City Council Meeting Agenda

Monday, May 1, 2017 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

Bonnie D. Michael, President
Scott Myers, President Pro-Tem
Rachael Dorothy
Douglas C. Foust
David M. Norstrom
Douglas Smith
Michael C. Troper

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

If you have questions regarding this agenda please contact the Clerk of Council at 614-786-7347. This agenda and amendments that may be made to it can be found at www.worthington.org
CALL TO ORDER

Roll Call

Pledge of Allegiance

VISITOR COMMENTS

APPROVAL OF MINUTES

1) April 3, 2017 – Regular Meeting
2) April 10, 2017 – Committee of the Whole Meeting
3) April 17, 2017 – Regular Meeting

PUBLIC HEARINGS ON LEGISLATION

4) Ordinance No. 13-2017

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to WBC-1, Medium Density Residential (181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17)).

Introduced April 3, 2017
Referred to MPC
P.H. May 1, 2017

5) Ordinance No. 14-2017

Authorizing an Amendment to the Economic Development Grant Agreement between the City of Worthington and Worthington Square Acquisition, LLC (The Heights at Worthington Place).

Introduced April 17, 2017
P.H. May 1, 2017

6) Ordinance No. 15-2017

Amending Ordinance 47-2016 to Establish Compensation for the Unclassified Position of Administrative Assistant/Finance Manager

Introduced April 17, 2017
P.H. May 1, 2017
NEW LEGISLATION TO BE INTRODUCED

7) **Resolution No. 17-2017**

Adopting a Job Description for Administrative Assistant/Finance Manager and Amending the Staffing Chart to Accommodate Said Position

8) **Resolution No. 18-2017**

Confirming the Appointment of Scott F. Bartter to the position of Director of Finance.

9) **Resolution No. 19-2017**

Amending the Worthington Design Guidelines for the Architectural Review District by Revising the Recommendations for the Placement of Solar Panels in the Sustainability Section.

10) **Resolution No. 20-2017**

Approving an Agreement and Permit for and between Fiber Technologies Networks, LLC, a New York Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

REPORTS OF CITY OFFICIALS

REPORTS OF COUNCIL MEMBERS

OTHER

EXECUTIVE SESSION

ADJOURNMENT
City Manager Report to City Council for the Meeting of Monday, May 1, 2017

APPROVAL OF MINUTES

1) April 3, 2017 – Regular Meeting
2) April 10, 2017 – Committee of the Whole Meeting
3) April 17, 2017 – Regular Meeting

PUBLIC HEARINGS ON LEGISLATION

1) Ordinance No. 13-2017 – Rezoning – E. Wilson Bridge Road

This Ordinance rezones two acres of land on the south side of East Wilson Bridge Road from R-10 Low Density Residential to WBC-1 Medium Density Residential, consistent with the Wilson Bridge Corridor Study. These properties are currently vacant. Additional information is included in the attached memorandum from the Director of Planning & Building. This item was introduced on April 3, 2017 and referred to the Municipal Planning Commission for investigation and report. Municipal Planning Commission considered this item on April 13, 2017 and recommended approval. The materials from the MPC meeting are also attached.

Recommendation: Approval of the Ordinance as Presented

2) Ordinance No. 14-2017 – Amendment to Economic Development Agreement – Worthington Square Acquisition (The Heights at Worthington Place)

This Ordinance amends the Economic Development Agreement between the City and Worthington Square Acquisition for the commercial portion of the building known as The Heights at Worthington Place, located at 160 W. Wilson Bridge Road. In 2013, the City entered into an agreement to encourage the construction of Class A office space in the planned apartment building through a Venture Grant. The grant is payable in ten consecutive annual installments. The grant agreement set a deadline of September 6, 2016 for the location of jobs and at least $1,000,000 in payroll. The tenant leasing process has been delayed and Worthington Square Acquisition has requested an extension of 18 months to meet their targeted payroll objective. Additional information is included in the attached memorandum from the Economic Development Manager.

Recommendation: Approval of the Ordinance as Presented
3) Ordinance No. 15-2017 – Establish Compensation for the Position of Administrative Assistant/Finance Manager

This Ordinance assigns a compensation of $75,000 for the position of Administrative Assistant/Finance Manager. The City’s current Finance Assistant position is being modified as part of the changes occurring in the Finance Department with the retirement of the current Finance Director. A resolution later on this agenda adopts the job description for the position and adds it to the City’s staffing chart. The new position title and job description better reflect the work of the current Finance Assistant, a classified position. The new position is unclassified, which is more consistent with its level of fiduciary responsibility in the organization.

Recommendation: Motion to Amend to insert the salary amount and Approval of the Ordinance as Amended

NEW LEGISLATION TO BE INTRODUCED

4) Resolution No. 17-2017 – Job Description & Staffing Chart Change – Administrative Assistant/Finance Manager

As was mentioned earlier on the agenda, the City’s current Finance Assistant position is being modified to become Administrative Assistant/Finance Manager. This Resolution adopts the job description for the new position and adds it to the City’s staffing chart. The proposed job description is attached to the resolution.

Recommendation: Introduction and Approval of Resolution as Presented

5) Resolution No. 18-2017 – Confirmation – Finance Director

This Resolution confirms the City Manager’s appointment of Scott Bartter to the position of Director of Finance and indicates Mr. Bartter shall also serve as Fiscal Officer for the City. A memorandum with additional information about Mr. Bartter is attached.

Recommendation: Introduction and Approval of Resolution as Presented


City Council has been discussing the installation of solar panels in the Architectural Review District for the past several months. In February, the City Council reviewed research of other communities on this topic. Public comments and input were collected in March. City Council reflected on the information they heard and discussed the topic in April. This Resolution would make changes to the Design Guidelines for the Architectural Review District based on the City Council’s April conversation. Additional background information on this topic is included in the attached memorandum from the Director of Planning and Building.
Also attached are:

(a) Resolution 14-2010 which added sustainability language to the Design Guidelines in 2010,

(b) a “redline” document that shows the changes that would be made to the current Design Guidelines language if this Resolution is approved, and

(c) additional modifications proposed by Council Member Myers after the April discussion. (These are not currently included in the Resolution so would need to be added if City Council supports them.)

Recommendation: Introduction and Approval of Resolution as Presented

7) Resolution No. 20-2017 – Right of Way Permit – Fiber Technologies Networks, LLC

Section 949 of the City’s Codified Ordinances requires that persons desiring to utilize the City’s Rights of Way to provide public utility and/or telecommunications services, other than cable television service, obtain a Telecommunication and Utility Permit. The City has received an application from Fiber Technologies Networks, LLC for renewal of its permit. This Resolution authorizes the City Manager to sign the Telecommunications and Utility Permit for the use of the Rights of Way in Worthington. The permit is for three years.

Recommendation: Introduction and Approval of Resolution as Presented

REPORTS OF CITY OFFICIALS

EXECUTIVE SESSION
Meeting Minutes

Monday, April 3, 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, April 3, 2017, in the John P. Coleman Council Chambers of the Louis J. R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Pro-Tem Myers called the meeting to order at or about 7:30 p.m.

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

**Member(s) Absent:** Bonnie D. Michael

**Also present:** Clerk of Council D. Kay Thress, City Manager Matthew Greeson, Director of Law Pamela Fox, Assistant City Manager Robyn Stewart, Director of Finance Molly Roberts, Director of Public Service and Engineering Dan Whited, Director of Planning and Building Lee Brown, Director of Parks and Recreation Darren Hurley, and Chief of Police Jerry Strait

There were ten visitors present.

*President Pro-Tem Myers invited all those in attendance to stand and join in the recitation of the Pledge of Allegiance.*

**VISITOR COMMENTS**

There were no visitor comments.

**APPROVAL OF MINUTES**

- March 20, 2017 – Regular Meeting

**MOTION**

Mr. Foust made a motion to approve the aforementioned minutes as presented. The motion was seconded by Mr. Norstrom.

The motion to approve the minutes as presented carried unanimously.

**PUBLIC HEARINGS ON LEGISLATION**

*President Pro-Tem Myers declared public hearings and voting on legislation previously introduced to be in order.*

**Ordinance No. 10-2017**

An Ordinance to Revise the Codified Ordinances by Adopting Current Replacement Pages.

*The foregoing Ordinance Title was read.*

*Law Director Pam Fox shared that this is the annual ordinance recodification that takes*
into account all of the ordinances that were passed last year as well as the Ohio Revised Code statutes that are considered of a general nature that we adopt in both our traffic and criminal codes. The items that are being amended are listed in the body of the ordinance and there is a description of those items in the appendix. If members have any questions she would be glad to answer them.

The clerk called the roll on Ordinance No. 10-2017. The motion carried by the following vote:

Yes 6  Foust, Troper, Norstrom, Dorothy, Smith, and Myers

No 0

Ordinance No. 10-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 11-2017

Enacting Section 737.06 of the Codified Ordinances of the City to Prohibit the Business of Cultivation, Processing and Retail Dispensing of Medical Marijuana in the City.

The foregoing Ordinance Title was read.

Mr. Greeson reported that this item and the next one both deal with the issue of medical marijuana. Last year the Ohio legislature approved the cultivation, processing, testing and dispensing of marijuana for medical purposes. Municipalities have an options related to that. He asked Ms. Fox to describe that as well as the next item.

Ms. Fox commented that this legislation is in reaction to the law that the legislature passed. The law permits municipalities to either limit or prohibit the cultivation processing and retail dispensing of medical marijuana. Many municipalities around Ohio are taking action on this. Some are prohibiting entirely while others are not taking any action. Some are actually inviting the business to their communities. These two pieces of legislation would prohibit the business of the cultivation as well as prohibit it in any of our zoning districts in an effort to cover all bases. There are rules that are being promulgated for what is called the medical marijuana control program. In May of this year, the cultivator rules need to be finalized and the rules for dispensaries, processors, patients, and physicians are to be completed by September of this year with the full program operational by September 2018. So the rules are undergoing some public comments and a few revisions. There are no revisions that affect the municipality’s ability to limit or prohibit these businesses from operating. Currently up to 60 dispensary licenses will be permitted and 24 cultivator licenses. There are extensive rules that apply to all facets of this law. She sees it as being very highly regulated. She understands that Columbus has not taken any action on any of this. We assume that there will be dispensaries somewhere in the central Ohio area. The rules require that they be dispersed in a somewhat uniform fashion around the state to provide the availability to all members of the state of Ohio. There are many restrictions. There are restrictions on location in relationship to schools, churches, and playground type facilities. She views these rules as a combination of pharmacy rules and liquor laws because they include many components of each of those two type of businesses. This ordinance and the next one will prohibit this entirely within the City. She reported that the first one prohibits the business of cultivation to be the overriding ordinance. The second
one will have a 60 day effective date because it amends the zoning code. We decided to present both of these so we could cover all the bases.

When asked by Mr. Norstrom if the cultivation could be done indoors, Ms. Fox replied yes.

Mr. Norstrom asked why we want to do this if we could have a new business in the City. If there are limited opportunities he doesn’t see why we should cut off the ability to bring new business into the City. In Ms. Fox memo she says that it is the wish of the City to take the initial steps to prohibit but this issue has not been before Council until tonight. Unless there were some conversations he missed, he feels that members need to discuss this.

Ms. Dorothy agreed. She is not sure where pharmaceutical manufacturing is currently allowed. She would think if medical marijuana laws are similar to pharmacies and liquor laws that we could have that here if the idea is to have some sort of medical treatment available for people for medical illnesses. Mr. Norstrom agreed.

Ms. Dorothy commented that as far as we know our laws are similar to where we would have a pharmacy and where liquor is available in the City. Ms. Fox explained that she reviewed the pharmacy rules and they are generally very similar in terms of making sure that the drugs are kept in a safe location, things to do in case drugs get stolen, and making sure they are always supervised by a licensed pharmacist. Many of those rules are very similar to the rules that we see in the rules for dispensaries. She thinks that the manufacturing of pharmaceuticals may be regulated by the FDA and she is not really familiar with all of those pharmacy rules.

Ms. Dorothy stated that no one in Ohio could dispense medical marijuana at a pharmacy because it is prohibited by Federal Regulations. She asked if that was correct. Ms. Fox replied that the way she reads the rules, medical marijuana dispensaries have to be stand-alone facilities.

Ms. Dorothy shared that one of the things that troubles her is that there is not much data out there as to what is the best to prescribe for pain addiction. We know that Ohio in particular has problems with pain addictions and then getting addicted to heroin items. She definitely doesn’t want to trade one addiction for a different addiction but she also doesn’t want to prohibit people who need this type of treatment from receiving it either.

Mr. Myers stated that the ordinance before Council is for the dispensing. It seems that if Mr. Norstrom’s comments went to the second ordinance we will be considering the cultivation, processing and dispensing. Mr. Norstrom clarified that his comments were intended for both ordinances. He just asked whether or not the plants could be grown indoors because we don’t have much space in the City for outdoors and it may be moot. We would not be a good option for large scale growers of marijuana because of the limited property but there are opportunities for dispensaries.

Mr. Myers commented that the restriction on dispensaries would pretty much limit that to our commercial strips, in other words, they have to be a certain distance from churches, parks, schools, etc. He thinks that pretty much takes High St. out of the equation, at least until fairly far north. Ms. Fox agreed. She stressed that the difference is that this is a blanket prohibition under the liquor law. It does not give that facility an opportunity to weigh in. The restrictions are that they can’t be within 500’ of a school, church, public library, public playground and public park. The revised rules also added rehab facilities to that list.
Mr. Norstrom asked if we know what opportunities would be available in the City. He added that this issue reminds him of the issue of the X-rated bars a number of years ago. Today, according to our code they could be located on Huntley Road. He asked if that is similar with this situation. Ms. Fox commented that she hasn’t mapped out all of those facilities in relationship to where a dispensary might be able to locate but would be happy to do so if Council wishes.

Mr. Foust believes that one of the issues is that there is a limited number of licenses to be granted. Ms. Fox reported there being twenty four cultivator licenses available and two different levels. There are twelve level one licenses that include properties up to 25,000 square feet in size and twelve level two for properties up to 3,000 square feet in size. So there are different types of opportunities. There will also be sixty dispensary sites available throughout the state.

Mr. Foust shared that he is not as concerned perhaps as Mr. Norstrom or Ms. Dorothy. He asked if we were to enact this, is there anything stopping us from changing that position down the road. Ms. Fox replied no.

Mr. Norstrom asked if there is any reason to enact it. Ms. Fox reported that with zoning, the dispensary would fall within any retail location. She thinks the cultivation would be allowed in our I-1 or I-2.

Mr. Foust noted that if members were to adopt this legislation they are not denying anyone access to medical marijuana. It is something that we can turn around at a later date. Given that it is as new as it is, he is inclined to lean on the side of caution and take a little bit of a wait and see approach. Mr. Norstrom commented that he understands that. His issue is that since there are a limited number of opportunities for the licenses, why should we cut ourselves off from having a new business located in Worthington especially since other local communities have decided not to allow it either.

Mr. Foust asked if this were an entire class of businesses, if we were taking something where we might get several of them, restaurants or retail establishments of one sort or another that would be a different story. It feels like we are saying no to something here given the very number of licenses are so small to begin with, he doesn’t know that we are sacrificing anything. Mr. Norstrom stated that it could be approved then and he wouldn’t have any problems with it either.

Mr. Foust asked if staff had any idea what impact a dispensary would have on the City’s finances. He would assume that the payroll would be pretty small as we are only talking about a couple of people. Ms. Roberts replied that she has no matrix for which to base that on.

Mr. Myers shared that when he first saw this it included many “we don’t know” factors. We don’t know what is going to happen with this industry or where it is going to go. There are a very limited number of licenses, especially for cultivation. He was at a conference recently and talked to someone who is getting into the industry. He is looking at greenhouse space out in the townships because the land is cheaper. He would think that is where the cultivation would go as opposed to more expensive freestanding buildings here. With a roll out that we don’t have any experience with yet, he really felt it was best to have a wait and see attitude. Council can always change this in the future. He has not heard of any place where this leads to a “parade of horribles”. He doesn’t think that is really an issue. While this is heavily regulated, he just felt that at this point, caution was the best way to proceed.
Mr. Norstrom commented that he understands that although he looks at it differently. He looks at it with an entrepreneurial point of view. If this is a new and growing industry in the state, why don’t we be part of it rather than taking the wait and see attitude. If we take that approach by the time we get into it we won’t be the entrepreneurs in the front of the business but rather the alsorans in the back.

Ms. Dorothy shared that she can see both sides. She would like to see more data. She would hope, if this is a really useful drug, she could see where we would want to limit and have caution at this time.

Mr. Norstrom commented that maybe members need to table this ordinance to get more data. Ms. Dorothy commented that she is not sure that the data is out there but she would be happy to table the legislation.

MOTION

Mr. Norstrom made a motion to table the legislation. The motion was seconded by Ms. Dorothy.

The motion failed by a vote of three to three.

