



## **Meeting Minutes**

Monday, September 21, 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, September 21, 2015, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

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

### Member(s) Absent:

**Also present:** Clerk of Council Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Service and Engineering Director William Watterson, Director of Building and Planning Lee Brown, and Director of Parks and Recreation Darren Hurley

There were approximately sixteen visitors present.

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

## VISITOR COMMENTS

### Kate Wilson, 267 Crandall Dr.

*Ms. Wilson commented that she is present tonight with her neighbor, Matt Erickson. She shared that five months ago the majority of residents that live on Crandall Dr. between High St. and Northland Dr. made a formal request to the city council for the installation of sidewalks. They would like an update on the project's progression at this point. Mr. Greeson replied that he is not sure there is one at this point other than any future conversations on the topic may be referred to the Bike and Pedestrian Advisory Board. One of the challenges is that it has been reported to staff that there is a majority of residents that are interested in the area on Crandall, however there are some against them. That has not been verified in any way but it has not been reported to us that there is a majority in each block. He believes our ordinance, which compels us to conduct a special assessment requires a majority (51%) in each block. He thinks that is one of the challenges in this instance in that the reported majority does not necessarily match the ordinance requirements.*

*Ms. Wilson agreed that they are not spread out evenly defined blocks by the current ordinance but it would be great if they could talk about the details of the ordinance and possibly an amendment to the ordinance. It has been in existence since 1996 and it hasn't been used. It is nineteen years old and she has some helpful suggestions or would like a discussion about the amendment either at this time or in the future.*

*Mr. Norstrom asked staff if the way the ordinance currently reads is if you have a majority of a block the block could get a sidewalk. Mr. Greeson replied yes.*

*Mr. Myers added that it would be by assessment. Mr. Greeson agreed that it compels the city to design it and pay 50% of the cost and assess the remaining 50%.*

*Mr. Norstrom commented that it could be in one block then but not in another. Mr. Greeson agreed.*

*Ms. Wilson stated that is why they were hoping that council would consider this project as a whole rather than block by block so we wouldn't result in a patchwork of sidewalks that don't connect to each other. They were hoping to keep an integrity to the project.*

*Ms. Michael shared that when she walked Crandall she found that some of the residents were upset and don't want a sidewalk because they don't want their entire front yard taken away. Someone asked why they can't install sidewalks right along the curb like they have in Colonial Hills and in other parts of Worthington. She doesn't know if that is a possible alternative which would make it a little more amenable to people.*

*Mr. Norstrom asked Mr. Watterson if he can explain why that really can't be done.*

*Mr. Watterson explained that primarily because under the American with Disability guidelines, sidewalks need to be five feet in width to allow wheelchairs to pass. Then the maximum cross slope is 150. In a residential neighborhood with many driveways, typically a driveway every 70 feet or so, the driveway is no longer sloped at 150. There are no sidewalks in Colonial Hills that were constructed adjacent to the curb. They are not permitted under the ADA guidelines today.*

*Mr. Myers commented that the sidewalks have to then be pulled back from the apron. Mr. Watterson agreed that they have to be pulled back far enough from the curb that a reasonable driveway slope can be maintained. Then the sidewalk itself has to be a minimum of 150. The Codified Ordinances require a minimum distance of five feet from the back curb. Council has granted variances from that in the past but the primary problem is with a sidewalk adjacent to the curb you wouldn't be able to install driveways and maintain an ADA compliant walk.*

*Mr. Greeson shared that there is also discussion about changing the ordinance. He reminded members that staff wrote a memo on that subject awhile back but there are a number of ways by which you can have a sidewalk constructed.*

- 1) The city can do it.
- 2) By petition with this ordinance
- 3) Use the provisions of state law for municipalities that would allow staff to conduct a special assessment.

*Mr. Greeson thinks the minimum under those provisions is 2% plus the cost of intersections but members are not prohibited from paying more if that is what they choose to do. There is a great deal of flexibility under the state law provision but the challenge they have faced, which we as a staff haven't been able to reconcile is if not this specific ordinance then under what other situations would we assess? Under what other measures would we be compelled to do a sidewalk?*

*Mr. Norstrom understands that what residents are asking is for council to consider another ordinance. The current ordinance would allow residents to get sidewalks potentially in some places.*

Matt Erickson, 278 Crandall Dr.

*Mr. Erickson shared that absent any changes, he thinks they are willing to move forward with formally petitioning their neighbors to determine what the consensus is. They concede that there may not be a majority on certain blocks and the end result will be a patchwork of sidewalks from block to block and potentially from one side to the other. They think that with some changes to the governing ordinances, and there are three sections that govern this particular action, many of the concerns of certain neighbors will be addressed. Some of those would be in 905.10, to extend the payback period for the special assessment. It is currently five years and certainly an extended payback period would make this more amiable to some of our neighbors who find that the cost might be prohibitive. Fundamentally we would want council to consider inclusion in the upcoming 2016-2020 CIP resolution which presumably council will approve in December. In consideration of a very healthy Capital Improvement Fund balance, which he knows council will talk about tonight, income tax has been up close to 4% and property tax close to 5% so it seems like it is something that the Capital Improvement Fund might be able to support and is something that residents would like for members to consider in the upcoming resolution.*

*Mr. Norstrom asked Mr. Erickson for clarification. When he says supports, he means under the current ordinance. Residents are looking for funding for a sidewalk assuming they have a successful referendum. Mr. Erickson replied that under the current ordinance the city would be obligated to pay at least 50% of the cost anyway. Some of the changes that they would like to see in the ordinance includes extending the payback period and potentially modifying the ordinance. There is currently a "shall" clause in the second ordinance. It says the city "shall" pay 50% and that doesn't give the city much leeway in alignment with the state ordinance that Mr. Greeson mentioned. Changing that to "shall pay no less than 50%" might give the city the ability to bear a higher burden of the cost of the project and the residents of Crandall less burden.*

