



Meeting Minutes

Monday, April 11, 2016 ~ 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
W. Scott Myers, President Pro-Tempore
Rachael Dorothy
Douglas C. Foust
David M. Norstrom
Douglas Smith
Michael C. Troper

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

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, April 11, 2016, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 P.M.

Ms. Michael appointed Tanya Maria Word as Temporary Clerk of Council for this evening's meeting.

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

Member(s) Absent:

Also present: Deputy Clerk of Council Tanya M. Word, City Manager, Matt Greeson, Assistant City Manager, Robyn Stewart, Director of Law Pamela Fox, Director of Finance Molly Roberts, City Engineer Daniel Whited, Parks and Recreation Director Darren Hurley, Director of Planning and Building Lee Brown, and Chief of Fire Scott Highley.

There were 26 visitors present.

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

REPORTS OF CITY OFFICIALS**Discussion Item(s)****(1) Proposed Code Changes Related to Sidewalk Construction**

Mr. Greeson stated we are having a discussion this evening regarding potential changes to the sidewalk portion of our code in particular the portion of the code that deals with how citizens can petition sidewalks to be constructed and the relevant portions that the city may pay. We are not considering specific legislation this evening, so there is nothing that the City Council is going to vote on this evening. This is a committee of the whole meeting so the council will discuss some of the ideas presented and then provide direction to staff on whether or not we should draft legislation that would be introduced and heard in a public hearing at a future date.

There are really three changes in concept here (1) one set of changes is being proposed by Councilmember Doug Smith as part of this legislative process; (2) proposals by residents.

At this time I'm going to turn it over to Councilmember Smith and let him overview his suggestions for changes to the code and then afterwards he turn it back over to staff to overview the remainder.

Councilmember Smith commented to reiterate this are simply concepts that would address the entire city and the Ordinance that currently exists which we have to take a look at, which is kind of the process that we've gone through the past almost a year and a half or so when some residents came to me and addressed a need for a potential sidewalk to be installed at Crandall Drive and furthermore this past election cycle going door-to-door talking with neighbors in other neighborhoods addressing similar needs for sidewalks on their particular streets; so I had to look at it from a city-wide basis and so we ask ourselves how did we get here, well...

- *the current Ordinance has never been used. We know that there is a petition process already in place, it's a little general I think in my opinion and therefore even though council has for the xxx number of years, at least six if not more very strong stance in promoting mobility and multi-transportation including sidewalks and multi-use paths. Nobody has used this current petition process outlined in our current Ordinance.*
- *the current Ordinance doesn't give any specific process or sample documents, so it's a little confusing. Currently it's up to the residents or the neighborhood that has an interest in proposing the sidewalks and circulating the petition to kind of make their own wording which as we know can be dangerous in some ways, so we want to make sure we streamline that and have a process that's systematic and consistent with all neighborhoods not just one particular neighborhood.*
- *the current Ordinance does not address specific costs at any point, and so I saw that as a problem because one of the bigger questions I hear around town with this Crandall project is what is it going to cost me; and there's really no answer to that. There's some ideas of what it might cost, but nobody's really said here's a good estimate, here's what it will cost you, here's a maximum even of what it will cost you; and so I think to be fair to the citizens who will be assessed, even those who don't approve of sidewalks, if they get a sidewalk petition on their block or their street in front of their property and their required at that point to build and be assessed the cost of a sidewalk, I think it's only fair that we say upfront how much it's going to cost them at most.*
- *the current Ordinance does not prevent sidewalks to nowhere. We know from past discussions that there could be a block that once a sidewalk in a continuous block that does not want a sidewalk and therefore leading to a sidewalk that goes nowhere, which we want to prevent and I know members of any mobility committee would want to prevent that as well.*

Mr. Smith presented a proposed concept that if my fellow council colleagues like this concept we can work with our Law Director to build and create some language that makes sense for an Ordinance in the future. Mr. Smith presented a PowerPoint presentation which contained (a) Proposed Code Revisions – Petitions for Sidewalks; (b) Picture of a Block and Picture of a Neighborhood Zone; (c) Add a Pre-Petition Process;

(d) Sample Letter of intent for somebody who wants to have a block project; (e) Sample Letter of Intent for somebody who wants to have neighborhood zone; (f) Petition Process; (g) Sample Petition Template.

We see the definition of block in the current Ordinance and it is a pretty good definition and it makes sense for what it is, but it's lacking, so it's a system where blocks from one street to another street are very clearly defined and systematic, but again it does not prevent the sidewalk to nowhere; and so how do we prevent the sidewalk to nowhere. Well we introduce this "Neighborhood Zone"; in the neighborhood zone, systematically means from two sides of the street, so both sides of the street from a two four-way intersections or a four-way intersection and a point at which the street begins or ends, so it dead-ends into a four-way intersection

The top map is the current code definition, in the current Ordinance definition Crandall would have to be divided at least from High Street to Ridgedale; Crandall would have to be divided into three blocks even though they're contiguous, they would still have to be by definition three separate blocks, so one on the north, one over here, and one over here on the south side of the street. Another example that's not Crandall to give you an idea is over by the library which is right there and then there's the field and then there's Franklin Avenue, Morning Street, and 161 on the south-end; a block by definition in this context would be from Franklin to 161 touching Morning Street on the east side. In the new definition the block would still remain a block from Franklin to 161 touching Morning Street, but the neighborhood zone for a situation like Crandall would actually take all three blocks separated and combine them into one neighborhood zone and so we see that it makes it a little bit more consistent from four-way intersection to in this case a dead-end or where the street begins or ends right there on Worthington-Galena/High Street.