Katrina Kerns, CEO of North Community Counseling Services and Board Member of Drug Safe Worthington

Ms. Kerns asked members to consider some of the data that they do have concerning the impact on youth. The mission of Drug Safe Worthington is prevention. Making drugs more available to youth is something that they want to attempt to prevent. They see a large number of people who have addition to marijuana and other problems. Pain medications are also legal and regulated. On behalf of Drug Safe Worthington they wanted to offer that information. If the Council is interested in additional data they could provide that.

Mr. Smith commented that he was hoping someone in the audience would comment. He also has a specific concern about youth. He sees it first hand in the work that he has done in the last ten years and he thinks members should vote on this ordinance.

The clerk called the roll on Ordinance No. 11-2017. The motion carried by the following vote:

Yes 5  Troper, Dorothy, Smith, Foust, and Myers

No 1  Norstrom

Ordinance No. 11-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 12-2017

Enacting Section 1123.491 and Amending Section 1147.01 of the Codified Ordinances of the City to Define Medical Marijuana and Prohibit the Cultivation, Processing and Retail Dispensing of Medical Marijuana in any Zoning District Within the City.

The foregoing Ordinance Title was read.
Ms. Fox stated that this ordinance involves the cultivation process and retail dispensing. It also applies to the zoning districts and will take a little longer to go into effect.

The clerk called the roll on Ordinance No. 12-2017. The motion carried by the following vote:

Yes 5  Dorothy, Smith, Foust, Troper, and Myers

No 1  Norstrom

Ordinance No. 12-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 09-2017  Adopting Job Descriptions for Engineering and GIS Manager and GIS Analyst and Amending the Pay Resolution to Accommodate Said Positions and Amending the Staffing Chart to Accommodate Said Positions and Seasonal Staffing in the Department Of Service and Engineering.

Introduced by Mr. Troper.

MOTION  Ms. Dorothy made a motion to adopt Resolution No. 09-2017. The motion was seconded by Mr. Smith.

Mr. Greeson reported it being his pleasure to turn the meeting over to Mr. Whited, Director of Service and Engineering who will be sharing his process improvements and staffing reorganization request with members.

Mr. Whited thanked Council for the opportunity. He shared that Steve Tennant and Glen Burton are also present tonight. His PowerPoint presentation will include the following:

Agenda

- Need for Organizational Change
- Service, Engineering, GIS & Technology
- Re-organization Charting
- Seasonal Worker Transition
- Recommendations
- Q&A
Service & Engineering

PROVIDES HIGH LEVEL OF SERVICE TO THE RESIDENTS OF WORTHINGTON

- Installation, maintenance, repair of City owned Utilities & infrastructure,
- Snow and ice control, leaf collection, street cleaning and maintenance, sanitary sewer, drinking water, and storm drainage services, traffic control, & grounds maintenance,
- Administer Street Improvement Program,
- Maintains record drawings of plats, streets, utilities and City buildings,
- Engineering support for all departments,
- Assists with community events,
- Manages the solid waste collection services,
- Keeps the City rolling by maintaining all City vehicles and equipment,
- Maintains all City buildings
- Geospatial data & attributes on all City infrastructure

Dedication  Responsiveness  Integrity  Professionalism  Flexibility
Compassion

Why is GIS Critical?
Understanding & Managing Data

DECISION MAKING*
- Prioritize maintenance vs rehabilitation/replacement?
- Prioritize order of maintenance and CIP project completion?
- Balance budgetary constraints to maximize levels of service?

RESOURCE UTILIZATION*
- Make cost-effective decisions quickly/efficiently,
- Better use existing GIS data and software, to do more with existing data
- Allow asset information to be maintained & viewed in one place
- Save consultant fees, and rapidly deploy decisions
- Engineering modeling & assessment
- Understanding of system condition
- Understand and evaluate Life Cycle Costs

Technology Adoption

✓ Industry norm
✓ Accelerator of momentum and process improvement
   (not a creator)
✓ “Crawl, walk, run”
Mr. Whited explained that GIS is nothing new. We are really in the adoption phase worldwide. We are not proposing to take a leap into the field but rather to crawl, walk and then run approach. Our GIS Manager, Rob Whetmore has done a phenomenal job with organically creating a GIS Geo database for us that we use in the field, the office and for many things that we do but we have kind of just scratched the surface. We are in the crawl stage. We want to get into a faster walk and then run so we can be a little more efficient in what we do.

While he doesn’t think the City has been “laggards” in our technology curve, we are behind the technology curve in Engineering and Service in our City and he would like to be able to pull us back into a “Majority” phase where we can be most effective in the high end of the utilization of this technology.

Mr. Whited reported this slide being the current organizational chart of his department.
Mr. Whited explained that the GIS Manager and the Field Inspector both report to him independently creating somewhat of a difficulty. In the past there was an Assistant City Engineer in that role that reported to the Director. This re-organization is an attempt to reinstitute something similar to that although not exactly. The next slide depicts how they would like to reorganize the department.

Mr. Whited explained that the GIS Manager would report directly to him with the Field Inspector reporting to the GIS Manager. That change will enhance that reporting scheme a little bit better. Rob Whitmore will be reclassified to the Engineering GIS Manager as he has been extremely helpful from the engineering aspect in managing our CIP projects and helping with presentations and cost estimating, consultant and project management, field collection and field assessment.

The next step would be to eliminate a Maintenance Tech position and create a GIS Analysis position. We feel that we can continue to operate effectively with one less Maintenance Tech position but not totally. They would hope to hire this GIS Analysis and get someone who can assist as needed in the field. He or she would definitely need to do that when it comes to data collection for our assets but also someone who could assist with leaf collection, and possibly get a CDL to help with snow removal, etc. Although they are doing away with the Maintenance Tech description, they are not saying they won’t continue to use the resources of the individual for that work.

While this is not part of the recommendation tonight, he wanted to make sure that members were aware that they are in the process of doing a trial run situation of naming a new Utilities Supervisor. They are allowing interested maintenance techs to take a 30 day shot at that position so they can understand what the position is like and likewise, he can assess their ability in that position. It gets back to that cross-training. When they are done with that term, a total of six months, they will have a standard interview process but this will
give them ability to understand the job better. That however effectively creates two maintenance tech positions that are opened right now. They would like to advertise for that tech position in May.

**Seasonal Staffing**

- Seasonal workers assist with increased maintenance obligations throughout the heavier construction season
- Implementation of reorganization hiring processes will take time
- During hiring process, City will be operating with fewer Maintenance Technicians
- Utilize $25,000 in salary savings (due to vacancies) to hire 2 additional seasonal workers (4 to 6)
- Ensures community service expectations during transition (street sweeping, leaf collection, baskets, etc.)

**Full Time Staffing Totals**

**CURRENT**

- Administration (3)
- Engineering Section (2)
- Fleet Section (3)
- Service Section (5)
- Maintenance Technician & Field Staff (10)
- TOTAL 24

**PROPOSED**

- Administration (3)
- Engineering Section (3)
- Fleet Section (3)
- Service Section (5)
- Maintenance Technician & Field Staff (9)
- TOTAL 24
Mr. Whited asked if there were any questions.

Mr. Smith recalls that a few months ago they talked about allocating some funds to send some staff to LEAN Ohio Six Sigma training. It sounds like Mr. Whited is playing out of the playbook of LEAN Ohio. It seems like it is some good stuff to make things more efficient. He would encourage him when things settle down to maybe find some of his Service/Engineering folks to take that training. Mr. Whited agreed. He added that Mr. Tenant is actually going to that Inspire Worthington class and he came back yesterday just full of ideas and lots of homework. They honestly focus on that as part of their organizational structure. Their focus is not just on technology but on leadership management and effective use of our resources. It is really pretty phenomenal what they have been able to do with this limited staff. They have already started integrating technology at very limited costs. Some of the changes they have already implemented are Passer for their payment analysis. They are using Smartsheet for some leadership and management uses internally, most of his staff is at least integrated into that, maybe not fully using that but beginning to. They are using their GIS, Collector and Explorer field information quite extensively. They are also implementing some leadership things.

Mr. Norstrom thinks what Mr. Whited has done in Engineering and Services is great and would like to encourage all departments to do the same because it is exciting. He offered the following motion to the resolution:

MOTION

Mr. Norstrom made a motion to include a new first WHEREAS section to include: WHEREAS, it is the policy of City Council to adopt new strategies and technologies to improve the operations of the City. The motion was seconded by Mr. Smith.

The amendment carried unanimously.
There being no additional comments, the motion to adopt Resolution No. 09-2017 as amended carried unanimously by a voice vote.

Resolution No. 10-2017  
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. 10-2017. The motion was seconded by Mr. Smith.

Mr. Greeson reported this being the transfer resolution associated with the revisions in the Service and Engineering Department that members just heard about.

There being no additional comments, the motion to adopt Resolution No. 10-2017 carried unanimously by a voice vote.

Resolution No. 11-2017  
Authorizing an Amendment to the Final Development Plan for 350 E. Wilson Bridge Road and Authorizing a Variance (IDEXX Laboratories, Inc.).

Introduced by Mr. Troper.

MOTION  
Ms. Dorothy made a motion to adopt Resolution No. 11-2017. The motion was seconded by Mr. Smith.

Mr. Brown shared that this resolution includes an Amendment to Development Plan with a variance that deviates from the directional signage requirement. The property is located at 350 E. Wilson Bridge Road. It was purchased by MedVet in 2015. The request is for directional signage. Per code, signs are ten square feet over what is allowed (3 feet in height versus 7” in height). Municipal Planning Commission heard the request on March 23rd and they recommended approval.

Mr. Norstrom asked how many new jobs will be added. Mr. Brown shared that the lab was located on the second floor of the MedVet facility. MedVet purchased this property and they will be relocating to this site.

Ms. Stewart added that this is a laboratory that is currently in the MedVet facility. MedVet needs that location for clinical space as well as some other operations so they purchased the building next door. They are expanding their headquarters and administration staff into that building along with this laboratory.

There being no additional comments, the motion to adopt Resolution No. 11-2017 carried unanimously by a voice vote.
Resolution No. 12-2017

Approving Funding to Worthington Community Groups for the 2017 Community Grant Program.

Introduced by Mr. Foust.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 12-2017. The motion was seconded by Mr. Smith.

Mr. Greeson commented that Council annually appropriates funds to distribute to community organizations. Council appointed a committee earlier this year to help allocate about $31,000 to community groups. This resolution awards community grants to eleven community organizations. Since Ms. Stewart staffed that committee, he asked her to overview the distribution and invited the council members who served on that committee to comment afterwards.

Ms. Stewart confirmed that eleven applications were received from a variety of community groups. The requested amounts were in excess of $51,000 however the budget for the grants is $31,035. The review committee received all of the applications. They evaluated those in light of the priorities that were established by City Council and came together to discuss recommendations for funding. The review committee confirmed that all eleven applications fit within those priorities so are recommending some level of funding for each of those groups. A summary of the recommended amounts as well as the applications were included in members’ agenda packets.

Mr. Smith shared that the committee meeting was spirited. They got a great deal accomplished in a decent amount of time. There was some subjectivity there but he thinks they came to a general consensus.

Mr. Foust commented that as one who had two years in a row of doing this it was very helpful that Council provided the guidance that was given last year when we tried to prioritize things. It was also helpful to look at these separate from the Historical Society as we did in the past. There is a great deal of subjectivity and opinion that goes into this effort. This year he decided to take a systematic type approach similar to what Mr. Troper did last year. All five people in the room came with very different ways of getting there but despite very different methods they somehow found the same outcomes pretty handily. He views that as a testament to the process.

Mr. Norstrom commented that since the requests were for $51,000, he asked members if they should allocate more money in this section of the budget next year.

Mr. Foust shared that last year the gap between the requests and the allocation was a small amount of money ($4,000 or $5,000). This year they started with 60% of the request. He can appreciate the thought behind Mr. Norstrom’s question but he suspects that however big the budget, the requests will continue to grow. He is not sure he wants to make that kind of change at this time.
Mr. Smith commented that he would take a somewhat different stance. There has been a lot of dialog by members and out in the community about what is important and what are the priorities. He thinks they just need to keep having that conversation. If it is something that Council wants to shift some funds to, these organizations are all worth it and worthy of additional funding so let’s keep the dialog going. Mr. Foust agreed.

Mr. Norstrom requested that staff watch this over the year and provide members with information because he thinks they might get as much bang for the buck by putting some money here as they would internally.

Ms. Stewart shared that one of the statements that was made by at least some of the committee members were that they were interested in having the groups that are funded report back on their proposed metrics at the end of the year so that if they apply again next year that can be reviewed in terms of how they utilized the funding and how it impacted their metrics. If that is of interest to Council we could alert the groups when we notify them of their funding and then request that at the end of the year.

Ms. Dorothy and Mr. Foust both expressed interest in receiving that information from the groups. Mr. Foust added that the results of those metrics will make or break the case for Mr. Norstrom’s thought. Mr. Norstrom agreed but questioned the timing. Because of the budget process, he asked if there is a way to get those metrics in October so they can be included in the budget at the end of the year.

Mr. Myers suggested letting the groups know in September that they should be prepared and Council could then decide whether they need to come in and present their information or just issue a report so that we have it at the beginning of the budget process in October. Mr. Norstrom agreed.

Mr. Smith added that several months ago he volunteered to set up those metrics so he would be happy to work on that.

There being no additional comments, the motion to adopt Resolution No. 09-2017 carried unanimously by a voice vote.

**Ordinance No. 13-2017**
To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to WBC-1, Medium Density Residential (181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17)).

*Introduced by Mr. Troper.*

Mr. Myers directed this ordinance to be referred to the Municipal Planning Commission.
The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

**REPORTS OF CITY OFFICIALS**

**Policy Item(s)**

- Downtown Outdoor Refreshment Area

Mr. Greeson shared that last year the Ohio Revised Code was modified to allow Worthington and other communities with populations less than 35,000 to create a designated outdoor refreshment area. Staff had issued a memo on this subject previously and Council has recently received a request from the Old Worthington Partnership (OWP) to create such an area in a part of Old Worthington. Nina Parini, Executive Director of the OWP is here tonight to present the Partnership’s request for the Designated Outdoor Refreshment Area. He will then follow up with a slide deck with Ms. Fox’s assistance that goes through a little of the details of the law as well as some key policy questions and the types of legislation that Council would have to adopt. At the end of the presentations staff will be seeking Council’s direction on how to proceed. He invited Ms. Perini to make her presentation.

Ms. Perini thanked Mr. Greeson as well as Ms. Fox, Chief Strait and Mr. McCorkle for their assistance in preparing to make this request.

The Old Worthington Partnership presented the following PowerPoint presentation:

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our request...
create a **Dedicated Outdoor Refreshment Area**
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the old worthington partnership is focused squarely on advancing the old worthington experience. we value collaboration, engagement and sustainability in achieving this mission.
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Ms. Parini remarked that Old Worthington is an experience.

How will the DORA enhance the Old Worthington experience?

Benefits:

- **more guests**: Allowing more outdoor dining expands capacity and attracts attention from the passerby on High Street.
- **increased revenue**: More sales = more sales tax; Success breeds success.
- **improved events**: New ordinance will make event planning easier and less labor intensive.
- **enhanced reputation**: Demonstrates to businesses our flexibility, responsiveness, and forward thinking.

Our streetscape is different...

We need this ordinance to allow our restaurants to be competitive.

Our streetscape in Old Worthington is designed in a way that prohibits full-service outdoor dining. This ordinance helps us work around the requirement for restrictive fencing.

Ms. Parini stated that this ordinance will help them work around the requirement that Ohio has for the restrictive fencing. They are trying to position themselves to allow their merchants to take advantage of full service outdoor dining. Outdoor dining adds visual interest and an atmosphere of motion that attracts attention from passersby. So it really helps the overall environment for Old Worthington and creates that interest.
Ms. Dorothy commented that currently we have legislation in place that we can, on a case-by-case basis if someone petitions us, allow for outdoor alcohol consumption if it is adjacent to the building and has a fence around it. Ms. Parini agreed. She explained that our streetscape doesn’t allow for several of our restaurants to take advantage of that without completely cutting off pedestrian traffic. She added that it is incredibly restrictive to have fences especially with the farmers’ market. It would choke the flow of the entire neighborhood if they were forced to have fences. This is a way to take advantage of full service outdoor dining without those restrictive fences.

The ordinance calls for a map of the outdoor dining district.
Ms. Parini explained that the purple areas on the Daily map identify where full service outdoor dining could be established. Outdoor dining will not be allowed along New England Ave. but rather in front of the nine establishments identified in the slide. If passed as proposed, 90% will be located in front of the parcel addresses. This will allow for less clutter and no fencing. It is easily adaptable for events and the farmer’s market.

Ms. Dorothy has noticed a great deal of trash in front of Graeter’s Ice Cream. She wonders about there being more trash if people are allowed to drink outside. Ms. Parini replied that daily trash will be bused by the restaurants. None of this will be portable on a daily basis but rather served at tables in front of their addresses.

