



Meeting Minutes

Monday, July 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, July 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, Parks and Recreation Director Darren Hurley, Director of Planning and Building Lee Brown, Dan Whited, Service and Engineering Director, and Interim Police Chief Jerry Strait, and Chief of Fire Scott Highley.

There were 20 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**Appeals****(1) Appeal Architectural Review Board Action – 137 East Granville Road**

Mrs. Greeson explained that I'm going to have Mrs. Fox first go over the process by which you will consider this appeal, the second thing Mrs. Fox will do is swear in persons in the audience who wish to give testimony, we will have a staff report from Ms. Bitar, hear from the applicant and after hearing from the applicant, hear from the public.

Mrs. Fox explained the process and indicated this is an appeal from a decision of the Architectural Review Board brought to Council by the applicant for a sign at 137 East Granville Road. The process is the same process that the Architectural Review Board would take in hearing an application. You have before you all of the materials that the board had before it, you also have some information from the staff and a recommendation that was made at the last Architectural Review Board meeting is also included in your materials. The action by City Council tonight is just as if you were the Architectural Review Board acting, you can approve this, you can approve it with modifications, or you can deny it.

Your decision is final, so the decision of Council would not be to send this particular matter back to the Architectural Review Board. You also have included in Mr. Brown's memo the standards for review for approving a Certificate of Appropriateness as the Architectural Review Board would be deciding these matters. There is a motion in the materials that was suggested to be made; you'll see in that motion that there is a blank. Typically the motions that come before MPC and ARB are motions made in the positive, that's the way I advise Boards and Commissions to make motions, but sometimes having that particular motion in the materials confuses people because they think that staff is taking a position and that's not the case here, that's not the reason here, we just want to make sure we were bringing this to Council without that particular concern on the part of the general public. I would advise that when or if a motion is made that the motion is made in the positive, it's a motion to approve and then you can either vote that up or down.

Mrs. Fox asked those persons wishing to testify to please stand and raise their right hand to be sworn in.

Ms. Bitar stated that this building was built as a residence in 1861, and used as such until 1946. After WWII, voters approved a War Memorial Levy and the building was purchased and dedicated as Sharon Memorial Hall in 1947. When zoning was established in 1971, the property was zoned R-10, Low Density Residence, which allows for single family dwellings and public and semi-public uses. Many community groups and organizations used the building until 1975, at which time the Sharon Township Trustees moved their offices and police department into the building. The Township moved its operations to E Wilson Bridge Road in 2009 and the building was renovated. Attempts were made by the Sharon Memorial Board, the entity responsible for Sharon Memorial Hall, to find public and semi-public users for the building that would generate revenue, and allow maintenance of the building and site. After no users were found, the VM, Veterans Memorial zoning district was created in 2010, the property was rezoned from R-10 to VM, and the space was leased to small office users. Advertising for the users of the building was not discussed at this time. The VM zoning district does not reference limitations on the size of the signage, but any sign would be subject to the other provisions in the sign regulations.

As you know this is a very residential stretch of the community and this property is an unusual one along this stretch and it does have a sign on the front saying Sharon Memorial Hall and it has a big gun out front that is a very good identifier for the building.

The application involved the installation of a free-standing sign 15' from the E. Granville Road right-of-way and 40' from the Morning Street right-of-way. On May 12, 2016, the Architectural Review Board looked at this version of the sign and in a staff report that went out to the board addressed were design issues, so if a sign is to go here the design should not include all these different logos, fonts, and styles, and the sign was larger than what you would typically see in a commercial district. As I stated earlier there aren't any sign regulations for the VM district (the Veterans Memorial District) so we thought that

at the very least it should meet that commercial code requirement and match other signs that are in the city.

The other part of the discussion came from a couple of the board members who said "Why do we need a sign here at all?" This is a very significant building and it's in a residential corridor, it has other identifiers on it and possibly a sign is not needed. Also right before the meeting we received emails and letters from a couple of residents that said they were not sure about the sign; we received an email from the Historical Society that talked about the design, but at the meeting we also had a couple of residents that came up and spoke regarding whether a sign was needed here at all and feeling that it was not needed.

The board let the applicant table it, they had talked about design changes as were addressed in the staff memo; after receiving the letters and emails from the residents and hearing the commentary from the board and from the public, staff reconsidered what was being talked about and thought that there were some other concerns that should be raised like whether the sign was needed at all because of this prominent location and the things I've already mentioned and so when it went before the board a second time, although the sign size was reduced, the number of fonts was reduced and sizes of lettering was reduced all to fit what would work in a commercial code that the board at that time voted 3-2 that they did not feel a sign was necessary here at all. There was not a lot of discussion at the May 26th meeting to that effect, but there were a lot of letters by that time and there was discussion from the May 12th meeting that led to that conclusion and so that is what's before you this evening.

Ms. Michael asked Council if they had any questions for Ms. Bitar at this time.

