



Meeting Minutes

Monday, November 9, 2015 ~ 6:30 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, November 9, 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 6:30 P.M.

MOTION Scott Myers made a motion to appoint Anne Brown Temporary Clerk of Council for this evening's meeting. The motion was seconded by Rachael Dorothy.

The motion to appointed Anne Brown as Temporary Clerk of Council for this evening's meeting carried unanimously by a voice vote.

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

Also present: Temporary Clerk of Council Anne Brown, 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 18 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**Policy Item(s)****(1) Operating Budget Workshop and Public Hearing**

City Manager Matt Greeson stated that Council will hear a number of budget presentations beginning with the McConnell Arts Center represented by Executive Director Jon Cook. The second presentation will be from the Convention and Visitors Bureau of Worthington.

McConnell Arts Center

Peggy R. McConnell Art Center Executive Director Jon Cook introduced MAC Board Members in attendance including President Bronwyn Hopton, Past Board Chair Mick Ball and Development Director Erin Blue. Mr. Cook also acknowledged Council Members Dorothy and Norstrom for their work on the Board.

Mr. Cook reported that this is the MAC's 6th year in operation. The organization continues to work to strategically plan how to best serve the community. MAC is in its 3rd strategic planning process, looking through the year 2019 and focusing on areas that engage and build the audiences. Attendance in 2010 was 13,238. That has grown to 50,135 visitors in 2015 with 14% from the Worthington School District and the remaining visitors outside the district. One of the largest growth areas is up the 23 corridor from the Powell and Lewis Center areas. Target audiences include young people and young families.

Mr. Cook shared data that demonstrates the importance of the organization. One measurement shows how many other organizations use the facility. There were 52 groups that used the facility in 2015, which is up 8% over last year. The MAC has free admission without barriers and there is no residency requirement. Rachael Dorothy had shared with Mr. Cook that the Mid Ohio Regional Planning Commission (MORPC) is using the MAC as an example of creative placemaking. The MAC supports economic development in the community. Since opening, the MAC has generated over \$6,140,000 in new spending in community.

Discussing where the MAC budget has grown, Mr. Cook showed how earned revenue has spiked. MAC has seen an exponential growth in educational activities and facility usage fees. These programs continue to expand. The MAC is trying to resolve challenges with available space. The facility is always full. They are looking at holding programs off site to accommodate more groups and programs.

Mr. Cook reported that the percentage of the MAC's budget funded by the City has reduced over the years as other sources of revenue increase. In 2011 it was 39%, but in 2016 it is anticipated to be 29%.

Accomplishments for 2015 include:

- Exceeded goal of building audiences by 3% throughout Worthington and Central Ohio to increase awareness and engagement of current and new programming at the MAC.
- Educational attendance (classes, workshops) increased 30% over 2014 (on top of a 40% increase year before).
- Visits to the MAC increased by 18% (24% year before).
- Use of the facility by other groups increased by 6% (28% year before).
- There will continue to be a moderate growth pattern.

Tracking information was also included in the packet to show how specific programs impact budget and numbers.

The formula for the MAC is, in order to be a continuum of the creative culture:

- Serve as a creative place for people to experience film, art, music, dance – all in one place and sometimes all at one time.
- Present and produce close to 300 diverse events and classes throughout the year.

- *The ability to leverage the continued, strong City of Worthington monetary support to bring viable arts model to the community.*

MAC is focusing more on how they can move outside the building. Expansion of programs outside the walls continued:

- *Judged more than 400 participants in the state wide 4-H arts competition based on projects in Getting Started in Art that was published by the MAC.*
- *Provided orchestra outreach concerts to grade schoolers, both in school and at the MAC at no cost to schools.*
- *Invited the community to participate the MAC Bash/open house celebration of milestone anniversary.*
- *Temporary storefront in the Shops at Worthington Place.*

Mr. Cook highlighted what to expect in 2016. Old Worthington Partnership (OWP) has passed along management of the Arts Festival to the MAC. Revenue will be going back to the OWP, will not affect OWP budget. Will be able to dovetail more activities with the festival, including music festival sponsored by PNC bank. Free workshops, performances all weekend. Also working with Community Center for more partner opportunities.

- *Increase visits to the MAC to 65,000, 23% over last year, additional economic impact 230,000.*
- *A continued focus on financial responsibility and fiscal stewardship that includes sharing measurements and engagement levels.*
- *The increased engagement of youth, teens and young families within the immediate area in programs.*
- *Escalated visibility of the McConnell Arts Center outside the building. The management of the Arts Festival and new music Festival.*
- *A commitment to distribute Arts and Culture funding for the City of Worthington for calendar year 2016.*

Mr. Cook said that the MAC is thrilled to know that the City of Worthington is at the table and that they are willing to fund at the level where they are. He further thanked Council for their past support and hoped that they consider the \$220,000 funding level again this year.

He also pointed out that information was included on pages 6-7 in packet at the request of Councilmember Scott Myers which examines a contingency budget if there was a 10% decrease in the city funding for 2016. The report reflects other reductions in funding from state and other resources that are expected to be reduced. There would have to be reductions in programming and hours to ratify the deficit.

Questions and Comments from City Council

Mr. Troper asked a question about the 990 form and why it just covered a six month period. Mr. Cook answered that the MAC changed fiscal years in 2014. The filing for this fiscal year was for only six months between 1-1-2014 to 6-30-2014. They have been

going on an extension for the filings for the next 12 month period. The next fiscal year will be 7-1-2016 to 6-30-2017.

Ms. Dorothy asked how the MAC tracks the number of visitors. Mr. Cook answered that they have someone sitting at the front desk with a counter. They also add numbers for enrollments of classes, programs and special events. The number for 2015 shows just over 50,000. He recalls that when the plan was put together for the MAC it would accommodate 25,000 individuals annually, but as you can see we're at 50,000 and there is still capacity for more under the service model.

President Michael thanked Mr. Cook and the MAC Board and for providing a great facility to the community.

