



Meeting Minutes

Monday, July 18, 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
Scott Myers, President Pro-Tempore
Rachael Dorothy
Douglas C. Foust
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, July 18, 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 7:50 p.m.

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

Member(s) Absent:

Also present: Clerk of Council D. Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Public Service and Engineering Dan Whited, Director of Planning and Building Lee Brown, Interim Chief of Police Jerry Strait and Chief of Fire Scott Highley

There were ten visitors present.

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

VISITOR COMMENTS

Ms. Michael acknowledged a boy scout from Troop 123 who was in attendance and working on his communications badge. She welcomed him and encouraged him to ask questions during the meeting.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 24-2016

To Provide for the Submission of Amendments to the Charter of the City of Worthington, Ohio, for a Vote of the City Electorate at a Regular Municipal Election Previously Ordered for and to be Held on November 8, 2016.

The foregoing Ordinance Title was read.

Mr. Greeson reported that this is the public hearing on the Charter amendments. He thinks staff is prepared to walk through them again if Council desires otherwise we will be happy to answer any questions members may have.

Mr. Norstrom stated that on his electronic version of the ordinance, he is not sure he has the correct copy because his version still has some language that says we have to publish public hearings in the newspaper.

Ms. Fox commented that at the last meeting members discussed the language. She thought that Council wanted to continue publishing public hearings in a newspaper. Ms. Dorothy agreed. She added that the issue would be reviewed on an annual basis. Ms. Fox continued that Council would then determine the electronic medium on an annual basis. That was the change.

Mr. Norstrom stated that was not what he proposed during the discussion. He proposed that the newspaper would also be an option. As he remembers, it would obviously not be something that we are stopping now but we would not be required by the Charter to use the newspaper eight years from now. Mr. Smith interjected that it was and/or. Mr. Norstrom agreed that Council would determine what the most effective means is to advertise. That is not the way that the language reads.

Mr. Norstrom reported the language in question is location in Section 2.17. He then read the section in question.

Ms. Fox asked if it is his suggestion that Council determine on an annual basis whether it is going to publish public hearings in a newspaper and/or on electronic medium. Mr. Norstrom confirmed that Council would determine what the most effective way is to communicate to the public on an annual basis. Mr. Smith acknowledged that being his understanding as well.

Ms. Michael asked if that is a motion. Mr. Norstrom replied no. What we have does not adequately reflect the motion that members passed at the last Council meeting.

Mr. Smith asked if a motion was needed to revise the language.

Mr. Norstrom clarified that what he is suggesting before the end of this meeting is to possibly have staff juggle the two or three paragraphs that are there to reflect the motion from the last meeting.

Ms. Fox offered the following suggestion in looking at Section 2.17 and that sentence to read:

The Clerk of Council shall cause a notice of public hearing on the ordinance to be published once in a newspaper of general circulation in the Municipality prior to the scheduled hearing date or shall cause the notice to be posted on at least one electronic medium either or both of which methods shall be determined by Council on an annual basis.

Ms. Fox asked if that is the gist of what he was trying to get to. Mr. Norstrom reported the gist as:

“... shall cause notice of public hearing of the ordinance to be published in a newspaper or electronic medium, which shall be determined by Council on an annual basis.”

Mr. Smith interjected that it could also include both. Mr. Norstrom agreed that it could be either or both. Ms. Fox concluded either or both methods and shall be determined by Council on an annual basis.

Mr. Norstrom agreed. He added that is the language that should be in 2.17. Ms. Fox commented that in Section 2.18 we can state:

“By publication of a notice by the method as determined by Council pursuant to Section 2.17.”

Mr. Foust stated there is a not so subtle difference here as Section 2.18 leads off with “shall be published the Thursday following passage by one or more of the following methods:”. He asked if the same language could be used in both sections.

Mr. Norstrom acknowledged that it gets you where you want to be but he is not sure. Members had that discussion last time. It is something different because in that instance the notice has to be posted in four places.

Mr. Myers suggested inserting “in a manner determined annually by Council” between “published” and “once”. Then change the “and” to an “and/or” between “date” and “shall”. He asked if that will work. Mr. Norstrom agreed to the suggestion.

Mr. Myers read the change as follows:

The Clerk of Council shall cause a notice of public hearing on the ordinance to be published, in a manner determined annually by Council, once in a newspaper of general circulation in the Municipality prior to the scheduled hearing date, and/or shall cause the notice to be posted on at least one electronic medium.

Mr. Myers added that he doesn't know if there needs to be a change to 2.18. Mr. Norstrom agreed.

