



Meeting Minutes

Monday, January 9, 2017 ~ 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, January 9, 2017, 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 Foust, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper and Bonnie D. Michael

Member(s) Absent:

Also present: Temporary Clerk of Council Tanya Maria Word, 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, Director of Parks and Recreation Darren Hurley, Chief of Fire Scott Highley and Chief of Police Jerry Strait.

There were eight visitors present.

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

VISITOR COMMENTS**SPECIAL PRESENTATION**

Dr. Patrick Maynard, CEO/President of Franklin County Residential Services made the following presentation:

- Franklin County Residential Services.

Franklin County Residential Services, Inc. (FCRS) is a private not-for-profit organization, which has been providing direct services and residential options for the intellectual and developmentally disabled (primarily) adult population throughout Central Ohio for over 30 years.

- Budget of approximately \$40 million
- Approximately 1400 employees
- Step By Step (SBS) Academy is a private non-profit mental health center that provides services to individuals with autism, developmental disabilities and mental illness.
 - Budget of approximately \$11 million
 - Approximately 200 employees

- The two organizations have been collaborating and advocating alongside each other for over a year.
- Effective early November, FCRS entered into a management contract with the SBS Academy.
- The Boards of Trustees for both FCRS and SBS, along with the leadership teams, developed this 120-day management agreement which allows key people of FCRS to support the operations of SBS.
- Initially, there will be no changes to the services SBS Academy provides to the people served.
- The goal is to merge the two organizations which have similar missions to support individuals with mental, behavioral, intellectual and developmental disabilities.
- The 120 management contract expires in March 2017. It is assumed there will be a mutually beneficial merger resulting from this management contract.

Meetings with SBS staff and parents of children served have been held and have been met with positive response.

Mr. Myers asked will you be providing any services or just management housing at the site. Dr. Maynard replied Step by Step is providing services there and that will continue; our objective is not only to create sustainability with their existing services, but to expand them to our population. Our services are not provided on a campus, but are provided across the community and there would not be an increase in services that I can see. Mr. Myers asked you don't anticipate that the footprint of the site would be altered. Dr. Maynard replied no.

Ms. Dorothy stated we appreciate the work that you're doing and helping out Step-by-Step; thank you so much for this partnership.

Brian Seitz, 415 East Street, Worthington, OH 43085. *Mr. Seitz commented I am a direct neighbor to what will soon be Step-by-Step, and I just want to go on record to say that we are looking forward to having neighbors there maybe 24 hours per day, maybe 10 hours per day depending on how you can answer that question. My wife and me are kind of the watchdogs for the property making a few 911 calls to let folks know that there are things going on over there that probably shouldn't be going on. Thank you and we appreciate these guys coming doing what they need to do.*

REPORTS OF CITY OFFICIALS

Information Item(s)

Golf Carts

Mrs. Fox explained some Central Ohio communities have enacted Ordinances that allow golf carts on the public roads. Beginning on January 1, 2017, golf carts will be allowed on Ohio roadways that have a speed limit of 35 mph or less if the local authority has granted permission for that operation. A golf cart is considered a "motor vehicle" under

the laws of the State of Ohio and must satisfy the statutory requirements applicable to motor vehicles. The vehicle must be equipped with the standard motor vehicle features, pass an inspection by a local law enforcement agency, and be titled, registered and display license plates. In addition, liability insurance is required as proscribed by the ORC.

The Ohio legislature passed Senate Bill 114 in 2012 allowing “under-speed” vehicles (USVs) to operate on public roadways. Golf carts fall within the definition of USVs under §4501.01(XX), also effective January 1, 2017:

(XX) “Under-speed vehicle” means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

Senate Bill 114 also addressed roadway operation of USVs by enacting §4511.214 and §4511.215. The former prohibits the operation of USVs on roads having an established speed greater than thirty-five miles per hour. It also prohibits operation on a street or highway unless the local authority has granted permission under §4511.215. Section §4511.215 gives local jurisdictions the authority to pass golf cart Ordinances as follows:

- (a) The operation must be limited to streets and highways having an established speed of not greater than 35 mph;*
- (b) The vehicle owner must submit to a vehicle inspection conducted by a local law enforcement agency that complies with the Ohio Department of Public Safety inspection requirements;*
- (c) The permission is given only for those vehicles that have successfully passed inspection are registered and titled in accordance with Ohio law; and*
- (d) The Ohio Director of Public Safety must be notified of the legislation.*

So as I read this legislation we have the ability under this law to allow for golf carts in the community if we pass a Resolution or Ordinance authorizing them to do so.

Ms. Michael asked if Council were to go in this direction would Council be able to restrict what streets the resident(s) could/could not drive on. Mrs. Fox replied yes, it says that the local authority may establish additional requirements for the operation of USVs or mini trucks on its streets or highways. Ms. Dorothy commented but we could also just allow for whatever regulations Ohio regulations allowed for, we could just adopt whatever the Ohio Code allowed. Mrs. Fox asked you mean not operating on a street in excess of 35 mph with the restrictions about the inspection, registration, and titling, and authorized operator and vehicle meeting all the requirements of the State of Ohio. Ms. Dorothy replied yes. Mrs. Fox replied yes you are permitted to do that if that's what you choose to do.