So after we determine that a neighborhood zone is an appropriate definition in addition to the block definition that already exists, then we have to figure out how do we make this a systematic approach and petition process; well Mrs. Fox and I sat down and we thought about how about a "Pre-Petition" process not to get too bureaucratic or governmental here, but I though this might be appropriate to have a "Pre-Petition process and this could determine whether the project is going to be a block project or neighborhood zone project. The petitioner who would be interested whether it's a neighborhood group or one resident even could determine whether or not if it's going to be a block project or a neighborhood zone project at that point. At that point if the project consists of either a block or a neighborhood zone, either way that would write a letter of intent to the city and that letter of intent if it's a block project then one owner in addition to the person who is writing the letter of intent for a total of two people on that block would have to sign that letter of intent. If it's a neighborhood zone project which would be much larger in most cases, the petitioner would have to get 10% of the property owners on that neighborhood zone to sign their letter of intent and so once the letter of intent is submitted to the city, the City Engineer will be required to provide a City Engineer's estimate for the project and that estimate for the project will have a 12-month

shelf life and that 12-month shelf life after the City Engineer gets back with the petitioner that shelf life begins.

Looking at the sample letter of intent for somebody who wants to have a block project, they're basically saying Dear City Engineer, this is a letter requesting a City Engineer's estimate for the East side of Morning Street from xxx Morning Street to xxx Morning Street. This block includes 7 parcels; so I used the example from before with the Franklin to 161, that's just example, it has 7 parcels on it, the letter of intent is going to help the city, it's going to help the petitioner realize how many actual parcels are on that block and as you can see down below (it's two people) and it's a block project so you have the petitioner's signature and you have somebody else who lives in that block also signing.

Now looking at the sample letter of the neighborhood zone, it's the same exact format except the difference is it identifies this project as a neighborhood zone and instead of 7 parcels if we go back to Crandall I counted up 30 parcels and so it's the same concept, but 10% of that zone would have to sign this letter of intent; so 10% of 30 is 3, we have three signatures and that letter of intent goes directly to the city, the City Engineer then provides that estimate back to the petitioners and at that point they can begin the petition process.

I previously mentioned that the shelf life of the City Engineer's estimate is 12 months, so essentially the petitioners have 12 months to create a formal petition and either circulate that petition to get the 51% of the homeowners on that zone or block or not; and after that 12 months it's a done deal one way or the other we have a definitive answer whether or not that project is going to move forward or it's going to get killed. So the petition must include a description of the zone as already stated or whether it's a block. I believe the city is required to verify the signatures on the petition to make sure there is no fraud going on.

Looking at the sample petition, you see up at the top right, the petitioner identifies the petition as a "block" petition or a "neighborhood zone" petition; down below you have how many parcels are on that neighborhood zone or block and then you have the street names and the street address numbers of all the properties that are included in the block or the neighborhood zone. Down here you have first full paragraph where there is a dollar sign and a line is a place where the petitioner can include the engineer's estimate for the project cost and that will help anyone who is reading this document to say "this is a petition for a sidewalk on my property, I need to be more informed." "I need to know who else is involved", which is covered by the street names and addresses and how much is the project going to cost which is covered by the City Engineer's estimate in the blank space. At that point they can sign their name identifying that they agree with moving forward with the project or they don't have to sign their name which obviously means they don't want the project to move forward. This is just a sample documentation that can be tweaked once we figure out which direction we're going with all of this.

Mr. Smith passed out sheets with graphical designs of the proposed process.

Other considerations to consider are:

- *to extend the current 5-year assessment period for residents to 10-year assessment period so that they have up to 10 years to pay off any sidewalk assessment on their property.*
- *whether or not we allow projects to be paid equally by all property owners or currently what's required is a lineal foot assessment equation and simply the difference would be that if a project is \$500,000 for example and there are 50 properties on that zone, everybody pays an equal share no matter how big their lot is. The other direction is what it currently is which is lineal foot for your property and you just pay based on the equation of lineal feet.*

I will now turn it over to Mrs. Fox.

Mrs. Fox explained that we've talked a few different times about those concepts which were proposed by the residents awhile back; again I don't really have any legal evaluation of extending the five to ten years that's more of a financial consideration for the City. In looking at whether the city can pay more than 50%, I think that's the request that's out there right now by the neighbors as I understand Mr. Smith's presentation, that would remain at a 50% and it wouldn't be any additional cost that the city would bear under his scenario would be that amount that would exceed the Engineer's estimate as I understand it, but that 50% would remain. I think we've seen in past history of the City the differences in the percentages that we've paid for assessment projects, we've all probably gotten copies of that historical information and I believe that the city has a lot of options when it comes to sidewalks they can go through this petition process, they can go through either of the state processes (one is a petition and one is just a straight assessment process) or the city can pay for the sidewalks outright, so in my opinion, the at least 50 or more than 50 comes into play when the city makes a determination what the priority is for sidewalks in this community.

I have not really given a lot of thought because I've just seen it tonight about the lineal foot versus equally, but I think I've addressed that issue in the past; when we talk about Crandall Drive, I believe we're talking about lots that are fairly equal in size, but when we use an assessment measurement for irregularly shaped lots or some lots that maybe much larger than other lots then I believe that the lineal foot assessment is a much fairer assessment and we are obligated to come up with some kind of a method that is fair to the property owners; my advice is to stick with the lineal foot assessment, but I'm certainly happy to talk about that in more detail if you wish.