Convention & Visitors' Bureau

Bill Purpura spoke on behalf of the Convention and Visitors Bureau of Worthington (CVB.) He congratulated the MAC for a nice presentation. He said it demonstrates the economic power of travel and tourism and specifically how the arts organization plays a major role in that. The things they are doing are very exciting. The Bureau spends a great amount of time talking about what's going on at the MAC. Congratulations on what you've been able to accomplish.

Mr. Purpura introduced himself as the editor and publisher of Home & Away Magazine for AAA and the Board President of the CVB.

Mr. Purpura reviewed the highlights from 2015:

- 3,963 room nights booked for the Holiday Inn with direct spending of \$434,102
- 34 bus day trips brought in with an estimated value of \$116,552 into Worthington
- CVB website continues to be valuable marketing platform to publicize Worthington. Blog postings are important tools to share news about businesses, attractions and events.
- In 2015 there were 69,345 unique visitors to the website.

Last year the CVB unveiled a visit Worthington video. Mr. Purpura reported that the CVB video was nominated for an Emmy award. This national recognition says a lot about the work that went into making the video. The video resides on the home page of the CVB website. It's designed to attract conventions, tour groups and individual travelers.

Mr. Purpura stated that the most important thing he'd like to talk about is the idea of the power of building relationships. He stated that the CVB maintains a very close relationship with Experience Columbus, which is critical. One of CVB Executive Director Mindy Mace's great strengths is her ability to build on these relationships. As a small bureau, it is important that we link into larger more powerful entities and tap into resources. This relationship has enabled the CVB to bring additional tours to the city. This includes a van tour called "how did they do that" to showcase the Candle Lab,

Igloo Letterpress, and the American Whistle Factory. Attendees represented six tour companies from five states.

In addition, Mindy spoke at conference in Green Bay, WI and was able to tell Worthington's story to 110 tour operators from throughout the country. In 2016, this conference will be held in Crosswoods and will be a great opportunity to showcase Worthington and tell its story.

Equally critical are relationships we build within the city with OWP, the Chamber, and the Worthington Historical Society that remain strong. The CVB took the initiative to begin a series of regular meetings with OWP to be sure the organization is supporting them on all fronts. The meetings were very productive. With new executive director in place at the OWP, the CVB's goal is to continue to strengthen that relationship.

In 2016, the CVB will be working with all partners to possibly rebuild a website to be more inclusive of our partners.

Mr. Purpura stated that Council members have all received a copy of the budget and annual report. He or CVB Board Treasurer Mike Clevenger would take questions.

Questions and Comments from City Council

Mr. Norstrom asked if all the 34 tours listed came through Experience Columbus, or did the CVB generate some of its own? Mr. Purpura answered that all of those originated with Experience Columbus, but because of the CVB's relationship with them they were able to leverage that type of interaction.

Mr. Norstrom asked why the CVB is asking for a 10% increase. Mr. Clevenger stated that the budget is based on income from bed tax revenue and projected revenues from Holiday Inn. The CVB discounts that at a factor to be conservative. The City calculated the budget figure independently of the CVB and the City budget must have used the same calculation as the CVB.

Mr. Purpura reported that there are going to be some major renovations in 2017 at the Holiday Inn. The CVB board recognized the need to be fiscally responsible for 2016, because 2017 could be a tough year. Mr. Purpura said they are not going to apologize for any extra funding they are able to raise when things are healthy with the Holiday Inn. He stated that when the renovations are complete they will be back in business and he's optimistic.

Mr. Norstrom asked about the budget numbers of \$51,000 for the primary purpose of advertising and marketing and wondered why the CVB needs an additional 80,000. Mr. Clevenger responded that they have a paid professional with over 20 years of experience who knows how to leverage a small budget and relationships. The CVB has to have a professional who knows how to use the money. That's a big part of the budget. This

budget anticipates projects and joint promotion with OWP and rebuilding the website which promotes the community at large.

Mr. Norstrom replied that the cooperation over the years has not been evident. Over the years the CVB has spent nearly \$1 million and he wants to know what they have gotten for that money. Mr. Clevenger replied that they have leveraged the relationship with Experience Columbus and the CVB pays for the leads and it's up to the CVB director to work those leads. Mr. Norstrom stated that he thinks we should just pay Experience Columbus directly.

President Michael asked what other groups the CVB works with besides Experience Columbus. Mr. Clevenger replied that they work with the Tour Bus Council, which they pay dues to, and get leads from their conventions.

Mr. Norstrom stated the CVB has raised expenses to meet income. In looking at the CVB website there are 12 hotels listed and the last one on the list is the Holiday Inn, the only one in Worthington.

Mr. Myers asked Mr. Norstrom what he is wanting to do. Mr. Norstrom stated that he wants to eliminate funding for the CVB and put it somewhere else. He believes the City does not have to take the money from the bed tax and put it into the CVB. He asked Council to think about it because the City has a lot of other uses for this money that would be more productive, including putting the money in the operating budget. Mr. Myers said that the same can be said for any of the other organizations that the City has funded. These decisions have been made consistently for years. Mr. Norstrom repeated that he wanted to know what we were getting from it.

President Michael stated that one of the things we are getting is an ongoing marketing program that has had great outreach in bringing visitors and conventions to the City. It has brought in income for local businesses and it has brought in people to come and enjoy our activities. Ongoing marketing has reached throughout the state and beyond. If you're not getting your name out there, people won't come.

Dr. Chosy stated that he's tired of Mr. Norstrom beating up on the CVB and is not sure of his motivation. Mr. Norstrom said his motivation is the good use of public dollars.

Mr. Purpura stated that he has been in the travel industry for 29 years and has seen the impact of this industry across the country. I watched what Colorado did. They threw away their CVB with horrible results. We've watched what has happened in the budgets with these big tourism dollars. Travel and tourism is extremely important economically. If I thought we were wasting dollars I would not be standing here as a volunteer for this bureau. I understand why you ask these questions. Mr. Norstrom said that he's not asking the program to be wiped out. Given what other suburban communities have done and taken money out of the CVB, they still have a lot of the services at a lot less cost because they don't have a paid executive director. We should rely on Experience Columbus to do that work.