Ms. Dorothy asked so in our public right-of-ways we could grant people additional modes of transportation; they can already ride bicycles on these streets which are less

than 3000 pounds and usually going under 25 mph, we already allow bicycles to do that. Mrs. Fox replied the Ohio Attorney General has determined golf carts to be motor vehicles, so they are different obviously in that sense than bicycles are under the motor vehicle laws. Ms. Dorothy commented if we adopted the Ohio State Code we could grant people more rights to choose what mode of transportation they would like to use when using our public right-of-ways. Mrs. Fox asked is that a question. Ms. Dorothy commented it's something that we have the capability of doing correct. Mrs. Fox replied yes, the statute provides for the inspection for the speed limit limitation and the registration of the vehicle. What cities choose to do beyond that is also allowable under this statute. I think one of the other limitations is that they can't drive in excess of 35 mph; however, they are permitted to cross over streets that have excess of 35 mph if they're going from a lower speed street to cross the high speed street. So a lot of those considerations have been taken into effect, certainly you can add more safety features than what the Department of Public Safety requires for motor vehicle inspections; you can limit them to only 25 mph streets; you can impose more restrictions, you just can't allow them on streets in excess of 35 mph or waive some of the inspection features. Ms. Dorothy commented this could potentially be less dangerous than driving a motor vehicle. In the U.S. in 2015 there were over 6 million police reported crashes from motor vehicles resulting in over 32,000 deaths in motor vehicles, so maybe if people are walking or biking or riding in golf carts, it won't be motor vehicles that are creating these crashes and property destruction.

Mrs. Fox replied I think Chief Strait can talk about some of the safety concerns with golf carts; I think that we certainly have statistics about golf cart accidents as well, and there are particular concerns about the operation of golf carts when children are aboard and whether those children are properly restrained, whether the passenger(s) are properly restrained; so I think there is a lot of consideration all the way around and looking at whether to allow for that, whether our streets are equipped to handle these types of vehicles and I think these are a lot of the considerations that a lot of the communities that have had these discussions have talked about the pros and cons of the operation of golf carts on city streets.

Chief Strait explained part of the research as I was looking into this is that most of the accidents occur with any size passenger (not just children), but when they make a left hand turn, there is no safety device on the right hand side like a car door to keep somebody inside, there is a small bracket on most of these USVs or golf carts, so actually without a seatbelt a lot of people actually fall out when you make a left hand turn. Mr. Troper asked wouldn't passenger seatbelts be required. Chief Strait replied you can require passenger seatbelts and actually if it becomes a motorized vehicle, you probably would require child booster seats which have historically not been required, but that has changed in the Ohio Law as well. One thing also with these vehicles they are not a standard motor vehicle hence the new regulations; so you cannot take into the current stats for 2013, 2014, or 2015, you cannot look at those statistics and come to a reasonable conclusion on the number of deaths involved in these vehicles. Each state determines how they are going to report their accidents, so with that being said, unless there is a federal regulation or a state law that says you have to report these accidents, a

lot of times they might be on a golf cart on a golf course in one of these communities and not be registered and if something has an accident in a golf cart or USV or even on a farm which a lot of these are used on farms as well; these people don't report them to the police departments as accidents or fatalities; so it might just go as an assistance report or some other type of police report, but not an actual police report.

Ms. Dorothy asked isn't that true of any vehicle. Chief Strait replied no; most motor vehicles that are registered, I mean if it's a farm vehicle that would be something different, but for most motor vehicles under Ohio law at least, whether it's on private property or on public property it's reported; so it's a little different when it comes to an actual motor vehicle. I don't want to have you deceived by the fact that some of these injuries involving these types of vehicles aren't always reported. Definitely seatbelts are not normally added and it's one of the concerns and now with booster seats being required under Ohio law and historically I'm also always concerned with these vehicles— a lot of people buy them and think they're not motor vehicles and sometimes there is some partying involved with these vehicles that shouldn't go about, again those stipulations need to be addressed as well.

Ms. Michael asked what challenges do you see in the enforcement area if this were to become an Ordinance. Chief Strait answered two things are (1) people not paying attention, and (2) management when you have younger kids at home, it's still a motor vehicle, age 16, driver license required; I'm concerned about younger kids getting in these things and driving around and either hurt themselves or somebody else hurting them; those are my major concerns. I live in a community and in this community they have these golf carts and I see two things (1) very young children in the back not in booster seats and restrained in seatbelts and (2) I see a lot of people that drive their dogs around with them and there is no restraint on them; and again as I stated earlier, if you turn right and you have an older dog or a dog not ready for the turn, they fall out and get hip damage or even killed.