Ms. Fox asked if in 2.18 members wanted to insert “and/or” like was done in 2.17 because we are referring back to the method determined by Council but it might be both (in both #3 and #4 in Section 2.18). Mr. Myers agreed.

Ms. Fox pointed out that there is another one located in Section 4.03. Mr. Norstrom agreed. Ms. Fox stated that and/or will be inserted there as well. Mr. Norstrom thanked her for the changes.

Ms. Fox commented that staff will get the wording from Ms. Thress from the recording.

Ms. Fox stated that the other changes that were included in the attached version of Ordinance No. 24-2016 was a change to Section 2.05 that addresses the election of the President and President Pro-Tem. She has added a sentence that states: The process for such election may be included in rules adopted by Council pursuant to Section 2.15 of this Charter. She thinks that addresses Mr. Foust's comment from last week.

Ms. Fox reported the only other change being that she changed the title to Section 4.11 from Competitive Bidding to Supplies, Materials and Equipment; Construction of Improvements.

Ms. Michael asked the location of the one-time Council raises. Ms. Fox reported that being in Section 2.04. There were no changes to the recommendation from the Charter Review Commission because she didn't hear any during last week's discussion.

Ms. Michael shared that she had a couple of council members contact her about whether to put a top limit on the salary. She just wanted to raise that issue to ensure that Council's consensus is reflected. The issue is open for comment.

Mr. Troper commented that he said it last week and he will say it this week, he thinks there should be a limit for the one time increase.

Mr. Myers shared that he is of the opinion that the limit can be debated when the topic comes up. Mr. Norstrom and Mr. Foust agreed with Mr. Myers.

Mr. Foust added that he believes a limit just draws everyone's attention to that number and assumptions made that are probably not correct. He would be inclined to leave it out.

Ms. Michael stated that since she was asked she just wanted to bring it up.

Mr. Norstrom commented that last week members talked about the language related to the Municipal Planning Commission. Ken Pearlman is in the audience. He asked that Mr. Pearlman explain why he propose the language.

Mr. Pearlman shared that he proposed the language because he felt it was important for the Planning Commission, when they make their decisions, to make sure those decisions relate to the planning concerns of the City. Ohio does not have any consistency requirements between zoning and a written plan and this is a way to at least try to make sure that the Planning Commission looked beyond the immediate facts of the case to the broader planning concerns.

Mr. Norstrom stated that there is the discussion of "we will know it when we see it" and he just wanted to make sure that all Council members are comfortable with what that issue was. He thanked Mr. Pearlman for the explanation.

Mr. Smith commented that he knows members had this discussion last week but he just wants to reiterate that it is a mistake to put the salary increase wording along with the rest of the Charter changes because it directly impacts increase in budget potentially. Philosophically, he just thinks those types of issue should be sorted out.

Ms. Michael shared that she would entertain a motion to amend the ordinance as discussed earlier with Ms. Fox regarding Section 2.05, 2.17, 2.18, 4.03, and 4.11.

MOTION

Mr. Smith made a motion to amend the aforementioned Sections of Ordinance No. 24-2016 as discussed this evening. The motion was seconded by Mr. Myers.

Ms. Fox stated that one thing that she did not mention last week but that she thinks was in the report is that there was also a recommendation to delete Section 10.07, which is when Charter amendments take effect. She explained that every time the Charter is amended, that date changes. It was a recommendation of the Charter Review Commission to just delete that paragraph altogether because the Charter amendments take effect upon the voting of the public, if it passes. She just failed to share that in last week's discussion. It is already included in the ordinance but she just wanted to make sure members were aware of it.

The motion carried unanimously by a voice vote.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 24-2016 (As Amended). The motion carried by the following vote:

Yes 7 Foust, Troper, Norstrom, Dorothy, Smith, Myers and Michael

No 0

Ordinance No. 24-2016 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ms. Michael thanked the Charter Review Commission members for their hard work, time and effort and the very professional job that they did and the great recommendations that were brought forward.

Ordinance No. 25-2016

Accepting Storm Sewer, Water Lines, Sanitary Sewer, and Street Improvements in the Michaela Subdivision.

The foregoing Ordinance Title was read.

Mr. Whited shared that staff is happy to report that all improvements at the Michaela subdivision have been constructed and tested properly and have all passed. We are

happy to see this subdivision come on line. The bonding has been put in place for the improvements as well. Staff recommends acceptance of those improvements.

Mr. Greeson acknowledged Marty Savko, the developer of the subdivision, is also in the audience.