*Ms. Wilson added that one other concern they had about the current ordinance is that it defines it block by block. If we could change the ordinance so that the neighbors could decide the boundaries. If we petitioned as a group of neighbors and we would be allowed to define the boundary of the sidewalk, we wouldn't end up with a patchwork of sidewalks but something more seamless. Ms. Michael pointed out that putting a sidewalk*

*only on one side could cause some problems because although everyone would be able to use the side only the residents on the side with the sidewalks would be assessed.*

*Ms. Wilson replied that they are hoping for equal burden, equal access for the sidewalks but as it stands right now after their canvassing it wouldn't even be on one side. In some areas it would be on both sides of the street and then there would be a blank and you would have to cross the street to continue to use the sidewalk. No one wants to invest in that. It doesn't make sense. So that is why we are asking council to amend the ordinance so that residents could define the boundaries as a whole.*

*Ms. Michael asked Ms. Wilson if she could put their proposed changes in writing and e-mail them to Mr. Greeson for council's review. Ms. Wilson agreed to do that.*

*Mr. Greeson commented that he will ask Mrs. Fox to assess whether there will be a need to change the ordinance. They would be asking council to do certain things that it might already have the flexibility to do under state law. The question is whether council will want to do that or not.*

*Mr. Norstrom asked Mr. Greeson when he could have an answer back to council. Mr. Greeson replied pretty quickly. Mr. Norstrom asked that no later than October 31<sup>st</sup> would work. Mr. Greeson agreed that staff could certainly have it in the context of the current CIP and issues like length of time to repay. He thinks it gets down to under what situation or conditions, meaning numbers of residents will council feel compelled to initiate a special assessment and then what flexibility does council have under state law.*

*Mr. Norstrom thinks council has already heard from both sides. They don't know what the numbers are but let's at least identify the frame for moving this forward.*

*Mr. Greeson commented that council may want to change the code as is their prerogative. Mr. Norstrom stated that he understands that too but he encouraged staff to move a little faster than it has.*

*Mr. Greeson reported that he would accept responsibility for that. He thinks this issue and the way they have framed it, it has been framed to him previously and he didn't get it before council in this context. He apologized to council and added that staff will get the issue before them in the context of the CIP so that members can hear all the residents of Crandall and answer these questions and council can deal with it in the context of all of the other Capital Improvement items.*

*Mr. Smith commented that as staff is working through the CIP budget process specific to this, he was reading the Safe Route to Schools website best practices and there are some instances where city councils wrote a recommendation to the school district to at least have somebody from the school district help out and maybe even chip in especially since this is such a key artery for the Wilson Hill school. A ton of students and traffic go through that area daily so maybe they would be interested in chipping in a little bit to help with this project. Ms. Michael replied that would be nice.*

*Ms. Wilson shared that the last count they had there were twenty six children living on Crandall between kindergarten and sixth grade age.*

*Ms. Wilson added that residents have been using the e-mail address given by the website to try to contact council members and they have used it a number of time. She was wondering if there was a better way to directly reach members. Mr. Greeson replied that all e-mails that have been received get forwarded to council members.*

*Mr. Norstrom reported that he is not receiving e-mails.*

*Mr. Greeson commented that staff can provide residents with additional e-mails. He told Ms. Wilson to feel free to e-mail him and he would assist with her request.*

### **PUBLIC HEARINGS ON LEGISLATION**

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

#### **Ordinance No. 35-2015**

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

#### **The foregoing Ordinance Title was read.**

*Mrs. Roberts shared that staff has done an assessment on several line items and found that they require some additional funding to get us through the end of the year.*

- 1) An operating transfer into the sewer fund.

*Mrs. Roberts commented that this is the second request for funding for this item. The sewer fund revenues have not been coming in as regularly or as plentifully as staff had anticipated. Since we have moved a large percentage of the personnel expenditures into each particular fund we are realizing that monthly revenues just are not there to adequately cover these expenditures.*

- 2) Additional funds are needed in both Service and Parks for electricity.

*Mrs. Roberts again shared that this is the first year we have allocated the utility costs to each department and we are in need of some additional funding for those charges.*

- 3) Additional funds for Park Maintenance.

*Mrs. Roberts reported this being a request from Mr. Hurley in the amount of \$15,000 due to the extensive wet weather and other conditions that have occurred in this planting season. There will be some savings in the staff line in the Park Maintenance accounts*

*because of transitions and retirements so there will be savings in the personnel line to offset this funding request. She added that it is not our practice to make a transfer from personnel lines into other lines which is why this is a supplemental appropriation instead of just a transfer request.*

#### 4) Overtime in the Fire Department

*Mrs. Roberts reported that additional funds are needed because of some unanticipated long-term leaves. The overtime line in Fire operations has taken a significant hit this year and requires the additional funding to get us through the end of the year.*

*Dr. Chosy asked for clarification on the sewer revenues. Specifically, why do we receive those and why are they not coming in. Mrs. Roberts explained that we have a surcharge on both our water and sewer. The city of Worthington receives \$0.75 back in surcharge fees from the city of Columbus for both water and sewer utility because it has been in the ordinances for a very long time. Mr. Greeson added that it funds the ongoing maintenance of the system by the users.*

*Mrs. Roberts commented that the city also receives monthly revenue back from the city of Columbus for the surcharge that is collected for those charges.*

