



Meeting Minutes

Monday, October 5, 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, October 5, 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, Director of Parks and Recreation Darren Hurley, Chief of Police James Mosaic, and Chief of Fire Scott Highley

There were approximately four visitors present.

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

VISITOR COMMENTS**PUBLIC HEARINGS ON LEGISLATION**

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

Ordinance No. 31-2015

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor and Declaring an Emergency.

The foregoing Ordinance Title was read.

Mr. Greeson asked Mrs. Roberts to overview the item.

Mrs. Roberts shared that this is an annual housekeeping item. Amendments do need made. This ordinance was introduced in July as part of the Franklin County Tax Budget process. State statute requires the Council to adopt an ordinance typically by October 1st of each year. However, this year the County Auditor requested an extension until November 1st. The amendments needed are:

- 1) Remove the Emergency clause – Approving tonight provides sufficient time.
- 2) Insert the amounts as presented in the Amended Ordinance.

Mrs. Roberts said she would be happy to answer any questions.

MOTION Mr. Myers made a motion to amend Ordinance No. 31-2015 pursuant to the comments of the Finance Director and the Amended Ordinance No. 31-2015 which was distributed to City Council. The motion was seconded by Mr. Troper.

The motion to amend Ordinance No. 31-2015 carried unanimously by a voice vote.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 31-2015 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 31-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 36-2015 An Ordinance Declaring Improvements to a Parcel of Real Property to be a Public Purpose; Declaring Such Property to be Exempt from Real Property Taxation; Requiring the Owner of that Parcel to Make Service Payments In Lieu of Taxes; Establishing an Urban Redevelopment Tax Increment Equivalent Fund; Authorizing the Execution of a Development Agreement; Authorizing the Execution of a Compensation Agreement; Authorizing Use of Service Payments for Costs of Certain Designated Improvements; and Providing Related Authorizations Pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43.

The foregoing Ordinance Title was read.

Mr. Greeson shared that this legislation is for the Tax Increment Financing District at 350 W. Wilson Bridge Road. Members may recall a previous meeting when Jeff Harris and Tim Spencer, the President of Trivium Development provided an extensive presentation. Members also received a memo from Mr. Harris dated August 26, 2015 that outlines all of the details on this item. He asked Mrs. Fox to provide an overview.

Mrs. Fox shared that members received an amended Ordinance with their materials. She will explain those amendments and then request a Motion to Amend. There is reference in the original ordinance to a Development Agreement. That is more appropriately a Tax

Increment Financing Agreement and that is how it is titled in the agreement itself. The TIF Agreement also had a different effective date than what was in this Ordinance. Section 1. provides for an effective date beginning on the first day of the first tax year after this ordinance is effective. Staff would ask council to approve those changes in the amended version of the Ordinance.

MOTION Mr. Norstrom made a motion to amend Ordinance No. 36-2015 as requested. The motion was seconded by Dr. Chosy.

The motion carried unanimously by a voice vote.

Mrs. Fox commented that as members may recall with Mr. Harris's presentation this type of Tax Increment Financing is a redevelopment TIF. This provides for an exemption on the property taxes for the improvements that are made. This particular TIF and TIF Agreement will provide for reimbursement on those improvements on the property that specifically apply to public access and ADA access. None of that has changed but members may recall that this requires that there be a transfer of the property from the owner to the City and back. That transfer was authorized by a previous ordinance and became effective late last week. That transfer and re-transfer has occurred so we are ready to proceed with this piece of legislation.

At Dr. Chosy's request, Ms. Fox reported on the purpose of the transfer and re-transfer of the property.