Ms. Michael asked is there any differential safety concern between riding a bicycle on a state route versus having a golf cart; is one more dangerous than the other. Chief Strait replied it should have lights on it under Ohio law; people don't really pay attention to bike riders, other than that I would have to say again people just don't pay attention to the smaller low profile vehicles and the same way with bicycles.

Mr. Troper commented I would be in support of the legislation assuming that seatbelts and booster seats would be required.

Mr. Myers commented I personally don't see the point, I don't think there is anything that you could say that would convince me to support legislation of this matter.

Mr. Norstrom remarked I agree with Mr. Myers based on safety issues and the statistics background provided by Chief Strait. The demand for golf carts in Worthington is not overwhelming. Mr. Troper asked what the harm is. Mr. Norstrom replied safety. Mr. Troper commented that can be true about anything. Ms. Dorothy asked what statistics

are you referring to. Mr. Norstrom replied the statistics in the report that was cited here the Analysis on Golf Cart-Related Injuries and it says “about 1000 Americans are injured in golf car related accidents each month.

Mr. Foust asked does anyone know what EPA or emissions standards apply with the golf cart; the reason I ask is because if we're putting another gasoline engine on the street, and imagine it's a pretty good size. I mean we're trying to go to electric lawnmowers and get away from all these small engines, you hear about small engine pollution...I don't know the answer, but we don't know what kind of emissions concerns are there. If it's truly a green argument, I think you have to consider that. We've made a lot of progress in terms of integrating bicycles into the City of Columbus overall, we've done some good things; if you look at what's happening with Summit Street and North 4th and such; so we actually taken away automobile lanes and created bicycle lanes. When you throw this low speed vehicle into the mix, you've now bifurcated the whole thing, yet another time; we've made an accommodation that keeps the bicycles separate from the cars and that's a safety factor; if you take a vehicle whose top speed is below 20 mph and try to integrate that into traffic that's used to going 25 or sometimes 25+ mph in a 25 mph zone, to me you've now got a vehicle that is a little too fast and a little too big to pass safely as one can generally pass a bicycle on Evening Street or wherever. It just seems like a misfit to me. The fact that our own Police Chief seems to be reluctant to me speaks volumes.

Mr. Smith commented it's a tricky argument for sure, to Mr. Norstrom's point, there is not going to be a big demand; five people in Worthington have golf carts, I think those five people need to take some personal responsibility with their actions and be safe. In a nut shell, I'd be okay with golf carts with safety restrictions.

Ms. Dorothy commented I would agree that we all want everyone in Worthington to be safe; I think to be safer, it would be great if we could reduce vehicle speed throughout Worthington, the odds of a pedestrian death by being hit by a vehicle going 20 mph is only 5%; going 30 mph getting hit a pedestrians odds of death are 40% and going 40 mph a pedestrians odds of death is 85% and there's lot of people who go 45 mph on 23; I'd be happy to reduce the speed throughout Worthington, I think lower vehicle speeds are needed throughout Worthington and I would not mind having properly operated golf carts a low vehicle speed operating throughout Worthington with safety restraints. I think people should be able to choose whatever mode of transportation they'd like and I would think that that vehicle operated at a low speed would be safer than a lot of other vehicles out there.

Mr. Foust commented that so much of what we do is decided by anecdote sometimes, but I'm reminded of my niece driving a mid-sized Pontiac south on Evening Street, crossing 161, the light turned in her favor, she proceeded on through and a car coming westbound down the hill was barreling along pretty nicely hit her broadside, spun the car around, hit two other cars and she got hauled off to the hospital. I shudder to think what life would be like in a golf cart.

Ms. Dorothy replied I don't think I can make that choice for other people. Ms. Michael asked Ms. Dorothy if she spent any time up at Kellys Island or Pu-in-Bay. Ms. Dorothy replied yes. Mr. Myers commented I personally see this as a remedy without a wrong. No one has contacted me about a request to have golf carts. I think we have taken steps and society is taking steps to get vehicles off the road, not put more vehicles on the road. I likened these to riding on the back roads of Holmes County and you have to be very attentive every bridge you go over because there's a very good chance there's going to be a horse and buggy on the other side of that hill. I will say that it's been my experience with most Amish Horse and Buggies they are very responsible drivers; they stay as far off the road as they can; I'm in a two-wheeled vehicle, so I can get around them pretty easy, but I know that I have to constantly be vigilant to watch for horse and buggy. If we're going to put a golf cart on High Street and this has nothing to do with the golf cart, I am going to have to increase my vigilance because now I'm going to have one more obstruction that I have to avoid. I think we are assuming a risk which maybe we can define, maybe we can't. There is a definable risk to golf carts on the road. I don't see it as acceptable to take on that risk when there isn't a demonstrated need or desire for that vehicle.

Again it's a remedy without a wrong, and no one has demonstrated to me that there is a need for this vehicle on the road. Mr. Troper commented that's like asking is there a need for a motorcycle. My sister-in-law wants to drive a golf cart and another person inquired. Mr. Myers replied that's why we're here, your sister-in-law wants to drive a golf cart, it isn't because the community wants golf carts; I'm just stating my opinion I don't see a grounds for this.