*Dr. Chosy thinks collections should be pretty steady. He asked why it is so slow. Mr. Myers recalls it being a function of the amount. Mrs. Roberts confirmed that it is a function of usage and their billing cycle. We have experienced some variations this year in the way revenues have come in that we did not see in previous years.*

*Mr. Myers shared one thing that he has noticed that seems to be a reoccurring theme on some of these, at least part of it, is that the change in our budgeting and our cost allocation is resulting in some of this. He assumes that as we get more experience in our cost allocation some of these will smooth out. Mrs. Roberts agreed. She explained that this was the first year of our step towards true programmatic budgeting and we did the best estimating that we could without any historical references.*

*Mr. Norstrom commented that in terms of the overtime for the Fire Department, is there anything we can do in future years relative to the unanticipated long-term leaves that we are experiencing. He stated that might be a better question for the Chief. Mr. Greeson agreed but he shared that the city utilizes part-time employees which helps. We have repetitively analyzed whether having additional staffing would help that or whether it is better to pay overtime. Our estimation is that while we have to periodic do this because of leaves, we are better off paying overtime to fill the gaps.*

*Mr. Norstrom stated that with the unanticipated, we could hire more part-timers to cut down on the overtime. Mr. Greeson commented that members will recall that in the past we have occasionally done an increase in the staffing chart to help bump with this kind of situations. It just depends on how long staff thinks it is going to be.*

*Mr. Norstrom thinks we could get more for the \$75,000 using part-timers instead of for paying overtime. Mr. Greeson agreed but added that to cover twenty-four hours a day, seven days a week, we would have to have numerous part-timers.*

**There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 35-2015. The motion carried by the following vote:**

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

**No 0**

**Ordinance No. 35-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 37-2015**

Authorizing the Worthington Community Improvement Corporation to Execute a Lease Agreement Between the WCIC and Sweet Carrot Worthington, LLC for a Portion of the Kilbourne Building.

**The foregoing Ordinance Title was read.**

*Mr. Greeson commented that the Kilbourne Building is a building that council owns that sits on the Village Green. It has long been a priority to fill that space. In fact a number of years ago the city rezoned it to C-5 to accommodate uses such as the one being considering this evening. Members also tasks the Community Improvement Corporation (CIC) with seeking to identify potential users of the building and they have successfully done that. He asked Mrs. Fox to overview the lease document and materials that are before council this evening. He added that the representatives of Sweet Carrot, Angela Petro and Jay Truman, had a conflict tonight and weren't able to be here but they will be before the Architectural Review Board to talk about the patio expansion that is mentioned in the materials.*

*Mrs. Fox commented that members have the draft lease agreement that staff has been able to negotiate with Sweet Carrot. It is for a portion, about half of the first floor on the south side of the building and includes the exterior patio to be constructed. Sweet Carrot is going to construct all of the tenant improvements that they need. As members know we are just finishing up the city's portion of improvements to that building. The \$300,000 grant money has been expended and then reimbursed back from the state. The elevator, if it isn't in, it is going in as we speak. There are a few other minor things that need finished to complete the City's portion of the work. That was the precursor for the negotiations with the tenant. They are looking to take possession November 1<sup>st</sup>. The initial term of the lease is for ten years with a seven year renewal. They have a right of first refusal on the northern space. If we get presented with a lease they will be given an opportunity to lease that space. Then if they decline to lease the space it will turn over to another tenant. In consideration of these tenant improvements they are proposing to*

*make, they have estimated that they will be in excess of \$400,000. We have agreed to fully abate that rent for the first seven years and then partially abate for the remaining three years of the first initial ten year term. Full rent will be paid in the renewal option period. It is a triple net lease which means that they will be paying all of the utilities, insurance, taxes, and what we call "common area" maintenance charges. Staff doesn't think there will be many of those, at least initially or even at all because there isn't that much common area left within the building. There are contingencies for this lease. As Mr. Greeson mentioned they are going before Architectural Review Board for approval of the exterior patio. A restaurant use is considered a Conditional Use in the C-5 zoning category so they will be seeking a Conditional Use permit as well. There are also a few variances that they will be requesting from the Board of Zoning Appeals. They have submitted all of that paperwork and will be before those boards in the near future.*

*Mrs. Fox further stated that there are contingencies for those permits as well as a contingency that if their tenant improvement costs exceed \$550,000 then they will have the ability to terminate the lease. As mentioned, they anticipate those costs to be around \$400,000. One of the improvements that the city made was to make that building ADA accessible so that will allow the public into the building and into both tenant spaces as well as into the basement if that space is ever to be used. So we are excited about this. Sweet Carrot has continued to express interest in this site since staff began speaking to them about a year ago. We are hoping to move forward with this lease, get them through their approvals and get them in there. That may take a few meetings as this is a big change in this building but we are excited about the prospect of bringing them in.*

*Ms. Dorothy asked how long the city has owned the Kilbourne Memorial Library building. Mrs. Fox replied about ten years.*

*Ms. Dorothy asked what type of improvements have already been provided for that building. Mrs. Fox reported that a new roof has been put on, asbestos has been removed from the inside, some HVAC work has been done and the mezzanine has been removed. Mr. Watterson added that all of the windows have been repaired, an elevator has been installed and the north side fire escape was removed as it was no longer necessary.*

*Mrs. Fox noted that the concrete has been repaired and the Service Department was able to locate the storm sewer lines and bring those back into operation so some repair work still needs to be done there. The front doors have been removed, refurbished and rehung.*

*Ms. Dorothy asked if anyone knows the costs of all of those improvements. Mrs. Fox replied that the most recent ones were close to \$500,000.*