Mr. Myers stated that this would be at the option of the individual restaurants. Ms. Parini agreed. Mr. Myers recalls that when Dewey’s originally came for architectural approval they did not want to build an outdoor patio. They did not want the outdoor busing and service but ARB talked them into it. He thinks it has worked out fine but he could see it expanding to the entire plaza now. Ms. Parini reported that she had a conversation with Dewey’s management and Worthington is the first Dewey’s restaurant in all of their locations to offer outdoor service. They have no plans to bus that area. Although they would be able to serve in that public area, they would not have full service dining there.

Ms. Parini commented that the second part of the request before Council has to do with Partnership events planned in conjunction with the City.

Ms. Parini shared that last year they hosted a wonderful community dinner event with over five hundred in attendance. It is their major fundraiser but unfortunately because of the way the laws are written now they had to have an ugly snow fence lining our beautiful shops and restaurants. It really choked off the guests from exploring our historic downtown. They would love that the DORA be allowed to flex and expand during certain events that are approved with the City’s input. That would be a different map and would just be in the main business district. It would be just from the Village Green Drive south to Short Street. It is a very small area where most of their events take place.
Mr. Myers thought on the first slide they were asking for the DORA to run from South Street to North Street. Ms. Parini explained that is so that it could expand if necessary. Let’s say the picnic grew and they wanted to take it all the way up to North Street or let’s say another restaurant came in that would have that issue of not wanting to choke off the right of way with a fence. They don’t want to be restrictive to their district so they have asked for it to run all the way north because they know that there are many development opportunities in that area. Currently, nothing will be taking place north of SR-161 but they didn’t want to restrict it right at the beginning.

Mr. Norstrom shared that there is a restaurant being considered south of CVS. Ms. Parini added that she has high hopes that the Sprint Lube property will be redeveloped with a restaurant as well. They want to be respectful that the district does go from South Street to North Street and that is where the commercial district is located.

Ms. Parini shared that the following slide shows the broad support that their initiative enjoys. Every single restaurant and liquor license holder signed this as well as most of the other retail establishments. Anyone that is not listed should not be considered an objection. They have received no objections. It is just that when she was getting the signatures the manager wasn’t there. She added that Mr. Norstrom has been at most of their merchant meetings over the last several months and he can attest that there is very broad support from all of the retailers. They are all excited to have this opportunity to drive more traffic.
Ms. Parini briefly shared the following process.

**DORA process**

- **ordinance**: City introduces and enacts ordinance
- **create**: Partnership and City work on educational materials, signage, procedures and schedules
- **produce**: Partnership and City produce wash cans, signs, and stanchions
- **inform**: City and Partnership educates the public

Ms. Parini added that the Partners have every reason for wanting this to succeed and to be responsible about this because it really can be a boon to the district.

The following are examples of the barriers:

Ms. Parini added that some of these same portable sign holders will be purchased by the Partners for use during events and deployed by their volunteers to the boundaries during
Ms. Parini believes this is a necessary step for the City to take to ensure that they continue to enhance and stay competitive with other communities that will likely be taking advantage of the same opportunity. She would be happy to meet with Council members individually if needed. She has had months to read over the statute and talk to other communities so she is very familiar with it. She hopes that Council will move to enact this legislation.

Mr. Myers commented that Ms. Parini was talking about the Farmers’ Market on Saturdays. He is assuming that she was suggesting that with the elimination of the fences it would make moving around the Farmers’ Market easier and not necessarily that we will be serving alcohol at 8:00 on Saturday morning. Ms. Parini replied that most places aren’t opened that early but they would suggest that we give folks the freedom to do that if they choose to. Mr. Myers concluded that Ms. Parini is suggesting that the ordinance should allow alcohol sales on the sidewalk at 8:00 Saturday morning. Ms. Parini suggested that alcohol sales be allowed whenever an individual chooses to purchase the legal beverage. Ms. Dorothy stated that would be from an individual company that already has a liquor license from the state of Ohio. Ms. Parini agreed.

Mr. Myers understands from the staff memo that what other cities have done is tie the alcohol sale to the time that the restaurant is open. Ms. Parini agreed. Mr. Myers continued by stating that whatever their opening is or their liquor permit says so that there could be alcohol consumption at 2:00 a.m. Ms. Parini clarified that they asked for whatever the posted business hours are for the establishment. Whenever they are open, they would suggest that sales be allowed.

Mr. Myers continued by stating that they also suggested that Council include the Snow House in this legislation. Ms. Parini thinks the address she included on the west side is the Carriage House. Mr. Myers understands that they are both going to become residents. Ms. Parini agreed that they will in the future but she knows that the Showe family is looking to rent those. So currently they are not liquor permitted areas so it likely won’t have any activity over there but they wanted to provide a western and eastern border that made sense for circulation.
Mr. Myers directed the next question to Mr. Brown when he commented that the signs are temporary and would not need ARB approval. Mr. Brown replied that it is an item that they would need to discuss. He knows when we have looked at other things in the right-of-way we usually refer to Mr. Whited. When the Whitney House went before ARB and received their approval for the fence they did talk about signage at that meeting. It was something the Board was looking at because all of it was in the right-of-way. He thinks it is something that they can work through the process for. Mr. Greeson added that signage is addressed in the Outdoor Dining Policy.

Mr. Myers stated that on the west side of the street they have Harold’s, Bag of Nails and Worthington Inn in that one block. He asked if that would be one district that they could move from one to the other. Will there then have to be six signs on that one block or two signs, one at each end. Ms. Parini suggested that each restaurant would be responsible for its own signage. Their request is that the signs be placed in front of their parcel address. Harold’s would have a sign on each side of their tables and chairs. There might be six signs on six stanchions but that is because they are responsible for outdoor dining on any given day. They want it to be very apparent that they are getting served at Harold’s table, you drink your drink at Harold’s table, and they clear it and you go on your way.

Mr. Norstrom interjected that we don’t want to have a Bourbon Street so you don’t want to pick a drink up at one restaurant and walk down the street. Mr. Myers expressed that being a concern of his especially as you head towards the Village Green. He also knows with recent history of going through the wayfaring signs that those signs are going to be an issue. Whether aesthetically that is just something we are going to have to work out. The busing is also something we are going to have to work out with our law director and can we impose that obligation. What happens if it spills beyond their property? Those are questions that he has.

Mr. Foust commented that part of his question has been cleared up because at one point he had visions of a person being able to buy a beverage at Harold’s and then walk to Denig’s. You are saying this would be contained. Ms. Parini agreed that on a daily basis it would be contained on that property. Remember the reason we are asking for this is to help Harold’s and Whitney House and the other establishments take advantage of full service dining so there could be activity on the streets. We ask for some flexibility during events where someone could buy a drink and walk down the street. Those would be during Partnership directed events put on for the purpose of driving traffic to our merchants.

Mr. Foust shared that his off the cuff reaction was he doesn’t have a problem with the notion of being able to move from store to store or restaurant to store within a very confined area. He struggles with the notion that it needs to go all the way to North St. He would rather see an area from South Village Green Drive to Short Street or W. New England and have the contained area even for those events. He asked if in this big event moment someone would be allowed to carry a beverage from Harold’s clear up to the Dairy Queen because that is where he starts to struggle. Ms. Parini replied legally yes but in practice, the event will be in a very distinct area. There will likely be some kind of registration or signage that they could encourage them. They will place the trash cans in
a way that would likely restrict as well as those trash cans with the signs. In practice it would likely stop at the South Village Green Drive because that is where the action is. But in terms of enforcement, if they allow it to go all the way to North St. then people could take their beverages that far. She would just go back to what is likely and what will be the common practice.

Mr. Foust stated that with that in mind he would like to at least consider starting a little smaller. He isn’t saying that going to North St. is a bad idea but maybe we start with a more contained area, experiment with it for a year and see how it feels.

Mr. Norstrom shared that he has had this conversation earlier tonight. He would rather be entrepreneurial and open it up and see how it works. We can always draw it back.

Ms. Parini added that she would hate for the City to appear that we are favoring one area of the district over another and that we would restrict new development to just that small one and a half block radius because the Partnership represents all of Old Worthington.

Mr. Foust suspects that there is some compromise that will get them what they want. Maybe it is two areas. Mr. Greeson explained that the larger North to South St. boundary of the OWP request is for the purpose of easing outdoor dining. We would use our right of way permitting process and our Outdoor Dining policy, which is a part of that right of way permitting process to allow the liquor holding establishments to have outdoor dining. Somehow we will artfully write this ordinance to tie back to that other policy. Then the OWP will get a special event permit we would allow in a smaller area, not North to South, properly signed and subject to the permit requirements for the special event permit, what you would call “sip and stroll” where you could take your plastic cup issued by a liquor establishment and walk around the event.

Ms. Parini agreed. She added that in terms of the Partnership, they will coordinate the cups that they use and then each establishment will have an identifying sticker. It is not going to become Bourbon Street where it is just free flowing.

Mr. Myers stated that it will be sometimes. Ms. Parini specified that the liquor has to be purchased at the locations. Drinks can’t be brought from home. Mr. Myers commented that there will never been an occasion, for example, if the Arts Festival moves back to the Village Green, will we have beer trucks on the Village Green. Ms. Parini reported that they no longer control the Arts Festival but beer trucks can’t be part of the DORA at this point. It has to be a specific class of liquor license. Ms. Fox explained that temporary licenses cannot be part of the DORA. They still have to comply with the liquor laws.

Mr. Myers commented that current liquor laws are structured on either carryout or on premise. He asked if those laws have been changed to allow on premise that would then extend through the DORA. Ms. Fox replied yes as a result of this law. Mr. Greeson added that there are jurisdictions that are seeking to allow temporary permits holders to sell in the DORA so that law could change. Currently the OWP couldn’t sell into the DORA. Ms. Parini agreed. They would have to fence off a specific area. Mr. Norstrom shared that is
why the Columbus Arts Festival has fences all around it because they have open beer trucks down there. Mr. Myers understands that to be the case which is what he is struggling with. He knows that he has gone to the Columbus Arts Festival and bought a beer and walked around with it and he enjoyed it. Then he is thinking but this is the Village Green and the rules are different. Mr. Greeson reported that being a policy question.

Mr. Greeson presented the following PowerPoint:

Worthington Designated Outdoor Refreshment Area.

Mr. Greeson commented that in the interest of time he will not go through all of the PowerPoint because he thinks Ms. Parini did a great job answering many of the questions.

The Law: ORC – Section 4301.82

- Effective 4/30/17 for communities of 35,000 or less in population
- Only (1) area permitted for communities of 35,000 or less in population
- No minimum acreage for area
- Maximum area shall not exceed 150 contiguous acres
- Serving container material must be plastic
- Minimum of (4) qualified permit holders (A1, AIA, Alc, A2, or D)

Potential Benefits

- Cost savings for businesses that would no longer need to construct a fence around their patio
- Increased revenue for restaurants/bars/merchants
- Better mobility, so barriers and fencing could be less of an issue

Potential Challenges

- Increased cost of signage and sanitation
- Increased police and/or EMT presence
- Ongoing education and monitoring

Variables Required by ORC

- Specific boundaries of the area
- Hours of operation for the area
- Signage
- Law enforcement/public safety plan
- Sanitation plan
- Type and labeling of plastic serving containers

Ms. Dorothy stated that this is more specifically for the special events. Mr. Greeson replied that this is Worthington’s version of the DORA. The other two that we are aware of, Canton and Middletown have taken an area like North to South and made the entire area a “sip and stroll”. Communities can try to adapt this to their particular local needs.
Mr. Foust asked if those are the only two anecdotal communities that have DORA’s because he has never really asked himself in a situation what would the City of Middletown do. Ms. Parini reported that Worthington will really be trailblazers here only because it only applies to cities of our size starting April 30th so there aren’t any peers that we can look to. Middletown and Canton are two of the ones who have done it but for very different reasons. They are not Worthington.

Mr. Greeson added that we do have some information from their experiences having talked with them. They have actually seen some positive effects in terms of generating restaurants and bar activity in filling vacancy.

Feedback From Other Communities

• Overall, very positive effect on downtown
• Reason for DORA was to attract people and businesses to downtown area with significant vacancy. This varies greatly from Worthington’s rationale
• Communication and ongoing education are critical
• Periodic stakeholder meetings on what is/isn’t working are very important

Items to Address

Questions for Feedback

• General Feedback on concept – What do you think?
• Everyday boundaries for outdoor dining? North to South?

Mr. Greeson commented that Mr. Foust raised the question and members need to answer the policy question of what is the everyday boundary for outdoor dining. The everyday boundaries are for the purposes of easing outdoor dining so the policy question is: What is that boundary? The boundary being proposed is North St. to South St.

• Special Event “sip and stroll”
  – Which events, activities?
  • Need Council feedback on OWP proposal

Mr. Greeson reported that the events that the OWP is currently requesting “sip and stroll” authority for are the weekly Farmers Market, the Picnic with the Partnership, the Chocolate Walk, and Illuminated Shopping. The biggest of those is the Farmers Market.

  – Event boundary?
    • Proposal is Village Green Drive South to Short Street – This incorporates all OWP events.
  – Village Green?
    • Alcohol currently prohibited by Park Rules

Mr. Greeson shared that the OWP request is Village Green Drive South to Short St. and does not include the Village Green. Ms. Parini added that they do not program anything on the Village Green at this time.
Mr. Greeson clarified that at this point their request doesn’t include the Village Green although we would have to consider it because the North to South boundary would potentially allow it.

Legislation required for proposal
- Right-of-Way Permitting Process and Revision of Outdoor Dining Policy
- Adoption of Designated Outdoor Refreshment Area Ordinance
- Allowing alcohol on Village Green would require amendment of Park Rules in Codified Ordinances

Process
- Application required to be submitted by City Manager.
- Public hearings for legislation

Next Step
- Motion to direct staff to draft and submit application and proposed legislation

Mr. Greeson went back to Items to Address. The first question that would need addressed is what are the everyday boundaries for outdoor dining? North St. to South St.?

Mr. Myers commented that from what he is hearing people saying the everyday boundaries and the event boundaries are the same if Council passes the DORA. Mr. Norstrom replied no. Mr. Greeson explained that we are trying to structure our unique DORA so that the special events would be a narrower area. Mr. Myers concluded that he can make a distinction under this statute between every day and special events. Mr. Greeson replied that if you are a liquor establishment and you desire outdoor dining we would issue you a right of way permit and consistent with the outdoor dining policy for outdoor dining anywhere in the DORA subject to those regulations. Mr. Myers shared that he doesn’t have a problem with the liquor establishments from North to South St. having daily and he thinks for especially around the North St. area that might help entice restaurants because we have this where we don’t have them now. He doesn’t have a problem with that. He also doesn’t have a problem with Village Green South to Short St. for special events. But if he has a DORA that goes all the way to North St. does that mean we are opening up the Village Green for sip and stroll or can he somehow restrict that.

Ms. Fox commented that as she is listening to all of this she thinks she needs to figure out some things for herself. We can tell the restaurant owners that they are responsible to keep their people inside these signs but legally if we have a DORA it is the whole area. She doesn’t know that we can legally cite somebody for open container for walking from Harold’s down to another location. We are only allowed one DORA so by parceling out these properties. We effectively are creating eight or nine mini DORAs and she isn’t sure that we are allowed to do that.

Mr. Myers commented that if he creates a DORA that goes from South St. to South Village Green and then the DORA is a strip from South St. to Stafford, which is six feet wide and then it opens up again when we get to Stafford. Ms. Fox reported that it doesn’t talk about
dimensions. It just talks about one DORA. We can regulate the practice through our Outdoor Dining Policy and Parks Rules but she doesn’t know if we can legally cite somebody for open container if they were within the DORA but we could certainly have something to say to the restaurant owners. She just has to work all of that out.

Mr. Greeson shared that he was thinking that we could use our Special Event permitting but our permit goes to the OWP and then we would use the Outdoor Dining Policy to constrain the restaurants activity.

Mr. Myers asked if we can do that and basically legislate away part of the DORA. That is his core question. Can we leave the Park Policy in place prohibiting alcohol, which then protects the Village Green from alcohol and open the whole thing up or does this new more specific statute circumvent the park rule and this governance. Those are the questions he is struggling with.

Ms. Fox promised to work on that. Her sense is that our Park Rules would apply regardless because you can still walk up the street without getting into the Park if you stay on the sidewalk. But she thinks we have to work through what is a violation and what is not.

Mr. Myers thinks everybody knows where he is coming from. He would love to hear from the others before members send staff away to do some work.

Mr. Smith commented that the map with the purple showing the DORA didn’t have the Village Green as purple so he was just under the assumption that it wouldn’t be covered no matter what. Knowing what the liquor laws are and walking up and down the streets, which is illegal, he just assumed that anyone who went into that portion of crossing SR-161 for example, we would have the ability to cite because they would have an open container on SR-161 which is not in the DORA. Mr. Myers stated that it sounds like it is in the DORA. Mr. Smith agreed and wanted to get to the bottom of that.

Mr. Foust supports Mr. Myers concerns about the Village Green. He read an article from the Hamilton-Middletown Journal from March 20th that reported that donuts and beers available to participants who participated in a scavenger type event. He thinks there is a way that this endeavor could go sideways.