Applicant Comments:

Jeremy Herman, 181 Rosslyn Ave., Columbus, OH 43214. *Mr. Herman commented I am currently the president of the Sharon Memorial Board, we are the group that takes of the hall, both maintenance and hopefully promoting the Veterans groups within the community. We do feel that a sign is warranted; as the memorial board we do wish to promote all veterans groups that are within the community; we are lucky enough to have two organizations to call our place home; the Blue Star Mothers which put a lot of effort into sending packages overseas for soldiers who do not have proper hygiene equipment or any household items. We also have the VFW here in Worthington that calls our building home, they do a lot here in our community; and we feel that this sign is a great opportunity for us to promote these organizations; we feel that it is our duty that we inform the public of uses our hall, and the reason we filed an appeal with the City Council is because we are currently are unaware of what statue we were violating as far as trying to obtain a sign. We are understanding as far as the safety concerns, the design concerns that the public has brought forth, we were happy to go back to the board and reconstruct our design; we obviously made it smaller, modified the colors and logos in order to present this in a more simplistic fashion to hopefully satisfy the residents of the area.*

Logan Dilts, 1640 Harmon Ave., Columbus, OH 43223. Mr. Dilts addressed the safety concerns that some of the residents had. I know there were some issues that you may not be able to see when turning off Morning Street, I can assure you there won't be any issues where 40' from Morning Street right-of-way and 15' from the E. Granville Road right-of-way; I'm not sure about how Worthington does it, but I know in Columbus, you're supposed to have a 30' foot site triangle and this is very far outside of that. If you would like to meet on site or something, we could do that and I can stand where the sign is going to go and you all can drive by and get a feel for yourselves. The other thing that was brought up was that the letters on the building were an inadequate sign; I can't read that far from here; the issue mainly there is that the sign is parallel to the road and it's up really high, so as you're driving along if you want to read the sign you have to angle your neck to be able to read it which is not the safest thing to be doing while you're driving. I would be much safer if you had a sign on the ground that you can see as you were coming up to the building which gives you plenty of time to slow down and maneuver onto Morning Street to get to the parking lot where you want to go.

I understand more signage is not something that you want to hear, but in this case more signage is needed than what's existing there. I know a lot of people that have raised concerns live nearby and have lived in this community for a very long time, but you've got to understand that there are a lot of people who don't sit on this board and are not in this historic district all the time and they need to know where it is and sometimes that sign on the building is not exactly adequate and even the big cannon out front, I know the first time I went there, I drove right past it, I didn't see the cannon because it was like a cloudy day and it kind of blends in.

Mr. Norstrom asked is the sign lit. Mr. Herman replied no it is not.

Mr. Foust asked as far as noticing what's in the building, these pictures were obviously taken at various points and times because there's a sign in this picture, what can you tell me about that. Ms. Bitar replied occasionally we have issued temporary use permits especially for the Blue Stars Moms when they have their packaging event and the community is invited to attend; I know in one other picture, the sign was for the Gary Smith Classic, so these are just temporary signs that are very short term. I'm not sure how long the VFW sign was there, but I don't believe we issued a permit for that one, so occasionally other signs are placed there as well.

Mr. Smith asked what kind of weekly traffic from outsiders does this building get, because I've visited on occasion during the past 5 or 7 years and it's been dead every time I've been there, so I'm just wondering who's showing up that a sign is needed. Mr. Herman responded currently we do have four tenants that are permanently there, so they have their foot traffic coming in and out; we do have many people using the sidewalk, there are various different activities, an example would be the Memorial Day parade, so a sign would be a huge identifier as to who is in this building. Mr. Smith asked as far as directionally, if someone needed to know directions and therefore needed a sign to be able to identify the building; asked what type of weekly outsiders are coming in. Mr. Herman replied someone possibly attending a VFW meeting or a Blue Star Mothers event

or one of their meetings. We've had funerals there at the building, we don't charge any veteran groups or veteran individuals to use the facility; we've had different people have meetings there for different veterans organizations.

Mr. Norstrom commented based on the minutes and the comments that were made by the ARB, it looks like you decided you had to have the individual organizations on your sign, you don't want a sign that just says Sharon Memorial Hall, asked is that correct. Mr. Herman replied yes, as I stated before having the veterans groups that use the hall is our main purpose for having the sign.

Mr. Myers asked did the idea for the concept come from the trustees or the tenants. Mr. Herman replied from the memorial board.

Testimonies:

Scott Potter, 181 E. Dublin-Granville Rd. *Mr. Potter commented I live a few houses down from this site, and I think this is setting a horrible precedence. Numerous times I have given directions to my house, I say xx number of houses from the cannon; not one person has said "I didn't see a cannon." I believe the process has worked excellent, we have an Architectural Review Board that has said "no" twice. As an Ohio Supreme Court Justice once said "just because you might not like the decision doesn't make it unjust or wrong."*

Suzanne Seals, 123 East New England Avenue. *Mrs. Seals commented I am highly opposed to the sign, I think it's a residential area and I live in the neighborhood and I also believe it's a bad precedence to set. I want to thank ARB and the City staff for the action they have taken to bring us to this point. I am very relieved and glad to see them basically opposing the sign and I would encourage City Council to follow in their footsteps.*

Cal Taylor. Mr. Taylor stated:

- I am a Retired Army Engineer Officer*
- Sharon Memorial Board President from 2008 – 2013 during the renovation period when we rescued it from demise and decay*
- Currently serve as Vice President and on Board of a central Ohio military officers association of over 350 officers. Currently serve on Board of Governors of an Ohio State military alumni society*

I developed the original leases with the tenants, many of whom I think are still there and none of them needed a sign; I was upfront with them and I told them to get a sign here, you probably couldn't. An insurance company wanted to come in there and I told them good luck, well they are now on E. Wilson Bridge Road.

All of the other tenants are not having any problems Four of the tenants in there don't see a need for a sign. There is one business tenant in there. This is \$10,000 of public

funds put into a sign for two non-profit organizations and one business tenant. So one needs to stop and ask is that the place to put public funds.

This board is a public entity according to the County Prosecutor. It started out a non-profit and the County Prosecutor said no, it's a public entity. So it remains a public entity with public funds.