Bill Alsnauer, 544 White Oak Place, Worthington, OH. *Mr. Alsnauer stated I am an insurance agent and I am shuddering at this point thinking of having those vehicles on the road. Chief Strait as I understand it, if they're not allowed and you see one you can pull it over, you don't have to go through various steps. If it's approved I assume they have to be doing something wrong to get pulled over. Chief Strait replied that is correct. Mr. Alsnauer said but as it is now if you see somebody driving down the road in a golf cart, you can stop it without any other reason, asked is that correct. Chief Strait replied yes, if they are not registered they are not allowed to be out on the road; and again part of this would require insurance too. Mr. Alsnauer commented there is the line of sight, golf carts are smaller, I've ridden in several and they are flimsy little vehicles and they provide no protection. I get the attractiveness and I understand the interest of using it; but it is not made for the main road. I think all of us at some point and time have come up on someone on the freeway driving 45 mph when we're going 70, you get there really fast almost at the point of running them over; I can't imagine if you had that same issue with a golf cart that's below your line of sight and you make a turn, you don't even see it; and when that death occurs, then my opinion is that's why you vote against things like this; that's why public safety is in your charge....this is just my observation.*

Mr. Myers asked does State Farm underwrite golf carts. Mr. Alsnauer replied we do, we'll do it for personal property or to serve the property you're on, like if you owned the Harding Hospital property, yes we'd insure it, but it would not be as a licensed vehicle.

Mr. Myers commented so it would be off road use. Mr. Alsnauer replied that is correct, but if it became on road use, I imagine the state requirement for insurance and uninsured motorists and things like that....golf carts are not made for the road, they are made for golf courses.

Mr. Troper asked why would the state allow it if there was such a high risk. Mr. Myers commented the General Assembly has done a lot of things over the past couple of years that I disagree with.

Mr. Myers suggested Council instruct staff to prepare legislation and that way we don't have to vote on the legislation this evening. Mr. Myers commented this would take a vote. Ms. Michael asked if staff prepared legislation....what would they be looking at. If they were to do anything, they would have to be highly restricted in areas. I'm hearing people say any place that's 35 mph or less; I would not go with that. Mr. Troper asked Ms. Michael what would she go with. Ms. Michael replied I don't know at this moment. Mr. Myers commented propose what you want and we'll vote it up or down right now. Mr. Norstrom said just say in compliance with state requirements. Ms. Michael asked does the state requirements include booster seats and seat belts. Chief Strait stated I do not believe they do, I think that is added language that you might want to consider, that's my recommendation at least.

Mr. Troper said add on booster seats and seat belts. Mr. Myers asked what type of seatbelts 3 point, 5 point. Mr. Troper advised I will let our Law Director make a recommendation.

MOTION: Councilmember Troper made a motion to have staff prepare legislation to this effect. Councilmember Dorothy seconded the motion.

There being no additional comments, the motion to have staff prepare legislation failed by a voice vote.

The Clerk called the roll on the passage of the motion. The motion carried by the following vote:

Yes	3	Troper, Smith and Dorothy
No	4	Norstrom, Myers, Foust and Michael

Motion fails.

- * Correction made to the vote at the approval of these minutes on February 2, 2017. The originally submitted minutes showed the vote as "Yes" – 2 (Troper and Dorothy) and "No" – 5 (Norstrom, Smith, Myers, Foust and Michael).

Moratorium – Solar Panels in Architectural Review District

Mr. Greeson explained that during the discussion last week whether to elect to hear the appeal regarding the installation of Solar Panels on a home on Evening Street, you asked some questions and showed an interest in pursuing a Moratorium on the issuance of building permits for the installation of solar panels in the Architectural Review district for a period of time, and during that time staff has been directed to research and provide information regarding how our architectural review guidelines might be modified to more effectively regulate solar panels. I was not comfortable in Mrs. Fox's absence overseeing the mechanics and legal mechanisms and process for establishing a moratorium, and so I've asked her similarly with what we just did with golf carts to provide some information for your education related to how moratoriums work and how one would work for this purpose.

Mrs. Fox commented I understand that there were some questions about the existing guidelines and whether they are satisfactory to provide guidance to the ARB in their consideration of applications for solar panels. A moratorium is not completely unknown here in the City of Worthington. It is typically an instrument that is used in areas where there are high opportunities for development, so we don't see that here in Worthington, but in 2010 the City did pass a Moratorium connection with the Olentangy River Road overlay; so the City has done this in the past and communities do it from time to time, it's just not something that I think is a favorable action on the part of cities just because depending on what kind of a Moratorium you consider, it can impact people's property rights and that causes them to file claims of violation of due process and taking without compensation, so in this particular instance I think that it's important to have a discussion about whether or not you want to implement a Moratorium which is essentially just putting a hold on some activity of the city. Mr. Greeson mentioned building permits, I know that when we passed the Olentangy River Road Overlay, the Moratorium was actually on the MPC's consideration of subdivision requests in the Olentangy River Road corridor; and in this particular instance I think it would be a similar type of action, not necessarily maybe a the building permit stage because what I think you're looking for is not to completely say no, but what are our guidelines saying, and do our guidelines need to be tweaked, are there additional considerations that need to be included, is it working, is it not working; this actually the threshold question that I want to discuss with you this evening because it's important when you're looking at considering a Moratorium, that the time limit is as restrictive as you feel it needs to be to get the work done that you need to do during that period; and it's also important to have a plan of action during that period of time.