Mr. Greeson commented I think both of these proposals put a little bit more of the cost and risk of cost inflation on to the city in order to answer the cost question that maybe an impediment to resident supporting or not supporting sidewalks and really that's the policy judgement that you have to make; do you want to bear more of the risk and the cost when sidewalks are desired as opposed to one of the other methodologies that Mrs. Fox described. Just a couple of things to think about, and if we start drafting legislation I want to work with Councilmembers and Councilmember Smith and others to think

through this. A year is a fairly long time with a commodity based product like this, so it likely will fluctuate in terms of cost; so the tendency of staff will probably be to design more, so the more you have designed as opposed to estimating, the more you have designed the confidence you may have in the estimate; so we may think about bearing more cost up front when this occurs.

I would expect that the complexity of these projects could be different in terms of number of trees, terrain, whether there is ADA accessibility issues and things like that, so we would need to think a little bit about whether 30 days is realistic, particularly if in some cases we're not designing it in house, we're hiring a consultant to do it; obviously if it's just a couple of lots something with no trees and no acreage then it would be a different story, so that would be a consideration that I think would require more discussion that timeline.

*I think the current Ordinance (**this is a hypothetical**) both the current Ordinance and the Ordinance with changes always have the potential of displacing something in the CIP, so in the case of a project like Crandall Drive that the previous City Engineer estimated in the half million range that would if petitioned likely cause us to have to consider moving something else in the CIP, the petition process in other words causes the project to jump the list of other city priorities which maybe fine because sidewalks are a priority of this community, mobility, walkability, but it's something that should be considered in your dialogue.*

Questions/Comments of Council:

Mr. Foust asked just for clarification when we talk about the 10% and or the 51% are we in fact talking about mailboxes versus bellybuttons, so if you have a man and wife who own a home, have you thought about where you figure in is this owner's only, do renters figure into this. Mr. Smith replied it is based on the deed, whoever is on the property deed. Mrs. Fox explained we had this conversation before you were a member of council, so the current definition of an owner means all of the owners of the lot as recorded in the record; so if there is a man and wife that jointly own the lot and one says yes and the other says no, it's a no. If there are three people and all three of them say yes, it's a yes; you have to have all of them say yes to be considered. One parcel = one vote.

Mr. Foust asked what do you do about absentee homeowners, someone who may live out of state and have a very different perception of what they want to invest in this property they own locally versus local residents. Mr. Smith replied that would be a discussion based on property rights and ownership; if they're on the deed and they're the only one they get to choose what they want to do with their property whether it's a yes vote or no vote.

Mr. Foust commented to Mrs. Fox about lineal footage, as one who has owned a home on a corner lot, as one who today owns a property on a pie-shaped lot and for me the street frontage is the crust; I'm sympathetic to that corner lot owner. Mr. Smith replied I think the reason that came up in discussion was for that reason exactly and Crandall Drive is a

good instigator of all that; generally they're the same size lots except for a few that are much larger and it just seemed pretty unfair to stick those folks with a bigger tab for the same project. Mr. Foust commented I get that, but this is Crandall and I'm thinking about other neighborhoods. Mr. Smith replied it does apply to other neighborhoods. Mrs. Fox commented this petition and assessment method is rooted in the Ohio Constitution and the Ohio Statutes and there are a few different methods of assessment that are set forth in the statute, one based on tax value which is often challenged because tax values can often be challenged; a portion may be based on benefits which is a very subjective type of way of viewing the assessment and then the front footage so that's why the front footage assessment because it all has to be done in a fair way is the most common method used because that is the easiest way to apportion value.

Mr. Myers asked this in no way impacts are ability under Revised Code 729. Mrs. Fox replied I do not believe it impact are ability. Mr. Myers asked which means we can go out and force people to build sidewalks at any time and they pay the full bill. Mrs. Fox replied yes. Mr. Myers asked and we've never done that either. Mrs. Fox replied no.

Mr. Myers asked in the petition process and I'll use for my example Crandall Drive, our specs say five feet from the curb, and that council can grant variances to that; there are some properties that I saw on Crandall that could absorb that five feet and some that couldn't; where it is our ability to grant variances in this process because it seems to me to be a very shallow process. Mrs. Fox commented I would think that it would have to come somewhere between the LOI process (the first indication that they might be interested in it) and maybe at the point when the Engineer is taking a look at what the cost might be; certainly by the time council would decide or not decide to proceed with the project. Mrs. Fox went on to explain that a variance is a variance from a code provision so it would have to be done by Ordinance. Mr. Myers commented I'm trying to see how we have to coordinate the fact that we have to grant a variance for a project that's not done or estimated and I also looked at spots on Crandall where we have utility issues, we have fire hydrant issues that we've got to work around, we've got several trees that I could see that would have to be removed. Mr. Greeson chimed in that the likelihood that we would have to do more extensive design, so for our Engineer or Consulting Engineer or however we approach it to have some greater level of confidence in the estimate they would have to do more extensive design and build in contingencies. Mr. Myers asked which under our current Ordinance we pay for any way; even at the 50% assessment we're still paying a great deal more than 50% because we're doing the design work, the bidding work, the equalization work, we're paying the interest. Mr. Greeson chimed in the difference in the current is in that's caused by 50% + 1 as opposed to whatever number is arrived at. Mr. Myers commented I think the ultimate petition would still be 50%, it's just the process of spending money would start with a much much smaller amount and I think the money at least from what I saw on Crandall is going to be more than maybe we thought originally. Mr. Greeson commented you could design a project or do some level of engineering for a project and never get significant signatures to move on. Mr. Myers commented it is critical that we do the design properly because if we don't, we pay the extra and that's an absolute....correct. Mrs. Fox replied under that scenario unless you decide to abort the project because of the costs of all

involved. Mr. Myers stated from what Mr. Smith said, once we receive the petitions that we had definitive answer...we had to go forward. Mrs. Fox commented when you get 51% of the petitions after the engineers estimate has been provided, the city can either decide to pay the additional costs if there is any additional cost or not go forward with the project. Mr. Myers commented so we do have a backdoor if the override is great. Mrs. Fox replied yes. Mr. Myers asked but if it hits the engineers estimate or is less than the estimate, we have to go forward. Mrs. Fox replied that is correct, that is the way this code provision is written as well.