Mr. Norstrom asked if he is saying that event could go sideways because that event sounds like a lot of fun. Mr. Foust agreed but added that he is not sure that it belongs in Old Worthington, at least from North St. to South St. Mr. Norstrom then asked what makes it not fit into Old Worthington. Mr. Foust replied that he would like to see it contained to an area that doesn’t go all the way from North to South. Mr. Myers doesn’t think there will be a beer and donut issue in Worthington.

Mr. Foust went back to his earlier comment in that he is not sure that Middletown is who he wants to model Worthington after.
Ms. Parini reminded members that Old Worthington needs to remain competitive. It is the heart of our community. Retail is nearly dead. We need to think about the future and how we are going to capitalize on the experiences. Maybe not beer and donuts but we really need to focus on being aggressive here and really stay ahead of our competition. The way we have written the request would be for partnership based events so not anyone could just decide to invoke the DORA and have a sip and stroll donut thing. It would be in collaboration with the Partnership and the City to come up with those permits.

Mr. Myers thinks from what he hears is that all members are in support of the general concept. They are all in support of a concept of allowing restaurants to have outdoor dining. What we are struggling with is determining what we can do legally to place restrictions on that. We hear today that it is only going to be Partnerships events but are we allowed to restrict it to Partnership events. He thinks members need to hear back from Mr. Greeson and Ms. Fox on that issue before they can actually move forward with the ordinance.

Ms. Dorothy agreed. She favors individual establishments from South St. to North St. She is concerned about being able to sip and stroll all the way up and down because it is very easy to get off of High St. She thinks that releases open container anywhere unless members find out more information.

Mr. Greeson recapped that members are not concerned about outdoor dining. He asked if there is any concern about event boundary from Village Green Dr. south to Short St. recognizing we may have to make some changes.

Ms. Dorothy noted there being easier pedestrian access once the pedestrian hybrid beacons are operational.

Mr. Myers reported not having a problem with that. He added that once we get east and west on New England, he wants to restrict it to the commercial area.

Ms. Parini acknowledged that the reason they did New England was specifically for the picnic where they would have the check in that might bleed out into New England so she just picked the closest parcel address. She was not thinking that there would be something there but rather so that we are within the boundaries during an event.

Mr. Myers reported that raising one more issue for him. We are going to say that it is okay (and he doesn’t have a problem with this) for House Wine’s patio to be included in this area. Right across the street will be a new condominium. If we stop the DORA at the municipal parking lot behind House Wine, he asked if that mean we also have to include the other side of the street. Mr. Greeson replied no. Members can draw the boundaries any way that they want to draw it. We can modify those maps with harder lines. He added that currently the Village Green is not intended to be proposed as part of the sip and stroll in this proposal. Staff will have to reconcile how to handle that with individuals and whether they can be cited if they move out of the event boundary.
Mr. Greeson reported the other question is whether members are okay with the list of events that were outlined, which are basically the Partnership events. Mr. Myers replied that it begs a bigger question of whether the City can restrict. Mr. Greeson thinks they can. One of the ways is to have the events annually or biannually approved by Council.

Mr. Myers asked about having some kind of application like we would have for a permit to close the streets down for an event. It would be nice to have an application to be able to exercise your DORA rights for a special event. He doesn’t know if we can do that. Mr. Greeson replied that he doesn’t want to start permitting an every weekend bar crawl, for instance. We want to have some process that allows the Partnership to be innovative and create new events but then also have the ability to not invite endless applications. He thinks some periodic approval by the Council or some process like that would be appropriate.

Ms. Dorothy wouldn’t want to start off saying every Farmers Market. Mr. Greeson clarified that the current request from the Partnership is for every Saturday Farmers Market. Ms. Dorothy reported that she would like some feedback. She is concerned about how crowded it is at all those Farmers Markets and then having people being able to sip and stroll throughout all of those. We already have people concerned about getting in and getting out. She asked if they would be restricted in getting in and getting out. She just doesn’t understand the logistics of how it all functions. Mr. Greeson shared that as he understands it, somebody would be able to buy an alcoholic beverage from a liquor establishment, so it would have to be one that is open Saturday morning and serving and they would be able to walk around the Farmers Market or “X” event with a plastic cup. Ms. Dorothy understands that the DORA would allow for there not to be fences so we are not restricting anyone. Mr. Greeson agreed. He added that if this occurred somebody would have to post signs on the edge of the boundary where it is allowed.

Ms. Dorothy stated that when Ms. Parini was talking about New England being a check in point she got confused on whether everyone would have to enter/exit at that check in point. Ms. Parini replied no as that would just be done for the Picnic with the Partnership.

Mr. Myers commented that all of our liquor laws establish a time at which serving ends. He is not aware of any that impose restrictions on when you can begin serving. Chief Strait reported that most can be available at 5:30 a.m. Ms. Parini added that it would mostly impact House Wine and La Chatelaine that would be open during Farmers Market.

Mr. Foust commented that the OWP is the creation of the last two or three years. He asked if it is sound legal practice/sound policy to have this developed specifically naming the OWP. What happens if the OWP morphs into something else down the road? Mr. Norstrom replied that Council would have to amend it. Mr. Greeson thinks Council would have some process by which the City establishes the events. Mr. Myers noted that as being one of his concerns about whether or not there would be an application process so that anybody could apply. He doesn’t have a problem if the Chamber wants to apply for a sip and stroll during Market Days. He asked if there is an application process or can they just do it.
Mr. Foust thinks the OWP has the support of Council although everybody has their variations on what it will look like. He feels bad that Ms. Parini has had so many tough questions to answer. Ms. Parini replied that she appreciates the questions. She thinks they have uncovered many great things. This is the first time they and/or the City has gone through the process. She thinks they are being very innovative for Worthington and working to make sure our businesses can capitalize on this new venture.

Mr. Myers reported having a concern about signage. He doesn’t need Greg Browning calling him about the signs. Mr. Greeson commented that the current Outdoor Dining Policy requires signs that are placed in the right of way by a restaurant to have ARB approval. Mr. Norstrom interjected that Mr. Browning supports this effort. Mr. Myers replied that he has no doubt.

Mr. Norstrom asked why members are so concerned about how adults act. He was talking about whether members could trust people to walk around with a mimosa at the Market. He has a real problem with Council trying to regulate adult actions here especially when we are talking about Worthington. This is not the Short North. It never has been and never will be. Mr. Foust replied that Worthington events are not limited to Worthington residents. If you walk around during Concerts on the Green, he knows from experience that over half the people he talked to one Sunday night while trying to get signatures on a petition were not Worthington residents. Mr. Norstrom acknowledged that the same is also true of the Farmers Market. They are still all adults except for the Green where there are lots of kids running around.

Mr. Greeson commented that what he heard was consensus in that there wasn’t an issue with outdoor dining. There is no objection to Village Green Drive south to Short St. He didn’t hear clarity on events but we talked about trying to come up with a process by which there is a restriction of events. Our intent, at least initially would be to limit those to the ones managed by the Partnership and have a rigorous process for consideration of any additional. He added that they have to get a special event permit for every event they do anyway. Staff will research the issue further. We think we can control or regulate activities in the right of way by the establishment and by the event promoter during the special event. We need to explore whether we can regulate the individual, meaning cite the person in the DORA or whether our construct that we’ve come up with doesn’t hold legal muster.

Ms. Dorothy reported being very concerned about how trash will build up. Currently she sees trash without additional cups. She mentioned that Graeters produces a lot of trash. It would be great to have more people walking up and down Worthington but she is concerned about what other results would become of that.

Mr. Greeson shared that one of the requirements of the Ohio Revised Code is to create a sanitation plan for the DORA so he thinks what we have envisioned in signage and law enforcement and sanitation is that when we issue a right of way permit or Outdoor Dining authorization or when we issue a special event permit application we would have to go through the process of how we are going to staff this from a law enforcement/public safety standpoint and how are we going to clean this up. Ms. Dorothy views it is a good problem
Ms. Parini shared that she has already talked with staff about the need for additional trash cans in the district. She echoes Ms. Dorothy’s concerns.

Mr. Myers stated that trash is one of the issues that comes with Outdoor Dining. Do you allow trash cans associated with a particular restaurant? That has been discussed at ARB with a couple of applicants. Then the question becomes what they look like and what do they do. Then what happens because outdoor dining tends to be less observable by management in a restaurant. What happens when the bussers or the servers get behind? Do we have any ability to enforce that or require that they do that? Mr. Greeson stated that ultimately Council would have a right of way permit or outdoor dining authorization that could be revoked.

Ms. Fox briefly shared the State Code process for this designation as follows:

1) The process is initiated by the City Manager submitting an application to Council;
2) Within 45 days of that submittal, the City has to publish a notice once a week for two consecutive weeks in a newspaper of general circulation of the fact that an application has been submitted;
3) Once the advertisement is done then City Council has to wait at least 30 days but has between 30 and 60 days to approve the legislation by either Ordinance or Resolution;
4) If it passes then the City would have to submit notice to the Department of Liquor Control and the Department of Public Safety;
5) Then the Department of Liquor Control would issue the DORA designation.
6) It has to be reviewed in five years and approved or disapproved at that time. It could also be dissolved at any point in time.
7) We also have to have some of those qualifying pieces of information such as a sanitation plan and public safety plan, the addresses, hours of operations if any and other bits of information included in either the ordinance or resolution that approves the application or in a subsequent ordinance/resolution that could be done at the same time.

Mr. Myers asked Mr. Greeson if he is considering the application submitted by the Partnership to be his application submitted to Council or should Council expect another one next week. Mr. Greeson confirmed that he wants clarity on these policy issues and then he would prefer that Council approve a motion that directs staff to draft and submit an application with some clarity of what members are expecting in that application. He would then submit an application consistent with that information.

Mr. Myers shared that he is also sensitive given some of the delays that the statute has already imposed on this process that where we can control it we act as quickly as we can.

Mr. Norstrom asked Mr. Greeson if based on tonight’s conversation he feels that he can put together a policy. Mr. Greeson replied that staff has to clarify the events.
Mr. Norstrom asked if anyone objects to the events mentioned. Mr. Myers shared that he doesn’t object to the events but his concern is whether there is any way for us to impose requirements on an application to be the next event. Mr. Norstrom acknowledged that being the legal issue. Mr. Myers added that most of his questions go to Ms. Fox. He reported not having any concerns other than the ones he has shared.

Mr. Greeson recapped that one of the concerns has to do with signage which he thinks we can regulate throughout differently. Mr. Myers asked if we can restrict within the boundaries because their request is for a boundary between North and South St. Their application appears to make a distinction between daily and event and they have different boundaries for events. He asked if we can legally make those restrictions when we make the DORA. He would prefer to tailor to their request but he doesn’t know if we can.

Ms. Fox asked Ms. Parini if she knows what the other establishments in Old Worthington want to do. For instance, will people be allowed, even during your events, to walk into non-alcohol establishments with their alcohol or can they walk from one alcohol establishment into another with alcohol. Ms. Parini replied that strolling from one liquor serving establishment to another is not allowed by the State. She believes that most of the retail establishments are interested in having that happen but we would leave it up to each establishment. Ms. Fox thinks that should be specified in the legislation.

Mr. Smith shared that he is kind of not okay with the Farmers Market because with all of the kids around there is the potential of somebody coming in and not drinking responsibility. He asked if public intoxication and/or disorderly conduct laws come into play. Chief Strait replied that open container would be in effect if they are outside of the DORA. Depending on how we work this through, disorderly conduct or criminal mischief could also come into play. Mr. Smith asked what happens if it is within the DORA. Chief Strait confirmed that those criminal actions could still be enforced within the DORA.

When asked by Mr. Myers if he has enough information, Mr. Greeson replied that staff has some things to work out internally.

Mr. Norstrom requested that staff work quickly.

Mr. Foust asked Mr. Smith if he would feel better if there was a statement included that did not allow liquor before a certain time, such as noon on market days. Mr. Smith replied no. He just wants people to be responsible.

Mr. Troper asked if there was a date yet for the Picnic with the Partners. Ms. Parini reported the date being Saturday, June 24th.

REPORTS OF COUNCIL MEMBERS

Mr. Smith reported that he provided all council members except Mr. Foust a sheet with some community solar options. There is information about three options that would fall under the community solar definition. He will send it out to staff as well.
Ms. Dorothy shared that she and Mr. Troper recently attended a WIFA meeting and they put out some feelers as to when the next Sayama group will be visiting Worthington, likely in September or October.

**EXECUTIVE SESSION**

**ADJOURNMENT**

**MOTION**  Ms. Dorothy made a motion to adjourn the meeting at 9:40 p.m. The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote.

President Pro-Tem Myers declared the meeting adjourned.

______________________________
Clerk of Council

*APPROVED by the City Council, this 1st day of May, 2017.*

______________________________
Council President
Meeting Minutes

Monday, April 10, 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, April 10, 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 14 visitors present.

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

REPORTS OF CITY OFFICIALS

Information Item(s)

Use of Solar Panels in the Architectural Review District

Mr. Greeson explained this is an important step in the process; as you know the staff conducted research, we’ve met with some interested parties; Council held a meeting for the purposes of obtaining public input and this is the step in the process where we have sought to come back and seek direction from City Council if you would like us to prepare amendments to the Architectural Review District guidelines and if so, to what extent and in what manner.

Mr. Brown presented the following PowerPoint presentation:
Mr. Brown reiterated this has been a several month process looking at solar panels in the Architectural Review District; most of you are familiar with this map that we’ve seen over the past several months outlining the Architectural Review District throughout Worthington; it’s the original 1803 Old Worthington, the areas along High Street frontage and along 161 East to West.
The primary focus during our discussion was really the historic district, but actually throughout the entire Architectural Review District.

Worthington Historic District

Worthington Design Guidelines

History:

• Architectural Review District established in 1967.
• Any new construction and/or exterior modification or change to an existing structure in the Architectural Review District requires ARB approval to ensure compliance with the Worthington Design Guidelines.
  – Residential and commercial
Sustainability:

• City Council adopted Resolution #14-2010 (03.01.2010) incorporating sustainable design and building practices in the Design Guidelines with the goal to preserve the character and integrity of the Architectural Review District.

Solar Panel – Current Guidelines:

• Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties.

• Generally, panels should be located on roofs in the following manner: the rear 50% of the roof of the main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard.

• On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement.

• With flat roofs, keep panels at least 5' from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

• Solar panels at another location on a building or site may be acceptable if their placement does not have an adverse effect on the architecture of the building, or the character of the site or Architectural Review District.
Solar Panels – Discussion:

Current Regulations:

• Architectural Review District
  • ARB approval required
    • Recommended placement on the rear of the structure – residential & commercial

• Outside the Architectural Review District - Citywide
  • Permitted
    • No requirement on the placement – residential & commercial

Solar Panels – Discussion:

Discussion:

• Placement of solar panels in the Architectural Review District, focusing on the Worthington Historic District.

• General consensus amongst all City Council members supporting the use of solar panels throughout the City and in the Worthington Historic District.
Solar Panels – Discussion:

Location:

• Overall support for solar panels being located on the rear of structures in the Historic District.

Issue:

• Placement of solar panels on the front and side of structures.

661 Evening Street
661 Evening Street
613 Evening Street

613 Evening Street
Ms. Michael thanked Mr. Myers for taking the time and effort to put a compromise together. Mr. Myers commented what prompted me was the fact that I’ve been involved with this for seven (7) years and that I’ve now watched five (5) applications that have come to ARB for solar installations, two of which have become very prominent and public; but let us not forget that we have solar panels covering the roof of Evening Street School which I just drove by it again tonight, you can’t see them except for the very tip. We also have solar panels on the top of the MAC, I can’t see those at all. We had solar hot water approved for 96 W. New England, it’s the Sears Kid house just west Oxford, those were to be installed on the back of the house and those were actually never installed; so we do have somewhat of a history with solar panels and I am aware to be quite honest with you of no installations that have not been approved to date; those are the only five (5) applications of which I am aware of.

When I looked at this and we met with the interested parties, I really tried to keep an open mind that’s why I proposed that we go down this path and hear from as many people as possible beforehand and there were really three things that impressed me with what I heard; the first was Ms. Doyle’s complete commitment to the practice of sustainability, it’s not just solar panels in her yard, it’s raised bed gardens, it’s water collection, she is committed to the process and I think that’s to be encouraged. The second one was the Worthington Historical Society’s submission of the Secretary of the Interior’s guidelines for restoration of historic property; I found that very persuasive because it has a long history of public input and has been implemented across the country. The third one was a comment that was made by someone who I have a great deal of respect for and happens to be here this evening and that is Dr. Chosy; he made the comment that living in the district is different and while I may not agree as
strenuously as he does that it incurs privileges, I do know that there are some responsibilities. I’m aware of at least two (2) families that have moved out of Worthington recently because of restrictions placed in the review district; the first was a family at the corner of Oxford and New England who installed a skylight without Architectural Review Board approval. ARB required that the skylight be removed, people removed it and moved. The second one was a fence on E. New England Avenue, people wanted to raise chickens, had dogs, had small children; ARB denied the fence, shortly thereafter the house was up for sale; so there are instances of restrictions. At the same time I believe Worthington is a forward thinking progressive city and we should allow alternative technologies and different solutions.