So if you believe that the existing guidelines are inadequate and you would like to impose a Moratorium to address those, then I think you need to consider a short period of time (a six month Moratorium) is certainly fairly common and then to direct staff to institute some plan of action; but I think there are a lot of considerations that need to be discussed--#1, the threshold question, do you think you want something different with

these guidelines than what they already say. #2 if the answer the question #1 is yes, do you want the Moratorium to be effective for all applications for solar panels in the entire district or are you just speaking about the impact of these solar panels in the Old Worthington district. Ms. Michael asked when you say the entire district are you speaking of all of Worthington. Mrs. Fox replied the entire Architectural Review district because these are Architectural Review Guidelines. We've only had 2 applications since these guidelines were passed that have been in the Old Worthington area. So I think a discussion needs to be had about the extent of the Moratorium; I mean if you're going to pass one, I think the easiest thing to do is to just say "these are Architectural Review Guidelines" we want an opportunity to evaluate them, see if there is anything out there that can guide our Architectural Review Board in a different kind of way if you think the board needs to be provided direction in a different kind of way and then look at specifically how you can go about accomplishing that.

Threshold Question #1: Do you believe that the existing guidelines are providing the Architectural Review Board with sufficient direction to make decisions that Council believes to be made.

Mr. Smith commented based on our conversation last week from where I was sitting as a proponent of both Joanne's solar panels, it seems like the guidelines that we do have didn't have enough teeth maybe that gave guidance to or that would give guidance to the ARB; seems like there were these wishy-washy abstract type of ideas that maybe or maybe not meant something. I'm looking for a mechanism whether it's tweak the wording or not, but at least give some credence to those words.

Mr. Foust commented I appreciate Mr. Smith's comments and I concur given the split nature of the discussion last week and the split discussion at ARB and as I tried to plead for last week, I think just some time to discuss it more thoroughly; if it's this unclear we need to have the conversation that's one idea. Six months seems like a long time, I'm curious if we declare a Moratorium and come to some resolution the next 60 days amongst ourselves, I assume we can lift the Moratorium sooner than the timeframe. Mrs. Fox replied yes. Mrs. Fox commented I answered your question quickly, in thinking about this today, I would Council to consider one more thing, if you were to pass a Moratorium and if as a result of that, the decisions that came out of that effort required any type of changes to our zoning code, then the change could be proposed but then there would be a sixty (60) day wait period and that might impact the timing on the Moratorium. It's just a little bit of a complicating fact, but it just occurred to me earlier today that if you're going to discuss a Moratorium, this little detail might be important.

Mr. Myers stated I'm more than willing to entertain a discussion on the issue, but we've had as many applications for solar panels in the last six years as we have had people request a discussion on golf carts in the last six years; and to be intellectually honest, if I didn't think golf carts deserved a remedy, I think a Moratorium is a bit draconian; we can continue the discussion if we'd like without a Moratorium. I don't see a rush to put solar panels on, the process from application to decision at the ARB is at least a month; I just don't see the need for a Moratorium; I am more than willing to discuss the issue; I'm

even willing to request staff to do some research on the issue, but I don't know that we need a Moratorium.

Mr. Norstrom asked Judy how many have signed up to be a part of the Sustainable Worthington 30 or so. Judy replied there is 10 for sure, but none of them are in the historic district as far as I know. Mr. Norstrom commented to Mr. Myers that there are at least people in this community that are interested. Mr. Myers replied none of which would be impacted by a Moratorium because it would only pertain to the architectural district. Mr. Smith commented to Mr. Norstrom's point there is an aggressive push by this co-op to promote solar including in the historic district, so it wouldn't be beyond any comprehensive that there would be people popping up within the next couple of months that do want solar, so that's what I'm trying to avoid with any sort of discussion that goes on; someone gets in the pipeline of getting the solar panel on their roof in the historic district, and all of a sudden we change everything or we have a similar situation like we did last week and last year, I don't think anybody wants that, so a sunsetted timed Moratorium to me makes some sense because then we make it very clear to folks that we're going to lift it by May 15th or whatever the date is, 60 days out, so don't even bother because if you do, you might end up in the same situation as one of the JoAnn's.