The sign should not be approved for a number of sound reasons:

- (a) \$10,000 could be spend in direct support of needy veterans such as thru StandDown, Honor Flight, hospitalized veterans.*
- (b) WW II gun out front which has served in lieu of a sign*
- (c) It's the only three-story historic brick building on Dublin-Granville Road that has a gun in front of it*
- (d) VFW has been in there for decades, I invited Blue Star Moms to make it their home in 2010 and they never needed signs*
- (e) There are two churches in there, one of them has been in there over 20 years and never asked for a sign*
- (f) The Hall is historic 1860's landmark at eastern Gateway to federally and locally recognized Historic District*

VM code became necessary when the City felt that the initial R-10, Low Density Residence, was inadequate to satisfy code. Applying commercial sign code to the VM is a slippery slope rezoning to commercial in the midst of an historic neighborhood; the VM classification was created to prevent such from happening.

Kay Keller, 670 Morning Street. *Ms. Keller shared I am in full support of Cal Taylor's testimony and also the letters you have received from the Old Worthington Association and from the Worthington Historical Society. This building a historic landmark and the cannon in front makes it even more so. In the 39 years I've lived down the street, never once has anyone said "where is that building, we can't find it." I like Mr. Potter when I give directions to my house, I say you turn at the corner where the double pillars are in front and the cannon in the front; and no one has said I don't see the building.*

There is hardly any traffic on the street. The building is not used a lot by a lot of people. When Councilmember Smith said he stopped by and it was dead, that's normally how it is.

You need to stop and ask what is the purpose of the proposed sign. It really is for advertising purposes only for that one office that is in the building. The other three offices haven't asked for that. The VFW and the Blue Star Moms meet once a month, so they are not there every week. There is a temporary sign that can go up which is fine.

Mrs. Fox commented I'm hearing whether a sign is needed at all, so maybe that's the discussion Council might want to have first.

Mr. Myers stated I don't think we get to the criteria and I know the discussion at ARB was centered on the threshold question "should there be a sign"; and I take the applicant's question to heart "what code or ordinance are they violating" and I don't know that they're violating anything. I applaud their efforts to promote the building and the organizations that are there, but I think you have to begin with a general purpose of why we have an ARB and why we have a sign code. The ARB purpose is to promote a high character of community development; ARB is to promote, preserve and enhance the distinctive historical village character. That is the general purpose of ARB. From there, once you've answered that question that this fits that general rule and criteria, then you go to things like height. I also think it's telling that if you look at the sign code 1170.05 references signs in commercial districts; 1170.06 specifically references signs in residential districts and 1170.07 has special provisions none of which the VM district fit; so I don't think there is a provision in the VM zoning district for signs period. Mr. Norstrom commented there is nothing in the code that prohibits signs. Mr. Myers replied my point is that by specifically addressing prohibited signs in every district, but the VM district by the absence of language that tells me it was intentional.

Mr. Norstrom commented given the testimony we've heard tonight that's possible, but since there is no prohibition against signs in the code, signs are allowed; in fact any sign would be allowed. Mr. Myers stated and in my opinion I think that would violate some very standard acts of some statutory construction. The absence when specific reference is made to all other implies an intent to prohibit, so I think there is a foundation both in the general guidelines of ARB and in the sign code. There is a basis to address the threshold question should there be a sign here at all' and I think if we were to vote to deny the sign, it is supported by the ARB statute and the sign statute; so I think we have and ARB had a basis in the City code to deny the sign in the first instance and never had to get to the criteria, so when we look at the design of the sign, that is the second part of the question which ARB never really got to.

Mr. Troper asked Mrs. Fox if she is in agreement with Mr. Myers statement. Mrs. Fox replied yes, but the threshold question, I think the ARB and staff had initially looked at the criteria because you saw that in the presentation; you saw the size requirements, the setbacks, and all that. I think then the discussion began to gear toward is the sign appropriate here or should there be a sign here and I think that's the first question that Council needs to answer.

Mr. Troper commented I think the sign is neither appropriate nor necessary.

Ms. Dorothy commented I think with the cannon out front it demonstrates that there is enough character of that building without calling attention to it with additional signage. I do not think there needs to be a sign with the cannon out front.

Mr. Smith stated I think it would diminish the intention and purpose of honoring our veterans by putting the sign up there. I'm good the way it is.

Mr. Norstrom commented I'm surprised the Historical District did not support a sign and considering the conversation I've had with some members about signs indicating that there is a historic district I see no problems with a sign; however, I see lots of problems with the sign as presented. To identify this building with a sign would be appropriate and in fact a little plaque with the historical background would be important; but I cannot support the sign as it is being presented.

Mr. Foust commented I would like to think that we are a business friendly community and I'm not unsympathetic to Buckley Financial Planning or whoever else might go in there, but I'd like to think that there are enough alternatives not-for-profit or public sector types of entities that would make good use of that building without the need for a commercial type sign in a residential district.

Ms. Michael commented I agree with the other comments I've heard this evening that there is not a problem with being able to identify this building. This is something that honors our veterans and I think Mr. Taylor brought up a lot of very good points as to why a sign is not needed. The other thing that I am finding curious and interesting is that none of the people whose names were on the sign have actually come and testified and said we really need and want this sign; and usually when someone wants something that's important to them, they would come to the City Council meeting and say this is what we want and the fact that none of them have chosen to speak and say this sign is really important to me, even makes me question all the more how important is this sign really.