Ms. Michael asked if the line is so that we can eventually hook up lines from the City over to the residents around Flora Villa. Mr. Whited agreed that it was. Ms. Michael is aware of many in that area who have been waiting for that to occur.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 25-2016. The motion carried by the following vote:

Yes 7 Troper, Norstrom, Dorothy, Smith, Myers, Foust, and Michael

No 0

Ordinance No. 25-2016 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 26-2016

Approving the Provisions of a Collective Bargaining Agreement Between the City of Worthington, Ohio and the Fraternal Order of Police, Capital City Lodge No. 9 and Authorizing the City Manager to Execute Same on Behalf of City.

The foregoing Ordinance Title was read.

Mr. Greeson shared that staff has been negotiating a three year contract (2016 – 2018) with our police officers and have reached what he believes is a fair and equitable agreement. He thanked the members of both teams who worked for many months on this agreements. The City's team included Ms. Fox, Ms. Stewart, Ms. Roberts, Scott Barter, Ms. Trego and Acting Chief Jerry Strait and were ably assisted by Dan Guttman and Maggie Reed with Baker and Hostetler. Everybody worked hard on this. We also want to thank Council for the input that you provided throughout the process and helped guide the strategic direction of the contract negotiations. He thinks members are familiar with most of them and there is a good summary in the agenda package. He asked Ms. Stewart to highlight anything that she thinks is important.

Ms. Stewart shared that there is a three page summary of all of the changes that were made to the contract in the Council materials. There is also a red lined version of the contract to show what changes are being made. There are a number of changes to a number of the sections. These changes have already been ratified and approved by the FOP membership. If approved by Council, this contract will be in effect for 2016, 2017, and 2018. The primary financial items in the contract include:

- 1) 2016 - \$2,000 lump sum payment to the members upon ratification. She provided the background.
- 2) Upon ratification and the contract going into effect members will receive a 3% wage increase this year, 2.75% in 2017 and 2.50% in 2018.
- 3) Minor bump in the detective on-call rate in 2017 and 2018 moving from \$1.00 to \$1.25 an hour and then to \$1.50 an hour.
- 4) Shift differential – increases slightly from \$1.25 an hour to \$1.30 in 2017.
- 5) Increase in clothing allowance for uniforms and a single reimbursement when serving in the Detective Bureau and on plain clothes assignments.
- 6) Leave time – bumped up some hours in the annual leave categories
- 7) Modified – Section that allows for unused vacation leave to be converted for pay. This contract increases those hours from 40 to 60 that can be converted if not used.

Ms. Stewart stated that there are a number of non-economic changes throughout regarding our processes and management rights and so forth. She noted that this contract does add the ability for the City to implement a random drug testing program. Members may recall that provision was also added to the Fire Department's last contract. She would be happy to answer any questions.

Ms. Michael briefly explained contract negotiation information for the benefit of the Boy Scout.

Mr. Norstrom commented that one of the reasons that Council had executive sessions was to discuss issues like this. We had several executive sessions related to this contract negotiation. Members have been thoroughly briefed and understand what the changes are as well as the financial impacts.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 26-2016. The motion carried by the following vote:

Yes 7 Norstrom, Dorothy, Smith, Myers, Foust, Troper, and Michael

No 0

Ordinance No. 26-2016 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 27-2016

Amending Ordinance No. 44-2015 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Installation and Related Services for Pedestrian Hybrid Beacons at the High Street Intersections of Stafford Avenue, Village Green South and Short

Street and Determining to Proceed with said Project.
(Project No. 626-16)

The foregoing Ordinance Title was read.

Mr. Greeson shared that the pedestrian hybrid beacons project has been bid and has a successful bidder. Staff is excited about moving forward with this project to increase pedestrian safety. He asked Mr. Whited to provide an overview of the project.

Mr. Whited commented that the pedestrian hybrid beacons are a pretty exciting opportunity to increase the level of safety for pedestrians crossing High St. and to really increase driver attention to pedestrians while reducing the potential for rear end collisions. Since his arrival staff has been working diligently to finalize the plans with DLZ, produce the plans and put them out for bid. The bid opening was last Friday. There was a successful bid from Complete General Construction in the amount of \$188,276.00. Staff is asking that we award that project to Complete General with a 10% contingency for a potential of other issues being involved. That would bring the amount to \$207,103.93. The schedule for the project has not yet been determined. The bid did include a schedule but he needs to meet with the contractor to discuss some of the lead time on the equipment that has to be delivered. He understands that the lead time could be up to many months. Staff would hope to get this installed by the end of 2016 or early 2017 but he doesn't yet know exactly what that schedule looks like. With that, staff recommends approval of this bid.