*Mr. Myers recalls work close to \$1M with the roof, the asbestos removal and the current round of ADA compliant approval improvements. Mr. Greeson acknowledged that he doesn't have a total number but will provide council with a ten year summary. He believes it to be around the number that Mr. Myers recalls.*

*Mr. Norstrom commented that that doesn't include the cost of the building. Mr. Greeson agreed. He added that cost was around \$500,000.*

*Dr. Chosy concluded that members were sort of suggesting that the purchase of the building wasn't a very good idea. He pointed out that the city owns it, we control it, it is a key property on the Green and in spite of all of the complaining that he is hearing it was the right thing to do.*

*Ms. Dorothy shared that she was not complaining at all. She was trying to point out that the city has invested significant resources in this building. It is right on the Village Green. There are quite a number of events that take place there and she is very happy that we will have a tenant in there that the public will be able to patronize and that will hopefully help revitalize the downtown and definitely have more activity going on in that quadrant of the Village Green.*

*Ms. Michael shared that she is excited because we are breathing life into this lovely historic building that has been mothballed for way too long. She thinks the community will be very excited to have this lovely historic building finally used. We are excited to have Sweet Carrot. She believes it will be a wonderful addition to our community.*

*Mr. Norstrom asked if there is any reason to believe that \$500,000 contingency could even be in the realm of possibility based upon the estimates that Sweet Carrots have already received that center on the work that they want to do. Mrs. Fox replied that she hopes not. Staff thinks those estimates were pretty accurate. Much of that will depend on the cost of the outdoor patio. There were a few things that the city was originally going to construct in that building that we decided to pull back on such as the restrooms, just because of our budget limitations. That will be an added cost to them but we don't have a reason to think that it will exceed that amount and neither do they. She thinks it was important that they look at that number and say "yes" or "no" to that.*

*Mr. Norstrom stated that council is not approving the lease. He asked if that was correct. Mrs. Fox thanked Mr. Norstrom for bringing that up. She stated that this is actually a lease between the CIC and Sweet Carrot. This ordinance also authorizes the City Manager to execute a master lease between the City and the CIC because of legal reasons. That will just essentially be an authorization for the City to give the CIC this lease and they will administer it as a sub-lease, essentially. This authorizes the CIC to execute that lease.*

*Mr. Norstrom commented that there is nothing to think that what is before council this evening will be changed. The CIC has the authority but not necessarily permission to change things. Mrs. Fox agreed. If there are substantial terms in the lease that they want changed then staff would bring it back to council.*

*Mr. Norstrom commented that it is a ten year lease however the tenant can exercise a seven year extension of this lease and that does not need to come back to council. Mrs. Fox agreed because it is already part of the lease.*

*Ms. Michael reported that the Community Improvement Corporation had their meeting earlier today and stated that they would be willing to approve the lease and move forward if they received the permission from Council.*

*Dr. Chosy understands that the City is essentially not charging rent for seven years. He asked how much is the city getting for the rent concession. Mr. Norstrom thinks there are two ways for a landlord to provide a building. The landlord can make the improvements and include the cost of those improvements in a lease to the tenant or as what we are doing in by a leasehold improvement where the tenant can pay for those improvements and in effect get credit against their lease payment. Things that they are putting in, as he understands it, would be things like a complete kitchen, which is not something that the city would have put in for any tenant. We could have paid to put it in but it is a much better opportunity for the city cash flow and other things to have the tenant pay for it up front and then we give them credit back in terms of the rent.*

*Mrs. Fox thinks the later point, staff felt there was a benefit to the tenant offering to make those tenant improvements so that the city wouldn't have to. Members may recall that these negotiations have been going on for several months. Before even the \$300,000 grant was awarded she thinks that the prospect of the city trying to get the entire building ready at least as a shell for tenants was going to cost much more than what we had already expended. So the prospect of them coming forward to make those tenant improvements, we calculated those tenant improvement costs and spread them out over that initial ten year period. Based on some information that we sought from a real estate professional, the base rent for this type of building was \$15.00 a sq. ft. so we used that number to calculate. Staff wanted to have a fair market rental rate to use in our calculation so that is how we arrived at the numbers.*

*Dr. Chosy commented that staff calculated some things to make it possibly come out about even, perhaps. Mrs. Fox agreed.*

*Dr. Chosy asked if they have to pay the real estate tax. Mrs. Fox replied yes. The building now is tax exempt but we are only tax exempt as long as it is being used for public purposes. As soon as the building becomes used for commercial purposes the Auditor will begin to assess evaluation for that tax. That will be apportioned because they will only be in a portion of the building so that will be another calculation that we will have to do. Dr. Chosy said he is glad that it is balanced out.*

*Mr. Norstrom asked Mrs. Fox if the city has not come up with a purpose for the other part of the building, he asked if she was implying that the Auditor would appraise that property as total retail commercial. Mrs. Fox replied no. If the northern space stays vacant then there will be no taxes due on the northern space. There will only be taxes due on any portion of the property that is being used for commercial purposes because we can't take advantage of tax exempt.*

*Mr. Troper asked if the city owns the tenant improvements once the tenant vacates the lease. Mrs. Fox replied yes except for items that would be preapproved ahead of time. She doesn't know if we will want certain things that they put up that are unique to their business.*

**There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 37-2015. The motion carried by the following vote:**

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

**No 0**

**Ordinance No. 37-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

#### **NEW LEGISLATION TO BE INTRODUCED**

**Resolution No. 44-2015** Authorizing an Amendment to the Final Development Plan for 100 & 200 Old Wilson Bridge Road and Authorizing Variances (Worthington Industries).