Mr. Myers commented I'm not real certain under our code what we're tasked with as Council. I don't know if this is a new clean slate to no vote of an application where we sit as a Super ARB and redo the decision. Mr. Norstrom commented we've done that before and that's exactly what we're doing. Mrs. Fox replied that's what it is.

Mr. Smith suggested this body have a Council meeting at the Sharon Memorial Hall.

MOTION Councilmember Myers made a motion that the request by Danite Sign Company for a Certificate of Appropriateness to allow a freestanding sign at 137 E. Granville Road as per Case No. AR 64-15, Drawings No. 64-16, dated May 16, 2016 be approved based on the Findings of Fact and Conclusions in the staff memo and presented this evening. The motion was seconded by Councilmember Norstrom.

There being no additional comments, the Clerk called the roll on the Appeal – Architecture Review Board Action -137 East Granville Road. The motion carried by the following roll call vote:

Yes 0

No 7 Troper, Smith, Dorothy, Norstrom, Myers, Foust, and Michael

The appeal duly fails.

Information Items

(2) Proposed Charter Amendments

Mrs. Fox on behalf of the Charter Commission we have submitted a report to you; I also have provided for you this evening at your places a red-lined version of the charter. I'm going to ask Sue Cave who served as the Chairman of the Charter Review Commission to come and give introductory remarks.

Ms. Michael thanked the entire Charter Review Commission and staff for all of their hard work, time, and effort in putting together this report for us tonight.

Sue Cave. Ms. Cave thanked the City of Worthington for the opportunity; I certainly enjoyed serving as chair of the Charter Commission and would like to make a few comments about the Commission itself and then a few comments about the proposed amendments to the Charter and in general and then turn it back into the hands of Mrs. Fox to talk about the details of those amendments and to answer the more technical and legal questions from Council members.

As I said it was a pleasure working with these commission members; I've not had the opportunity in all of my years of working with groups of public officials and groups of citizen officials to work with a group that got along quite as well as this one. You were cordial, you were civil, you participated in the meetings, you attended the meetings and you did your homework. I would like to thank the staff Mrs. Fox did a wonderful job of explaining things to us that were far beyond what some of us really wanted to delve into; thank you to Mr. Greeson for his contributions and Mrs. Stewart for hers and Mrs. Thress for sitting and listening to us and taking wonderful minutes of each of the meetings.

The product you have is a report which kind of is the easy version of what those charter amendments were. Twenty-three (23) sections were amended or suggested that there be amendments to. Sounds like a lot but in reality it isn't a lot. You will find in the charter that there are in some cases multiple sections dealing with a topic, and if you make a change to one of them, you have to make a change to the others. Some of these changes are what I call technical which maybe one, two, or three word changes; some of them change the names of statutes that have been referenced and cross-referenced in the charter due to changes that were made in state law renaming those statues—very simple amendments.

Almost everything that was voted on was unanimous; however, there were a couple of issues that did not quite rise to that number in their approval process. However, the discussions on them were cordial and productive and I think we addressed everything that came before the Charter Review Commission. We talked about salaries, the Mayor and the Vice-Mayor, we talked about the publication of Ordinances, duties of the City

Manager, we talked about how the city borrows money, purchasing and competitive bidding and you will find that we talked about them and that there are actual recommendations for charter amendments to those various issues.

Mrs. Fox stated that one of the issues that the Commission did talk about, but no recommendations for any changes were made were the Issue 38 Amendment that passed last fall; so the commission did have a discussion about that, there was some question about whether they were able to talk about that; the commission determined that they could talk about it, but believed that in light of its recent adoption the commission members just wanted to see the effects of that charter amendment and ended the debate without making any recommendations.

The first issue for suggested change was under Salary and I know that's gotten some attention in the press and I would like to provide a little bit of information on Council member's salaries as a kind of a background.

Let me begin by saying that Section 2.04 of the Charter always gave Council the ability to establish their salaries by Ordinance. The change that is being discussed and was mostly discussed in the Charter Review Commission was the timing of that particular Ordinance. There was a lot of discussion about the low amount of compensation that this Worthington City Council gets, particularly in comparison to other central Ohio jurisdictions; so for some perspective I asked Mrs. Thress to pull the history on Council salaries and she pulled Ordinances back to 1957 and the salary in 1957 immediately prior to that Ordinance was \$5.00; the Council voted to raise their salary to \$25.00 and then in 1988, I believe it was, the salary went up to \$50.00 per meeting. At some point in 1967 or 1964 the \$10.00 extra for the Council president was instituted.

So this Council certainly does not have a history of passing Ordinances raising their salaries; it's been two times in the last 59 years, but I think that's probably one of the reasons why the salaries are so low because I think that the issue of salary has come up and then been voted down. The Ohio Ethics Commission from time-to-time has weighed in on whether council members can give themselves in-term raises which is what this is considered to be. I want everyone want to be clear that the conversation at the Charter Review Commission was not centered on what some people might think as the self-serving decision of Council, but it was really based on the low amount that this council is getting compared to other central Ohio jurisdictions.

Comments were made that sometimes it's difficult to get people to run for office because of the low amount of salary. I don't think there is anybody here at this Council that is interested in raising Council salary because they just want more money themselves. I think that has not been the history of this Council, that's not been the discussion and that wasn't the discussion at the Charter Review Commission meetings. The Ohio Ethics Commission weighs in on this from time-to-time because they have the section of the Ohio Revised Code which is 102.03D&E that indicates that public officials cannot use their position to receive anything of value, but there's a qualifier, so as to manifest a substantial and improper influence upon that public official with respect to their duties.