Mr. Myers requested that staff look at placing a very small plaque somewhere on the side at Stafford that says, "The Dr. Robert Chosy pedestrian crossing". Dr. Chosy was behind this for probably as long as he has been on Council. He is just sorry he isn't here to see it come to fruition. He would certainly like for him in some way to receive recognition for all of his efforts to get this done.

Ms. Dorothy understands that this will fund the installation of hybrid beacons at the intersections of Stafford and High St., and replacing the flashing lights at Village Green South and High St. and Short and High St. Mr. Whited agreed.

Ms. Dorothy realizes that these beacons are similar to the flashing lights but will be different so there will need to be some education about how they are to be used as well as how they will be enforced. Mr. Whited agreed. They will work with Anne Brown and the consultant to make sure the appropriate information is communicated to the public.

Mr. Foust challenged staff to get creative in the education process. He recently traveled to northeast Ohio after a conversation about this issue. One of the northeast Ohio communities had installed one of these and it was just several days old at that point and the local news broadcaster was having a field day interviewing people who were totally confused by what the sign meant. So we are on the front edge of something. He thinks it is great and supports it but he doesn't want to under estimate the challenge of getting people to understand how this works.

Ms. Michael asked if there is any community in central Ohio that has the hybrid beacons. Mr. Whited shared that there are a few but not many. Mr. Greeson added that the city of Columbus is in the process of installing these in a number of different locations throughout the city. He believes we will see more of these in central Ohio. He noted that we will actually have four. There will be the three downtown and then ODOT is installing one to allow for pedestrian access at an I-270 – U.S.-23 on-ramp location.

Mr. Greeson briefly overviewed the hybrid beacons for the benefit of those in the audience. He added that they are timed in conjunction with the other traffic signals.

MOTION

Mr. Norstrom made a motion to amend Ordinance No. 27-2016 by adding the sum of Two Hundred Seven Thousand One Hundred Four Dollars (\$207,104.00) to Section 1. and the firm of Complete General Construction to Section 2. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 27-2016 (As Amended). The motion carried by the following vote:

Yes 7 Dorothy, Smith, Myers, Foust, Troper, Norstrom, and Michael

No 0

Ordinance No. 27-2016 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 28-2016

Amending Ordinance No. 44-2015 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for the Central District Sanitary Sewer Repairs on South Street and Determining to Proceed with said Project. (Project No. 618-15)

The foregoing Ordinance Title was read.

Mr. Greeson commented that bids for this project were opened last Friday and the amount and contractor will need to be added to the introduced legislation. He asked Mr. Whited to overview this item.

Mr. Whited shared that this was our second bid opening on Friday. This project will remediate some issues that we have had with sewer surcharging along South St. to eliminate what is affectionately referred to as “wibs” (water in basements) that occurs from some poor drainage in the sewers. This project will do some line and manhole

modifications to improve the drainage through that area. The successful bidder was Columbus Asphalt Paving, which is very good as they are already doing several projects throughout the city. The schedule on this project is 90 days from notice to proceed. They will do this work in the same timeframe as the street improvements and the other sewer project. Their bid amount was \$117,039.60. With adding a 10% contingency to that number, the request by staff is in the amount of \$128,743.56. Staff has reviewed the bid and recommends approval of this contract.

MOTION

Ms. Dorothy made a motion to amend Ordinance No. 28-2016 by adding the sum of One Hundred Twenty Eight Thousand Seven Hundred Forty-Three Dollars and Fifty Six Cents (\$128,743.56) to Section 1. and the firm of Columbus Asphalt Paving, Inc. to Section 2. The motion was seconded by Mr. Troper.

The motion carried unanimously by a voice vote.

There being no additional comments, the Clerk called the roll on the passage of Ordinance No. 28-2016 (As Amended). The motion carried by the following vote:

Yes 7 Smith, Myers, Foust, Troper, Norstrom, Dorothy, and Michael

No 0

Ordinance No. 28-2016 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED**Resolution No. 29-2016**

Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds.

Introduced by Mr. Foust.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 29-2016. The motion was seconded by Mr. Smith.

Mr. Greeson thinks it is important to note when we do these mid-year budget transfers that this is customary. It is the time of year staff is looking at accounts and areas where expenditures are less and in other areas where expenditures are tracking high and we make transfers in between them. These transfers do not result in an increase in the budget so there is no request for additional funds over and above the total appropriation that was authorized at the beginning of the year. There are a number of transfers, which is typical, in the two main categories of police and fire. The transfer are needed because of vacancies from retirements and in some cases injuries that have resulting in additional overtime. In a number of cases we are transferring dollars from wages and savings from

vacancies into overtime categories or in categories where the work is being completed. We would be glad to answer any questions.