**Introduced by Mr. Troper.**

**MOTION** Ms. Dorothy made a motion to adopt Resolution No. 44-2015. The motion was seconded by Mr. Myers.

*Mr. Greeson reported that this resolution relates to the signage on the building that Worthington Industries leases a significant amount of space in that is located at 100 West Wilson Bridge Road. He asked Mr. Brown to overview the item which would allow for new and additional signage for Worthington Industries as part of their ongoing improvement to their corporate headquarters campus.*

*Mr. Brown shared that the request is for an Amendment to Development Plan with variances for 100 and 200 Wilson Bridge Road. The 200 building has been the headquarters for Worthington Industries since 2003. They have expanded into the 100 building in recent years. The two parcels in question are actually in the C-2 and C-3 Zoning Districts. The request is to replace the existing signs on the 200 building and install new signs on the 100 building.*

*Before members is a request for signage of 162 square feet in size but the actual lettering is only 86 square feet in size.*

Mr. Brown showed slides that depicted the style and location of the signs.

*Mr. Brown commented that while the Worthington Industries emblem is 44 square feet in size, the “W” is 17 square feet.*

*Mr. Brown stated that the proposed signage for the two buildings are the same although they are located in different places on the buildings.*

*Mr. Brown shared that the Wilson Bridge Road overlay that staff has been working on will be coming before council in the coming months. Members will notice that the signage proposal of Worthington Industries is actually in compliance with what staff will bring to council for the Overlay work.*

*This application went before the Municipal Planning Commission on September 10<sup>th</sup> and they unanimously recommended its approval to come before council. Staff also recommends approval.*

*At Dr. Chosy’s request Mr. Brown showed the locations of the signs. He asked if he could see those again. Mr. Myers asked if he had the I-270 slide.*

*Mr. Brown obliged by showing a picture of the building looking south from I-270. The slide showed the locations of two signs, one on the outside corner of each building.*

*Mr. Brown added that part of the proposal for the corridor study will allow additional signage on the Old Wilson Bridge Road side and the I-270 side. Currently our code only allows one wall mounted sign up to 100 square feet in size. So the variances requested are for the number of wall signs and for exceeding the 100 square foot allowance.*

*Dr. Chosy asked if the current sign that is located in the middle on the front of the 200 building will remain. Mr. Brown replied yes.*

*Dr. Chosy noted that it will have three signs. Mr. Brown agreed. He added that they did receive variances in 2003 for three signs and to exceed the square footage, although not to this level.*

*Mr. Norstrom commented that the city doesn’t have a separate code for buildings that front on I-270. The sign code addresses all signs no matter the location. Mr. Brown agreed.*

*Mr. Myers shared that the Wilson Bridge Road proposal addresses that. Mr. Brown agreed. It allows for signage on the I-270 side and on both Wilson Bridge Road and Old Wilson Bridge Road.*

*Mr. Myers pointed out that it does expand size to provide for greater exposure for these business from I-270. He thinks the Wilson Bridge Road study and what is going to be proposed to council recognizes that.*

*Mr. Norstrom acknowledged that the current code doesn't do that so getting a variance for something like this, which is advantageous to the community as well as our new businesses is good.*

*Mr. Myers asked members to look at the sign and identify the most prominent word. He shared that it is not "Industries" but rather "Worthington". He thought it was a very appropriate sign.*

*Mr. Myers commented that this item comes to council as an Amendment to Development Plan and does include a variance. As he reads it, this proposal would be subject to the new referendum. He asked if that was correct. Mrs. Fox replied that staff doesn't believe that variances are subject to the sixty days but the argument could be that this is a change in zoning.*

*Mr. Myers pointed out that because this is an amendment to a development plan and a zoning land use decision by council, this could conceivably capture a variance on a specific property in the sixty day referendum period. Mrs. Fox agreed that that could be an argument that could be used.*

*Dr. Chosy commented that in general when we measure the square feet of signs, a distinction is made between the size of the sign and the lettering. We go by the size of the sign, do we not? Mr. Brown agreed. He shared that the current code looks at what is included on the screen in the blue background and would consider that as part of the actual sign. That would jump the size up to 162 square feet. As part of the proposal that council will consider in the coming months for the Wilson Bridge Road corridor, staff has kind of modified what has been approved in the past (such as Worthington Industries) and used that for the template because we thought if another applicant came in along the corridor, that would be the template that they would use. At least with this one, what staff used was the backer at 162 square feet in size but the actual text itself would be limited to the 86 square feet.*

*Dr. Chosy shared that he was a little taken aback by the point that Mr. Brown made about the corridor study since he was not aware of the proposed changes. Mr. Brown stated that he was just laying some ground work.*

*President Michael invited Mr. Noble to comment.*

Kevin Noble, 100 & 200 Old Wilson Bridge Road

*Mr. Noble stated that he had nothing to share. He is just here to answer any questions.*

*Ms. Dorothy asked if he represents Worthington Industries. Mr. Noble replied yes. He is with BHDP Architecture.*

*Ms. Dorothy asked if the logo is new. Mr. Noble shared that it takes into consideration their new branding so it has taken some time.*

**There being no additional comments, the motion to adopt Resolution No. 44-2015 carried unanimously by a voice vote.**

**Resolution No. 45-2015**

Expressing Support for the Worthington Lodge, LLC Development Project Located on the Site of the Worthington, Ohio Historic Masonic Lodge on High Street in Old Worthington.

**Introduced by Dr. Chosy.**

**MOTION**

Mr. Smith made a motion to adopt Resolution No. 45-2015. The motion was seconded by Mr. Norstrom.