Mr. Myers asked how does publically owned land work under our current Ordinance; asked does the city get a vote. Mrs. Fox replied if you're an owner you get to say "yes" or "no" to the sidewalk. Mr. Myers asked if we were to abort the project subject to referendum...correct. Mrs. Fox replied I don't think it would be because you're just administering an existing code provision, so I don't that not going forward with the project is a legislative decision because if you give yourself the ability to do it or not do it in the code itself, I think that you're just administering your code. Ms. Michael commented now vice-versa if somebody comes forward and says if after we have 51%, some neighbors say we don't want it to go forward, asked do they have the right at that point to bring it under a referendum. Mrs. Fox replied I think the legislative act is in the passing of this Ordinance, that's what is subject to referendum, not how the city implements the Ordinance. Mr. Myers commented I'm going to assume Mr. Smith you prepared the sample documents. Mr. Smith replied I did. Mr. Myers asked so they haven't been reviewed by council. Mr. Smith replied no they have not. Mr. Myers said because we're not doing this pursuant to state statue.

Mr. Myers asked whenever you have a petition process at least at the state level, there is a review of the petition language before it's circulated; does any type of safeguard exist here, because as I read (and Mr. Smith I understand you're not a lawyer), there are some issues that I have with this that I might drafted a little bit differently. Mrs. Fox replied I agree with you, we have never had a formal petition for this code provision, but I do agree with Mr. Smith that if we are going to be making some change(s) to this then having a formal petition is probably a good idea. Mr. Myers asked that would be pre-approved by you. Mrs. Fox replied yes.

Mr. Myers asked is there an expectation of when the project would be initiated under the petition process. I'm concerned about budget, because if this were zoned, it could be very large and it could have substantial impact to the CIP to the point where what happens if we have to put it off until the next year and defray sewer work or something like that to pay for it. Mr. Smith replied the only consideration is that the residents have to do the petition within a certain time frame and in this case I put 12 months that can be changed, but at that point it would just go to code and I believe there is no code that forces us to deal with it in any timeframe. Mr. Myers commented I do agree with Mr. Greeson that 12 months seems to be a long time to hold a price. Mr. Smith replied or maybe it's a longer letter of intent/city engineer process to get the estimate and have a shorter window for the petitioners. Mr. Greeson commented I wasn't commenting on the length, just the effect of the length. Mr. Myers asked for clarification. Mr. Greeson remarked it's a policy

judgement of whether or not you want to bear the risk in fluctuation of cost and for how long. Mr. Myers replied and that's the point I question, is that it does shift some of the risk onto us. Mr. Smith commented in theory to make it definitive, you could have a part of the code that says "Council shall move forward with the project or abort the project within two years of the petition being submitted" that way you have some finality there. Mr. Myers commented that always raises the issue when you put deadlines, is it deemed if you don't act....is non action acquiescence; I try to avoid deem clauses.

Ms. Dorothy commented I am for multimodal transportation including sidewalks and bikes being able to move from one place to another in Worthington in a safe manner. Unfortunately throughout Worthington we have quite a few places that have no sidewalks and this is an issue that we had been looking at addressing since I see that we had a comprehensive sidewalk study in 1997 and about all the sidewalks that we did not have and the current state of our sidewalks at that time; and at that time we had put a cost estimate to what it would take to repair our existing sidewalks and what it would take to install new sidewalks and we looked at the cost and we then came up with a five-year plan just to repair our existing sidewalks because it was cost prohibitive to install new sidewalks, but then at the same time we had put in language for petitions; and at that time in 1995 it was for 60% of the homeowners which then no one came for a petition, we dropped it to 51% we still don't have anyone coming up with a petition, so I could see where we still need to tweak this if we want to have by the law where individual group or people in their neighborhood feels that they have big enough safety concerns that they are willing to invest some of their own money with the help of our government to look at this. I think it something that we should be looking at, but it is also something that we also have to be very sensitive to what the overall cost is for a whole community; so it is a big balancing act. I do appreciate Mr. Smith for all the work that he put into this trying to make this a viable option; it's already been tweaked once and it still hasn't been used yet.

Mr. Troper asked just for clarification on the "Neighborhood Zone" concept we would be installing sidewalks on both sides. Mr. Smith replied as my concept reads that is correct (that could be up for negotiation). Mr. Troper asked you talk about an estimate in one month from the City Engineer, is that feasible in your plan to get an estimate in a month. Mr. Smith replied maybe we build out a little more time for the City Engineer whatever is appropriate to get the right design and the right cost estimate; 30 days can just be a placeholder for the conversation this evening.