Mr. Purpura said that he disagrees. If you think that Experience Columbus is going to spend its time looking out for Worthington you are wrong. Mindy has masterly linked the two organizations together to do things that they cannot do to make it work. I watch very carefully what this organization does in terms of activities and where we spend money. I take it very seriously.

Mr. Norstrom stated that he respects the job that the board members do. I understand that you do a good job with the dollars you are given. My question is should we be giving you dollars.

Ms. Dorothy stated that she has looked at the website and has been very impressed with the website and blog highlighting local businesses. This exponentially helps businesses in getting that money flowing Worthington.

Mr. Smith asked where tourism ranks in economic value. Mr. Purpura indicated it ranks second behind agriculture.

President Michael thanked Mr. Purpura and the CVB for coming before Council and the good job that they do. Mr. Purpura thanked Council for their ongoing support.

Service & Engineering

Service and Engineering Director Bill Watterson reported on the Service and Engineering Budget. The Department of Service and Engineering consists of two divisions, the Division of Public Service and the Division of Engineering. The Department is staffed by 23 full time employees with additional support from part-time and seasonal employees. The Department is responsible for all public right of ways, city operated utilities, municipally owned and operated buildings, and the City's fleet of over 300 pieces of rolling stock and equipment. The Department manages the City's solid waste collection program and provides planning and support assistance to community organizations and city sponsored events.

The Division of Public Service is organized into five (5) primary program areas/divisions:

- Street Maintenance (pavement maintenance, traffic signals and signage, street sweeping, and roadway appurtenances including fire hydrants)
- Sewer Utilities (sanitary and storm sewers)
- Grounds Maintenance (right-of-way trees, SR 315 and US 23 right-of-way maintenance, CBD hanging baskets)
- Building Maintenance (custodial services, general facilities maintenance, electrical maintenance and HVAC maintenance)
- Fleet Maintenance (vehicle and equipment acquisition, management, maintenance and repair)

The Division of Engineering includes four (4) primary program areas:

- Administration of Capital Improvement Projects
- Operation and maintenance of the City of Worthington Geographic Information System (GIS)
- Plan review of proposed subdivision and private development projects for conformance with City of Worthington standards and requirements
- Utility location

Mr. Watterson continued by sharing the Department's Organizational Chart and discussed 2015 accomplishments:

- Administered storm water regulation under the city's five year EPA NPDES phase II (storm water management) Permit which became effective January 1, 2015.
- Continued the development of programming pertaining to OEPA Director's Findings and Orders for Sanitary Sewer Management Program.
- Managed the City's Solid Waste Collection Contract with Local Waste Services. Continued the drop off program at the Highland yard to including electronics recycling, motor oil and yard waste.
- Completed the 2015 Street Improvement Program.
- Coordinated with ODOT for the resurfacing of the Olentangy Freeway, the I270/US23 project and the I270/SR 315 project.
- Administered the contract for preliminary engineering of the Huntley –Wilson Bridge –Worthington Galena Intersection Reconstruction.
- Administered the consultant selection process for the Central Districts Sanitary Sewer Study. And the Old Worthington Mobility Study
- Provided engineering support for private development including the Monterra Subdivision improvements, Linworth Commons and Fresh Thyme.
- Assisted the CIC in renovations to the Kilbourne Memorial Library to prepare for a future tenant.
- Provided Geographical Information Services (GIS) support for City operations as well as business and resident needs.
- Performed snow removal operations for 24 events during the 2014-2015 season spreading 2,758 tons of rock salt and applying 8,079 gallons of liquid de-icing chemicals.

Mr. Watterson continued by discussing objectives for 2016:

- Administer Capital Improvement projects identified in the Five Year Capital Improvement Program.
- Continue implementation of the requirements of the OEPA Director's Findings and Orders regarding sanitary sewer system management.
- Restructure the Fleet Management operation with the revised responsibilities of the Fleet Manager to improve interaction with other departments and implement analytical business practices for vehicle and equipment purchase, replacement and disposal.

- Transition department operations under a new director beginning in the first quarter.

The proposed 2016 Department General Fund Budget is \$2,535,539 and Other Funds Budget is \$1,235,652. Mr. Watterson also included a year to year comparison of expenditures in the budget packet.

- In 2015, the Fleet Manager position was filled, bringing the fleet management function to full personnel strength. The fleet staff is improving the utilization of data in the fleet management software in order to enhance the criteria for acquisition, replacement and disposal to more effectively utilize capital improvement funds for fleet operation. Staff has begun elimination of little utilized and outdated equipment and will continue elimination if supported by usage data. The fleet staff has also begun reorganizing the garage to better utilize available space and improve work-flow. Staff will continue to evaluate use of alternative fuels, and the use of contractual maintenance and repair services.
- While prices appear to be stabilizing, road salt availability and cost are expected to continue to be issues for the Department's General Fund Operating Budget during the 2015-2016 winter season. Staff has established contracts with alternate suppliers through government cooperative purchasing programs and will continue conservation measures and alternative products to manage the issue.
- Funding for remediation of bamboo is included the 2016 Budget to reflect the potential cost implications related to the new regulations for the containment of running bamboo.

President Michael asked if any people have come forward yet to have bamboo removed under the new City ordinance. Mr. Watterson replied that no formal complaints have come forward.

- With the anticipated retirement of the Director at the end of January, the Department will transition during the remainder of 2016 under the supervision of a new Director and City Engineer. The Service/Engineering Department has six additional staff members eligible for OPERS retirements in 2016, which may also result in further changes to the organizational structure of this department.

Questions and Comments from City Council

Ms. Dorothy asked if the cooperative purchasing program was an easy thing for the City to become involved with. Mr. Watterson replied that we've been participating in a successful program for years and are also participating with ODOT for salt purchasing.