With that I tried to meld what we have with many concepts out of the Secretary of the Interior’s guidelines to come up with a plan that would permit solar panels while it creates in my words (and these were additions) they are to be strongly discouraged and acceptable only if (and then I cite conditions as to when they would be acceptable). I had circulated a memo for Council last week with some of those suggestions, it’s my understanding that this memo has been circulated to the public, it wasn’t my intention, but apparently it has. I received an email at 4:43 P.M. on Friday afternoon Ms. Welpwell encouraging a dialogue that was a bit late for me at 5:00 P.M. at the close of business on Friday. What I’ve taken is in my first couple of sections they are straight out of the Secretary of Interior’s guidelines, the idea is that the ARB would need to specifically consider these elements prior to granting solar panels; it would not prohibit ARB from installing solar panels, but they would have to consider certain concrete guidelines. I also felt it was important to put in that the applicant could demonstrate that this is part of an overall strategy of sustainability and energy savings that we were not putting solar panels on the roof just to let them go out the window (the energy savings).

I also suggested that we include a provision that preserves the historic character of the location. I felt that this should apply to the entire Architectural Review District; there should be no distinction made between contributing and non-contributing properties because that is not a provision in our review district, which is only in the application for historic designation; I did feel that we should separate the two. I agreed with Mr. Ventrska that there is a distinction between the Anthem building and Cathy Holcombe’s house and I believe that ARB should be able to consider those two differently. I also felt that the ARB should consider if there are alternative technologies available so that we could incorporate if they become available shingles, window film, paints, all the other things that are currently in development.

I also felt based upon Ms. Doyle’s submission from Hartford that if they were going to be installed on a roof that was visible they should be as continuous and as comprehensive on the roof; so I tried to marry comments from everyone and I went back and I thought about some of the discussions ARB has had about things like windows and mullions; we’ve rejected applications because they went with single pane glass instead six over six windows; we’ve rejected applications because the shade of the trim was the wrong color; we’ve rejected applications for a whole host of reasons that are designed to continue what is really the character of Old Worthington; it’s our brand and to the extent possible
we need to take that into consideration whenever we grant any application regardless; I don’t make a distinction between solar panels how voluble the goal is and weighted glass; I believe it should be the same and should be consistently applied; so what I’ve tried to do is come up with a compromise, a lot of people are not going to like this; most people will not like it, as I said my memo, it’s like a divorce resolution, the best ones everyone goes away mad because nobody gets what they want and everyone gets what they need. I hope this doesn’t; if this is not what comes out of tonight, I’m fine, this is a way to get the process started. I was unaware that anyone else put pencil to paper, I felt someone had to do something to get the ball rolling, as I said in my memo for your consideration.

Ms. Dorothy commented I am a strong proponent of solar panels and I think the existing guidelines are fairly comprehensive as they are. The goal of the ARD (district) is to preserve and enhance the unique physical environment of the community; it’s to maintain the high character of the community development, to protect and preserve property; promote stability of property value and protect real estate from impairment or destruction. I do not think that solar panels do any of those, I do think they do promote the stability of the property value and they do protect real estate value and they do maintain the high character of community development. I think that it’s okay to ask to have them put in the rear of the building where possible, but where it significantly reduces the efficiency of sustainability for use of solar panels that we should not prohibit it at the front of the house. There are definitely regulations in the ARB, there are requirements that you have to maintain throughout the Architectural Review District that you don’t have to do throughout the rest of Worthington. In the Architectural Review District you definitely need to look at the massing, the height, the angle, all those features, the color; those would all be considered when you’re talking about solar panels on the front of the property which they definitely have been discussed to date; but I think any additional requirements are overly burdensome.

Mr. Troper remarked I agree with Ms. Dorothy’s comments.

Mr. Foust stated I would beg to differ from the standpoint that the 4-3 votes tell us that the guidelines are not clear. We have been specifically asked as Council to provide clarification, so for us in my opinion to leave the standards as written without some further clarification would not be holding up our end of the bargain here to those we are serving; and so I am totally in support of what Mr. Myers has written and I would like to see us move forward with some variation or this exact language.

Ms. Dorothy commented I could definitely see including that the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof and the system must be parallel to the slope of the roof, but to talk about other additional energy efficiency measures, Mr. Myers noted that you don’t want to lose energy outside the windows, but we have other guidelines within our Architectural Design Guidelines that specifically say not to use the most efficient windows, but to look for storm windows which are significantly less efficient than putting in double pane windows. Our guidelines specifically say look into using storm windows in lieu of double
pane windows. We’re very not consistent in sustainability in that regard. Mr. Myers replied to that comment, I think that misconstrues what the design guidelines say; what that is, is in order to preserve an existing window that would be historically accurate to the house, we encourage applicants to at all cost preserve the existing window and if they must, they could add storm windows as opposed to demolishing and putting new windows into an architectural structure. Ms. Dorothy replied my point is that you’re then comparing two distinctively different things when we should just be looking at solar panels. You have a whole section “Other Energy Efficiencies Saving Measures.” Mr. Myers remarked strike that section; again this is a proposal, if you believe it is subject to challenge, strike it. It seems to me what you’re saying is and please correct me if I’m wrong, you are still saying that it should be permitted, but not carte blanc. Ms. Dorothy replied correct. Mr. Myers stated so we’re back to where we were; you could have them or maybe you can’t have them, so what standard should you meet either to have them or not to have them; is there a presumption that you have them or a presumption that you don’t; where do you start with the discussion.

Ms. Dorothy commented I would prefer you could have them as long as you do not increase the footprint of the structure, must not increase the peak height of the roof and the system must be parallel to the slope of the roof; I could include limiting the number of colors and then any other scale or massing. Definitely we do not want to reduce the efficiency of the system by having it on a different side of the house because of where the angle of the sun is. Mr. Myers said let’s talk about massing; asked Ms. Dorothy what do you mean by that. Ms. Dorothy replied I just know that is a requirement in the guidelines currently. Mr. Myers said for example if we were to look at a new garage addition and we saw a blank wall on one side of the garage; ARB would require that there either be a window or a door, there would be something to break up that mass is what is meant in the design guidelines. So now what we have is a system that allows a patchwork on the roof so that we don’t have any design in that mass and what I’m suggesting is that we go ahead and allow them, but have them as Ms. Doyle’s picture suggest they cover the entire roof, so that it looks like it is the roof, that to me would be appropriate massing of the panels.

Ms. Dorothy stated we have also guidelines in here that discuss irregular massing throughout Worthington too. Mr. Myers said you would have to point those out to me, I’m not familiar with those. Ms. Dorothy commented Mr. Foust house is where it actually describes it. Mr. Myers asked would you want panels on Birdsong, not that it would be possible, it wouldn’t be possible on Birdsong or would you want panels on the Orange Johnson house. Ms. Dorothy asked the national historic places. Ms. Dorothy replied it’s not something that I would prefer. The Secretary of Interior guidelines talk about making sure that any solar panel that is put on can be reversible, so as long as it was reversible and not taking away or detracting from the existing structure.

Mr. Smith asked Mr. Myers what do you feel is the biggest take away with this document. Mr. Myers replied specifically there were two (2) things I believe ARB was confused about and there are two (2) specific provisions in here that address those two issues. (1) they made a distinction between contributing and non-contributing properties and that is
not nomenclature that appears in our design guidelines or in our ARB Ordinances; we can’t absolutely bar solar panels, I don’t think we have that authority; our Ordinance says “they shall consider sustainable features and that includes solar panels.” I’m not going to get into the argument as to whether that allows us to prohibit or not; I think you can make an argument either way. The first one was that they felt that because this was a non-contributing property that it somehow was distinguished from the rest of the Architectural Review District; I don’t believe that to be true. The second one is I believe that one of the votes came down to the efficiency of the panels and that this was the only efficient place to put the panels; and our design guidelines don’t speak to that either. I don’t believe that’s an appropriate consideration either and I addressed that here. We are looking at Architectural Guidelines not Energy Efficiency in the review district.

Mr. Smith asked so one of your early statements in paragraph one underlined in red and bolded, you say “are to be strongly discouraged…” Mr. Norstrom replied you have to have the first paragraph which we don’t have here. Mr. Smith asked this is additional text that is bolded and underlined in red. Mr. Myers replied yes. Mr. Smith said that if that is wording or text we’re trying to consider for an Ordinance, to me that is still very subjective; I’d be strongly discouraged and then you go and outline a few things to consider. Mr. Myers commented let me back up, I had proposed this as a place to start as opposed to a position in an appellate argument, so I didn’t know I was going to be defending all of my language tonight, I was hoping people would say I like this or no I don’t like this idea, let’s see if we can come to something that can get us closer to a 7-0 vote; that being said the die is cast. The first paragraph as I remember makes a fairly strong statement that is consistent with what I believe that first sentence says; but it says you shouldn’t have solar panels; that is how I read it. The second paragraph says but you can have them if….my point being when I wrote this, I asked Ms. Dorothy do you want to start with a presumption of yes or a presumption of no; I felt you had to start from some place; I started with the presumption of no; so my general rule which I think is consistent with the first paragraph is no you should not have them on visible roofline of a house and I reiterate that in what I believe was to make it clear to ARB what that first paragraph said and then I include “but you could if you can come in and present an application”, but I wanted ARB to carefully consider each of these elements as opposed to just kind of what appeared to me in the discussion was sort of making up what they thought was appropriate; and I actually wanted to be able to look at the minutes and read where they had addressed each one of these things; that was the thought process behind it was written. Now as far as what they consider, I thought the Secretary of Interior did a pretty nice job, I copied some of his stuff, I added the two things I thought we needed to address because I thought ARB had stumbled and that’s pretty much what my conditions are. My biggest concern here tonight is let’s try and find a way that we don’t come out with another 4-3 vote. We could have addressed this issue six (6) months ago in the context of an appeal, but that didn’t work out. So I just wanted to do something to get the ball rolling so we could discuss something; if you have specific things you want to add, subtract, multiply or divide; if you find my premise to be faulty, let me know, I’m willing to talk about anything.
Ms. Michael asked do any council members have real problem(s) with items 1&2. I’m trying to find some areas of agreement. So (A) & (B) of the guidelines are okay to keep as is – no changes.

**Ms. Dorothy stated I will be happy to read the first part of the sustainability guidelines which state that sustainability can be achieved by ensuring the economic environmental and social concerns of Worthington are addressed in a balanced manner. I just want to emphasize that.

Mr. Myers explained I’m recommending no changes to paragraphs (A) & (B). Paragraph (C) as I’ve said before they should minimize the visual impact as seen from the right-of-way and surrounding properties; generated panels should be located on roofs in the following manner:
- Rear 50% of the main building
- Rear quadrant of the roof, etc…..

To me this is saying you should put them in a place where they shouldn’t be seen. I’m not suggesting any change to that paragraph. The next paragraph of subsection C then sets forth the exception to the general rule, that’s where my changes start….I’m trying to define what the exceptions are. I’m trying to define the thought process ARB has to do to determine if it’s an appropriate location; and I begin with “It should not alter the historic character of the property…” these are subjective, this is architecture. The only way you can make this not subjective is say yes or no…period; anything past that is subjective; we cannot get around that. Mr. Norstrom added that the reason we have an ARB is because there subjectivity involved in these decisions, if it were black and white we wouldn’t need a panel to review them. Mr. Myers commented if it’s black and white and we say no, then I’m all for ripping up the asphalt, we got to go back to brick; no aluminum, no harding plank, no steel, no felt, we have to go back to cedar; no asphalt shingles, those got to go. If we’re going to say no to any change, then most of the materials in downtown Worthington have got to go. Nobody wants to drive on brick streets again.

Ms. Michael commented Mr. Myers has the recommendation “Solar panels at another location on a building or site are to be strongly discouraged…… I know I’ve had some people mention that they thought that was a little too strong. Mr. Smith remarked if you’re referring to my comment I don’t think it’s too strong of language, I think it’s still subjective and it’s exactly what Mr. Myers has said “if that’s the direction we want to go, if we feel the rest of it gives enough of a direction to the ARB then the wording is fine with me. Mr. Foust stressed let’s remember why we started this exercise because if you went through the first paragraph of C and that’s all that was said, there wouldn’t be a whole lot of ambiguity here, it’s everything beyond that modifies and so Mr. Smith you’re right, when you start with…are to be strongly discouraged….it’s still subjective, any modifier beyond that first paragraph is going to have to be as clear as possible or we’re setting ARB for the same kinds of problems and questions again. I would go a step a further and say that one of the things we ought to consider here is an exercise that Mr. Brown and I have come up with some pictures over time of various solar installations; I think it would be interesting that once we are done with whatever this turns out, that
maybe we ask Mr. Brown to maybe come up with maybe 8-12 pictures and present those to the ARB and see if they come up as a 7-0 vote or a 4-3 vote or a 5-2 vote because that would be a witness test to tell us if we as council did our jobs. The ambiguity is what we have to fight here.

Ms. Dorothy stated I do not like the strongly discourage language especially if we have tight enough guidelines that already define what is acceptable; I don’t think we need to strongly discourage it. Mr. Troper remarked I don’t like the word strongly either and I think it’s obvious that it’s discouraged because that’s the way it’s written.

Mr. Norstrom expressed that he appreciated the hard work Mr. Myers put into this and his attempt to get a 7-0 vote from this group, it is clear that it will not be unanimous because I have a feeling Ms. Dorothy and I cannot agree on most of these things. I think we need to work through this.

Paragraph #1 – Ms. Michael asked does council have problems with Mr. Myers proposal in paragraph #1 which basically came from the Historic Preservation Guidelines. Everyone was okay with paragraph #1.

Paragraph #2 – Everyone was okay with paragraph #2.

Paragraph #3 – Ms. Dorothy stated I don’t think it has the additional overall energy efficiency and sustainability features other than solar panels; if you’re looking at solar panels I don’t understand why you’re then looking at the different conservation measures. Mr. Norstrom replied I can answer that because when I went to the National League of Cities and they had experts talking about solar panels, the first thing the expert said is “don’t go to solar panels first, do an energy audit and determine how efficient your building is and then make those corrections; money is better spent doing that than spent on solar panels; after you have tightened your building up, then consider solar panels.” Ms. Dorothy asked why are we placing that the statement “the applicant has demonstrated that the addition of solar panels advances an overall plan of energy efficiency and sustainability.” Why wouldn’t they be able to do that themselves. Mr. Norstrom said they can and then give it to us as proof explaining why they need it. Mr. Troper asked so if they don’t provide these alternative methods they’re going to be denied solar panels. Mr. Norstrom replied not denied, but they have to prove why they need it.

Mr. Troper mentioned I do not like paragraph #3.

Mr. Myers explained there is a concept, the least available alternative and if you were going to impose a regulation on someone, is this the least obtrusive that you can impose; are there better ways to do it that are less obtrusive; it’s a concept in free speech, it’s a concept in a lot of areas; that’s kind of what I was looking at here; are there other alternative methods that could achieve the same result and be less architecturally significant; that’s what I was driving at there.
I understand we shouldn’t be policing whether someone is committed or not; I get that, which is why it is not a requirement; none of these things are a requirement, these are just factors they should consider and one factor if you’re going to put a panel on a location that would otherwise be obtrusive, but you’ve done everything you can and you are committed, that’s one piece of evidence you could present which might push ARB over to grant them; that was really drafted in support of the applicant as opposed to a way to deny an application; but if there are ways that you can achieve the same energy savings and the same cost savings by planting trees, that might be an alternative; that’s why it was there.

Mr. Smith stated from an ARB perspective I think it’s good to have it in front of them just as a reminder that even though the guidelines do exist in some form somewhere else, they may not be thinking unless it’s right in front of them.

Ms. Michael stated what I’m hearing is we have two (2) council members who really do not like paragraph #3, but everyone else is on board with paragraph #3. Mr. Troper commented one of the challenges that the seven (7) of us face sitting up here is to remind ourselves how we got in these seats; we were elected by at least a few thousand people for each of us. My personal convictions about Sip and Stroll doesn’t matter, it’s not about my opinion, it’s not about Rachael’s or Scott’s or anybody’s else, it’s about what you believe the people who elected you asked you to do. I believe the people of Worthington chose to reside here for a reason, they have certain expectations. I think we have to challenge ourselves to set aside whatever personal convictions we have and try to act on behalf of those thousands of people who expect us to carry out their will.

Paragraph #4 – Ms. Dorothy commented I think this goes against paragraph #1 that it’s supposed to be addressed in a balanced manner sustainability and that we’re supposed to preserve and enhance the unique physical environment of the community; we’re supposed to make sure that we promote stability of the property value and protect real estate, but I don’t think that the addition of solar panels done in a way that doesn’t increase the footprint of the structure, must not increase peak height of the roof and the system must be parallel to the slope of the roof; I do not think that is going and is done in a way that is reversible; I would not want to do anything to a historic building that would not be reversible; there is no way I would want to destroy any historic building features with solar panels.