Mr. Norstrom commented I'm very concerned about the extra effort that could be imposed on staff just imagine if we had five requests for sidewalks in a short period of time; I think if we're going to do this, I think we need to have a window for applications for sidewalks so that it can be part of the capital budget; again think about it if we have five different neighborhoods that want to come in for sidewalks and it's a million dollar project; also there is no lead way in terms of what is being proposed here, the issue that we constantly face is balancing what is being done to the whole community versus what is being done to part of the community. The way this is structure here there are "shalls" in here that I don't think are appropriate, that's what council does, we make those balancing decisions; I think if a petition were to come before us and we can approve it,

but can we put it in the capital budget in a way that is appropriate for other projects in that capital budget. The extra work put on staff, if you think through the logic of what's being proposed Mr. Whited would be best if he did extremely high estimates on anything so that the city wouldn't be paying anything extra for him and if the estimate turned out to be high, the residents if they had signed the petition would be more than glad to have a lower cost. We've already indicated that 12 months is too long to keep any kind of estimate open. I would also suggest that we follow what we do with other projects is we get an estimate for the project and as long as the bid is within 10% of the estimate we move forward with it; if it's more than 10% we reject it. I think that's an appropriate process to follow for this.

One other things that we have talked about and Mrs. Dorothy talked about it earlier was having the Bike and Ped Committee identify where priority sidewalks should be and I think that's a process that is separate from this process; for example if that process identifies high priority sidewalks and the petition comes in from the neighborhood and says we want a sidewalk and it's not a high priority sidewalk in terms of the Bike and Ped Committee, which takes precedence; I think those are some of the other issues we would have to deal with.

Ms. Michael thanked Mr. Smith and Mrs. Fox for the hard work in putting this together. I was on city council when we did the 60% and it went down to 51%; I also was on council when we did the Evening Street sidewalks where a lot of residents did not want to have a sidewalk on Evening Street and for children's safety the sidewalk was done on the east side of Evening Street so that we could reduce the conflict of kids crossing at 161 and cars turning right; and so for children's safety it was done and it was a 50% assessment to the people who received sidewalks, it was linear footage and the city picked up the extraordinary costs that had to do with sewers, trees, that was the only time in at least 20 years that there's been a sidewalk assessment program besides having people fix their own sidewalks. Back then when we looked at how many dollars' worth of sidewalks were not in existence that should be or could be in existence in the city it was over \$10 million dollars and back in those days we had a lot more money than we have today for the Capital Improvement Budget and so a \$10 million onetime hit we can't do because we do have other mandates like sewers, we have other projects that are going to be coming forward, we also have to take care of our own existing buildings which comes out our Capital Improvement Plan and this includes our city vehicles (police cars, fire trucks) and so I agree with people up here who have been saying that it's nice to work with something to work in this direction, but also you must have some safeguard in there that when in the Capital Improvement Budget something needs to come through because the Capital Improvement Budget is not just the sidewalks, but it includes so many things that we have legal responsibility to take care of, we have to maintain the Community Center, we have to take care of our streets and existing sidewalks, we have vehicles that we have to purchase, we have sewers that we have to redo, so everything has to fit into the budget in some place.

Mr. Greeson asked does Council have any feedback on the other two changes; one was really just a clarification in the code proposed by residents that we have the option to pay

more than 50% should the council desire; I think you already have that under statutory processes, but I think there's a clarification; and then the second one is extending the repayment from the current schedule of five years to 10 years; is there any feedback on that.

Mr. Troper remarked I'm in favor of the payback. Mr. Myers commented so long as we have the opportunity to vote on it at the time; it's not set one way or the other because that could depend on interest rates at the time; right now a 10 year repayment plan isn't a big deal, it could be in five years that a 10 year repayment plan is a significant expense because we're going to be financing and although part of the assessment process can include interest on that debt. Mr. Smith asked Mr. Myers you would enable one group of citizens who want a sidewalk project to go forward to be assessed on a five year term and in a few years later another group could be assessed on a 10 year term, is that what I'm hearing you say. Mr. Myers replied is what I'm saying is I want the flexibility to be able to decide that based upon the conditions of the city at the time.

Mr. Foust commented take the typical literal footage on a Crandall Drive property, asked what would be the financial impact on the homeowner; has anyone run those numbers. Mr. Myers replied I don't think anyone has. Mr. Smith commented it was based on Mr. Watterson's estimate. Mr. Smith asked the visitors in the audience, your yards are about 100 feet; so \$75.00 per foot. Mr. Foust asked what is the annual impact on a homeowner, I don't have any idea what we're talking about here. Mrs. Fox commented the current code talks about not more than five annual installments, I think that's the way the state code reads as well up to 10 years. Mr. Myers commented I would not have problem with changing that to not more than 10 years. The 1997 study put sidewalks throughout Worthington was \$14 million, just a little under \$15 million. I just quickly Googled retail price for a concrete sidewalk in the front of your house, Google spits out \$150.00 per square foot. I have no idea if there is any creditability to that number or not, probably not because it's Google. Mr. Greeson replied we'll take care of it.

Ms. Michael commented one of the other thoughts is that going down Crandall it would make sense for the sidewalks to be much closer to the street than others and when I had talked with Mr. Watterson and I was told sorry you can't do that and you brought up the variance, and I just hope that we can set something up so that sidewalks can be designed to go in there; you go to Colonial Hills and you have sidewalks contiguous to the street and you have other areas they were talking about having it so far back that it would be going through the middle of people's yards. Mr. Norstrom commented Colonial Hills was put in prior to the ADA, those sidewalks could not be put in the way they are now simply because of the grade changes in every driveway would violate the requirements of the ADA and that's one of the reasons sidewalks are much more expensive to put in now and even if we could get a variance, I'm not sure we would want to have a variance simply because of the additional cost of us putting in and of the driveway potentially even having to change its slope, so there's some real issues relative to this.