Mr. Norstrom asked if we have a weather forecasting system. Mr. Watterson replied that we have a superintendent who is better than most on TV. Very good at predicting what's to come.

President Michael thanked Mr. Watterson for the budget report and said she is sorry it will be his last one.

Discussion Item(s)

(2) Decision to Hold Public Hearing on the Appeal of Architectural Review Board Action – 613 Evening St.

Mr. Greeson introduced procedures for appeal of ARB decision about 613 Evening Street. Section 1177.08 of the codified ordinances provides for the following:

“Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved by any decision of the Architectural Review Board involving an application for architectural review approval may appeal such decision to Council by filing notice of intent to appeal with the City Clerk within ten days from the date of the decision, setting forth the facts of the case.” The City Clerk received a notice of intent to appeal from Councilmember Norstrom within the 10 days required.

Mr. Greeson further explained that Council may then elect to hold a public hearing on the appeal by the affirmative vote of a majority of its members, or failing to do so, shall reject the application for appeal. In the event Council elects to hold a public hearing on the request for appeal, the hearing shall be held not later than sixty days after a final decision has been rendered by the Board. Tonight you are to decide whether you want to hear the appeal and then, if so, set the date for public hearing. We are prepared to overview the application and it is your prerogative if you want to hear public comments on the matter.

Mr. Norstrom stated that he appealed this for two reasons. First, he learned on the 10th day that the Old Worthington Association was not aware that this was on the agenda. The president of OWA told Mr. Norstrom they would have appealed it but couldn't get a meeting together in the timeframe. The second reason is that this is a major policy decision for the City in terms of the tension between historical, architectural and sustainability. I want to bring that question up to this body rather than leave it at the ARB level. This could serve as a precedent for others to do the same thing, ie: putting solar panels on front of houses. I think this is important enough to determine whether that is a good policy and if so, if it is an exception or if it sets the way for future decisions.

Mr. Myers stated that he doesn't believe that, as the appeal was filed, there is standing to prosecute the appeal. He reviewed the content of Section 1177.08 relating to the complainant being aggrieved. That provision was amended in 2013 to specifically exclude a member of Council from the aggrievement provision. A member of Council has a right without a showing to appeal an MPC decision but not an ARB decision. Subsection (c) provides that Council on its own without a showing may institute an appeal if no appeal is brought. One person can't assert the standing of another person to meet the threshold aggrieved standard. It is Mr. Myers opinion that Council does not have standing to entertain the appeal in first instance. As to the merits of the appeal, it

has come before Council in the past. This very issue was discussed on March 1, 2010. There was public testimony taken on the issue when the architectural standards were amended to allow for sustainability consideration specifically with the language that solar panels could be considered. At that time, Mr. Lamprey stated that he wanted an affirmative position taken by Council that solar panels not be confined to the back of the building, and no Council member made a comment at all and the amendments were passed unanimously. We have already discussed this issue and because of that, and a lack of standing in the first instance of not being able to meet the threshold requirements, I think we need to deny the appeal.

Mr. Troper asked for clarification from Ms. Fox about whether there is standing. Ms. Fox reported that there are provisions in code about whether Council members are aggrieved. This one does have this standard. Being aggrieved legally is that you have some sort of legal loss or harm if a decision is made. It is a different standard than policy decisions. She agrees with Mr. Myers that whether the appellant in this case is aggrieved is the question.

Mr. Norstrom asked if aggrieved has to be a financial loss and Ms. Fox stated it could be a financial loss but does not have to be. Mr. Norstrom continued to ask whether it could be aggrieved by a decision that has been made that would impact the architectural review area where some have spent years trying to make sure that the quality of the architecture and the beauty is the same and by putting a solar panel on front of a house he is personally aggrieved by the way that this impacts the architectural aspects of our community. Ms. Fox responded that aggrieved means a personal harm done to a person or corporation or an entity. It's less that procedures or policies have not been followed. It's more that if you as a person or corporation has suffered some sort of harm as a result of that decision.

Mr. Norstrom continued to ask if the design guidelines state that the preferred location is where they are not visible on the back of houses. Mr. Myers confirmed that this is the preferred location. Mr. Norstrom stated that he thinks this is an important of enough issue for Council to bring it forward. Mr. Myers stated that he believes our system is based upon an adversarial process so that the person who is prosecuting the appeal has a sufficient stake in the outcome that we have a fair and full adjudication. That's the fundamental notion of our system which is why "aggrieved" is there.

Dr. Chosy stated that Mr. Norstrom is defending what's already written down in terms of where those will be put in that district. Why is Mr. Norstrom not allowed to question the decision of it goes against what is written? Mr. Myer asked for the citation of where it says the back of the house. There was an addendum in 2010. It is not codified, so not the law.

Dr. Chosy cited that in 2011, sustainable features were added to the Design Guidelines as a review element to encourage sustainable design and building practices while in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, panels should be located on roofs in the following manner: the

rear 50% of the roof of the main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard. Mr. Myers stated that we don't have a proper notice of appeal.

Ms. Dorothy says that she has a problem finding this as an aggrieved person. It is a system that we want to have function as efficiently as possible. In the past we required AC units in the back yards, but that is not the most efficient system. We have just changed our code to have AC units on the side. The efficiency of the panel has everything to do with the placement of the system. These are modern day appliances that everyone should use. She doesn't think we should have the appeal.

Dr. Chosy stated that if you visualize it with black panels on the roof, in the architectural district this is probably the worst place you could have them. He thinks the issue needs more discussion.

Mr. Smith stated that there is nothing more historic than being able to harness the energy from the sun and therefore it fits within our historic guidelines in general. At National League of Cities we sat in session about solar. Afterwards I spent a good deal of time talking with the renewable energy lab. They are all for it and have interesting guidelines that work very consistently.

Mr. Norstrom stated that the renewable energy lab doesn't deal with architectural review districts, they deal with putting renewable solar and wind in historical districts but not in the same context.