So I think that's important to bring that up because it's not quite as easy as saying we're giving ourselves a raise because we want more money. It's not that; that would be close to issues that the Ethics Commission would be concerned about, but that's not what this Council has ever done. So I think we have to keep in mind that issue with respect to the Ohio Ethics Commission. The second thing is that the Ohio Courts have fairly consistently held from time to time that council salaries are a matter of purely local concern. A lot of the advisory opinions of the Ethics Commission has issued deal with statutory cities who are subject to the statutes of the State of Ohio; there are statutes out there that prevent in-term raises for council members for statutory cities, but even non-charter municipalities are able to pass Ordinances regarding council salaries and under home rule that's been permitted. I think that those particular points need to be made that this is something that has typically been viewed as a matter of local concern.

I also think that there is nothing more transparent and open than having your citizens vote on whether or not this method is something that is acceptable to them. By putting it in the charter you're having the citizens vote on this particular method and I think that this is an extremely transparent way of providing information to the general public about what it is that you're doing. I'm happy to answer any questions about the information presented to you thus far.

Ms. Michael thanked Mrs. Fox for the information shared with Council this evening.

Ms. Dorothy asked was there any discussion about having a fixed sum entered into the language of what the raise would be; currently we have the \$50.00 and \$60.00 in our charter. Mrs. Fox replied you currently have the \$50.00 and \$60.00 in your Ordinance, but not in the Charter. No the commission didn't speak to that specifically. I have seen charters where specific amounts have been in them. I'm not sure that is the best way to handle it, but this is a different type of a provision; this is unique to Worthington, I really haven't seen this type of a provision, but some things might be similar I saw things in other communities that were interested in at least raising salaries to a certain level at a certain period of time; similar but not exactly what this is. The charter did not have any specific discussions as I recall about amounts in the charter.

Mr. Smith commented I know in the past we have done analysis and that with other communities with similar staff pays and that type of thing; and we've adjusted to the market based on those analyses, asked what is to prevent us from calling this a market adjustment instead of a salary increase or raise. Mr. Norstrom commented I would like to point out that we're talking about the charter tonight not about how much we get paid. Mr. Smith commented I believe that's what I'm referring to; I'm looking at the wording of the charter.

Mrs. Fox commented what the charter language is saying is that council can establish that by Ordinance; I think that is the general direction the charter is giving; that still requires Council to come back at some point and time and have a public hearing and an Ordinance on the specific amount and how you arrive at that specific amount will be determined during the course of that public hearing on the Ordinance. Mr. Troper asked

can we put in a “not to exceed” amount. Mr. Myers replied the problem with the “not to exceed” amount is that it’s set for ten years and you then emasculated the whole charter review because now you’ve taken it out of council’s ability at all and the only way a salary can be changed would be by charter review and election. Mr. Norstrom replied no not charter review; we could add a provision on the ballot to amend the charter. Ms. Michael asked Mr. Troper for clarification...are you asking that the charter provisions say that a one-time increase of xxx.00 and then after such one-time increase, the rest of the language remain the same that is in here. Mr. Troper replied a one-time increase not to exceed...as opposed to giving this Ordinance a blanket amount that we could approve. Mr. Myers commented but we still have to vote on it as Council members to justify it; this is just the power to do it, this isn’t an Ordinance, this is a Charter, it’s the Constitution and I just don’t think that kind of detail is necessary or certainly not typical in an Constitution.

Mr. Foust asked for purposes of the charter, we’re simply trying to establish the concept not dollar amounts, asked am I correct in thinking that we should stay completely away from dollar amounts for purposes of this discussion. Mr. Myers replied that’s certainly my position. Mr. Norstrom replied I concur; I was at this meeting and the discussion by the Charter Review Commission was simply one that our salaries were way down (two or three standard deviations to the low side) and it would make sense for one time to raise the salaries and make it effective for all people so that we didn’t have three and four and four and three and that’s basically what the recommendation was.

Mr. Smith commented I can imagine we all understand that to some degree, but I have a really hard time believing that most people would understand this as we’re not just going to hike it up to whatever we want. Ms. Dorothy commented I am concerned that this will be a poison pill and I understand where the commission recommended all the amendments to be voted on together, but I was wondering if this could be voted on separately or removed from the amendments. Ms. Michael commented I spoke with Mrs. Fox about that and we do have the providence of council that we could have two items on the upcoming ballot one salary, one everything else if that is the pleasure of council. Mr. Norstrom replied I guess I have more faith in the citizens to be able to understand this issue, we have fairly educated voters in our community, whether they pay attention or not, that’s a second question. I think separating it brings it more into question. Mr. Smith replied maybe it should be called into question, but I barely understand the text as it is and I sit here every week.

Mr. Myers commented let’s remember why this came up, we at all times have had the ability by Ordinance to give ourselves raises; that has been here (asked when was the first charter enacted) with this tradition, we know at least 1957 that provision has been here. The reason why this came up was there were certain members of this council and I believe Mr. Smith you were one of those members who felt that it was unfair because four members will get it next time and the other three would be \$50.00 per meeting for two more years; so this doesn’t really change any power that we didn’t have before, we have always had this power. Unfettered we could pay ourselves \$1 million dollars per year if we were that stupid; the city would go bankrupt and we’d all be done. This was merely

done because people thought and the commission thought it was unfair to stagger raises. Universally accepted by the entire commission right off the bat that this council is underpaid never discussed dollar amounts. The discussion was should we make it at the same time for everybody, but at the same time preserve the fact that this is the only chance that you're going to get to do this; from then on out if we go back to the way it was before you can't give yourself a raise in turn, so that's really all this charter provision does. It doesn't change any power we had before, it just makes it fair.