There being no additional comments, the motion to adopt Resolution No. 29-2016 carried unanimously by a voice vote.

Resolution No. 30-2016 Authorizing an Amendment to the Final Development Plan for 2245 & 2285 West Dublin-Granville Road and Authorizing Variances (Tom Hayer/ Linworth Plaza, LLC).

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 30-2016. The motion was seconded by Mr. Troper.

Mr. Greeson shared that this is a fairly simple amendment to the final development plan to the shopping center being constructed at the former Segna site. He asked Mr. Brown to comment on the topic.

Mr. Brown commented that this amendment to development plan includes a variance. This has actually been going on since he start in August of 2013. We have annexed, rezoned, and subdivided the property. We have also combined parcels, created a development plan, and now we are back for an amendment to development plan.

He showed a drawing of the site that was originally approved by Municipal Planning Commission and City Council. It showed the location of the transformers directly beside the dumpster locations with screening, landscaping, etc.

Mr. Brown stated that what you don't see is the sanitary sewer line directly underneath the dumpster location. When the applicant was working on all of their utility construction, AEP had an issue with the transformers being located on top of the sanitary sewer line, which makes sense. The applicant went before the MPC on June 23rd and they did recommend approval on to City Council. They recommend a variance for setback for the property line for that transformer bringing it from the required 30 feet to 7 feet. Staff also recommends approval.

There being no additional comments, the motion to adopt Resolution No. 30-2016 carried unanimously by a voice vote.

Resolution No. 31-2016 Amending the Position Description for Crossing Guard.

Introduced by Mr. Foust.

MOTION Mr. Norstrom made a motion to adopt Resolution No. 31-2016. The motion was seconded by Mr. Smith.

Mr. Greeson shared that we are currently advertising for the crossing guard position as two guards are needed. He added that this is one of the best jobs in City Government because of the opportunity to greet the kids going to school every morning. As is customary when there are vacancies, staff reviews the job descriptions and several are being proposed for this one. He asked Chief Strait to overview the changes.

Chief Strait shared that this job description was pretty outdated and needed some updates. Currently, Officer Tammy Floyd oversees the program. Modifications were made to ensure there was supervision in that line of command. Some additional language was added that removes some risk for the City. He thinks it is up to date.

When asked by Ms. Dorothy how many crossing guards we have, Chief Strait replied three but we need five. Last year we had one retire and we lost our substitute as well. We will need to get those filled because August 17th will be the first day of school.

Mr. Norstrom understands that the City employs the crossing guards but the school district pays their salaries. Mr. Greeson clarified that the schools compensate the City.

There being no additional comments, the motion to adopt Resolution No. 31-2016 carried unanimously by a voice vote.

Resolution No. 32-2016 Amending the Staffing Chart of the City of Worthington to Provide for Twenty-Six (26) Police Officer Positions in the Division of Police for up to a One Year Period.

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 32-2016. The motion was seconded by Mr. Troper.

Mr. Greeson commented that due to several retirements and injuries staffing has been reduced and created some overtime situations at the Police Department. We have moved aggressively to hire and have recently hired three new officers. We are very optimistic about them. Two of them are undergoing their field training officer program already but one is in the Columbus Police Academy as we speak. The process for that training is different based on the officer and their need for the length of training but they are not yet ready to independently be on the street until they complete our program. As a result we are incurring overtime as we go through this process. Additionally we have several injuries so we are short officers. Council recently authorized an increase in the staffing chart to allow us to hire one of those officers and we used the savings from the retiring sergeant to hire at the rank and file level. We know that we will have a promotion later in the year to sergeant and that frees up dollars to go ahead and hire the gentleman that

is actually in the police academy. We want to do that again as we are anticipating additional transitioning in the organization. We also currently have some command level and support level staff vacancies so we are able to afford an additional staff person at the officer level for another year. We anticipate there being more retirement transition during that timeframe so that we won't have a problem affording this staffing level. That will help us with manpower as we hit the fall.

Ms. Dorothy understands this being an effort to try to mitigate having as much overtime as we've had recently but also to make sure we have highly qualified, trained personnel available. Mr. Greeson agreed. It will help address the holes that we currently have.

Chief Strait shared that besides the Chief's position, they are also down a sergeant's position and two officers. They also have three on injured duty and only a thirty-two officer force. They do have some extra people, one being their patrol support person who was injured during an incident at school. It is currently Officer Tammy Floyd's busy time of the year. Usually he could pull her into patrol and she is actually backfilling on first shift when she doesn't have special things going on herself so it is difficult to adjust for everything that is transpiring right now. There is a total of eight individuals that are senior level that could retire at any time (including him although he doesn't plan on going anywhere anytime soon). So he wants to make sure they are prepared going into the first of the year should anyone announce retirement or injuries.