*Mr. Greeson welcomed a number of representatives present from the Historical Society, the Worthington Lodge LLC and from the New England Lodge. He noted that they have been patiently waiting to hear this discussion.*

*Mr. Greeson stated that Council has received a resolution and a document with a great deal of information which depicts an amended proposal for the use of the Lodge buildings, both the 1820 building and the 1950s building. Mr. Peterson with Worthington Lodge LLC is going to overview some of that information with members this evening and seek their support for the resolution before members. What members are doing tonight if they pass this resolution is giving council support of their proposal in concept and in particular of their application of historic preservation tax credits, which would be used to encourage the historic presentation that they are proposing, particularly to the Old Lodge building.*

*Mr. Greeson stated that he wants to make a couple of points about what members are not doing tonight. We are not discussing any amendments to the Planned Unit Development (PUD) zoning because no such amendments are required in order to accomplish what they are proposing or the proposed use contemplated the potential of, in particular things like the museum that we will be discussed this evening in your original PUD zoning designation. It will require, although not as part of our conversation tonight, it will require Architectural Review Board approval and federal and state historic preservation approvals of the architectures so many other people will be, both in public forum as well as in other governmental offices scrutinizing the architecture both compliance of our design guidelines and for the tax credit profit process, the historic accuracy and preservation aspects of it. We figure we didn't need to do that this evening. Members are really looking at whether council supports this concept and do members want it to receive historic tax credits from the state. He turned the meeting over to Mr. Peterson.*

*Mr. Peterson provided some background on the project. He told Dr. Chosy that after their approvals in January they took his comments to heart and started thinking about what they could do to look at the 1820s structure and really preserve it to its best ability. Since then they have been in discussions with the Masons and have reached a handshake agreement to use the second story of the 1820 structure, essentially as it currently stands,*

as a museum. Additionally, they also plan to move some of their operations and he has one of his colleagues, Kevin Royins in attendance to create some new jobs and opportunities on the bottom floor. If you are familiar with the structure at all, the bottom floor is essentially just open office space and they intend to use it that way. If they do anything to the 1820s structure it will be to hide some of the exposed duct work to help bring it back to a more historic state. Given the loss of revenue that they essentially will incur, they decided to also seek these historic presentation tax credits to help defray some of the cost. The process is a bit complicated in that it has its own timeline and guidelines to go through.

Mr. Peterson shared information about the application process and added that one of the items is local support, which is the reason for the resolution of support and letter of support.

Mr. Peterson added that there has been no tax credits ever funded to the city of Worthington from the state project since its inception so this will be certainly a very large swan song for Dr. Chosy.

Ms. Michael asked how long the process was and when will construction begin. Mr. Peterson shared that they have begun demolition on the interior of the building. They can't really do much work until they are actually funded with the tax credits from the state. That is just one of the regulations that they have so major construction won't start until that award happens, which is expected by the end of this December. Given the timeframe between now and then they will be doing construction drawings, getting all of their permits in order and all of the various things that need to come into place before the work can actually begin. They intend to start in January/February 2016.

Mr. Norstrom commented that since the tax credits are competitive would they go back to the original plan if they don't receive the credits. Mr. Peterson replied no. They are looking to proceed with the plan as they proposed tonight.

Mr. Myers reported that if they don't get the tax credits then they will take a bigger bath than they already have. Mr. Peterson supposes it doesn't become as economically viable but the tax credits that they are seeking also involve federal tax credits. The federal tax credit program is not a competitive program so even if they aren't successful with the state credit, they will have the federal credit to help them out through the hard times.

When asked by Mr. Norstrom if they are straight forward in that they will make changes to comply with whatever they request. Mr. Peterson agreed. They are doing this plan and as long as the feds like it, they will proceed.

Mr. Troper asked how long the state program has been in existence. Mr. Peterson replied fifteen rounds so seven and one half years. They actually do two rounds a year, \$30M each round.

*Mr. Norstrom asked if there is anything council can do to help them get the state credits other than just pass this resolution. Mr. Peterson replied he wish there were. But council's prayers and support would be great.*

*Ms. Michael commented that one of the areas that didn't make it was that we are not in a blighted area. Mr. Peterson acknowledged that it is a scoring item in the state program. It is an economic development program so because the city is doing quite well, funding hasn't found its way here yet. On the other hand, nothing has been done here yet so we score higher on that item.*

*Mr. Myers thanked Mr. Peterson. He added that council's support is the least they could do and not just for this final step that they are doing but for all of the listening and concessions and changes that they have made throughout this entire process. He took someone for a drink at the Worthington Inn to convince them that the Showes do go work and he thinks most of the people that he has taken there don't even understand that there are condominiums behind the Inn. He thinks that the way they have designed this will be seamless, it will add great vitality to downtown and most people driving by will not notice a difference. He appreciates their commitment to Worthington and at the end of the day we've got a phenomenal project that will benefit everybody. He thanked Mr. Peterson for that.*

*Dr. Chosy agreed. He added that at the time the pocket park was being discussed and they would lose one condominium he still had hopes for something being done to the 1820s building. He actually had our city attorney ask that if they lost that condominium would that make them less likely to preserve the 1820s building other than having it be a condominium and the answer was no. It made no difference. They could have said yes just to put a little pressure on and he really appreciates that very much.*

*Ms. Dorothy agreed with Mr. Myers and Dr. Chosy. She also appreciates all of the hard work of the Worthington Historical Society. She is very happy that we are preserving this important building in Worthington. She said she wanted to point out earlier how long it takes the city to plan and get money and funding to be able to preserve different buildings within Worthington. Since this opportunity happened so quickly it was very hard for us to move forward. She is very glad that we had very dedicated people who were willing to talk and compromise. She would like to do anything we can to support this effort.*