Mr. Norstorm remarked you mentioned the reversibility Ms. Dorothy a couple of times and it’s a spurious argument because once you put solar panels or anything like that on the building you’ve changed the architecture; now you can take it off in the future, but that doesn’t mean you’re allowed to mess up the architecture for some period of time; so the fact that they’re reversible, I saw another city that did that, if I remember correctly, I believe it was Concord, MA and other another Massachusetts city and I did not call them up to ask them why and I’m not sure that we know the answer. Simply being able to take something off a building because when you put it on, it does something by putting it on; so we’re saying we’re going to allow it if it’s reversible. Ms. Dorothy mentioned these guidelines are supposed to allow for creative solutions for future development of the
community. I’m offering creative solutions for future developments so we can maintain our strong community and identity; I think that the community is more than just the historic district.

Ms. Michael explained that these regulations we’re discussing here are only for the Architectural Review District, it is not the whole rest of the community. Mr. Norstrom added that Ms. Dorothy and Mr. Myers have both used the word ‘historic’ and I think Ms. Michael is exactly right, this should say “preservation of the architectural character of the location and the review district” not the historic character. Mr. Myers expressed that is a good point. Mr. Scott stated to Ms. Dorothy to your comments, let me get back to the question; I believe in the 4-3 vote in the last ARB vote on panels, the fourth vote turned on the efficiency of the placement of the panels, that’s not in the design guidelines, that is not a consideration that currently they should go through and this highlights that; but it permits it; it permits them to consider the efficiency of the panels that the other criteria have been considered and found to be acceptable. I believe as it stands right now, I believe that decision was flawed because it considered something that is not in the design guidelines; I believe this will allow them to consider efficiency, but it says first it can’t change the architectural nature of the house, it has to be the least alternative, then one more thing, if the applicant can demonstrate it’s not going to change the house, I filled up the whole roof with them, they don’t all have to be working panels, they’ve satisfied all that and they say you know I’ve done all that stuff, I have to put them on the front because if I put them on the back they’re worthless, that lets them present that evidence of return on investment; but it cannot be the only deciding factor is what I’m saying. I think it was in one of the applications. Now if you disagree that they should consider that or that should be a greater importance, propose something.

Mr. Smith commented to Mr. Myers I appreciate the intent and I’m pretty sure I agree, but I’m not positive I understand it in this text. Mr. Myers replied we all know this is going to go to far better scribblers than I to work this out. Mrs. Fox will do a much better job than I can. Mr. Norstrom commented since in the district cost is not a factor to be considered; when you’re making architectural improvements or changes cost is not a factor to be considered by the review board. Ms. Dorothy replied I think we already talked about how we allow for other non-historic materials and I think that absolutely has to do with cost. Mr. Norstrom replied what I’m saying though is when it comes to any decision ARB makes cost is not a factor and in the same context, I don’t think efficiency should be considered as a factor because all that is, is having to do with money. Mr. Troper remarked if it’s inefficient you’re not going to put them up there. Mr. Norstrom replied no they’re not inefficient, they just have a return on investments maybe 30 or 40 years rather than 15 or 20; they’re still going to work, they’re not going to be as effective, I agree to that; but cost is not a factor anywhere else on the decisions that are made in the district. Ms. Dorothy commented I disagree with that. Mr. Norstrom said then read the guidelines and read the standards because cost is not a factor. I think paragraph #4 is fine in there, but it should reference historic and it should specifically reference that cost or cost savings is not beneficiary in making decisions.
Ms. Dorothy stated we do have reasonable cost in the guidelines at least four or five times. Mr. Myers replied I don’t know if cost if a factor in the design guidelines, I know it is in deliberations at ARB; I believe it’s treated in about the same manner as I wrote this; that for example you have an older home that has windows from the 1890s to maintain those windows you would have to take them out, probably take parts of the wall with them, you would have to ship them off to Pennsylvania to be essentially rebuilt; and there have been times where ARB has said we would love for you to do that, but we understand you’re a homeowner and you can’t afford the $10,000 per window to do it, but you have to put wood windows in it that are of a similar style; they have considered that before.

Ms. Michael stated that the majority of council is okay with paragraph #4 with the change that Mr. Norstrom made from historical to architectural. Mr. Smith commented I would like to see some better wording on that; I like the historic character; I’ll throw out the example Mr. Myers mentioned earlier using Cathy Holcombe’s house versus Anthem office building, to me those are two completely different situations, two completely different cases and this paragraph #4 might actually be more appropriate to consider to allow solar panels on Anthem, but maybe not at Cathy Holcombe’s house from an architectural perspective. I do think we have to identify historical character in there at some point.

Paragraph #5 – Everyone was okay with paragraph #5.

Paragraph #6 – Everyone was okay with paragraph #6. Ms. Dorothy commented I am concerned that we might be single sourcing technology in that regard if that is the intent.

Paragraph #7 – Ms. Michael indicated I have had some council members ask how do you prove what is reasonable and what is not reasonable. Mr. Norstrom commented for example if you had dormers on the front of your house it may not be reasonable to put the panels on the dormer roof; but they could cover the rest of the roof, that’s how I look at that. Mr. Myers commented and you can’t put solar panels flush to a chimney, you can’t put solar panels over a roof end; but from the pictures that Joanne had given us where if you look at the examples especially from Cambridge they cover the entire roof and it is my understanding that you can buy non-working panels; the other thing that this is designed to do is try and reduce the bezels on these panels, some of thing almost look like it’s a standing seam roof; they’re non-glare, they have little or no bezel, where you can’t put a panel you have a fopam so that it tends to look like the roof; this is what this is allowed to permit or if they are visible, it should be like this.

Mr. Foust said pretty much for lack of a better word, it should blend in. Mr. Myers replied that is correct, we don’t want the patchwork. Mr. Foust asked is there a legal term that equates to blend in.

Ms. Michael commented so basically if staff were to look at keeping the general concept of paragraph #7 and maybe trying to find a way to re-word it a little bit better, asked is that the consensus I’m getting here. Mr. Foust replied I’m fine with as it, but if there is some better language, that’s fine to; the goal is to eliminate ambiguity for those who have
to execute our wishes. Ms. Dorothy replied I would eliminate it. Mr. Troper stated I would use the ‘should’ instead of ‘must’.

Ms. Michael indicated we will leave this in the capable hands of our Law Director, Mrs. Fox; we will now touch on the very first paragraph; what I am hearing from some council members is that the word ‘strongly’ is too strong of a word; there is also a typo in there, it says “only it their placement……, it should say “only if their placement....” Mr. Foust asked what if it read shall be discouraged. Mr. Myers commented this gets back to what is your beginning assumption and I still believe this is consistent with the immediate preceding paragraph; from there on down, all my 1, 2, 3…..that’s just my best shot; this is one of the few things I believe is consistent with the rest of the design guidelines, I believe it’s good language, I believe it sets a certain presumption, but does not preclude.

Ms. Dorothy commented I do not think they should be strongly discouraged; I think we can guidelines that define the process to allow for panels; but I do think that Worthington has been built upon changes and the character that we’re trying to preserve is the community character of the people who lived there. When Mr. Kilbourne came to settle here, everyone lived in log cabins and then they built bricks and then they built houses out of bricks; then we have all these other houses that have developed along until these 1967 guidelines and I think we need to encourage creative solutions for future development which include solar panels.

Mr. Norstrom stated 50 years ago the city decided to put an architectural district in place, those were not considerations, it was protecting the architecture and the look of Worthington. Ms. Dorothy remarked I think the guidelines have to allow for creative solutions for future development. Mr. Norstrom commented they basically said architecture is the thing that you’re going to consider in this district. There are 836 maybe 837 or 838 homes in the district, there are 5,691 homes not in the district. First of all let’s encourage a whole lot of solar in those 4,900 homes however we can; but we’ve spent 50 years putting a district in place and I think we should keep it. The nice thing is that technology is catching up and one of the reasons we’re here in my opinion is because ARB made two (2) bad decisions. When the board based its second decision on the fact that there was a house that they had approved previously they basically doubled their mistakes. I am all for solar, I believe in electric cars, I am totally for sustainability, but I think we have a strong history of protecting the architectural district and I think we should continue that.

Ms. Michael asked Mrs. Fox if she has a generally feeling regarding the first paragraph. Mrs. Fox replied I understand Mr. Myers intent with that because I believe his intent to be was the only reason we’re here is because there were a couple of 4-3 votes at ARB and there were 4-3 votes at Council when there was considerations on the appeals. I understand that he feels that there has to be some starting point; the language currently reads “may be acceptable” and I think by adding the “strongly discouraged”, so I understand his intent. I’m just not sure I know how the rest of Council feels about that. Ms. Michael asked how the other council members feel about that part.
Mr. Troper – I don’t like the word strongly in there. Mr. Myers asked but you’re good with the concept discouraged. Mr. Troper replied yes, obviously the whole discussion was about….Mr. Myers asked about the wording “acceptable only”. Mr. Troper replied yes.

Ms. Dorothy – I would remove the word strongly. Mr. Myers asked but you’re okay with the beginning presumption they should not be permitted; that’s where we start because that’s what that says. You begin with the presumption that they’re not there and here’s how you can get them there. In other words you have to start from some place, you can’t start from neutral. There is a rebuttable presumption.

Mr. Smith – I’m good with the intent.

Mr. Norstrom – I’ve made myself clear.

Mr. Foust – I’m good with the intent.

Ms. Michael – I’m good with the intent; whichever way the consensus goes I’m fine.

Mrs. Fox asked do we have another 4-3 vote on the word strongly. Mr. Norstrom replied I believe it is 4-2.

Ms. Michael explained this is something that was laid out to be for council discussion to give staff guidance on what to do. I did receive a speaker slip from Mr. Paul Dorothy. Ms. Michael asked Mr. Dorothy if he had anything to add that has not already been added. Mr. Dorothy replied I do.

Paul Dorothy, 179 Kenbrook Drive, Worthington, OH 43085. Mr. Dorothy thanked the council for taking the time to hear citizen’s concerns even though this was a council discussion; this is something that is very important to the future of the Worthington community. Councilman Myers asked a very simple question, “tell me if you like this idea or not.” Let me clear Councilman Myers I do not! I don’t think you’re listening to the community; the comments that came in on the solar were about 9 – 1 of in favor of permitting solar. Councilman Foust talked about you were elected to represent all the members of the community; that includes the members of the community that don’t necessarily live in the ARB; it includes all members of the city; those members that also care about building a sustainable community. We talk about what makes up community, we talk about and throw around the word character, but when character is used before this body, the only thing I hear is character and what the buildings look like.

Mr. Norstrom stated Mr. Dorothy is not adding anything new to the conversation. Mr. Dorothy asked that he be permitted to continue speaking. Mr. Norstrom commented you answered the question that you had something new to add, considering you were at the previous meeting and you’re here now, I have not heard anything new.
Mr. Dorothy remarked let me very clear what has been suggested, what has been offered is that this is a compromise. In the immortal words of Indigo Montoya, I do not think that word means what you think it means. A compromise is an agreement of a dispute reached by each side making concessions. The definition of one-sided is unfairly given or dealing with only of one side of the contentious you are questioned by or partial. We start with no here, the community overwhelmingly said start with yes. Ms. Michael commented the petition that was sent out and had all these people sign only talked about solar energy; it did not limit solar energy in the historic district; so we really don’t have something that says here is what the people feel on solar in the historic district. People across the board want solar, but unfortunately that petition did not specify historic district and the issue here at hand is historic district. Mr. Dorothy said that as Councilmen Myers stated a lot of these recommendations come from the United States government and from the Secretary of the Interior. Most of the places I have seen a lot of those places; Williamsburg is wonderful full of physical character, nobody lives there. Most of the buildings that are handled by those regulations nobody live in. People live here, it’s a quality of life issue; it’s not simply a historic preservation issue. In closing, you either a good steward of the land or you’re not; no equivocation.

Designed Outdoor Refreshment Area

Mr. Greeson explained we had had an agenda item last week regarding the Designated Outdoor Refreshment Area where you heard a presentation from the Old Worthington Partnership discuss the concept and I took the conversation to instruct me to prepare the application (the statute requires the City Manager submit an application to the city council in order to get the process started); what I mean by the process is essentially we would submit an application to the city council; the application reflects in general the conversation you had last week although we did make some modifications that I want to highlight based on some subsequent internal discussions and we are prepared to clarify the legal questions that you raised at the last meeting. The application does one thing, it starts the process, we would then advertise twice in a newspaper of general circulation that this application has been filed and then not earlier than 30 days, but not more than 60 days after I file it, Council would have to approve or disapprove it. Essentially this starts the clock and I believe the earliest we could consider this for a vote would be the May 15th meeting.

The application is required to simply meet some statutory requirements, have to put the boundaries in there, the nature of establishments (i.e. office, retail, commercial restaurant), list the qualified permit holders (people that have a Division of Liquor Control Permit), include the land use and zoning and discuss public health and safety and that’s probably the most important piece.

I put this before you, I want to talk about what’s different in it than what we talked about last week and what was originally requested by the partnership and we’ve had conversations with Ms. Parini about this. This draft modifies the boundaries, it shrinks them; instead of being from North Street to Short Street, it’s a smaller area, it’s actually Village Green Drive South to South Street, that would encompass any of the events that
the Partnership proposes to have. Mr. Foust asked for clarification, you made a
statement that the original boundaries were from North Street to Short Street, I believe
that should be South Street; and are you proposing then that it be from South Village
Green to South or just to Short. Mr. Greeson replied to South and that would encompass
all the listed events including Market Day; whether the Chamber would desire to have it
during Market Day is different issue.

We also had conversations with the Division of Police to talk about the enforceability at
the Village Green South and South Street; we would be open to Short Street. I think the
only event that goes all the way down to South Street is Market Day; the Chamber has
not particularly requested this, but all the OWP events stop at Short Street, so it’s really
what’s most manageable, what events do you want to include. I think the issue we feel
strongest about is Village Green Drive South. So obviously the Village Green is not
included and therefore there is no necessity to amend the park rules. This makes outdoor
dining accessible, the outdoor dining privileges meaning the ability to serve alcohol in an
area such as a public right-of-way that is part of outdoor dining would be allowed if we
follow this by issuance of a permit that would have to be consistent with our right-of-way
Ordinances as well as the Outdoor Dining Policies that have been adopted. There is also
outdoor dining if you think about Dewey’s or when the parking lot in front of The House
of Wine is shut down that could occur on private property, this contemplates that some of
that activity may require an amendment to their current conditional use permit to amend
the conditional uses and add the DORA requirements.

Lastly regarding special events I did not amend the list of special events that was
submitted and that you discussed; I asked that question several times last week in terms
of are people comfortable with this list of special events as it reflects the Farmer’s
Market, the picnic with the Partnership, Market Day, Chocolate Walk and eliminating
shopping. Like each outdoor dining location each special event would require a permit;
each outdoor dining location and any special event either by outdoor dining permit, by
conditional use requirements or by special event permit would have to in each case
address the requirements of the statute which include provisions for sanitation, provisions
for safe ingress and egress for emergency services, provisions for policing in some
instances it may require charging overtime or special duty rates if warranted and that’s
something we do on a fairly routine basis. The regulatory rubric here is you’ve identified
to me the areas and events in which you think this is appropriate, I’ve included that
essentially in the application with some modifications essentially moving it to the Village
Green South and we will use our existing permitting system to place the appropriate
requirements on each application when it comes forward.

Mrs. Fox explained that Mr. Greeson outlined where we are to date with the submission
of the application. The statue allows for approval or disapproval of this application by
Ordinance or Resolution. We were envisioning perhaps having that if council is inclined
to approve the application doing so by Resolution just to help with the timing of this
whole process; we’re already under a 30 day wait period after this application is filed
before a hearing on the piece of legislation occurs.
As part of the discussion tonight if council is inclined to move forward with this concept, in order to have a hearing on this topic on May 15th Council would have to actually designate that day as the public hearing date because it has to be published and advertised with what that public hearing date is going to be. At the same time that Council creates the DORA if Council is inclined to do this, Council is also required to pass an Ordinance or a Resolution that specifies a little more of the particulars about the DORA; again the boundaries of the area which have already been established in the application, but those would have to be reiterated again, the numbers facing any type of signage designating area, so we heard last week from Ms. Parini the thoughts that she had in terms of the signage particularly at the outdoor dining locations; the hours of operation in the area; personnel needed to ensure public safety and sanitation; the requirement that the alcohol be served in plastic containers (that’s a statutory requirement) and then we are permitted to include any other public health and safety requirements that were proposed in the application.

So we had this issue last week about the outdoor dining locations and how we can prevent the Sip-N-Stroll during the times when those restaurants are operating outdoors. My concern that I raised was I wasn’t sure we were permitted to create what I termed ‘little mini DORAs’ than the larger area, but as Mr. Greeson mentioned we talked about it after the meeting and I believe that we can in this section that says we can include other public health and safety requirements and also under our home rule. I think that we need to pass legislation that restricts patrons from taking their drinks beyond the designated signed areas of those restaurants. We also ought to be instructing in some way as part of this legislation the establishments they are required to inform their patrons to stay within the designated area, something that we might be able to enforce if a patron walks out of that designated area. I think that satisfies my concern under the DORA, under the statutory DORA, under the state code it’s all an open container area, but I think we ought to be able to establish our own rules to address those outdoor dining situations. Once we put together that legislation I think we’re going to probably address all of that on May 15th if that’s the date that Council decides to have the public hearing.