Mr. Myers commented that the city provided notice to the school board. Mrs. Fox acknowledged that the district did receive the notice although they are not required to give their approval. She added that this also provides for a compensation agreement with the schools. Under the TIF laws, even though it is a 10 years, 75% TIF, if it is anticipated that the property will generate in excess of \$1M in income tax, then the city is required to enter into a compensation agreement. The arrangement that was worked out with the schools is that this will be a full exemption up to \$3.85M in improvements according to the Auditors Office, which is what the developer has indicated that they expect to put into the property. The city would share the taxes with the schools for anything above the \$3.85M. Mr. Myers commented that the schools have not voiced any objection to that arrangement. Mrs. Fox replied no.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 36-2015 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 36-2015 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mr. Brown shared that there has been a request to amend the Codified Ordinances related to breweries, distilleries and wineries. Our code currently only allows breweries and distilleries as a conditional use in the I-2 zoning district. In a recent increase of locally owned and operated breweries, wineries, and distilleries throughout the country and specifically in central Ohio, staff was approached earlier in the year by Zaftig Brewing, which is located on the south side of Schrock Road between the railroad tracks and Huntley but would like to expand. They are looking at a property on the east side of Huntley Road and north of Schrock, however that location is zoned I-1. After meeting with them and looking through our code, staff realized that we do not have a definition for distilleries or breweries. So now is the perfect time to create the definitions and to add wineries and its definition. The proposed definition is as follows:

A facility in which beer, wine or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption. It may include a tasting room and retail space for products produced on site and for the sale of ancillary products to customers.

Mr. Brown reiterated that staff's proposal is to add that as the definition and to include breweries, distilleries, and wineries as a conditional use in both the I-1 and I-2 district. The thought behind keeping them as conditional uses in these two zoning districts is because staff and the Municipal Planning Commission will still get to look at traffic, public utilities, sewage drainage, safety, noise, odors, and hours of operations.

Mr. Brown reported that this language change did go before the Code Review Committee and was recommended for approval. It was sent onto Municipal Planning Commission (MPC) and at the September 10th MPC meeting they did recommend approval and forwarded it on to City Council.

Mr. Myers commented that the current proposal is for a brewery and tasting room and is not a brew pub. When asked if that was correct, Mr. Brown agreed that it was.

Mr. Norstrom asked if brew pubs are allowed anywhere in Worthington. Mr. Brown replied not at this time, however, in the I-1 district restaurants are allowed as a

conditional use. If a proposal came in for the I-1 district, they would be considered jointly by MPC.

Ms. Michael commented that part of the building would be the brewery and part of it would be the pub and we would have two different zonings on the same building. Mr. Brown replied that the building would have the same zoning but it would have two conditional uses, one for the pub and one for the brewery.

Mr. Myers concluded that in the I-1 district there could be a brewery that sells food if this code change is passed tonight. Mr. Brown agreed. He added that if this change is approved, the applicant, Zaftig Brewing intends to apply for a conditional use permit. If that is approved by MPC, they would then sign their lease to move in before Christmas.

When asked by Ms. Dorothy what the waiting period is, Mr. Brown replied twenty days after notice. They would be able to make application at that point.

Ms. Dorothy asked when the application process began, (application, code review, MPC, Council). Mr. Brown recalls meeting with them in May or June. Staff worked on it and presented it to the Code Review Committee in July/August during break. It was then forwarded to MPC in September.

Dr. Chosy asked what is meant by ancillary products. Mr. Brown recalls them being small items that could be purchased along with beer or wine such as a beer cozy for your beer or a wine opener or topper.

Dr. Chosy asked who decides what an ancillary item is and what is more than an ancillary item. Mr. Brown thinks that would be determined during the application process.

Dr. Chosy asked for clarification. Why were breweries and distilleries deleted from the I-1 district only to be added back in along with wineries to the I-1 and I-2 districts? Mr. Brown thinks it was just two different routes to get to the same place. The original goal was to create a clean definition for breweries, distilleries and wineries, and then add that back in to the list of permitted uses.