*Ms. Michael thanked the Showe Corporation, the citizens of Worthington, and the Historical Society because this has been a long process. It started with a much bigger development and there were changes to bring it from 18 to 9 units. Then to have the 1820 building preserved is just a bonus for the entire community. It is just wonderful and then to add the economic development bringing the business to the city of Worthington is just fabulous. She knows the entire city is thankful and many people will be pleasantly surprised when they read the newspaper and find out that this charm, this beautiful historic site is really going to be beautifully preserved for the future.*

*Mr. Norstrom asked if it is appropriate to assume that, he thinks he mentioned that the arrangement they have with the Masons, they may be getting a little less money than they thought originally so we owe a thanks to them as well for taking some actions and staying in Worthington. Mr. Peterson said he would let the Masons speak to that if they care to. As far as monetary, there is no difference whatsoever. He thinks they deserve a great deal of gratitude just for hanging in there with them through this process. They have been incredibly patient. If he can say anything about these guys, the truth is working with these folks for the past year and a half or more has been, as far as purchase and sale contracts are concerned, an incredible and wonderful experience.*

Jutta Pegues, Worthington Historical Society

*Ms. Pegues shared that she is speaking on behalf of the Board of Trustees of the Worthington Historical Society. They are in favor of the resolution and are very pleased. She can't express enough the gratitude they have to the Showes who have agreed to save this building. They were very much interested in that from the beginning. They would have loved to have purchased it but as usual Historical Societies are quite poor. They do realize that a conversion into a condominium would have been repurposing as well and this is what they are doing but the interior of the upstairs is such a treasure that would have been lost forever. She hopes that the citizens of Worthington will go to see it as it is open during Market Day and will be staffed by the Masons.*

*Ms. Pegues added that she would like to express a gratitude to the city council and especially Bob Chosy, with whom they met with a number of times while working to save this lovely structure that portrays the heritage of this community. The names that we are all familiar with: James Kilbourne, Orange Johnson, and John Snow just to name a few have met in that building for many, many years. They wholeheartedly support this resolution tonight and want to extend a warm welcome to the Showes who have committed to preserve the history of this town once again.*

Mike Clevenger, on behalf of the New England Lodge

*Mr. Clevenger commented that members have heard them say before as they have appeared through this process that they as an organization are very lucky to attract a developer like the Showe organization. He thinks they will find that there are many, many people who will try to grab onto the credit for making this happen. Certainly the Lodge, when they made that terrible decision to let go of the 1820 property. They finally came to grips with that decision and there was really only one person who brought back this idea along with Chris and the other people. It was Kevin Showe. It was his idea. The Masons didn't force him into it but it was his sense of community that has been demonstrated before and his sense of history as we talked about what we had to do to the interior of that building. He didn't like it and so he changed his mind. We publically want to thank him again for changing his mind. This will maintain our original lodge room that has been in continuous use, the longest continuous use of a Masonic Lodge west of the Alleghany Mountains. It will be a living museum as we, the Masons will be in there meeting on occasion. There are artifacts that are coming to us from other sources that will be highlighted there and we have our own history guy, Dick Snow who will*

curate that for us. The Lodge is very lucky that the Showe organization come to them and they thank them.

*Ms. Michael shared that there have been numerous people talking in our community about the need of public/private partnerships. She can't think of a better example of such a partnership. It completely benefits the entire community and is really helping everybody by preserving one of the most historic buildings in our community. It is wonderful.*

*Mr. Peterson added that they will be open during Market Day from 10:00 a.m. – 4:00 p.m. That is also through help with the Historical Society. He thanked members for their kind regards.*

**There being no additional comments, the motion to adopt Resolution No. 45-2015 carried unanimously by a voice vote.**

**Resolution No. 46-2015**

Accepting from the Worthington Community Improvement Corporation a Reimbursement Amount Received from the State of Ohio Development Services Agency for Renovations to the James Kilbourne Memorial Library Building at 752 High Street.

**Introduced by Mr. Troper.**

**MOTION**

Ms. Dorothy made a motion to adopt Resolution No. 46-2015. The motion was seconded by Mr. Myers.

*Mrs. Stewart apologized for just distributing this resolution but staff was actually waiting for action at the Community Improvement Corporation meeting prior to this Council meeting, which is why staff just walked this in tonight rather than having advance information out on it.*

*Mrs. Stewart commented that council spent part of tonight talking about the Kilbourne building and staff highlighted a number of the renovations that have already occurred. This resolution relates to the current renovations that have been made to the Kilbourne building that the CIC has been overseeing. Members may recall that the City Council provided \$500,000 to the CIC for funding those improvements with the anticipation that the \$300,000 grant from the state proceeds would come back to the City. This resolution relates to the transfer of those funds back from the CIC to the City of Worthington.*

*Mrs. Stewart shared that those funds have been utilized for several purposes.*

1) DesignGroup who provided architectural and engineering services related to the project and those were approximately \$41,000.

2) MAC Construction has been performing construction services related to the renovations and those have related to utility work, demolition of the mezzanine, the installation of an elevator to make the building compliant with the Americans for Disabilities Act, removal of the fire escape door and conversion into a window, and also repair to the roof above that location. Some interior finishes, which was primarily putting up some interior walls and dividing the space into two tenant spaces or up to three spaces if you count the basement. Then some other fees and miscellaneous work related to the project.