Visitor Comments:

Patricia Farmer, 348 Crandall Drive, Worthington, OH. Mrs. Farmer stated we first addressed City, but it is time to address you, Mr. Smith, as you have spearheaded this issue and continue to push for it, even though we who oppose sidewalks are the absolute majority.

Proponents do not have and never have had the majority to bring this before Council, who we strongly feel should not have furthered this discussion to appease a small majority.

On the front page of This Week newspaper, you are quoted as saying “you have been working with Crandall residents on this issue.” How many residents is that? Those reading this who live elsewhere would assume you are talking about all Crandall residents.

Mrs. Farmer asked how many residents have you been working with on Crandall Drive. Mr. Smith responded I’m trying to take in consideration from all residents, so everybody in the audience. Mrs. Farmer replied no that is not correct; those reading this newspaper article who live elsewhere would assume that you’re talking about all Crandall residents.

Not one time, Mr. Smith, have any of us who oppose sidewalks been invited to your meetings. I and others have gone door-to-door on Crandall and Ridgedale, more than once, finding not one resident who was invited or even knew about your meetings; so we can assume those meetings were private? Mr. Smith replied Mr. Kirk brought up some months ago and I addressed him at that point early on as I would have met with any resident under any concern meet with some folks on the Crandall Drive prospect of having a sidewalk to help them understand the process and walk through the process understanding Crandall’s position both for and against going to the same meetings that you have been at. Mrs. Farmer commented not one of us who oppose this project have ever been to one of your meetings. Mr. Smith replied when I say my meetings I mean the meetings held here at City Hall. Mrs. Farmer commented I’m not talking about that, I’m talking about your private meetings. Mr. Smith commented other than that, there were no other private meetings.

You said, in the news article, that you and your group are making headway, advocating for sidewalks for about a year and a half now. But in fact, I was first approached nearly three (3) years ago. Then a year or so later, proponents of sidewalks came door-to-door with false and incomplete information.

You also said that from the conversations you’ve had, we assume with your minority group, that these are positive steps with good feedback. Once again, you have ignored the majority who vehemently oppose sidewalks.

This a middle-class neighborhood, where most have lived here for many years, investing in our properties, saving money for projects, taking pride in our neighborhood. Between

you and your minority group, you don't mind that most of us cannot afford the cost of sidewalks we do not want and losing trees.

Do you understand that some homeowners will lose 1/2 their frontages and the rest will lose 1/3? Your project, decided in private will cost you nothing, as you don't live on Crandall Drive. So exactly what is this all about? Mr. Smith explained that the proposal tonight was based on city-wide feedback including Crandall residents and just to clarify this information that was distributed tonight, the people who are proponents of sidewalks had not seen this other than a couple of people I e-mailed the same day I e-mailed a couple of the opponents of the Crandall sidewalks just to kind of give everybody a heads up that this was coming tonight so they could be in attendance. So keeping that in mind and understanding that this concept is for city-wide Ordinance change that effects more than just the Crandall residents; and offering it up to Council to discuss this further to see what's in the best interest of the entire city and you've heard some of the thoughts this evening; so hopefully we can take all the thoughts including the opposition of sidewalks into consideration as we move forward.

Mr. Norstrom explained that we are not dealing with Crandall Drive tonight but the overall issue of improving sidewalks in the city and I'm sure whatever we adopt, some residents of Crandall Drive may try and at that point and time we would have a discussion on Crandall itself.

Barbra Patrick, 334 Crandall Drive, Worthington, OH. *Mrs. Patrick explained that the April 7, 2016 Worthington News had a front page article, which appears to be an interview with Worthington City Councilman Doug Smith. I wish to address a few of the comments in that article directly to Mr. Smith. Mr. Smith, you stated that you have been working with Crandall residents to "address the problem." I would like to ask you to define "the problem" and also who is "the group" that you have been working with to develop a proposal to present to City Council concerning a system for changing the way to add sidewalks on Crandall Drive. According to you, two of the concepts you are going to present to Council are from "the group". I would like to state to my knowledge, "the group" is a very small number of people who want sidewalks and definitely nowhere near a majority of residents on the street, the current code calls for at least 51% approval of the residents to approach the city for installation of sidewalks. I find it rather perverse that when a group discovers they do not have the majority when a group discovers they do not have the majority necessary to approach the city council regarding their desire for sidewalks, that they now are attempting to change the current code to find another way to achieve their goal.*

This seems to me to be a blatant way to ignore the majority of residents' opinion that they do not want sidewalks, the concept of "majority rules" or the "democratic way" is not respected! Why should a minority group be able to steam roll over the majority of residents who have lived here for many years, just because "the group" and you Mr. Smith have decided that we should all have sidewalks. By what right should you and your "group" be able to decide for the rest of us. By hook or by crook what the rest of us should have, whether we want it or not, are your opinions the only ones that count.

In the newspaper article you state that “from the conversations you have had, those solutions are positive steps” I’ve gotten good feedback from it;” good feedback from who. It seems to those of who absolutely do not want sidewalks that there is a deep divide on this issue and manipulating the code to get your way is not appropriate.

I’m a little confused about your new proposal about the 10%, wonder if you could clarify that for me; you said the Letter of Intent would only require 10% to sign the letter to send to the City. Mr. Smith replied that is correct and that would be for the neighborhood zone option versus the block option. Mrs. Patrick asked does that give them an advantage by only requiring 10% instead of the current 51%. Mr. Smith replied no because they would still have to go through the petition process to collect the 51%; the letter of intent is simply to get the engineer to start to get a cost estimate for the project. Mrs. Patrick said okay, so we still have to have a majority. So since we already know of our knowledge that we are a clear majority against this project, asked how is this going to change. Mr. Smith commented the process allows for what I will call the end solution; so for a year and a half and from what some folks are saying multiple years 3-4 years or so, we’ve been going back and forth about this in the community and specifically Crandall, but whether it’s Crandall or any neighborhood this process will allow some definitive answer saying if they have a petition and they don’t get the 51% in the time frame, then we know the answer, the majority doesn’t want a sidewalk; that’s what this process allows.