Mr. Myers said that it doesn't have anything to do with solar panels or where they are placed, it has to do with what does aggrieved mean. In the filing there was no statement of how the applicant is aggrieved besides "sets a precedent". I don't believe that is sufficient to what constitutes an aggrievement

Mr. Norstrom stated that there was nothing in our code about what he should put in the appeal. If he had known, he would have done that.

Dr. Chosy stated that the City has worked for years and years on this Architectural Review District, and to say it is an insufficient reason to be aggrieved, for us to open this up to issues that are visually distracting from the architectural review district.

Mr. Troper asked if this meets the aggrieved standard. Mr. Myers said that's a decision we each have to decide.

Mr. Smith asked Ms. Fox what would happen in the process next if they agree to hear the appeal. Ms. Fox answered that the appeal must be heard within 60 days of decision by ARB, which was October 8th. Mr. Greeson said it could be heard at the next meeting on November 16th or at the latest at the December 7th meeting.

Ms. Dorothy asked what happens if they decide not to hear the appeal. Ms. Fox answered that the decision of the ARB is final.

Mr. Smith commented that if he believes Mr. Norstrom is aggrieved, but personally disagrees with why he is aggrieved, can he vote against hearing the appeal. Ms. Fox stated that is his prerogative.

Dr. Chosy stated that he is not against solar panels and better sources of energy but if he takes this position don't assume he's against it. Mr. Norstrom stated that he is in the same position, but feels that it is important enough to bring before Council.

Mr. Myer stated that if it is the goal, then the City should open up the statute. Mr. Norstrom indicated he has talked with the legal staff and that would be coming before Council.

President Michael confirmed the direction from Council, that they would like to open up a future discussion into revising the ordinance in this area.

Mr. Greeson asked to clarify whether they are asking about different rules related to the application of sustainability features or in changing the appeal procedures so that Council members are clearly a party that can make an appeal like it came from a development planner for conditional uses. Mr. Norstrom stated that he is interested in the 2nd part because of the arguments that Mr. Myers raised. This should not be a legal issue. It should be clear in our code when decision made by bodies that report to us that have great impact on our community, we need to raise it up to a level of having Council hear those decisions.

MOTION Dr. Chosy made a motion to accept the appeal and set it for hearing on December 7th. Mr. Smith seconded the motion.

Motion failed by a voice vote of 2-yay (Norstrom, Chosy) to 5-nay (Michael, Dorothy, Myers, Smith, Troper)

(3) Amend Codified Ordinances: Chapter 1181 – Wilson Bridge Road Corridor Zoning

Mr. Greeson talked about how the City has been working for several years to find ways to foster the vitality of the Wilson Bridge Road corridor. At the last Council meeting you heard part of those efforts related to wayfinding strategies, traffic analysis and streetscape improvements. This week we would like to go over the proposed amendments to the zoning code that would begin to implement the Wilson Bridge Road plan. These provisions have been reviewed by a steering committee made up of residents and businesses along the corridor, the Code Review Committee and Municipal Planning Commission. Mr. Greeson introduced Planning and Building Director Lee Brown to lead the discussion and indicated that Council will be asked for direction as to scheduling this for introduction and public hearing.

Mr. Brown commented that the Wilson Bridge Road corridor plan was adopted by City Council in 2011. This plan looks at the area between the Olentangy River and the railroad tracks. The plan looked at existing programming of the corridor with over 128 acres zoned office and commercial and a total of nearly 250 acres throughout the length of the corridor. Mr. Brown showed sections from the plan that looked at recommendations for corridor zoning. Some of these objectives included signage and wayfinding, new residential development, redevelopment of underutilized commercial properties, creation of a more pedestrian-friendly environment, development of civic spaces, and creation of a more diverse commercial core.

In 2011, four areas were identified for re-development. In 3 of the 4 we have some type of development going on including The Heights, the 350 building, and the south side of Wilson Bridge Road east of High Street.

Mr. Brown discussed the eight categories identified and gateways. Consultants broke it down into categories and acreage and overall density. It looked at permitted and conditional uses, as well as height recommendations. Using the 2011 plan as our guideline, we tailored and combined the zoning categories into 5 new categories. The proposal is to look at the overall zoning categories, not rezoning any properties, but to set up for what could be rezoned in the future.

Zoning Districts:

- *WBC – 1- Medium Density Residential*
- *WBC – 2- Professional Office*
- *WBC – 3- Mixed Use*
- *WBC – 4- Office*
- *WBC – 5- Office/High Density Residential*

* WBC stands for Wilson Bridge Corridor

Mrs. Michael asked about the height recommendations for each category. Mr. Brown described each district including height recommendations.

WBC-1 Medium Density Residential: An area along the WBC that allows for medium density residential housing, offering a variety of housing styles and pricing options that complement the residential and architectural patterns and styles in the City.

- **Permitted Uses:** Multi-family dwellings, Home Occupations, Public uses, Essential services and Accessory uses.
- **Maximum Building Height:** Three stories except buildings on the south side of Wilson Bridge Road between Westview Drive and McCord Park should be limited to 2 ½ stories and 30’.
- **Density:** The maximum number of dwelling units allowed per acre for development within the WBD-1 shall be 14, with a desired number between 10 and 14 dwelling units.

WBC-2 Professional Office: Areas to promote small to medium sized office uses. A variety of office types and styles are encouraged to promote flexibility and adaptability.

- Permitted Uses: Office uses, Essential services and Accessory uses.
- Conditional Use: Public uses and Semi-public uses.
- Maximum Building Height: 3 stories, except buildings on the south side of Wilson Bridge Road between Westview Drive and McCord Park should be limited to 2 ½ stories and 35’.

WBC-3 Mixed Use: An area along the WBC that allows for a mix of retail and office uses both vertically and horizontally. Retail uses are encouraged for the first floor of multi-floor developments. Pedestrian facilities and public spaces are encouraged. Some residential uses may be incorporated in this area.