*Mrs. Stewart identified those items as the original core work that needed done. When we originally went out with MAC Construction there was some additional work that took us over our budgeted amount that we ended up removing in anticipation that the work would be done in connection with tenant improvements. That related to building out restrooms, doing some power and light work in the north and south spaces. There was some exterior concrete which we were actually incorporating through the Service Department and some work that they are doing. So that was eliminated to try to get us closer to the budget but as not surprising when you get in and work on existing buildings there were some other change orders to the project that have resulted in a higher cost associated with the construction. Those primarily related to some additional steel columns for bracing the building, some additional but unanticipated electrical work, the change out of some type of lights that needed to be installed, some work associated with the elevator, some repair to the roof, and then some various miscellaneous things like exhaust fans that needed to occur. So as a result of that, we actually ended up with a total cost above the original projected \$500,000. What is proposed in front of Council tonight is a request from the CIC to not transfer the entire \$300,000 in grant funds back to the city but instead transfer a lower amount and the resolution notes the amount at \$282,274.99.*

*The CIC actually has proposed and pledged part of their fund balance to cover some of these additional costs but their fund balance is not sufficient to cover all of them thus the request to retain some of the \$300,000. That is what this resolution would provide for. Mrs. Stewart invited members' questions/comments.*

*Dr. Chosy recapped that Council approved \$500,000 and then received \$300,000. Now \$282,000+ is coming back to the City. He asked how much was spent. Mrs. Stewart shared that the \$500,000 was transferred to the CIC and they started on the renovations because we had to front the funds for the state grant. In the mean time we have been submitting invoices to the state in order to receive the \$300,000 in grant funds. But the original expectation was that the city would provide \$500,000 but be reimbursed \$300,000 of that from the state grant. Dr. Chosy said he understands that the city will be getting back a little less.*

*Mr. Norstrom asked if it means that the project totaled \$518,000+/- Mrs. Stewart replied no. It actually means that the total project is at \$535,256 but the CIC is dedicated most of their fund balance towards the project but their fund balance is not sufficient to make up the entire difference.*

*Mr. Norstrom asked Mr. Watterson if the \$35,000+ in overrun was appropriate. Mr. Watterson agreed that it was. He shared that they were for things that were necessary to get the project completed. Things like the change in the window size, a sump pump in the elevator shaft, and the lighting was a requirement of Architectural Review. So those were the types of things.*

*Dr. Chosy asked for clarification. He asked if the city was going to only end up spending \$200,000 because that is what it sounds like. Mrs. Fox replied no. She shared that \$500,000 has been spent, \$300,000 is the grant that was always intended to come back to the City.*

*After some further discussion with members, Mr. Myers summed up the conversation by agreeing with Dr. Chosy. The total cost of the work was \$535,256 and \$300,000 are coming back from the state, which means we spent \$235,000 this round.*

**There being no additional comments, the motion to adopt Resolution No. 46-2015 carried unanimously by a voice vote.**

**Ordinance No. 38-2015**

To Amend Section 1123.105 and Section 1147.01 of the Codified Ordinances of the City of Worthington to Add a Definition for Breweries, Distilleries and Wineries and to Add the Use as a Conditional Use in the Restricted Light Industrial (I-1) Zoning District and General Industrial (I-2) Zoning District while deleting Distilleries and Breweries as a Conditional Use in the Restricted Light Industrial (I-1) Zoning District.

**Introduced Mr. Myers.**

**Ordinance No. 39-2015**

To Amend Section 1173.10(a) and 1173.10(b) of the Codified Ordinances of the City of Worthington to Permit Building Service Equipment to be Located in the Side Yard with Screening, Regardless of Distance from the Side Property Line.

**Introduced Dr. Chosy.**

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

**REPORTS OF CITY OFFICIALS**

*Mr. Greeson shared that beginning on Friday through the following Wednesday he will be out of the office attending the International City County Manager's Association conference in Seattle. During that time Mrs. Stewart will be the Acting City Manager.*

*Mr. Greeson also shared that the city will be hosting visitors from Sayama, Japan beginning this Friday.*

*Mr. Norstrom requested that the schedule of events be resent to members. Ms. Michael recalls there just being two events for members. One on Friday here at City Hall and one Monday at the MAC.*

## **REPORTS OF COUNCIL MEMBERS**

*Mr. Troper suggested that during the budget discussions City Council meet for part of a Saturday instead of meeting late on regular Council meetings.*

Several members said they wouldn't be opposed to such an idea.

*Ms. Michael asked Mr. Greeson to put together some recommended dates and get them out to Council for consideration.*

*Mr. Norstrom asked if Council has done anything to recognize citizens for outstanding good works in the city of Worthington. Mr. Greeson shared that we have our Neighborhood Award and through Leadership Worthington there is the Leadership for a Lifetime and Distinguish Leader Award that they give but nothing in addition to that. He thinks on occasion the city has done special proclamations or resolutions.*

*Mr. Norstrom commented that he would like for staff to look into something identifying outstanding contributions to the city of Worthington and our first nominee would be Kevin Showe. Dr. Chosy liked the idea. Mr. Greeson agreed to look into it.*

*Mr. Myers shared that at a minimum it would be nice to do a resolution. Mr. Norstrom agreed. He added that what he has shown and what he has done is something very much out of the ordinary and something that we would reserve in the future for just very special cases.*

*Ms. Michael commented that one thing she asked staff about was for some way of recognizing the members of our Boards and Commissions to thank them for what they do on a regular basis. She knows the city of Dublin has an event like that. Mr. Norstrom pointed out that the Chamber already does that.*

## **OTHER**

## **EXECUTIVE SESSION**

**ADJOURNMENT**

**MOTION**            Mr. Smith made a motion to adjourn. The motion was seconded by Mr. Troper.

**The motion carried unanimously by a voice vote.**

President Michael declared the meeting adjourned at 8:57 p.m.

/s/ D. Kay Thress  
Clerk of Council

*APPROVED by the City Council, this  
19<sup>th</sup> day of October, 2015.*

/s/ Bonnie D. Michael  
Council President