Mr. Norstrom suggested that staff look at changing the zoning conditional uses for places like at the mall that would allow more of the brew pub than just the brewery. If he understands we could not have a brew pub currently in Worthington and given that it is a brewery as well as a restaurant except in the I-1 or I-2 districts, which are not necessarily compatible with a retail/commercial space. Mr. Brown stated that staff could look into it.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 38-2015. The motion carried by the following vote:

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

No 0

Ordinance No. 38-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mr. Brown shared that staff has been reviewing the code over the last several years in an effort to make it fit what is actually occurring in reality. Over the last few months staff has looked at building service equipment items such as generators and AC units. Staff researched the evolution of the placement of service equipment from the rear yard to the side yard. In the 1980s HVAC units were only allowed in the back of the property. In the mid-80s they were permitted into the side yard but had to be located outside of the setback. Over the last ten years staff has reviewed over 1,600 HVAC applications. Of those only 42+ had to go before the Board of Zoning Appeals (BZA) for some type of variance in the side yard setback. Every application was approved by the BZA with the same caveat of screening for the HVAC equipment.

With the approvals over the last ten years staff wondered about whether to modify our language. Staff and the Code Review Committee recommended to the MPC and to City Council that we amend the text related to this subject. All condenser units or generators that are located in the architectural review district would still be required to go before the ARB, however if there is currently HVAC equipment on a property, they are still permitted to it. This request proposes a modification of subsection (a) that would allow HVAC equipment in the side yard as long as it is effectively screened in the front and on the sides. MPC asked that it be modified to read that the screening be not being less than the height of the equipment. The previous code read three feet or the height of the equipment. He thinks MPC felt that the equipment needed to be completely screened by a wall or plantings at the time of the planting. On September 10th the MPC recommended approval with that modification to the text, which is what members have before them.

Ms. Dorothy asked Mr. Brown if he thinks this will reduce the amount of time it will take to approve the HVAC replacement for a resident. Mr. Brown replied that he thinks many times the application for the work arrives after the work has already been done. Staff then has to work with the property owner to have them legally go before the BZA to get the unit approved after the fact. He thinks BZA is very happy with the proposal. There were a few meetings this year with only HVAC applications heard. He thinks it will help streamline the process while reaching the same results in the end. Ms. Dorothy appreciated the effort to streamline the process.

When asked by Mr. Myers if the vast majority of these pertain to individual homeowners, Mr. Brown replied yes.

Dr. Chosy commented that theoretically this AC unit could go, except for the screening, could go to the lot line. Mr. Brown replied that there would have to be enough space for some type of screening between the property line and the unit.

Ms. Michael asked what happens if somebody puts the unit at the property line and then installs the vegetation that flows into the neighbor's yard. Mr. Brown replied that if the vegetation goes onto the neighbor's property, they could trim it.

Mr. Myers shared that in all the years he has served on MPC, he has never known a unit to be placed directly on the property line.

Mr. Norstrom stated that if they did the regulations would allow them to install a wall. Mr. Myers agreed as long as they could keep it on their own property. It wouldn't be approved if it were right at the lot line and knowing that it can't be screened.

Ms. Michael was concerned because there would no longer be an approval process. Mr. Myers acknowledged that a permit was still needed to install the unit. Mr. Brown added that as part of the permit process they would also need to submit a site plan.

Ms. Dorothy shared many of those that have the condensing unit close to the lot lines are those where the lots are non-conforming to begin with.

Dr. Chosy commented that if a person actually had enough space and land to put the AC unit fairly close to the house and still have some space before the edge, they could still put it out toward the edge? Mr. Brown replied yes as long as it could be screened.

Mr. Myers shared that the installer isn't going to let that happen because they don't want to run the lines any longer than they have to. Originally that is how this issue came up because we were encouraging people to put their condensers in the back of the house. Their furnace is located in the middle of the house so they have to run their lines from the back of the house to the middle of the house and it was creating a pretty substantial hardship in locating condensers in the back and far away from the actual device that will move the air. They were moved to the side of the house because the condenser needs to be as close to the furnace as possible.

Dr. Chosy stated that he just saw it as a potential problem.