Ms. Michael commented either way it’s 51% in order for something to go through; it’s going to require 51% of the people either in the block or in the zone to approve it for it to go through. Mr. Norstrom commented this raises an interesting question, asked is 10% the right number; to put the extra burden on staff to make the estimate. Ms. Dorothy commented I was wondering if we should raise it, I don’t want to have our staff be running around if we don’t think there is a substantial number of proponents. Ms. Michael chimed in I think 10% is a little low.

Greg Stange, 1104 Morning Street, Worthington, OH 43085, *Mr. Stange commented Ms. Dorothy and Mr. Smith you are both talking about like as an overall goal to have more sidewalks and you’re talking about this is the way to do it.; asked how many petitions do you expect to get a year, what percentage would you expect to be approved because you’re talking about large budget items. Then what keeps it from going on literally forever. When you got one year and it done, what keeps people from signing something the next day, plus how much are you budgeting for all of the engineering per year; how much are you planning on sidewalks per year; this is a large amount of money. Mr. Smith replied some of those concerns have been addressed and I think Mr. Norstrom brought up a few of the points as well as Mr. Myers. That is something we are going to have to discuss as a Council.*

Mr. Stange asked what points were addressed. Mr. Smith replied the prioritization of if five petitions come in at once how do we handle that. We have a Bike and Pedestrian committee and that committee can potentially tell us what the priorities. Mr. Stange commented I’m not talking about the priorities, I’m talking about you get five petitions at one time; none of them are on the priority list or all of them are on the priority list, that

doesn't even come into play; you just get five petitions. Mr. Greeson responded we're kind of in that position already. Mr. Stange asked so how many are you planning on getting per year. Mr. Greeson replied we haven't had any in 20. Mr. Stange replied you didn't have a bike committee 20 years ago. Mr. Norstrom commented the questions you're asking are good questions, but Mr. Smith came up with some ideas and as you've heard from several council members including me have some concerns about those ideas that were presented, so they're just ideas at this point and time. We've talked about a couple of the things that you just addressed, now the one thing we haven't addressed and you raised it is how often can a community come in for sidewalks; and I don't know what the answer is to that, but that will be one of our discussion items. Mr. Myers commented as I read the current code, it says "as often as they would like." Mr. Norstrom commented that is what the current code says.

Jay Sizemore, 353 Crandall Drive, Worthington, OH 43085, *Mr. Sizemore asked are there projects that could explore getting close to sidewalks like the lines that are made in Worthington Hills alongside the curbs to kind of designate an area where the kids and families can walk without having a sidewalk; what was that project; is that a part of the scope that we could study. The other thing I was wondering is the bike or the sidewalk along 161 leading to Linworth seems to be pretty recent since the ADA and it also seems to be pretty close to the road, so I didn't know if we had precedence in that scenario; not sure if it's different because it's a state route, but I just wanted to bring that up; searching for solutions, that's all I wanted to bring up.*

Mr. Troper commented I would like to hear everyone's response regarding the 5-10 year. Ms. Michael replied I believe I've been hearing no more than 10. Mr. Norstrom commented to Mrs. Fox that the current Ordinance has been totally ineffective and we do need a new Ordinance and we've talked about this now for months or probably a year; and we took it upon ourselves to say let's figure something out. I think we want to continue to work on this, I guess my question is, what direction do you need from us. Mrs. Fox replied I am more than happy to try to come up with some code language that addressed all of the discussion that we've had tonight if that's what Council wants to do, or if you want to bring this back again or wrap it up tonight and ask me to start preparing some language...I'm happy to do that. I would probably have some sections that would have some areas of alternative language just because there's been a couple of different ideas floating around here on certain provisions, but I would be happy to make an attempt. Mr. Myers commented I would love to see how this could possibly be drafted and I also disagree with the characterization that this statute merely because it's ineffective, I would submit that it's very effective. It's as democratic as democratic statute we have; from what I've heard tonight there are a substantial amount of people who don't want sidewalks that's why the petition process has not been used because no one can get 51%, so maybe this has been a very effective statute; so while I am more than willing to consider other alternatives, I am not willing to say this is an ineffective Ordinance as it's currently written just because no one has come forward...maybe there's a reason for that.

John Hamilton, 187 Crandall Drive, Worthington, OH 43085. *Mr. Hamilton stated Worthington is part of the US City of Trees and you're going to take down a bunch of trees; I've taken the liberty of planning two trees, your Parks and Recreation pays half the price and I appreciate it. This is the second meeting I've been to; I had no notice of meetings going on. I had one woman say to me that she likes to run, she wants sidewalks. I said to her, we've got a wonderful Parks and Recreation facility, I have a daughter that walks, runs, hikes, bikes, and she's got 10 miles of a sidewalk, but she runs in the street and uses the Parks and Recreation areas. I learned at the last meeting last year when I happened to be here that the city is in favor of putting in sidewalks; and at that time I understood that you had to get 59% of the people in order to get sidewalks put in. I understand that you've since changed it to 51%. Me personally I wouldn't stand for taking that 8 points down, you're citizens, you work both sides of the road; half of that would have made more sense to me...I would have went half way on that.*

The cost of putting in sidewalks is inhibiting. Two years my wife fell, concussion and bleeding on the brain....eventually clear up, I thank the good Lord for that. I retired early, I had a small pension, I have had (1) 2% COLA increase back in 2003 and that's it. If it weren't for social security we'd be in trouble and no COLA on that. Last year our health, my wife takes 10 pills - \$110.00 short of \$10,000, we don't have that kind of money. We can't afford sidewalks....we don't want sidewalks. I pray to God that you think this over; you've got better things to do with that money.