- Permitted Uses: Uses listed in Chapter 1147 of the Codified Ordinances as permitted uses in the following districts: “C-1” Neighborhood Commercial, “C-2” Community Shopping Center, and “C-3” Institutions and Offices.
- Conditional Uses: Residential Uses, Hotels, Motels, Drive-in Commercial Uses, and Breweries, Distilleries and Wineries.
- Maximum Building Height: 4 stories for properties south of Wilson Bridge Rd; 5 stories for properties north of Wilson Bridge Rd.

WBC-4 Office: Areas along the WBC that allows for large-scale office development and redevelopment, with such product offering prominent freeway visibility and serving local, regional and national tenants.

- Permitted Uses: Office uses, Animal Hospitals, Essential services and Accessory uses.
- Conditional Uses: Hotel, Public uses and Semi-public uses.
- Maximum Building Height: 6 stories except buildings abutting the Wilson Bridge Rd. right-of-way should be limited to 3 stories.

WBC-5 Office/High Density Residential: An area of high density office development either as a single use or as a use mixed with multi-family housing. The residential use includes a variety of high density multi-family housing such as condominiums, apartments and townhomes.

- Permitted Uses: Permitted uses within the WBC-4 Office District.
- Conditional Uses: Multi-family uses as part of the office building structure. No detached multi-family structures are permitted.
- Maximum Building Height: 6 stories.
- Density: The maximum number of dwelling units allowed per acre for development within the WBC-5 District shall be 20.

General Provisions:

- Ordinary repair or maintenance and interior alterations not in conflict are exempt.
- Subject to Standards:
 - Construction of a new building
 - Expansion of a buildings gross floor area based on the following:
 - Less than 25% expansion, only the expansion area shall comply

- Over 25% of the existing building's area, the entire building shall comply
 - Construction or expansion of parking facilities
 - Addition of landscaping, lighting, fencing or other accessory structures
 - Construction and installation of signage
 - Redevelopment and/or change of use proposals in the WBC shall be a minimum of 3-acres of land and 200' of frontage along the ROW

Development Standards:

- Site Layout:
 - Setbacks
 - Buildings 50,000 sq. ft. in area or less shall be between 5' and 20' from right-of-way (ROW)
 - Buildings over 50,000 sq. ft. in area shall be located at least 20' from ROW
 - Buildings abutting "R" districts shall be 50' to the property line
 - Parking and access drives shall be 25'
 - Right-of-Way Dedication
 - May be required to accommodate public improvements
 - Screening
 - Development abutting "R" districts shall be permanently screened in the setback area. Solid wall or fence and landscaping of 6' in height

President Michael suggested that instead of wording to include "solid wall or landscaping" that maybe it should read "solid wall and landscaping" so that people would not just have a blank wall there.

Ms. Dorothy also asked about the wall or fence being at least 6' in height and wondered what the maximum height would be. Mr. Brown answered that with Fresh Thyme, the fence is up to 8' and 9' in height based on input from residents. From a staff standpoint, it looks a little tall, but it would depend on working with the neighbors. 6' would be a starting point.

- Equipment
 - Exterior equipment shall be located to the rear of buildings and screened from view
- Tract Coverage – Mr. Brown indicated this is an area for discussion
 - 50% of the property

President Michael asked about what if someone wanted to do more than that. Mr. Brown indicated that the developer could do pervious pavers to count toward that total.

Ms. Dorothy asked what we were talking about when we say impervious. Mr. Brown stated that tract coverage includes the actual building and the parking lot. Ms. Dorothy asked if we've considered reducing their requirements for parking if they have plans for bike access and parking. Mr. Brown said that is an option. Further in the text it talks about parking requirements and maximums.

- Pedestrian Access
 - Sidewalks, recreation paths or combination with a minimum width of 5' for sidewalks

Ms. Dorothy reminded that they just talked about a plan for a multi-use path along the south side of East Wilson Bridge Road. Would we want to have that in the code to have a developer help us out with that? Mr. Brown stated that if someone was developing the east portion of the road, they would be required to pay toward the construction of a path.

Mr. Myers asked about the width of the multi-use path. Mr. Brown stated that it is 10 feet while 5 feet is the requirement for sidewalks.

President Michael stated that she thinks this should be written more specifically. Currently it is written too generally. We should say that there is 10' on the south side of Wilson Bridge and 10' for the recreational multi-use path. Other sidewalks may be a minimum of 5'. We need a distinction. Ms. Fox stated that when this was originally written there had not been a decision by Council to have a multi-use path, so that is why it was written so generally. President Michael suggested that it should be written so that if there is a multi-use path, this is the requirement.

- Drive-in Commercial Uses
 - Shall be oriented so that the drive through is not between the street frontage and the building
- Buildings:
 - Design
 - Building oriented towards Wilson Bridge Road, operational front entry
 - Height of at least 18' for flat roofs measured at the parapet or 12' for pitched roofs measured at the eave

Mr. Myers asked which buildings this is applied to. Mr. Brown stated that it includes all buildings with only one story proposed with frontage on Wilson Bridge Road regardless of which zoning district they are in. Mr. Myers clarified that in WBC-4 you could go as high as 6 stories on the property and 3 stories on what abuts Wilson Bridge Road, but you have a minimum of 12' to the eve.

- Roof-mounted equipment screened
- No extensive blank walls
- Materials
 - 40% of materials consisting of brick, stone, cultured stone, wood or fiber cement board siding.
 - Sustainable materials
- Windows & Doors
 - Ground-floor windows and doors
 - Provide an unobstructed view
- Landscaping

- Natural Features
- 6” caliper or larger shall be retained, or replaced
- \$450.00 per caliper inch of tree lost and not replaced
 - Drought tolerant and non-invasive
 - Deciduous trees – minimum of 2”
 - Evergreens – minimum of 6’ height
 - Shrubs – minimum of 24” in height
 - Parking lot landscaping
 - Seasonal plantings
 - Landscape plan shall be maintained for the life of the development

Mr. Myers asked if it requires parking lot islands. Mr. Brown confirmed that it does and matches what is currently in the code.