Mr. Brown commented that 9 out of 10 of the applications are from homeowners who are replacing their existing unit in the exact same location. However, when it was brought to our attention, we realized that the applicant had no variance on record. By removing that unit the violation disappeared but by replacing it in the same location the property

owner had to meet the setback requirements, which placed a hardship onto the property owner.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 39-2015. The motion carried by the following vote:

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

No 0

Ordinance No. 39-2015 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 47-2015

Authorizing the Award of Re-emergent Corridor Assistance Program Funds to Help Improve Facility Exterior Facade and Streetscape Along Certain of the City's Commercial Corridors (7046 Worthington-Galena Road).

Mr. Greeson commented that staff would like to withdraw this resolution. Ms. Michael acknowledged the request.

Ordinance No. 40-2015

Amending Chapter 922 of the Codified Ordinances of the City Regulating Residential On-Site Sewage Disposal Facilities.

Introduced Ms. Dorothy.

Ordinance No. 41-2015

Authorizing the Issuance of Not to Exceed \$4,440,000 of Bonds for the Purpose of Currently Refunding a Portion of Bonds Issued in 2005 for the Purpose of Advance Refunding a Portion of Bonds Issued in 2001, and Authorizing and Approving Related Matters.

Introduced Mr. Myers.

Ordinance No. 42-2015

Enacting Part Seventeen – Title Two of the Codified Ordinances of the City Regarding Municipal Income Tax.

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

Policy Item(s)

- Appointment of Charter Review Commission

Ms. Michael shared that she had asked staff about the Charter Review Commission since our ten year review is coming up. She asked staff to look at how members were previously appointed to the Commission. She recalled that the last time the Commission organized, all members were appointed prior to the beginning of the New Year so that they could begin their work in January.

Mr. Greeson reported that staff will begin preparing that information if Council desires us to get that process started. There may be some decisions that members will have to make about composition, size, how you want to go about seeking potential candidates and the process by which appointments will be made. Ms. Michael asked for a report that shows information from previous processes, appointments, etc. She thinks this is something that will be of high interest to members of the community. Mr. Greeson agreed to do that.

Dr. Chosy asked if it is correct that proposed changes to the charter will be voted on next November. Mrs. Fox replied that council has the ability to call for a special election but she doesn't think that has ever been done in the past. It has typically been done during the General Election. Mr. Norstrom added that the city would have to pay if we called for a special election. Mrs. Fox confirmed that if it is the only issue on the ballot then the city would bear the entire cost.

Mr. Norstrom shared that in discussions that he has had with fellow council members the majority here would favor recommending to the Charter Commission that we extend from 20 to 30 days the time for which zoning and other things become effective, and similar to what is currently on the ballot for 60 days.

Ms. Michael asked for clarification. She asked if he was suggesting that the effective date of all ordinance change from 20 to 30 days or just zoning ordinances. Mr. Norstrom replied that at this point in time he would advocate zoning but he will leave that up to the Charter Commission to look at whether it would apply to others.

REPORTS OF COUNCIL MEMBERS

Ms. Dorothy thanked WOOF for provided such a fun environment for FidoFest and the parade. She added that she drove by the Police and Fire facilities and it looked like there were tons of kids enjoying the open house events. She thanked staff for providing those public interactions and fun times on Sunday.

Mr. Myers commented that Council considered two zoning decisions tonight. At least one that would apply to individual property owners and Issue 38 definitely would have applied to the second one and there was no public input on those. When asked by Ms. Michael for clarification, Mr. Myers stated that Council passed two zoning changes and nobody showed up to talk about them. Those ordinances will go into effect in 20 days. Under Issue 38 they would go into effect in 60 days and it doesn't seem to be of consequence.

Mr. Norstrom shared that he and Ms. Dorothy joined staff on Friday for the first MORPC Sustainability Summit which was interesting, informative, and he is sure they will be bringing ideas to staff on how we can make our community more sustainable.