Ms. Dorothy commented I would like to state for the record I am for the safety of all residents. I'm not necessarily for sidewalks... I'm for safety of all residents and all modes of transportation. Safety is the priority. Second, it was in 2002 that the change in our code happened from 60% to 51%, it wasn't in the last two years for the petition.

Mr. Troper commented I think the other piece as someone mentioned is how much does this cost or other issues, but I think unless the City decides that we're going to pay more than 50% if we make sidewalks a priority and say we're going to pay 60% of the cost of sidewalks; if we leave it at 50%, I don't think anything is going to happen; we're never going to get sidewalks anywhere; if we move it up to 60% or some higher amount then we'll get sidewalks; we need to just prioritize if we want sidewalks or do not want sidewalks. Mr. Myers explained that the reason we have some of the sidewalks that we have now in this is because we're getting those sidewalks for free; when someone comes in and redevelops a property, MPC requires they put a sidewalk in front of the house, that way when the person buys the house they know they've got a sidewalk, it's included in the purchase price, developer bears the cost whatever it happens to be; that's why we have these little chunks of sidewalks and that has always been MPC's approach; every chance they get to get a builder to put a sidewalk in, they do it. Mr. Norstrom commented they're not a sidewalk to nowhere; they're a sidewalk to someplace that has not been built yet.

Mr. Greeson commented if it's helpful to the council, I'll pair back what we heard that might get reflected in follow up staff work. We heard:

- A formal petition is helpful and that we may do some more work with what Mr. Smith has done.
- The idea of considering establishing a window for submitting such applications was raised.
- The idea of what we do if it comes in 10% over the estimate was raised.
- The 10 year repayment window was discussed. There was concerned expressed about interest rates.
- There was a request for maybe a scenario of what a sidewalk would cost in current dollars and how that might get apportioned on an average Worthington lot.
- There was discussion that 10% maybe too low a trigger for the development of cost estimate by the City Engineer.
- There was discussion about higher level of support needed to be indicated.
- There was discussion that the frequency of applications from a particular neighborhood might be limited by how often.

These are the things we heard and we can seek to address. Ms. Dorothy commented I think we mentioned about:

- If we had an ordinate number of petitions, is there any trigger that we would have a cutoff based on what our CIP budget was or something that we can afford. The whole thing is that we have never been able to afford sidewalks everywhere in Worthington.
- Mr. Norstrom commented that I mentioned the issue of “shalls” being used in this Ordinance rather than “shoulds.”

Mr. Foust commented I have two things: (1) it does seem to me like there is an issue of who we are as a city; it's a bigger broader discussion I think, but I would love to hear some of the history (Matt maybe some time you educate me offline); I think about the different neighborhoods in Worthington whether it was Worthington Estates or Kilbourne Village or whatever through time; asked how did we end with communities that were built from day one where the sidewalks were laid in before the first house ever got built it seems versus neighborhoods where we just didn't do that...do we want to prevent that for the future. What happens if some real big piece of property gets developed some day (hypothetically) Ms. Michael commented all the new places are putting sidewalks in. Mr. Foust commented I want to know how we got to where we are.

(2) Financial Reports

Mr. Greeson asked Mrs. Roberts to provide an overview of the report and indicated that staff is requesting a motion from the City Council acknowledging the report.

Mrs. Roberts presented the following:

Fund balances for all accounts increased from \$20,899,925 to \$22,815,737 for the month of March with revenues exceeding expenditures by \$1,915,813.

Year to date fund balances for all accounts decreased from \$21,263,095 on January 1, 2016 to \$22,815,737 as of March 31, 2016 with expenditures exceeding revenue by \$1,552,643.

Expenditures for all funds tracked at 91.45% of anticipated expenditure levels.

Year to date revenues for all funds are below 2015 revenues by \$1,781,328 and above year to date estimates by \$1,373,623.

The General Fund balance decreased from \$10,632,523 to \$11,574,014 for the month of March with expenditures exceeding revenues by \$941,491.

The year to date General Fund Balance decreased from \$11,250,077 on January 1, 2016 to \$11,574,014 with expenditures exceeding revenues by \$323,937.

General Fund expenditures tracked at 87% of anticipated expenditure levels.

Total General Fund revenues area above estimates by \$325,286 or 5.07%.

March 2016 income tax collections are above year to date 2015 collections by \$238,888 or 4.42% and above estimates by \$162,392 or 2.96%.

Mr. Norstrom asked regarding the tracking of expenses 87% is low. Mrs. Roberts replied it is low, but it is also relatively early in the season.

MOTION Councilmember Myers made a motion to accept the March 2016 Monthly Financial Report and the Department of Finance 2016 1st Quarter Report as presented this evening. The motion was seconded by Councilmember Norstrom.

The motion carried unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

REPORTS OF COUNCIL MEMBERS

SCOTT MYERS – *asked is there a possibility to have a calculator app downloaded onto the iPads. Mr. Greeson commented we can look into that.*

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:05 P.M.

/s/ Tanya Maria Word
Temporary Clerk of Council

*APPROVED by the City Council, this
2nd day of May, 2016.*

/s/ Bonnie D. Michael
Council President