- Lighting
 - Illumination shall not exceed 3 foot candles & the light level at the property line shall not exceed 0 foot candles
 - Parking lot lights – max height
 - Pedestrian walkways – decorative low level fixtures – 12” above grade
 - Security lighting – full cut-off type fixtures
- Signs
 - Exterior lighting fixtures for illumination
 - Freestanding signs
- No more than 1 per parcel on parcels less than 2-acres in size, no more than 2 per parcel on parcels over 2-acres
- Monument signs – max height of 10’
- Sign area – maximum of 50 sq. ft. per side
- Can include up to 8 tenants
 - Wall-mounted signs
- Each business occupying 25% or more of the building may have one wall sign and one projection sign
 - 40 sq. ft. in area max and 12 sq. ft. max for projection signs
- Businesses occupying 25% or more of the building on a parcel abutting more than one ROW may have a sign facing each ROW
- Businesses occupying 25% or more of a building abutting I-270 ROW may have a wall sign facing each ROW.
 - Non-illuminated background up to 200 sq. ft.
 - Graphic portion of such signs shall not exceed 100 sq. ft.
- Parking
 - Design
- Located to the rear or side of a building
 - Non-residential Uses
- Parking shall not exceed 120% of what is required by Code

Ms. Dorothy stated that if someone doesn't want to provide as much parking as may be required because their customers are using alternative modes of transportation, is this something we can look at? Mr. Brown said yes, they can.

- Residential Uses
 - A minimum of one parking space per dwelling unit
- Bicycle Parking
 - Required to adequately serve the proposed use
- Structured Parking
 - Permitted and encouraged within the WBC, and meet all standards outlined in the WPC for setbacks, screening and height

President Michael asked how many residential units only have one parking space. Mr. Brown said that is an item for discussion. With this corridor you may have the ability to walk along Wilson Bridge Road. That does include an attached garage. This is an area we can look at.

Mr. Myers asked about bicycle parking being required to adequately serve the proposed use. Also bike racks is placed under "Public Spaces." Is this extra bike racks? Mr. Brown stated it is his understanding that it is extra bike racks.

- Public Spaces
 - Public space amenity for every 5,000 sq. ft. of gross floor area
 - Accessible plaza or courtyard
 - Sitting space – benches
 - Public art
 - Decorative planters
 - Bike racks
 - Etc...

Procedures for review:

- Redevelopment/New Development
 - Construction of new buildings, expansion of existing building
 - Alteration or expansion of parking facilities
- Pre-application
 - Request feedback from City staff and MPC
- Preliminary Plan
 - Approved by MPC
- Final Plan
 - Approved by MPC & City Council
- Modifications of Final Plan
 - Approved by MPC & possibly City Council

Mr. Myers asked if this suggests that rezoning will occur parcel by parcel. Mr. Brown stated that once the legislation to adopt the zoning districts would go into place, we

would start with the east side of Wilson Bridge Road and work our way west to rezone the corridor.

Mr. Myers asked, at the end of this discussion, what will you be asking Council to do? Mr. Brown stated that Council will be asked to rezone individual properties according to the plan. Mr. Myers confirmed that this means a developer won't have to ask for a rezoning because the rezoning will have already been done. Mr. Brown said yes, but the developer would still need to submit a development plan, which Council has review over.

Process:

- Wilson Bridge Corridor Zoning Draft
 - Created by Planning Staff in coordination with the City's Law Director
 - Recommended in the 2011 Wilson Bridge Road Corridor Study
 - Reviewed and approved by the Code Review Committee
 - Reviewed and approved by the Wilson Bridge Road Steering Committee
 - Reviewed and approved by the Municipal Planning Commission

President Michael asked how the zoning would follow. Mr. Brown discussed next steps.

Next Steps:

- City Council Briefing
- Introduce Legislation
- Public Hearing
 - 60 Day Referendum Period for proposed Code Amendment
- Rezoning:
 - Start with the south side of East Wilson Bridge Road and move west in sections
 - 60 Day Referendum Period for each rezoning

Questions and Comments from City Council

President Michael asked what prevents a homeowner from just tearing down a house and building another house when we're trying to move this forward in another direction. Mr. Brown reported that there is a property on the south side of the road that he and Ms. Fox met with the property owner and showed him the plans. That property owner decided to move forward with building his house so he would be an existing non-conforming use. President Michael asked if we should be moving quickly on this rezoning to try to avoid that situation. Mr. Brown said that our goal is to get the legislation enacted and as we start the rezoning of the corridor give proper notification to the property owners and work through that process. He said sooner than later is the ultimate goal.

Ms. Dorothy asked Mr. Brown if he knows the history of this Wilson Bridge Corridor Study such as how long it's been in process and how much public input we've had to get us to where we are today. Mr. Greeson stated that the initial RFP to select consultants for the study was sent out in 2010. We held public meetings, many with residents, and we were looking primarily at East Wilson Bridge Road, which was a recommendation of the

2005 Comprehensive Plan. Residents and business owners said that given the 23-270 project and the mall condition at the time, urged us to expand the project to be more inclusive of the whole corridor. Council ultimately adopted the plan in 2011. We have been working on pieces of that since then. Some of the things that detracted from moving forward were all the projects that had been taking place in the corridor. This is a critical piece of the plan because we don't want a project to occur that is not adding to the positive things going on there.

President Michael remembers the design currettes and people walking up and down the corridor, there has been a lot of community input, more than people realize.

Mr. Myers asked the height of Worthington Industries. Mr. Brown stated 3 stories. Mr. Myers asked about the density in Villa Charmante. Mr. Brown answered 7 units per acre, but it is zoned to allow up to 14 units per acre.

Mr. Myers also asked if Mr. Brown can provide information about setbacks and building heights. There is always a concern that we're careful with the massing if we want to move our setbacks up. He asked if there is any way you can provide us with some examples where we have, for example that stepped on the north side with 3 story and 20 foot setback? Something that lets us see what we're talking about. Mr. Brown stated that they can pull together some examples.