Mr. Norstrom asked if he understands correctly, the department is approximately 20% down in manpower at this point. Chief Strait agreed. It is very difficult. Everyone is working about 6 1/2 days of overtime right now. Mr. Norstrom concluded that overtime costs will be high this year. Others agreed.

Mr. Greeson shared that the police staff is doing a great job. He is thankful for everybody's hard work during this time.

There being no additional comments, the motion to adopt Resolution No. 32-2016 carried unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Termination of the Sweet Carrot Lease

Mr. Greeson asked Ms. Fox, who has been interacting with the representatives of Sweet Carrot and also assists Ms. Stewart in staffing our Community Improvement Corporation (CIC) to comment. The CIC reviewed this matter at its last meeting and had some recommendations that staff will share tonight, on how to approach it. He added that there is a recommended motion for how we proceed.

Ms. Fox reported that unfortunately staff received notice from Sweet Carrot asking us to honor a clause in their lease that would result in the termination. Their approach to the operations and then construction of the improvements have changed over time when they opened up their Grandview location and realized some of the changes that they would need to make in the Kilbourne Building. After some period of time they ultimately came to the conclusion that the building wouldn't quite fit their concept without some significant increase in costs. The current estimate to make the changes that they hadn't anticipated was amounting to over \$700,000. There was a construction cost contingency in the lease that if their construction costs exceed \$550,000 they had the ability to terminate the lease. However that clause was to be exercised prior to the commencement of the lease. The lease term commenced on May 1st and we didn't receive notice until late June. At this stage we have a request from Sweet Carrot to honor the construction cost contingency phrase in the lease and terminate it. The CIC had an extensive discussion meeting a couple of weeks ago. The discussion concluded with the CIC wanting Council to pursue any kind of remedies that might be available to us. One of the suggestions was to ask Sweet Carrot if we could take ownership of the building plans that they already had drawn up for the building. According to Angela Petro they have already spent about \$12,500. There was also some discussion about whether the City should pursue some kind of a monetary remedy for lease termination based on the fact that the building was off the market for a significant period of time. The damages in this kind of situation are a little hard to calculate because we weren't actually receiving any monetary rent. It was all abated in exchange for the improvements they were going to put into the building. But if we were to calculate rent for the two month period it would amount to about \$6,000. So there was some discussion around whether that is something the City would be interested in trying to pursue but understanding that we entered into this arrangement with Sweet Carrot much as a partnership more than a business deal. But also looking at it from a landlord/tenant perspective.

Ms. Fox reported that direction from the CIC was for staff to pursue an appropriate remedy, taking into account the building plans and to determine whether there should be any kind of monetary penalty associated with that. She has spoken with Angela Petro and let her know about the discussion that occurred during the CIC meeting. She also let her know about the conversation that we were going to be having this evening. Ms. Petro offered to provide us with ownership of those building plans to use in any way we felt that we could. She reported the mechanicals have pretty much been completed. We were receiving plans from their architect the week before she came in and ultimately made the decision. Some of those plans were pretty far along. In her letter she also provided her regret for having to terminate the lease but she hopes that at least their interests and their continued interest in the building has brought some interest on the part of other perspective tenants. She was pleased that she was able to bring Sew to Speak to the building. They are currently under construction and are planning to open in August. Ms. Fox told her that we would have this conversation this evening. Because the City owns the building we are seeking some kind of action from City Council tonight on how to address the lease in light of the conversation we had with the CIC.

Ms. Dorothy commented that when we were doing our own updates to the building, she asked if we had our own plans made of the building. Ms. Fox confirmed that we had plans for improvements to the plumbing, some of the utilities and then improvements to not so much the space where Sweet Carrot was leased to occupy but for the removal of the mezzanine and some of the common area improvements. Ms. Dorothy concluded that we have base building plans that would show utility tie-ins. That is the type of information any tenant would want. They wouldn't want someone else's bid out plans.

Ms. Fox shared that CIC members had a discussion about future use of that space and whether that space was going to be usable for restaurant. She is aware of there being some interest in that space since the announcement by Sweet Carrot. She hasn't seen the plans so she doesn't know what kind of mechanicals were drawn. This being Ms. Dorothy's expertise, she stated that it wouldn't matter. We would want to be able to offer the base building plans to any new tenant but wouldn't need the bid out plans unless it was already built and as built conditions. If it is plans that are not built then they are pretty much worthless to anyone else unless they are going to exactly duplicate.