Section 2.17 – Procedure in the Passage of Ordinances

Mrs. Fox commented this is the procedure in the passage of Ordinances and there are two themes that run through this section; (1) the ability of Council and the option of the President of Council when titles of Ordinances are read to do so in a summary fashion; typically we'll see very long Ordinance titles in bond legislation and in TIF legislation and being able to just read that title in a summary fashion was something that the commission thought might be a good thing to do. (2) the question of the publication of the hearing date, currently our charter says that the hearing date will be published once in a newspaper of general circulation in a municipality; and over the years and from time to time there have been questions as to whether we can just change that notification requirement to electronic because so many of our residents get their information that way.

We had a very long discussion at the commission about this item, this was one of the 6-5 votes and ultimately the commission decided on what I think was a compromised position which was to require publication in the newspaper as well as at least one electronic medium which it would be determined by council. There were questions about whether nobody wanted to name any particular electronic medium because they come and go and probably in the next ten years we'll have new types of media and the current medium might be gone, so that was something that the commission thought the council might be able to establish from time to time. Mr. Norstrom indicated I would like to comment on this, in the minutes of that meeting I suggested that the city use the most cost effective way of communication which may include electronic or newspaper notification and council would then have to determine that on a regular basis; Mr. Myers commented that in this day and age that the newspaper is probably the least effective way to communicate and Mr. Foust indicated asked could we change the language to notice of public hearing to be published once in newspaper and/or electronic medium to be determined by City Council and in that 6-5 vote both of those gentlemen voted for the motion not to maintain paper; it was a very broad discussion and since those two members are here this evening, I would like to ask them do they still feel that we should wait 10 years before we address the newspaper again or that we work to change that recognizing that now the newspaper is still used by some, but over the ten years that are ahead of us and since we have not in our history or in recent history changed the charter other than every ten years, would they be willing to revisit that issue.

Mr. Myers replied I think I made the comment during the commission meeting that at least in my profession everything has moved away from paper, everything is electronic,

but there is also universal access to those mediums in my profession. I think that there were some pretty powerful arguments that more is more and I think that's what carried the day. Everyone acknowledged the fact that we were moving towards electronics, they were reluctant to go to exclusively electronic at this point because there are some people that still do rely on the newspaper and they won the vote, and their argument was persuasive. So I don't think I'm ready to counterman what the commission has presented to us on this issue.

Mr. Foust asked Mr. Norstrom what is it that you're looking for, what would you propose as an alternative. Mr. Norstrom replied I think your language would work for the language which I suggested earlier. I'm not saying that we don't publish it in the newspaper, if the newspaper continues its decline as it has and since we as a council has already discussed that we need to get better communication to the public using more social media that we are moving in a direction to depend less on the newspaper, I would not vote to publish this year, but I can see somewhere in the next ten years that would be a potential vote and although it's keeping the public notified is the important thing, the newspaper cost us \$25,000 or so per year; we can spend \$25,000 per year on social media and be so much more effective. Ms. Michael asked if I'm hearing you correctly, you are suggesting that this sentence be revised to say "so that Council from time to time will determine whether or not to have notice of publication in newspaper and/or electronic medium. Mr. Norstrom replied the language I would leave up to Mrs. Fox to develop for us, but that language that you just spoke would meet what I'm advocating for.

Mr. Smith commented let me take that a step further, speaking as someone who has done extensive research on newspapers and news and reading behaviors, our citizens do follow the newspaper and print version very much so, more so than most places, but the type of notice and advertisements and announcements that the city is putting in are not being followed in print media, so I would agree with you Mr. Norstrom and even agree with what Ms. Michael just said.

Mrs. Fox explained the clearer the Charter is the better, so that each and every time that there is a public hearing and the question doesn't come up are we going to be publishing this in the newspaper or are we going to be publishing it on some type of medium.

MOTION

Councilmember Norstrom made a motion to direct Mrs. Fox to develop language that would allow Council to choose the mediums of publication in future years with the understanding that at least currently the newspaper is used as just been discussed. The motion was seconded by Councilmember Smith.

Mr. Foust stated what about language that whether than referencing any specific medium whether it's electronic or newspaper, just take out the words electronic and newspaper and somehow reference publication in a medium. Ms. Michael commented let's leave the language to Mrs. Fox, let us just stay with the concept; and the concept what I'm hearing is people wanting council over the next ten years to be able to make a decision between various types of publications (electronic versus newspaper) being able to have that

ability; asked is that what I'm hearing. Mrs. Fox asked would you want to that on an annual basis. Ms. Michael replied yes, so there aren't questions raised throughout the year. Mr. Norstrom chimed in at/or around budget time.

There being no additional comments, the motion to direct Mrs. Fox to develop language that would allow Council to choose the mediums of publication in future years with the understanding that at least currently the newspaper is used as just been discussed carried by a voice vote. Mr. Myers opposed.

Section 2.18 – Publication of Passage of Ordinances

Mrs. Fox explained that Section 2.18 are the methods by which we notify the public of Ordinances that have already passed and the charter language says that publication of the passage of an Ordinance shall be made by method number one unless a provision of an Ordinance provides for another method, so that's what we do; we publish by posting copies in four of the public places and they are the Library, the Community Center, the Griswold, and City Hall.