Mr. Brown commented one of the things in talking with Mr. Greeson and Mrs. Fox since last week is that I have a chance to look at 50 or 60 jurisdictions to see how they control solar panels in their historic districts and in their design guidelines or in their actual code itself which is completely different; with those 50 or 60 I've been able to talk to about 12 or 15 one-on-one to figure out what they actually do and not do, so that conversation has been evolving; but I would say about 85-95% of the ones I've been able to talk to so far or even the ones I've able to look at online almost verbatim match up with our wording within our design guidelines; I'm not sure if they were all done 5 or 6 years ago, but their all similar in regulations for their design guidelines, but like I said some of them have actually taken and put it in the actual planning and zoning code....kind of like what Mr. Foust mentioned.

Mr. Smith asked Mr. Norstrom and Mr. Foust what do you hope to get from a conversation. Mr. Foust commented I don't think there is one of us up here that doesn't recognize the virtue and the value of Clean Renewable Energy Sources; I think we're all advocates in one way or another despite what conclusions you may draw because of some of the objections raised. I also think that we are as a group doing a dis-service to the city at this point by being as unclear as we are, and by ARB being as unclear as they are. We need to come up with a policy that we can agree on; there is too much ambiguity going on. Moratorium or not, I don't have any strong feelings about that; I think Mr. Myers comments are very well placed; I can certainly do without the Moratorium as long as we can agree that we're going to have the dialogue and try to bring it to some type of productive close.

Mr. Norstrom commented the major issues as I see it are simple, do we have architectural district or do we not, and if we have an architectural district what are the standards that we have. The standards as they read now basically are for sustainability,

but not panels that are visible from the street. However with both locations when they've been approved that is the case, they're not very visible, but they are visible from the street. The ARB has chosen to move forward with both of those, since we've passed those, there is also the term solar shingle versus solar panel and there were solar shingles back since 2005, so they do exist; Scientific American said they are coming down in price to be much more price comparative with solar panels. I was walking down Hartford the other day and just looking, there are a lot of garages there that have south facing roofs that would be extremely visible from the street, but given the way our code is currently written maybe permissible. So the issue I see is does the community still want the district, and if they still do, what do they want the district to look like. If they want the district to look like it could continue to look like if we allow visible solar panels, then let's make that very clear to ARB, if that's not what we want, then we need to make very clear to ARB that they have gone in the wrong direction.

Mr. Smith asked Mr. Foust if he agreed that visibility is mostly the issue. Mr. Foust replied I believe Mr. Norstrom captured it very well. Mr. Norstrom stated I don't think this is something that we need a six month Moratorium for, but I do think that we should put the Moratorium in place so that we let people who are thinking about it know...I think Mr. Foust said last week what's the harm if we delay a couple of months to get this issue worked through.

Ms. Dorothy stated I would like to address your comment about other technologies; Solar panels vs. air conditioners vs. electricity vs power lines and cable lines, the radon systems, cars, garages, all these modern day conveniences that we would not live without today that are incorporated into modern society. Worthington was built on self-sufficiency and sustainability; if the people in 1803 were able to produce their own electricity and use electricity with solar panels they would definitely be incorporating that into their Architecture at that time; I think just as we are now incorporating furnaces, air conditioning. Mr. Norstrom commented the issue is things that you just indicated generally have minimal or no impact on the architecture of the houses. A lot of the houses in Worthington do not have window air conditioners, some do and they do stick out. It's kind of like having a heat pump or an air conditioner unit in your backyard vs. on the side of your house which is also something that has been invaded by ARB, so those are the issues, not the fact that if sustainable had been here or if we had electricity back then, that's not the issue; the issue is the visual impact of the district and what we want the district to look like.

Mr. Myers asked what do we need to study and what do we need a Moratorium for. Sounds like to me the issue is really very simple, we need an Ordinance which says we need to change whether it's 1177.05 the Architectural Review Standards and its subsection (a)(11) that provides for Sustainable Features; we add something to that says "solar panels to the extent that they cannot be seen from the street. "Mr. Norstrom replied except I don't think that solar shingles are necessarily part of that. Mr. Myers replied and they wouldn't be because I'm saying solar panels. I think we can come forward next month with an Ordinance that is straight forward and simple and does what you want it to do, we can debate that Ordinance, vote it up or down, if we want to, we can

amend that Ordinance during the debate, we can all that done in 30 – 45 days at which time we probably don't need a Moratorium because it's going to take that long for that application to work its way through ARB, or if you want a Moratorium, let's make it for 30 days. I can get on board with a 30 day Moratorium and we get an Ordinance in front of us the first of February.

Mrs. Fox replied in order to institute a Moratorium I would recommend that be done by Ordinance. Is it more efficient to bring forward the type of Ordinance you were just talking about instead of bringing forth an Ordinance for a Moratorium then following that directly up with changes to the code. Mr. Foust commented I can support and the only question I have is 30 days a realistic time to get all the public comment we're going to want to get; I'm thinking we ought to hear from some of those for whom the architectural district is near and dear.