If Council approves the application we then notify the Department of Liquor Control and they then subsequently notifies each of the establishments that their liquor permits are now deemed to be part of the DORA; they then have to comply with all of the liquor control laws, the liquor permit laws and any applicable public health and safety requirements that we establish, so I think by putting in those extra requirements that we have about the outdoor dining that subjects them to complying with that. We just need to take that extra step to have something to be able to encourage the patrons to not go beyond those because the liquor law doesn’t speak to that.

Ms. Michael asked so in essence we’re allowing those restaurants that currently have liquor permits to be able to serve the alcohol within a limit of right outside their location, not going any further unless it’s during a permitted special event. Mrs. Fox replied correct.
Mr. Greeson commented and during the permitted special events people will have to obtain their beverage from one of those licensed holders in an approved cup. It’s not a bring your cooler kind of thing.

I think there are three (3) pieces of legislation essentially: one is the DORA legislation, second is the local regulation related to where you can carry your beverage and three an amendment to the outdoor dining policy which has references to fences and what not. We still have to resolve as Mrs. Fox pointed out the signage issue; literally we’re going to walk the area and geo tag all those locations and maybe come up with some mock signage for the public to get a sense to what this might entail and we need to resolve the hours issue, essentially these folks already have hours, they have hours that are established by the liquor control which are probably more expansive than we would desire; most if not all of them exist by conditional use and the Municipal Planning Commission has established requirements for their hours and their conditional use authorizations. So we need to come up with something that marries the hours and the conditional use to the hours in the DORA and we’ll be working on that.

Mr. Foust asked Mr. Greeson to elaborate on the last comment regarding the hours. Chief Strait replied depending on the permit D5 or D6, those go until 2:30 A.M. there are some other permits that go until 1:00 A.M.; a lot of the other DORAs seem to be running around midnight for a shutdown time. Mr. Foust asked what is the earliest you can sell. Chief Strait replied by permit you are allowed to open at 5:30 A.M. but most establishments don’t, so I would assume that based on what Council’s direction is that you’ll want to concur that or amend it based on the restaurant’s desires.

Mr. Greeson commented our conditional uses have been much more restrictive, I’m not sure we’ve really dealt with the morning as much the evening, but if Mr. Brown can say what you’ve seen in the conditional use review. Mr. Brown explained as part of all the conditional uses that go before Municipal Planning Commission for a restaurant in the C5 district, we look at hours of operation start to finish, for example The Taste of Vietnam was the most recent one that the board reviewed and their liquor permit went to 2:30 A.M., but the board didn’t initially not feel comfortable allowing for the restaurant to stay open until 2:30 A.M. so they scaled it back; we first had discussed scaling it back to midnight, but the board decided to let it go to 1:00 A.M. however, I believe once now their open for business their hours are not til 1:00 A.M., but the board had the discussion with that one. Mr. Foust stated part of the reason for my questioning is I’m trying to get my head around the idea if I want to embellish my 7:00 A.M. Saturday purchasing of fresh vegetables with a Bloody Mary breakfast and someone is willing to sale it, I can do that the way the hours are written. Mr. Brown replied that is correct if you allow it.

Mr. Greeson commented we don’t currently address hours in these applications, we’re gathering all that information and we’ll need some input on what you think is reasonable. Ms. Michael stated I was under the impression that the actual DORA business of operation hours would be that which the businesses are currently using. Like if a restaurant doesn’t normally open until lunch, and if they’re a lunch/dinner, then it would be only lunch/dinner time that they would be able to do. Mr. Greeson replied I think that
what we’ve seen in the comparison of the hours of operation to the conditional use approvals is that their hours of operation change and that we’re probably better off hanging our hat on the conditional use which is subject to change if the Planning Commission authorizes it.

Mr. Myers asked would they have to go back to MPC again to have their conditional use modified or would the law create a new conditional use that supersedes that application so they would not have to come back. Mrs. Fox replied there are actually three different types of hours of operation that we’re considering. One is when their allowed under the liquor permit to sell; the other is the conditional use hours and the third is the DORA hours. So an establishment under the conditional use permit Taste of Vietnam for instance can serve alcohol until 1:00, they can’t have anybody outside if they have a patio outside in the DORA area at 1:00 if the DORA hours are til midnight. So I think that if they want to serve alcohol, if they want to take advantage of the DORA in hours that are different than what their conditional use permit says they would have to go back to get it amended. Mr. Myers asked but if Taste of Vietnam their conditional use permit says 1:00 but it’s silent as to outdoor because they don’t have an outdoor and now they’ll have an outdoor if they choose and we restrict it to midnight. Mr. Norstrom commented it’s a bad example because they don’t have any public right-of-way. Mrs. Fox replied I think they will have to go get a conditional use permit for the outdoor dining anyway. Mr. Myers confirmed so they would have to come back to MPC.

Mr. Myers asked do you have an educational plan, some of the comments that I have heard seem to miss the mark on what this is; and how are we going to get out our educational materials to the community. Mr. Greeson replied we’re going to have to put all of this on the web and try to do our best to explain that it’s really aimed at outdoor dining.

Mr. Norstrom asked Mrs. Fox we’re going to establish an area and we’re allowed to have one DORA in the community, but we could amend that area for example going north of the green if we’ve got restaurants soaking up there at some point and time. Mrs. Fox replied it can be amended, it’s required to be reviewed every five (5) years, but you can amend it any time and you can review it any time prior to that if you wish.

Mr. Smith asked does the city have any liability if Mr. Foust decides to go and have 17 pints at Old Bag of Nails and slips into the street and falls and a car runs him over. Is that going to be a problem. Mrs. Fox asked are speaking about under the DORA. Mr. Smith replied yes. Mrs. Fox replied I think the DORA responsibilities handle that the same way they do as if you were drinking inside of the establishment. So the owness is on a server to not serve an intoxicated person, but I don’t believe the city experiences any additional liability as a result of the DORA.

Mr. Greeson asked Council do you want me to submit the application.

| Myers – yes | Dorothy- yes | Foust - no |
| Smith – yes | Bonnie - yes |
| Norstrom - yes | Troper – yes |
Mrs. Fox presented the DORA timeline

- City Manager files an application with City Council to include:
  - A map showing the area in sufficient detail to identify the boundaries
  - Must be no greater than 150 contiguous acres
  - General statement of the nature and types of establishments that will be located in the area
  - Statement that area encompasses at least 4 permit qualified permit holders
  - Evidence that uses of land in the DORA are in accord with our master plan
  - Proposed requirements to ensure public health and safety within the area

- Within 45 days after the day the application is filed, the City Council publishes notice of the filing of the application once a week for two consecutive weeks in a newspaper of general circulation.
  Notice must state that the application is on file with the City Clerk and is available for inspection during regular business hours; also indicate the date and time of any public hearing to be held on the application.

- Not earlier than 30 but not later than 60 days after the initial publication of notice, City Council approves or disapproves the application by ordinance or resolution.

- If approved, the territory described in the application constitutes a DORA.

- City Council must provide notice to Ohio Department of Liquor Control and the investigative unit of the Ohio Department of Public Safety that the application was approved and include a description of the area.

- If City Council disapproves the application, the City Manager can make changes to the application to secure approval. [I don’t know if this means that the whole process needs to be repeated].

- As soon as possible after receiving notice from the City that the application has been approved, the Department of Liquor Control shall issue an outdoor refreshment area designation to each qualified permit holder located within the DORA; at that point the open container laws will be effective.

- At the time that City Council creates the DORA, an ordinance or resolution shall be passed (may be contained in the same piece of legislation that approves the application) that establishes requirements that the City deems necessary to ensure public health and safety within the area, including:
  - The boundaries of the area
  - The number, spacing and type of signage designating the area
  - The hours of operation in the area
  - The number of personnel needed to ensure public safety
  - A sanitation plan to maintain the appearance and public health
The number of personnel needed to execute the sanitation plan
A requirement that alcohol be served in plastic containers
May include any other public health and safety requirements proposed in an application

- Prior to adopting this ordinance or resolution notice has to be published in a newspaper of general circulation once a week for two consecutive weeks.
- City Council must provide to Ohio Department of Liquor Control and the investigative unit of the Ohio Department of Public Safety notice of the public health and safety requirements adopted in the ordinance.
- City Council can subsequently modify the public health and safety requirements it deems necessary.
- Liquor establishment receiving a DORA designation are required to comply with chapters 4301 (Liquor Control Law) and 4303 (Liquor Permits) as well as all laws, rules, and regulations that govern its license type, and the applicable public health and safety requirements established for the area by the City.

Kay Keller, 670 Morning Street, Worthington, OH 43085, Mrs. Keller explained my comments are in two (2) parts. One is I have somethings I want to share from my daughter and the other is just some comments that neighbors have shared with me. My daughter is Jennifer Taylor and she grew up here in Worthington, she no longer lives here, she lives in Santa Monica, CA and she works for the City of Santa Monica in the Economic Development Department; before that she worked in New York City and also in London, England where she was the Town Center Manager for a town called Detford. I was interested in what her experience was in those three cities had been with DORA. I told her this is what Worthington was looking at doing.

I was really interested in her experiences in Santa Monica because Santa Monica is generally thought to be a very progressive city; they’re kind of on the cutting edge of a lot of their policies. My daughter informed me that Santa Monica only allows in designated areas connected to licensed establishments; we allow restaurants and bars to apply for an outdoor dining license area where patrons can enjoy their drinks outside (i.e. if they buy at the bar then take outside to the designated area); the issue is whether residents live above which I think there is a lot of that on High Street, so if you don’t specify the area you could have people wandering around outside feeling very merry and being a bit of a nuisance to the residents. They have restrictive outdoor dining restrictions; the area has to be walled off or fenced or designated with planters. There are furniture and signage restrictions and she included in the signage things like brand names; they also have restrictions that they must serve food with drink outside, you cannot serve alcohol only; they govern the times and it is generally their outdoor area closes 1-2 hours before the restaurant closes, so if the restaurant closes at 11:00, the outside dining area closes at 9:00 which helps to cut down on the outside noise.

Some of the comments I’ve heard from neighbors are most look at Worthington as a family friendly image, will this change or alter that; we already have a lively downtown,
is this needed. I do think you need to think about the spillover into residential areas both on Hartford and Oxford.

Financial Report

Mrs. Roberts presented the following:

• Fund balances for all funds increased from $23,225,624 on January 1, 2017 to $26,918,803 as of March 31, 2017, with year to date revenues exceeding expenditures for all funds by $3,693,180.

• For the month of March, fund balances for all funds increased from $26,036,049 as of March 1, 2017 to $26,918,803 as of March 31, 2017, with revenues exceeding expenditures by $882,754.

• Year to date revenues for all funds are below 2016 revenues by -$734,838 (excluding bond proceeds) and above estimates by $970,033. Total revenues include $3,960,000 in bond issuance proceeds received in January 2017.

• Expenditures for all funds tracked at 96.7% of anticipated expenditure levels for the month of February.

• The General Fund balance increased from $11,628,193 as of January 1, 2017 to $12,460,269 as of March 31, 2017, with revenues exceeding expenditures by $832,076.

• For the month of March, the General Fund balance increased from $11,146,749 on March 1, 2017 to $12,460,269 as of March 31, 2017, with revenues exceeding expenditures by $669,399.

• General Fund revenues are above 2016 revenues by $931,689 and above estimates by $780,744 or 11.32%.

• General Fund Expenditures tracked at 93.55% of anticipated expenditure levels for the month of March 2017.

Mr. Norstrom commented in March we tracked expenditures at 93.5% and for the quarter it was 96.7%; just want to confirm that. Mrs. Roberts commented that the 96.7% was for all funds and the 93.5% was general funds specific. Mr. Norstrom commented we’re doing really well on the revenue side, asked is this something we should expect to continue. Mrs. Roberts replied I’m hesitant to answer that in the positive; we are tracking favorably and I hope it continues.

MOTION Councilmember Norstrom made a motion to accept the March 2017 Monthly Financial Report and First Quarter 2017 Financial Report Summary as presented this evening. The motion was seconded by Councilmember Foust.
The motion carried unanimously by a voice vote.

REPORTS OF COUNCIL MEMBERS

EXECUTIVE SESSION

MOTION Councilmember Troper made a motion to meet in Executive Session to discuss Land Acquisition and Personnel Appointment. The motion was seconded by Councilmember Dorothy.

The motion carried by the following voice vote:

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

Council recessed at 8:47 P.M. from the Regular meeting session.

MOTION Councilmember Dorothy made a motion to return to open session at 10:17 P.M. The motion was seconded by Councilmember Troper.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:18 P.M.

______________________________
Temporary Clerk of Council

APPROVED by the City Council, this
1st day of May, 2017.

______________________________
Council President
Meeting Minutes

Monday, April 17, 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, April 17, 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.

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 Finance Molly Roberts, 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 twenty three visitors present.

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

SPECIAL PRESENTATION

Resolution No. 13-2017 To Congratulate Don Hyland on His Recognition as the Recipient of the 2016 Good Neighbor Award From the Worthington Community Relations Commission.

Introduced by Mr. Foust.

MOTION Mr. Norstrom made a motion to adopt Resolution No. 13-2017. The motion was seconded by Mr. Smith.

The motion to adopt Resolution No. 13-2017 carried unanimously by a voice vote.

President Michael turned the meeting over to Jack Miner, Chair of the Community Relations Commission to make this presentation.

Mr. Miner shared that the Good Neighbor Award is a fun event for the Commission. They receive nominations from the community and always receive great stories. The winning application was great because everything in it referred to “Mr. John Deere”. He invited this year’s winner, Don Hyland and the person who nominated him, Frank McCarthy to join him at the podium. Mr. Miner read Resolution No. 13-2017 in its entirety and presented Mr. Hyland with a certified copy.
Mr. Hyland asked his wife to introduce their family, friends and neighbors who were in attendance.

Mr. Norstrom noted that Mr. Hyland is an example of the citizenry that makes Worthington what it is. He told Mr. Hyland that clearly with the support of his family and neighbors, he has made a difference. Council can only hope that we keep finding people like this every year.

Ms. Michael thanked Mr. Hyland for all that he does for the community. Council truly appreciates it.

VISITOR COMMENTS

There were no visitor comments.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 14-2017 Approving the Walnut Grove and Flint Road Cemetery’s Purchase of 1.6± Acres of Land Adjacent to the Flint Road Cemetery to be Used for Cemetery Purposes.

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 14-2017. The motion was seconded by Mr. Troper.

Ms. Fox reported that within the last several months the Cemetery Board of Trustees became aware of the sale of some land that is adjacent to the Flint Road Cemetery. Originally the Flint Road Cemetery was the Ozem Gardner family cemetery. It has undergone a great deal of transformation in the last several years. They have numerous special places there and they are constantly looking for additional land to help the cemetery thrive and grow. The property is important for the Board because it would allow them to utilize the house structure for administrative purposes and the outbuildings on the 1.6+ acres could be used to store equipment. They would also have the benefit of running water and a bathroom facility, which they do not currently have. The land appraised for $195,000. The Trustees made an offer of $160,000 and the offer was accepted. They would like to purchase this property with the funds they have on hand. The Ohio Revised Code provides that property purchased in this fashion would need the approval of both the City and the Township because the tax dollars they receive are the result of a tax levy by both the City and the Township. Title to the land would be in the name of the Sharon Township Board of Trustees because that is how Flint Road Cemetery is titled. She understands that the board has conceptually approved of the purchase and believes action will be taken soon. Ms. Fox noted that she provided some information on the Ozem Gardner home as it is historical and very old. Mr. Gardner was part of the Anti-Slavery Society of Worthington and his home was used in the Underground Railroad.
Ms. Dorothy shared that she has only served on the Cemetery Board of Trustees for a little over a year. There is an Advisory Committee that helps with the plans of Flint Road Cemetery. Walnut Grove has most of the full burial spaces sold and Flint Road is becoming used more often. It has always been one of the plans/action items to purchase this property if it ever became available to help with offices, to have more land for burial and to help preserve the history of the cemetery and the underground railroad so this is a very important piece of property that the trustees would like to keep in the Union cemetery.

Tom Kayati, Superintendent, Road Department for Sharon Township added that this land was part of the original farmland purchased by the Scioto Company so it helps keep it tied to Worthington as well. The land will be useful and the timing of this purchase is pretty good because they were looking at putting up a temporary storage facility at the cemetery for equipment. With the purchase they will not have to do that.

There being no additional comments, the motion to adopt Resolution No. 14-2017 carried unanimously by a voice vote.

Resolution No. 15-2017  

Approving a Telecommunications Agreement and Permit to Windstream KDL.  (Abbreviated Title)

Introduced by Mr. Foust.

MOTION  

Mr. Norstrom made a motion to adopt Resolution No. 15-2017. The motion was seconded by Mr. Smith.