So method number three and number four where you see the change which is just to match it up to the changes we made in Section 2.17 that we just talked about rarely if ever would get invoked, but the language is there because it was changed

Section 6.03 – Powers and Duties of Municipal Planning Commission

Mrs. Fox explained the commission had a discussion on a recommendation that was brought forward by Ken Pearlman about the powers and duties of Planning Commission. This was the other 6-5 vote, we had a lot of discussion about it; there were a lot of comments about this language and in short what this language is intended to do is to require the Municipal Planning Commission to articulate its basis for its decisions by making reference to the relationship that decision has to the comprehensive planning goals of the city. It's a fairly broad brush addition, broad brush thought to what the Planning Commission should be doing; and there was a lot of discussion about it. I think Mr. Pearlman's motivation in doing this was that he believes that the Commission should always have that rationale and reasonable basis. I think there was discussion that we believe that they do often times, but he really thought it was important to tie those decisions back to a particular type of comprehensive planning goal. We talked a lot about the capital C, capital P versus lower case in comprehensive planning; the discussion was centered around MPC using a variety of opportunities in either looking at the master plan, the zoning map; the course of Planning and Zoning decisions that the city had made from time to time or whether there was any other comprehensive strategy or goal that may have been previously established.

So for instance we talked about the Wilson Bridge Road Corridor Plan that was adopted by City Council and we talked about obviously the comprehensive plan (capital C, capital P), but even if there were decisions that had been made by the city that weren't necessarily memorialized in a particular document that if decisions had been made and

one of the examples that he gave was years ago when decisions were made based on whether something was on the east side of High Street or on the west side of High Street and that that had been a practice that the city had been engaging in; he acknowledged that was fine to base it on that type of a decision. So this received a lot of discussion, 6-5 vote of including it in the Charter. Mr. Norstrom commented I'm sorry I missed this meeting, I think that would have been a very good discussion; wondering if we could at least not put it in the Charter, but we should tell ARB they need to follow a similar pattern. Ms. Michael commented this would be putting it in the Charter. Mr. Norstrom replied I understand.

Ms. Dorothy commented I would agree with Mr. Norstrom, I think every decision should indicate where the proposal is compliant or not compliant with the code because I am concerned with having it in writing. I'm not sure how that would be done. Mrs. Fox replied and that was pretty much the discussion at the Charter Review Commission, there were a lot of questions about how that might be done and I think that our Municipal Planning Commission already does that, and does either because the staff has provided that information in the staff report and the commission has commented on it or has adopted that staff report in its decision. Mr. Norstrom commented we have an expert here tonight and I'll ask Ms. Bitar when you write up the staff memos or when you're involved with writing the staff memos, the normal language is findings of facts and things like that which encompasses your recommendations which would include that it's in compliance with the Master Plan or something else, correct. Ms. Bitar replied that's what we strive for when we write those staff reports to tie it to our planning documents. Mr. Norstrom remarked so I take it to answer Ms. Dorothy's question it's a relative simple (if any change) is needed it's relatively simple in terms of our current procedures. Ms. Bitar replied right.

Mr. Myers commented I have expressed some concern about this provision because I don't know what is meant by a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendation. I want to make certain that if an applicant came in that they were well aware of what standard they were going to have to meet, because I didn't want to set up a situation where basically MPC could sort of do an ad hoc comprehensive plan as they were deciding cases. We have a good example in our packets this evening for Sharon Township Hall application, it details very in-depth how this application fits or doesn't fit the design guidelines and that's what MPC decides their case is on.

Mr. Smith remarked I would be interested to see those meeting minutes of the June 20th Charter Review Commission meeting and who voted which way. Mrs. Fox replied we can get you that information. There was also a discussion on whether language of this type was charter language or whether it was more appropriate be in the code, so I think that the commission probably thoroughly vetted the whole matter. Ms. Dorothy commented I'm concerned that the language is a bit vague after we get past "may be found in the Master Plan".... and I'm concerned with how vague that can get. Mr. Norstrom stated I think it's fine, I understand Mr. Myer's concerns, but having served on that board for

many years I got a pretty good idea of what it means when it says “by a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendation.” Mrs. Fox also said for example the Wilson Bridge Corridor Plan that we got which is not part of the Comprehensive Plan per se, but it is a plan that we recognize and we understand what is going on. I think for those on MPC that language is not as confusing.

Mr. Myers commented and that was what Dr. Pearlman’s argument response to my argument was the previously established language in the next to last line. The argument comes down to what is previously established; does that mean previously enacted, previously accepted, previously followed....I really don’t know. I am not about to go to the wall on this provision. I think in reality it’s a good goal, it really isn’t going to change anything that isn’t currently happening and it reinforces the general policy that we want to go by here. I just as a lawyer have some questions with the language.

Mr. Troper asked is it necessary, is it broken.... Mr. Norstrom replied I think it is necessary, although I think it is somewhat being done now. I think it is better to have it in the code that it must be done. Ms. Michael commented I guess what I hear you saying Mr. Troper is it this going in code or charter. Mr. Myers commented I think with the commission members, the six people who voted for this, they looked at this as a charter provision not a code provision because they looked at this as a 40,000 foot statement not as a specific property by property statement; they looked at this as much as an expression of policy and goal as they actually did an actual nuts and bolts implementation and we have been (and Mr. Coulter can back me up on this one) we have been sending messages to ARB at least that they need to reiterate why they made this decision and they need to tie it back to the design guidelines and I think this is a policy statement saying the same thing to MPC.

Mr. Smith asked Mrs. Cave did she have anything to add. Mrs. Cave commented I heard up there a lot of what we heard in the commission meeting; I was one of the no votes. I felt it was being done pretty much already without the mandate in the charter.