Mr. Troper commented that monetary penalty was mentioned. He asked if that amount was the rent for two months. Ms. Fox reported a monetary number was difficult to determine. The only number that we have at this point is what that rent would have been had we actually been receiving dollars from the tenant.

Mr. Norstrom added or conversely what we impute the value to be based on the build out of what they are doing. We never intended to get rent from them. We came up with imputed value, which is approximately \$3,000 a month. Ms. Fox explained that \$15.00 a per square foot rent calculation was used.

Mr. Myers commented that they weren't going to actually be paying that. Ms. Fox agreed. She added that no improvements have been made to their space either. Mr. Myers reported there being no liquidated damages clause in the agreement itself. We wouldn't be receiving any rent even if they were in it and operating. He would find it hard to make an opportunity clause argument for a building that has been vacant and on the market for many years. To say we lost the opportunity to rent it to someone else because they balked for six months would be difficult. In the process, for \$6,000 we will lose a lot of good will. He honestly doesn't see the point in pursuing further.

Mr. Foust asked staff if there is any 20/20 hindsight here. Granted this probably wasn't anticipated that it would play out the way it did, but is there anything that staff has talked about doing differently in the next contract if and when that arises. Mr. Norstrom replied that from a CIC perspective, there are some lessons learned.

Mr. Myers shared that one might be it won't support a restaurant. Mr. Norstrom replied at least not one that needs a kitchen in the basement. Mr. Greeson reported that not being part of the original plan. Mr. Myers agreed that the food was going to be brought in and sold.

Ms. Michael asked Ms. Fox for guidance on a resolution to this issue. Ms. Fox stated the primary is to accept the termination of the lease. If Council wants staff to do anything beyond that then we can include that in the motion but our primary objective here tonight is to seek approval of Council to terminate the lease.

Mr. Greeson noted that Ms. Dorothy raised a good point with her expertise but he would be interested in and owning sets of plans as it relates to the patio, and the bathroom and having some of those might be good to have.

Mr. Norstrom thought he understood Ms. Fox to say that they are amenable to providing the plans. Ms. Fox agreed.

When asked by Ms. Michael if that needed to be included in the motion, Ms. Fox replied if they wish.

MOTION Mr. Foust made a motion to accept the termination of the Sweet Carrot Lease and request drawing plans. The motion was seconded by Mr. Norstrom.

Mr. Myers offered an amendment in that Council waives other potential remedies. Mr. Foust and Mr. Norstrom agreed to the amendment. The motion is as follows:

MOTION Mr. Foust made a motion to accept the termination of the Sweet Carrot Lease and waive other remedies and request drawing plans. The motion was seconded by Mr. Norstrom.

There being no additional comments, the motion carried by a voice vote.

Ms. Michael shared that there was one other thing that she wanted to bring up and she read the following statement:

Many of the Council members received a letter last Friday from several resident based organizations asking that we pursue a public conversation about the purchase of the United Methodist Children's Home property. I think this is an important, complex and very sensitive topic and would be hard to get into the merits of this tonight. In fact, I don't think that we have the information necessary to do that at this time. I want to note that these organizations have been very active in Worthington and we certainly appreciate the time these residents have taken in their concern. We also care deeply about the future of Worthington. Since this came to you on Friday, like you, I have not had sufficient time to reflect on it. I would suggest that each of you review this letter during our recess. Please feel free to let Matt or me know if you have any questions, concerns, or suggestions. We also want to ask staff to take some time and work with Council members to determine how we wish to respond to the concerns that were raised.

Ms. Michael thinks at this time it is premature to have anything much more than people taking a look at things, thinking about the various options and having some discussion. She felt it was an important letter and wanted to at least acknowledge receipt of it.

Information Items

Mr. Greeson shared that following:

- Community Open Houses that Parks staff has organized. One is tomorrow from 5:00 to 7:00 p.m. at the Community Center. Also Saturday, July 23rd from 10:00 a.m. to noon and Thursday, July 28th from 5:00 p.m. to 7:00 p.m. Those will all be opportunities for the public to provide feedback on the work that the Parks Commission is doing.

When asked by Ms. Dorothy if the work entails the long range planning for all of the parks, Mr. Greeson reported this being the long range master plan for the Parks. The Parks Commission has been working with, "If my park could talk" feedback, which was received earlier in the year. It was park user feedback that was used to develop a vision for how each park would develop and be maintained over time.

