Average Speed</th>
<th>Ten Mile Pace</th>
<th>50th Percentile</th>
<th>85th Percentile</th>
<th>Total Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approaching Traffic</td>
<td>04-24-2015 2:01 PM</td>
<td>04-27-2015 7:00 PM</td>
<td>20.72 MPH</td>
<td>18 to 27 MPH</td>
<td>21 MPH</td>
<td>27 MPH</td>
<td>1757</td>
</tr>
<tr>
<td>(Westbound)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receding Traffic</td>
<td>04-24-2015 2:01 PM</td>
<td>04-27-2015 7:00 PM</td>
<td>22.62 MPH</td>
<td>20 to 29 MPH</td>
<td>24 MPH</td>
<td>28 MPH</td>
<td>1946</td>
</tr>
</tbody>
</table>
Crandall Dr. area of Ridgedale Dr. E.  Speed Limit – 25 mph (Weekday Data +/-)

<table>
<thead>
<tr>
<th>Direction</th>
<th>Start Date</th>
<th>End Date</th>
<th>Average Speed</th>
<th>Ten Mile Pace</th>
<th>50th Percentile</th>
<th>85th Percentile</th>
<th>Total Vehicles</th>
</tr>
</thead>
</table>

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.
Questions

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.

_/s/ Tanya Maria Word
Temporary Clerk of Council

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

_/s/ Bonnie D. Michael
Council President