Ms. Michael explained it is our decision as a Council to decide whether we want to accept the recommendation of the Charter Review Commission to have this go on as ballot language as part of our Charter or not. I’m just trying to get a consensus of how Council feels. Mr. Troper replied take it out.

MOTION Councilmember Troper made a motion to take out the language.

Motion failed due to lack of second.

Mr. Myers commented I voted the same way Mrs. Cave did, against this. I feel that we should give deference to the body that discussed this and worked on this. I don’t think this provision is going to do any harm.

Ms. Michael stated by consensus of Council we will keep this as is and move forward.

Mr. Smith asked may I ask who brought this up to begin with. Mrs. Fox replied Ken Pearlman.

Section 6.05 – Powers and Duties of Board of Zoning Appeals

Mrs. Fox explained our Charter talked about the board granting variances in individual cases as maybe acquired to afford justice and avoid unreasonable hardship to property owners; that standard has been changed by the Ohio Supreme Court and the unnecessary hardship standard applies to use variances still in the State of Ohio, but Worthington does not grant use variances, we only grant area variances which mean the physical features of a property and not how that particular property is used. So our code actually lists out the factors for practical difficulty and so I thought that that change should be made in the Charter and the Charter Review Commission agreed.

Ms. Michael thanked Mrs. Fox for all of the hard work and the hours that she put in on this project.

Ms. Dorothy commented I am still concerned about the salary amendment and I was wondering if it could be voted on separately

MOTION Councilmember Dorothy made a motion that the salary section be voted on separately at the November election. Councilmember Smith seconded the motion.

Mrs. Fox commented she may be bringing forth a second Ordinance in that regard; I have in the past attempted to split that out and have been told by the Board of Elections “no”, so I think that the best way to make sure that that happens is to bring that forward as a separate Ordinance.

Yes 2 Dorothy, Smith

No 5 Norstrom, Foust, Troper, Myers, and Michael

The motion fails. The salary section will not be split out from the rest of the Charter.

Mrs. Fox thanked Mr. Greeson, Mrs. Stewart and Mrs. Thress for all of their hard work and time they dedicated to this project.

Mr. Foust commented on Section 2.05 – President of Council, President Pro-Tem of Council. I was wondering if there could be a process that could be pre-defined. Let me say this is not personal and I am not challenging the outcome of the election of President and President-Pro Tem; outcome would have been the same, perfectly content with it. I just think it was awkward having a sitting President presiding over potentially their own re-election; the order in which that went down and which is my recollection, I believe Ms. Dorothy nominated Ms. Michael followed by Mr. Myers nominating Mr. Norstrom. A decision was made apparently on the fly that the process would be the that the first

person nominated would be person we would vote on and of that was successful we were done. It seems to me that in that scenario whoever is first out of the shoot to make a nomination drives the process which I don't think is a good way of doing it. I think we needed a different process, I wonder on who presides over, perhaps the City Attorney should have a role in this or a member of city staff (not the City Manager) should be entrusted to do this.

I also wonder if the candidate should take 5 minutes or so to tell us what their platform is or what their position is on things to give those of us who are voting on President and President Pro-Tem some understanding of what kind of leadership they are going to bring to the table.

Mr. Norstrom replied it sounds like what you're talking about is the procedures. Mr. Foust remarked that's exactly what I'm talking about. Mr. Norstrom commented those are handled in an Ordinance. Mr. Foust replied I just want it identified in here that there ought to be by Ordinance a process or something. I think in that first sentence it wouldn't hurt to reference that, so that we as council are forced to think about.... Mrs. Fox commented you already do that by adopting the Council rules, so in the Council rules I think you could have a process in there about how those elections go. Mr. Norstrom asked where are the Council rules. Mrs. Fox replied right now they are in the front of my City Council book back at the office. We will send you copies of the rules.

(3) Financial Report

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 \$22,588,263 to \$23,814,536 for the month of June with revenues exceeding expenditures by \$1,226,273.

Year to date fund balances for all accounts increased from \$21,263,095 on January 1, 2016 to \$23,814,536 as of June 30, 2016 with expenditures exceeding revenue by \$2,551,442.

Expenditures for all funds tracked at 90.4% of anticipated expenditure levels.

Year to date revenues for all funds are above 2015 revenues by \$854,055 and above year to date estimates by \$324,914.

The General Fund balance increased from \$11,308,556 to \$11,633,470 for the month of June with revenues exceeding expenditures by \$324,914.

The year to date General Fund Balance increased from \$11,250,077 on January 1, 2016 to \$11,633,470 with expenditures exceeding revenues by \$383,392.

General Fund expenditures tracked at 92.3% of anticipated expenditure levels.

Total General Fund revenues area below estimates by \$-53,486 or -.40%.

June 2016 income tax collections are above year to date 2015 collections by \$175,929 or 1.41% and above estimates by \$6,722 or .05%.

MOTION Councilmember Myers made a motion to accept the June 2016 Monthly Financial 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

SMITH – *stated I was very serious that should look at having a Council meeting at Sharon Memorial Hall.*

TROPER – *reminded Council about Shootout For Soldiers Ohio to be held July 16th and July 17th. Opening ceremony is Saturday, July 16th at 12:30 P.M., First Game is July 16th at 1:00 P.M.*

ADJOURNMENT

MOTION Councilmember Smith made a motion to adjourn. The motion was seconded by Councilmember Myers.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:30 P.M.

/s/ Tanya Maria Word
Temporary Clerk of Council

*APPROVED by the City Council, this
6th day of September, 2016.*

/s/ Bonnie D. Michael
Council President