Ms. Michael asked about the meeting format. Mr. Greeson replied that it will be more of an open house format.

Ms. Dorothy asked how many parks are there in Worthington. Mr. Greeson replied he believes 20. Mr. Brown agreed that it was either 20 or 22.

Ms. Michael hopes the newspaper includes this in their article so that people know about coming. Mr. Greeson thinks all of the information has been included on social media and the City's website.

- Opioid Addition – Mr. Greeson and Ms. Brown have participated in some conversations with Drug Safe Worthington, a representative of the School District, a representative of the Attorney General's office, Steven White who is with Senator Portman's office. There is an event being organized for August 1st around opioid addiction and awareness of opioid's as a problem in our community and communities throughout central Ohio and the state. This event or similar type events have been done in other suburbs. There is a co-worker of Mr. Myers in the Attorney General's office that works on helping organize these events and it will involve Senator Portman and Attorney General DeWine, members of the health care community, law enforcement, and families who have been affected by opioid addiction. The time will be announced but will be in the evening of August 1st. The event is tentatively scheduled to be held at the MAC. He assured members he would let them know the specifics once they have been determined.
- Mr. Greeson shared that the City received a letter from the Community Housing Network regarding a project. They finance various types of housing and in this

case it is a proposed apartment with 41 bedroom units with public financing from the Community Housing Network, Franklin County, Columbus and state of Ohio and others. It would provide independent housing for people who are disabled by mental illness, in this case who are able to live independently. This is adjacent to the former Clarion Hotel that has been gutted and is being turned into a psychiatric hospital with in patient care. This project is on land that is owned by the city of Columbus. While it is not the same developer, the intent is for it to be complimentary to the higher level of care facility next door. Because of the type of financing being done by the Housing network, adjacent jurisdictions are notified that the Ohio Housing Finance Agency Multi-Family Funding Program is planning to be a managing member of this residential rental development. Because of our proximity we are afforded an opportunity to comment on it if we have any comments. We have to do that within thirty days of the notice, which will be mid next week. An interesting provision that he had never noticed before is that if we do want to comment it requires a majority of the legislative body to sign the letter of comment. Staff has talked about it. We provide only one area of service to this part of Columbus and that is fire and emergency medical response through automatic aid. He believes we are second to respond so there could be some uptick to responses in that area. Staff would be glad to answer any questions members may have about this proposed development. If members desire to make any comment, now is the time to discuss and direct that.

Mr. Myers said if there is any comment it would be one of support from him. Several other members agreed. Ms. Michael thinks it is great to have this kind of facility coming.

Mr. Myers sees it as a phenomenal opportunity for the residents. He would imagine a great number of them are actually employed.

Mr. Norstrom commented that it is nice that the facility is located on a bus route. Mr. Myers agreed. He knows that the building where he works is cleaned by people who might very well reside in this facility and they are a pleasure to be around.

Ms. Michael asked members what they would feel about sending a simple letter of support of this type of facility.

Ms. Dorothy added that we appreciate the sidewalk that was shown in one of their site plan.

Mr. Norstrom offered that staff tell them that the consensus of City Council is that they think it is a good idea and move forward. Other members agreed. Mr. Greeson stated that staff would be glad to do that.

REPORTS OF COUNCIL MEMBERS

Mr. Myers expressed his gratitude and support to Officer Strait and his force. He understands that even in a sleepy little town like Worthington where approaching a car

on a traffic stop or a house on a domestic violence call can be very dangerous and very serious for any police force. In this time when it's become even more dangerous to wear the badge, he wants to thank him very much and let him know that City Council has their back because they know the officers have theirs. He asked him to pass that on to the force. Chief Strait thanked him for his comments.

Mr. Troper shared that the Shoot Out for Soldiers was a great success. He thanked the City for the proclamation. They made \$57,000 for the cause.

Mr. Troper added that he received an inquiry from a resident who was in support of golf carts and questioned whether or not they were already legal. He forwarded the resident's question to Ms. Fox. He would appreciate it if we could get some response out about golf carts. Mr. Greeson assured him that staff will get it answered.

Ms. Michael reminded members that the fundraising for the Food Pantry is this Friday night. She encouraged members to support the Worthington Food Bank by purchasing tickets to the event.

MOTION Mr. Norstrom made a motion for City Council to recess for the month of August. The motion was seconded by Mr. Myers.

The motion carried unanimously.

EXECUTIVE SESSION

ADJOURNMENT

MOTION Mr. Foust made a motion to adjourn. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:47 p.m.

/s/ D. Kay Thress
Clerk of Council

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

/s/ Bonnie D. Michael
Council President