OTHER

- *Mr. Greeson shared that he would like to talk about two items related to the budget. There was a suggestion of holding a Saturday workshop. Staff is more than happy to support a Saturday budget workshop but there are really two issues; when and what. What day would members want to do it and what would you want to accomplish during that time. The feedback that staff received from members was that roughly a 10:00 – 2:00 workshop would be desirable. Members would like to do the Operating Budget and the CIP. Staff attempted to lay out all of the presentations that are typical of those presented and incorporate them into the 10:00 – 2:00 timeframe. Members can see that it is fairly aggressive and only provides 15 minutes for each departmental area and an hour for the CIP. He requested some feedback on dates. It looks like the best options are October 31st and November 7th in order to ensure adequate time should information need revisited in November. He added that this information was prepared in order to prompt some conversation.*

Dr. Chosy asked if it was possible to do all of the department presentations in 15 minutes. Mr. Greeson reported that it is possible but it would primarily just provide an overview. Greater details and/or debates would have to occur during a regular meeting.

Mr. Myers asked the date that the budget ordinance would have to be introduced. Mr. Greeson replied that the latest would be in early December. It has been his practice to get all of the information to members and the presentations completed by end of November so the vote can occur in early December so that we have at least a couple meetings in December to deal with other end of the year issues and we don't bunch everything up towards Christmas.

Mr. Norstrom shared that he wasn't available on November 7th because he will be attending the National League of Cities conference. Mr. Myers shared that he is unavailable on October 31st.

Mr. Norstrom thought the reason for having the Saturday discussions was to provide members with more time to go in greater depth. He doesn't think that four hours

provides sufficient time for discussing the budget. Mr. Greeson agreed that it would be hard to go in-depth in the four hours.

Mr. Myers thinks it is still important for members to have a time to debate and discuss the budget on a Monday night when most people would expect council to do that. He thinks that the 15 minute increments would probably work if we just had the presentations and limited the discussion.

Mr. Greeson would like for council to set the date tonight then there would be a little bit of time to figure out exactly what we want to accomplish. Most of the department presentations aren't long.

Ms. Michael suggested moving the CVB and the McConnell Arts Center discussions to a Monday night as those groups take some time. That would provide an extra hour for more in-depth discussion of other areas.

After some additional conversation, Mr. Greeson suggested starting the November meetings earlier. Several members suggested beginning at 6:30 p.m.

Dr. Chosy asked if the budget discussion would be first on the agenda. Mr. Greeson said that could be done.

- Mr. Greeson then handed out a document about the funding for special groups. It is information that should have been provided earlier. Members have asked questions like what information do we want, can other groups apply for funding, what are criteria for some of that and staff tried to put together a decision matrix that would help guide that dialog and help us reach direction, if not for this year then for future years. With the exception of Old Worthington Partnership, which the city is now providing funding for, no new group has been added in recent years and the funding provided to groups has been held flat at least for his eight years (one exception, last year the Historical Society received a small increase). The letters for submittals have not yet been sent to the groups. He would welcome some feedback and will probably raise this conversation next week to give members a chance to review the information.*

EXECUTIVE SESSION

MOTION

Mr. Smith made a motion to meet in Executive Session to discuss appointment of personnel and Board and Commission appointments. The motion was seconded by Mr. Norstrom.

The motion carried by the following voice vote:

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

No 0

Council recessed at 8:20 p.m. from the Regular meeting session.

MOTION Mr. Smith made a motion to return to open session at 8:58 p.m. The motion was seconded by Mr. Troper.

The motion carried unanimously by a voice vote.

MOTION Mr. Myers made a motion to re-appoint Leah Reibel and Brian Seitz to the Board of Zoning Appeals; David Kessler, Robert Burpee and Michele Miller to the Parks & Recreation Commission; Daniel Srsic, Charles Warner and Rosemary Pomeroy to the Personnel Appeals Board; and Scott Highley and Robert Chosy to the Volunteer Firefighters Dependents Board. The motion was seconded by Mr. Troper.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:00 p.m.

/s/ D. Kay Thress
Clerk of Council

*APPROVED by the City Council, this
2nd day of November, 2015.*

/s/ Bonnie D. Michael
Council President