Mr. Myers stated if we introduce an Ordinance on the first of February, set it for public hearing for the third meeting in February, it would not surprise me if it gets tabled at that meeting. I don't know that the first draft is going to be amenable to enough people to get the vote; but looking from today, we are looking at least six weeks. I know one side of the equation with the people that are sitting out in the audience is going to be motivated to be here at the first meeting in February. I know I can count on you to motivate possibly a different interest group. I don't think we'll have a problem getting a packed house at the first meeting in February even though it won't be heard until the third week of February we'll have a packed house again. What I'm trying to do is get this done quick enough, get it to a debate because I think it's going to be a pretty robust debate and I don't think it's going to be a 7-0 vote and there very maybe amendments to the Ordinance to get that vote to carry it or to get that vote to defeat it. My concern is that I would like to get this on the agenda as quickly as possible so that we do have resolution out there, we don't have people hanging in the lurch and maybe we can avoid Moratorium, that's my preference. Mr. Foust commented it works for me. Mr. Norstrom replied I'll move whatever Mr. Myers said.

Mrs. Fox explained that if a Moratorium is not instituted and may not be that this is a bad thing, I'm just saying that there may be an application that may get filed before that Ordinance becomes effective, because again if it's a change to Chapter 11, it's going to be a 60 day wait period. Mr. Myers commented and if there could be a period of 90 days in which prior to the changes to the Ordinance, a new application is filed, so the old Ordinance would apply and while ARB would have the benefit of our discussion, it may be a clear signal as to how we void that rule even under the old Ordinance; it would be 90 days before we had the new Ordinance. Mrs. Fox commented there may be one appeal that you have think about, maybe not, the track record doesn't show that it would be.

Mr. Greeson commented the direction last week was to bring the Moratorium discussion back, potentially prepare that legislation and prepare for a March Committee of the Whole meeting for the whole solar legislation. I hear you that we need to move it up to avoid the Moratorium. I want to look to Mr. Brown to see if he has any comments. Mr. Brown commented I think the discussions we're having now are the discussions we need

to have, but I still think at the end of the day, if it's one meeting, two meetings or four meetings from now, it's going to ultimately be that discussion for you even if criteria is developed or not developed or the guidelines are modified or the actual Ordinance is tweaked and changed also; so it's ultimately going to be that conversation with you the council members are you okay with them being in the front or on the side of a house at the end of the day or on the front or side of the house if it met xyz. Mr. Norstrom replied given what you just said, I think a 90 day Moratorium would be something we could consider given what when look at the timeframe. Mr. Myers commented we can consider it, I'm just trying to avoid it. Mr. Greeson said in the absence of clarity which is what we lack here today about what an Ordinance would say, we would be taking the research that Mr. Brown and his staff conduct and probably potentially creating the framework of legislation and a series of alternate pieces. So you might have a restriction related to the front and side of the house, you might have language related to contributing/non-contributing structure. Mr. Myers commented I think we're overthinking this. There's going to be a group of us who say "I don't care if I can see them or not, I think they're a good thing." There is going to be a group of us who "say who say they're a great thing, but I never want to see them." There may be a middle group who say I'm alright with not seeing them, but what does that mean." Mr. Greeson replied under what criteria that is outlined in the design guidelines would you be okay with seeing them and that's what I think is the challenge; we can write yes or no, but we're going to research the other communities that have been through this.

Mr. Smith asked when is 90 days from the next meeting. Mr. Greeson replied it would be 90 days from the first meeting in February. Mr. Myers commented I will leave it to staff's discretion as to how they propose that in the Ordinance.

MOTION: Councilmember Myers made a motion to have staff bring forth legislation for us to introduce at the next council meeting and posing a 90 day Moratorium on all further solar panels and that staff is directed to begin research with the goal of having an Ordinance before Council addressing the issue of solar panel placement no later than the last meeting in February. Councilmember Foust seconded the motion.

There being no additional comments, the motion to have staff prepare legislation passed.

Financial Report

Mr. Greeson asked Mrs. Roberts to provide an overview of the reports for the month of October 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 decreased from \$23,469,095 to \$23,225,624 for the month of December with expenditures exceeding revenues by \$243,471.

Year to date fund balances for all accounts increased from \$21,263,095 on January 1, 2016 to \$23,225,624 as of December 31, 2016 with revenues exceeding expenditures by \$1,962,529.

Expenditures for all funds tracked at 87% of anticipated expenditure levels.

Year to date revenues for all funds are below 2015 revenues by \$2,528,484, due to the 2015 Refunding Bond revenue proceeds received in 2015. 2016 total revenue collections are above estimates by \$1,275,906.

The General Fund balance decreased from \$12,244,756 to \$11,628,193 for the month of December with expenditures exceeding revenues by \$616,562.

The year to date General Fund balance increased from \$11,250,077 on January 1, 2106 to \$11,628,193 with revenues exceeding expenditures by \$378,116.

General Fund expenditures tracked at 92.69% of anticipated expenditure levels.

December 2016 income tax collections are above 2015 collections by \$1,142,094 or 4.81% and above estimates by \$815,042 or 3.39%.