Mr. Norstrom stated that we have to approve the development plan, but not the form and the shape of the building. Mr. Brown confirmed. Mr. Norstrom said he learned about form zoning at the National League of Cities and wondered if they want to take it to the next step and explore that? Do we want to have more control over the type of buildings in the same way we have control over the Architectural Review district. Form zoning sets standards about how building should look. Set standards that show shapes and forms of buildings. The idea is to have control over what your community looks like. Mr. Greeson stated that form zoning emphasizes form over use. Our zoning code is based on use.

President Michael asked what it takes to add something to the Architectural Review District. Is that done by ordinance or charter review? For example to add the Wilson Bridge Corridor to the Architectural Review District. Mr. Greeson stated you can expand it by ordinance, but you begin to dilute the purpose of the existing ARD which has a very specific set of guidelines. Mr. Norstrom said he's not suggesting that we change the ARD, but maybe we establish architectural guidelines for this district if we want to control form as well as function.

Mr. Brown stated that in the current draft language, they looked at buildings and design, materials and shapes. There is more detail with this plan that would get to a lot of what you're suggesting. That's how it is laid out before Council. The development plan would be associated with the district. Mr. Myers stated that the proposal doesn't go into so much detail, for example about windows that may be in the architectural district. Mr. Greeson quoted some of the detail included in the proposal. Mr. Norstrom said it doesn't

go into the shape of the window. Do we want to take the next step and try to make this area look homogeneous or let each developer put up whatever architecture they want.

Mr. Greeson stated that, unlike Bridge Street in Dublin, this is largely a redevelopment scenario where people will be making additions and modifications, 350 W. Wilson Bridge Road is an example. They are gutting building, but are keeping largely the same exterior. There is a massive investment. Mr. Brown reported that there will be some architectural elements added on the outside. Mr. Myers asked if Council wants to control the look of those elements. President Michael asked if Council would like to pursue this. We need to give guidance to staff. What are next steps, what are the next opportunities for public input? Mr. Norstrom added that what he is putting on the table does not take away from what staff has done. We can move ahead and approve this zoning, then come back and decide about more guidelines.

Mr. Brown said our original goal was to introduce legislation, but with your suggestions we might need additional time.

Ms. Michael asked about where the opportunity for more public input will come. What process should we create for public input? Mr. Brown stated that people can email him directly.

Mr. Myers stated that we are setting this for public hearing but it will be at least a few weeks out. Unless there is overwhelming response that everyone is on board and has heard about this, we may table for a couple of meetings. This is much too important a project and we want to make sure we get it right. President Michael stated that we need to make sure we get the word out. There may be a lot of other people who have interest.

Mr. Greeson stated that we can workshop it again. Instead of having an introduction and tabling, you can have another informal session with public input. Mr. Myers and President Michael indicated that would be their preference to have another workshop where the public is invited for comment. Mr. Myers stated that it should be on a committee of a whole night where we're not discussing the budget. A future date was discussed, with a tentative date for the December 14th Committee of the Whole meeting.

(4) Monthly Financial Report

Molly Roberts provided the Monthly Financial Report for October.

Fund balances for all accounts decreased for the month with expenditures exceeding revenues by over \$768,000. That is primarily attributed to the fact that October was a three pay month. We also had over \$475,000 in Capital Improvements expenditures that were paid in October. Year to date revenues exceeded expenditures by \$2,000,000. Expenditures tracked at 92% of anticipated levels. Revenues for all funds are below 2014 revenues by over \$600,000 but above estimates by \$364,000. For the General Fund for October expenditures exceeded revenues by over \$500,000. General Fund balance for the year to date increased by \$1,100,000 with the General Fund expenditures tracking at

93%. General Fund revenues are above estimates by 2.94% or \$500,000 and above 2014 collections by \$36,000.

Income Tax collections for October were above year to date collections by 1.55% or \$327,000 and above estimates by 2.88% or \$500,000. Not included in the report is the 2015 refunding bonds that we passed the ordinance on last month. We are scheduled to close with First Commonwealth Bank at an interest rate of 1.63% which will reflect about \$300,000 in interest cost savings over the remaining life of the bonds.

MOTION **Mr. Troper made a motion to accept the monthly financial report. The motion was seconded by Rachael Dorothy.**

The motion carried by a voice vote.

REPORTS OF COUNCIL MEMBERS

BOB CHOSY – *I want to understand the recommendations, in regard to where the solar panels go, be stronger. President Michael asked whether Council wanted to look at revisiting the repeal process for Architectural Review and the definition of sustainable resources as it relates to Architectural Review District properties. Dr. Chosy states he would like those directions to be in the code. President Michael asked is that something that we should ask staff to look at. Council members confirmed. President Michael asked Mr. Greeson to put both issues on a future agenda for discussion.*

DAVE NORSTROM – *reported from the National League of Cities. More important topics are placemaking, the impact of the arts on the community, digital divide (making sure low income and elderly are able to participate in digital community), the bond climate, impact of millennials and how shared economy will influence future development in cities. For example, transporting senior citizens through Uber and higher density living. Less automobiles.*

BONNIE MICHAEL – *Do we want to look at a tree ordinance or prioritize as a retreat topic. Ms. Dorothy suggested that we discuss at the retreat. Mr. Greeson stated that they need to start thinking about dates and prospective facilitators.*

EXECUTIVE SESSION

MOTION **Dr. Chosy made a motion to meet in Executive Session to discuss Employment Discipline Dismissal and Board and Commission appointments. The motion was seconded by Mr. Smith.**

The motion carried by the following voice vote:

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

No 0

Council recessed at 9:05 p.m. from the Regular meeting session.

MOTION Mr. Norstrom made a motion to return to open session at 9:39 p.m.
The motion was seconded by Mr. Smith

The motion carried unanimously by a voice vote.

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:39 p.m.

/s/ Anne Brown
Temporary Clerk of Council

*APPROVED by the City Council, this
14th day of December, 2015.*

/s/ Bonnie D. Michael
Council President