Mr. Norstrom commented to Mr. Hurley that our membership revenue is significantly under estimate and I'm just wondering how that plays into next year. Mr. Hurley replied that actually is a little misleading, we changed a practice earlier in the year in terms of how we collected certain revenues and those were displaced from the general fund to the revolving fund, so you will notice the Parks and Recreation revolving fund came in well ahead of estimates; and that was our fault and in our department it was based on the fact that the expenditures come out of the revolving fund and so we moved our revenues to be reflected from there and it was not done in a way that was shown in Molly's financial report, so we'll be looking to rectify that in the future, but overall our Community Center revenues were ahead of the 2015 numbers with that change.

MOTION Councilmember Myers made a motion to accept the December 2016 Monthly Financial Report as presented this evening. The motion was seconded by Councilmember Troper.

The motion carried unanimously by a voice vote.

Mr. Greeson indicated that he would like a brief Executive Session to discuss Personnel Compensation. I have three quick informational items; the first one is flyer listing the various Martin Luther King Jr. festivities going on in and around Worthington.

Secondly, Chief Strait and myself had the opportunity last week to attend two ceremonies; one was the badge pinning of one of our new officers Tyler Rock, he actually went through the academy, so he graduated this past week from the Columbus Police Academy. We had the opportunity to watch his wife pin on his badge on Thursday evening and cross the stage and graduate from the academy on Friday. Officer Rock is a U.S. Army Infantry and has served both in Iraq and Afghanistan and will join very soon with the Division of Police.

I'm going to ask Mr. Hurley to talk a little bit about the upcoming Bike and Pedestrian Retreat. Mr. Hurley stated hopefully Council received an email from Mrs. Thress regarding the Bike and Pedestrian Advisory Board, they've scheduled a special planning session that is in addition to their normal monthly meeting this Saturday, January 14th at 8:30 A.M. at the Griswold in the Thompson room located upstairs. It is a planning session and they're going to be focused on looking at the projects that they're recommending and prioritization of those; the session is open to the public and the agenda is posted online.

REPORTS OF COUNCIL MEMBERS

COUNCILMEMBER BONNIE MICHAEL – *I attended the Central Ohio Mayors and Managers Association (COMMA) meeting last week and I received a very detailed summary of the AT&T bill allowing all the devices; all the problems with the bill and how it impacts cities; there was a very lengthy written piece that described here's what the cities can't do, and here is what cities need to be aware of as its coming through. I gave those materials to Mr. Greeson and he will make copies of this presentation and send them out to the Council members so you will also see this. Mrs. Fox is going to be able to check up on some of this more; all of the communities that were present basically had united feeling that something needs to be done perhaps in a court of law regarding this piece of legislation and the negative impact that it has on communities and what they can do. I just wanted to let Council know this maybe a topic coming up for discussion sooner rather than later.*

Mr. Norstrom asked do we know the position the Ohio Municipal League is taking. Ms. Michael replied we will be finding out.

COUNCILMEMBER SCOTT MYERS – *I apologize for not being at last week's meeting, I was ill and at home in bed. I also would like to apologize to Mr. Troper for jumping you a little bit ago about this issue, but I'm a little troubled about what happened at last week's meeting and I want to clarify my understanding of what I thought the process was and what I read the code as to what the process is: when an appeal is filed from an ARB decision with Council, the first decision has nothing to do with the merits of the appeal itself; it's a discussion of whether it's an issue of great significance and therefore should be heard by Council; and it's my understanding that last week it became a discussion on the merits, I likened it to the court preceding where you lose in the trial court, you have a right to appeal to a court of appeals, if you lose in the court of appeals, you can appeal to the Supreme Court, but that's not an automatic right. The*

threshold decision for the court is should they even consider the issue and that's a separate discussion among the justices than actually hearing the case itself and the standard that is given to the justices is a matter of great general import or does it pose a constitutional question, so that's all they talk about before they let the case in, and then once the case is in they talk about whether solar panels are good, whether they're bad, whether their placement is good or whether the placement is bad. The discussion Mr. Norstrom on your first appeal was all about the process, nothing to do with the merits and I think that's what the discussion should be; If I'm involved in the discussion next time that's where I would I would direct it because in entertaining the merits and allowing comment addressed to one side of the merits, it means the appellate did not have the opportunity to prepare his comments or to have his witnesses there to talk about the merits and therefore we've jeopardized one side, and in my mind denied due process rights to one party while we afforded them to the other. Doesn't change how we decide or what we decide, it just changes the process of how we go about it.

EXECUTIVE SESSION

MOTION Councilmember Foust made a motion to meet in Executive Session to discuss Personnel Compensation, and Board and Commission appointments. The motion was seconded by Councilmember Smith.

The motion carried by the following voice vote:

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

Council recessed at 9:00 P.M. from the Regular meeting session.

MOTION Councilmember Foust made a motion to return to open session at 9:03 P.M. The motion was seconded by Councilmember Smith.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:03 P.M.

/s/ Tanya Maria Word
Temporary Clerk of Council

*APPROVED by the City Council, this
6th day of February, 2017.*

/s/ Bonnie D. Michael
Council President