Mr. Greeson reported this being a standard renewal of a telecommunications permit to operate and maintain a telecommunications system within the Worthington right-of-way. They currently has fiber optics in our right-of-way that runs through our community. Staff recommends its approval.

There being no additional comments, the motion to adopt Resolution No. 15-2017 carried unanimously by a voice vote.

Ordinance No. 14-2017  

Authorizing an Amendment to the Economic Development Grant Agreement between the City of Worthington and Worthington Square Acquisition, LLC (The Heights at Worthington Place).

Introduced by Mr. Myers.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.
REPORTS OF CITY OFFICIALS

Policy Item(s)

- Ordinance No. 13-2017 – Rezoning (181 E. Wilson Bridge Rd.)

*Mr. Brown reported that this item was referred to the Municipal Planning Commission. They reviewed the item during their April 13th meeting and recommend its approval. Staff requests that City Council set its public hearing for the May 1, 2017 Council meeting.*

**MOTION**

Ms. Dorothy made a motion to set the public hearing on Ordinance No. 13-2017 for the Council meeting of May 1, 2017. The motion was seconded by Mr. Troper.

The motion carried unanimously by a voice vote.

Information Item(s)

*Mr. Greeson asked Mr. Brown to comment on the Wayfinding project as it is beginning this week. Mr. Brown reported that the work is about a week behind because of the weather. The crew will be doing foundation work this week with the signs going up towards the end of the week and on into next week.*

Ms. Dorothy commented that this is the first phase that is downtown and mostly for vehicles. Mr. Brown agreed.

*When asked by Ms. Michael about the signs that are supposed to be attached to the end of the bridge work on US 23, Mr. Brown reported that staff has been working with Studio Graphique to design a plaque that would fit in those spaces and that will compliment what Council has approved to be installed throughout the City. Members will probably see the install on that over the next few months.*

*Mr. Norstrom and Ms. Dorothy shared their interest in having signage placed along the bike path that would direct people to Old/Historic Worthington. Mr. Brown assured Mr. Norstrom that there is signage recommended for that. He will probably ask members for additional funds during the budget process to assist in that effort. At Mr. Norstrom’s insistence, Mr. Brown remarked that staff will try to get something in place, possibly this summer.*

*Mr. Greeson announced that a SR-161 Advisory Committee is having an additional meeting this week as they continue to talk about the variety of operations that are available in that corridor. They are heading towards a public meeting/open house later this spring. Ms. Stewart confirmed that no date has been set for the open house yet. The consultants are saying May or June but no specific date has been set. She has the sense that they are waiting until after the Advisory Committee meeting this week before they*
begin focusing on all of the details for the public meeting. They are using the Advisory Committee to kind of focus in on specific options to present.

Mr. Troper shared that he e-mailed Mr. Whited regarding the sidewalk in front of the Griswold Center as it appears to be off by more than an inch. He asked him to examine that to determine if it needs to be replaced. Mr. Greeson commented that staff will look at it and replace it if it is needed as part of the street project.

Ms. Michael asked if the ride along has been scheduled yet. Mr. Greeson replied that now that the weather has broken, staff will pick some dates for that effort. He knows that Mr. Whited is eager to present his ideas and approach on how to handle the street program this year.

Ms. Michael shared that the pedestrian beacons appear to be working well for pedestrians. She believes motorists are still a little confused. Ms. Dorothy agreed.

Mr. Greeson reported that officers are in the area and are taking the opportunity to educate everyone on how they operate. Chief Strait added that his officers have begun an educational process, which will run through July 1st. They had officers out on Easter providing information. Between now and mid-summer they will hopefully be passing out a great deal of pamphlets and even making some recommendations for the signage in an effort to clear up any confusion on the flashing lights.

When asked by Mr. Norstrom if the Partnership or Farmers Market have talked with him about assisting with the education, Chief Strait replied no. Mr. Norstrom shared that he talked with them about the issue and they seem more than willing to assist.

REPORTS OF COUNCIL MEMBERS

Mr. Foust shared that a neighbor stopped this week and was lamenting about the rolling stops that are occurring throughout Worthington. The suggestion came to have signs that read: “Full stop free, rolling stop $133.00”. They would be a very professionally done sign and placed strategically on just a handful of stop signs throughout the community. He thought it was worth mentioning and something to consider.

Mr. Norstrom commented that as he pointed out at the retreat, he would like for staff to add to an agenda when it looks like the meetings will be less than a half hour.

Mr. Smith shared that he heard back from a representative of Stafford Village and they have postponed because they had some other developments elsewhere that they were focusing on. They were going to continue outreach with that community once they get their bearings straight again. He kind of hinted at summer to begin the outreach again.

Mr. Smith added that as we approach Memorial Day there might be some interest to meet in a different location, possible Sharon Memorial Hall.
Ms. Michael reported that at the last COMMA meeting members there was major concern about the state collection of income tax. They are worried about whether or not they will be able to stop the legislature from taking municipal funds and turning them into state funds.

Ms. Michael added that several law suits have been filed regarding the AT&T telecommunications bill in several part of the state. The telecommunications people have gotten a feeling that the cities are very displeased with legislation that allows for wireless boxes in the public right-of-way. She added that some of the COMMA members are talking with the communications providers in an effort to find a good solution to the issue. Everyone agrees that wireless is here to stay and a compromise needs to be reached.

EXECUTIVE SESSION

MOTION

Mr. Foust made a motion to meet in Executive Session to discuss appointment of personnel. The motion was seconded by Mr. Norstrom.

The motion carried by the following vote:

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

No  0

Council recessed at 7:55 p.m. from the Regular meeting session.

MOTION

Mr. Myers made a motion to return to open session at 8:04 p.m. The motion was seconded by Mr. Troper.

The motion carried unanimously by a voice vote.

NEW LEGISLATION TO BE INTRODUCED

Ordinance No. 15-2017  Amending Ordinance 46-2016 to Establish Compensation for the Unclassified Position of Administrative Assistant/Finance Manager.

Introduced by Mr. Troper.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.
ADJOURNMENT

MOTION  Mr. Foust made a motion to adjourn the meeting at 8:05 p.m. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

___________________________________
Clerk of Council

APPROVED by the City Council, this 1st day of May, 2017.

___________________________________
Council President
To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to WBC-1, Medium Density Residential (181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17)).

WHEREAS, a request has been made by the City of Worthington to amend the official zoning map of the City of Worthington, Ohio to change the zoning of certain land from R-10, Low Density Residential to WBC-1, Medium Density Residential for the property located at 181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17); and,

WHEREAS, the property is located in the Wilson Bridge Road Corridor on the south side of E. Wilson Bridge Rd. in an area that has been recommended in the Wilson Bridge Road Corridor Study and the Wilson Bridge Corridor Zoning for medium density residential; and,

WHEREAS, the Codified Ordinances requires City Council to refer any district boundaries or classification changes to properties to the Municipal Planning Commission for a recommendation; and,

WHEREAS, the Municipal Planning Commission will review this item on April 13, 2017 and forward its recommendation based on the Planning Goals of the City, as referenced in the Land Use Plans.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The 2.05 +/- acres of land located on the south side of E. Wilson Bridge Rd. at 181 E. Wilson Bridge Rd., Parcel #100-002477 & Parcel #100-002478, also known as Lot #16 & Lot #17, in Northigh Acres Subdivision as the same is delineated upon the recorded plat thereof, of record in Plat Book 15, page 34, Recorder’s Office, Franklin County, Ohio, the graphical depiction of which is attached hereto as Exhibit “A”, and incorporated by reference herein, is hereby rezoned to “WBC-1”, Medium Density Residential.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ____________________________

President of Council

Attest

Introduced April 3, 2017
Referred to MPC
P.H. May 1, 2017

Clerk of Council
EXHIBIT “A”
EXHIBIT “A”
MEMORANDUM

TO: Matthew H. Greeson, City Manager

FROM: R. Lee Brown, Director

DATE: April 26, 2017

SUBJECT: Ordinance to Rezone 181 E. Wilson Bridge Road (Lot #16 & Lot #17) from the R-10 District, Low Density Residential to WBC-1 District, Medium Density Residential

Background & Request:
The Wilson Bridge Road Corridor Study, adopted in 2011, makes recommendations for the Wilson Bridge Road corridor from the Olentangy River to the west to the Railroad Crossing to the east. The Study recommends the need to promote the redevelopment of the Wilson Bridge Road Corridor into a mixed use area that will generate new economic growth within the City. These requirements are intended to foster development that strengthens land use and economic value; encourage a mix of uses; enhance livability of the area; to augment pedestrian and bicycle connections; and to promote construction of high-quality buildings and public spaces that create and sustain long-term economic vitality.

City Council adopted the Wilson Bridge Corridor Zoning on April, 18 2016, creating new zoning districts and development standards for the Wilson Bridge Corridor. The next step in the process is to initiate the rezoning of parcels in the corridor to be in compliance with the adopted Wilson Bridge Road Corridor Plan and the Wilson Bridge Corridor Zoning.

The request before you is to rezone approximately 2.05 +/- acres on the south side of E. Wilson Bridge Rd. The request is to rezone two parcels (Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17)), also known as 181 E. Wilson Bridge Rd from the R-10 District, Low Density Residential to the WBC-1 District, Medium Density Residential. These two parcels are currently vacant.
**WBC-1 – Medium Density Residential:**
An area along the WBC that allows for medium density residential housing, offering a variety of housing styles and pricing options that complement the residential and architectural patterns and styles in the City.

(1) **Permitted Uses:** Multi-family dwellings, Home Occupations, Public uses, Essential services and Accessory uses.

(2) **Maximum Building Height:** Three stories except buildings on the south side of Wilson Bridge Road between Westview Drive and McCord Park should be limited to 2 ½ stories and 30’.

(3) **Density:** The maximum number of dwelling units allowed per acre for development within the WBD-1 shall be 14, with a desired number between 10 and 14 dwelling units.

**Surrounding Zoning & Recommended Land Use:**

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<th>Direction</th>
<th>Current Zoning</th>
<th>Recommended Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>C-3 – Institutions &amp; Offices</td>
<td>WBC-4 - Office</td>
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<tr>
<td>East</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-1 – Medium Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>R-10 – Low Density Residential</td>
<td>R-10 – Low Density Residential</td>
</tr>
<tr>
<td>West</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-2 – Professional Office</td>
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</table>

**Recommendations:**
Staff is recommending *approval* of the proposed rezoning to the WBC-1 District, Medium Density Residential District.

Municipal Planning Commission reviewed and recommended *approval* to City Council on an Ordinance to rezone at the April 13, 2017 meeting.
City of Worthington
REZONING APPLICATION

1. Property Location: 81 East Wilson Bridge Rd., Lot #16 & Lot #17
2. Present Zoning: R-10  Present Use: Vacant
3. Proposed Zoning: WBC-1  Proposed Use: N/A
4. Applicant: City of Worthington
   Address: ____________________________
   Home Phone: __________ Work Phone: __________

5. Property Owner: PV Wilson Bridge, LLC
   Address: 1433 Railroad Ave., Chillicothe, OH 45601
   Home Phone: (440-554-2267) Work Phone: (440-488-1900 ext 14

6. Project Description: Projects to be in compliance with the Wilson Bridge Corridor Plan and adopted Zoning.

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature): __________________________  Date: 3/30/17

Property Owner (Signature): __________________________  Date: __________________________
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<tr>
<th>Name</th>
<th>Address</th>
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<tr>
<td>Is-Can Ohio LP</td>
<td>2600 Corporate Exchange Dr</td>
<td>Columbus, OH 43231</td>
</tr>
<tr>
<td>Worthington City School District</td>
<td>200 E. Wilson Bridge Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Tim Gehring</td>
<td>2783 Martin Rd., Suite 211</td>
<td>Dublin, OH 43017</td>
</tr>
<tr>
<td>Seeover Management Ltd.</td>
<td>164 Northigh Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Galen &amp; Suekane Frizzie</td>
<td>160 Northigh Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Graham &amp; Stacy Cochran</td>
<td>158 Northigh Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>George &amp; Kathryn Bleimes</td>
<td>156 Northigh Dr.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Christopher &amp; Lindsay Selinsky</td>
<td>173 E. Wilson Bridge Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Megumi Otaki</td>
<td></td>
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</tbody>
</table>
ORDINANCE NO. XX-2017

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to WBC-1, Medium Density Residential (181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17)).

WHEREAS, a request has been made by the City of Worthington to amend the official zoning map of the City of Worthington, Ohio to change the zoning of certain land from R-10, Low Density Residential to WBC-1, Medium Density Residential for the property located at 181 E. Wilson Bridge Rd., Parcel #100-002477 (Lot #16) & Parcel #100-002478 (Lot #17); and,

WHEREAS, the property is located in the Wilson Bridge Road Corridor on the south side of E. Wilson Bridge Rd. in an area that has been recommended in the Wilson Bridge Road Corridor Study and the Wilson Bridge Corridor Zoning for medium density residential; and,

WHEREAS, the Codified Ordinances requires City Council to refer any district boundaries or classification changes to properties to the Municipal Planning Commission for a recommendation; and

WHEREAS, the Municipal Planning Commission will review this item on April 13, 2017 and forward its recommendation based on the Planning Goals of the City, as referenced in the Land Use Plans.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The 2.05 +/- acres of land located on the south side of E. Wilson Bridge Rd. at 181 E. Wilson Bridge Rd., Parcel #100-002477 & Parcel #100-002478, also known as Lot #16 & Lot #17, in Northigh Acres Subdivision as the same is delineated upon the recorded plat thereof, of record in Plat Book 15, page 34, Recorder's Office, Franklin County, Ohio, the graphical depiction of which is attached hereto as Exhibit "A", and incorporated by reference herein, is hereby rezoned to "WBC-1", Medium Density Residential.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.
The regular meeting of the Worthington Architectural Review Board and the Worthington Municipal Planning Commission was called to order at 7:00 p.m. with the following members present: Mikel Coulter, Chair; Thomas Reis, Vice-Chair; Kathy Holcombe, Secretary; James Sauer; and David Foust. Also present were: Scott Myers, Worthington City Council Representative to the Municipal Planning Commission (arrived at 7:20 p.m.); Lee Brown, Director of Planning & Building. Commission member Edwin Hoffman, and Board member Amy Lloyd were absent.

A. Call to Order – 7:00 p.m.

1. Roll Call

2. Pledge of Allegiance

3. Approval of minutes of the March 23, 2017 meeting

   Mr. Reis moved to approve the minutes and Mr. Sauer seconded the motion. All Board members voted, “Aye.” The minutes were approved.

4. Affirmation/swearing in of witnesses

B. Architectural Review Board

Mr. Coulter asked Mr. Foust to explain the photograph on display. Mr. Foust said he did not have any historic photographs of chickens in Worthington, so he brought a photo of his great-great grandmother from the 1890’s. She was born in 1840 and raised chickens on the family farm near Akron, Ohio.

C. Municipal Planning Commission

1. Rezoning

   a. R-10, Low Density Residence to WBC-1, Medium Density Residential – 181 E. Wilson Bridge Rd., Lots 16 & 17 (City of Worthington) REZ 01-17
**Findings of Fact & Conclusions**

Mr. Brown reviewed the following from the staff memo:

**Background & Request:**
City Council adopted Wilson Bridge Road Corridor Zoning in 2016 to reflect the planning working that was done for the corridor. Now, the City is initiating the rezoning of parcels in the corridor to the newly created zoning districts.

This request is to rezone two parcels totaling approximately 2.05 +/- acres on the south side of E. Wilson Bridge Rd. just east of the center of the block. The vacant properties are lots 16 & 17 of the Northigh Acres subdivision, which was created in 1923. The parcels are identified by numbers 100-002477 (Lot #16) & 100-002478 (Lot #17). Lot #16 is also known as 181 E. Wilson Bridge Rd. as there was a house on the lot from about 1995 – 2011. These properties are currently in the R-10 Zoning District, Low Density Residence.

City Council introduced an Ordinance to change the zoning on these parcels at its meeting on April 3, 2017 and referred it to the Municipal Planning Commission for investigation and report. A recommendation from the MPC to City Council is requested.

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

1. Permitted Uses: Multi-family dwellings, Home Occupations, Public uses, Essential services and Accessory uses.
2. Maximum Building Height: Three stories except buildings on the south side of Wilson Bridge Road between Westview Drive and McCord Park should be limited to 2½ stories and 30’.
3. Density: The maximum number of dwelling units allowed per acre for development within the WBD-1 shall be 14, with a desired number between 10 and 14 dwelling units.

**Surrounding Zoning & Recommended Land Use:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Current Zoning</th>
<th>Recommended Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-1 – Medium Density Residential</td>
</tr>
<tr>
<td>East</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-2 – Professional Office</td>
</tr>
<tr>
<td>South</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-2 – Professional Office</td>
</tr>
<tr>
<td>West</td>
<td>R-10 – Low Density Residential</td>
<td>WBC-2 – Professional Office</td>
</tr>
</tbody>
</table>
Land Use Plans:
Wilson Bridge Road Corridor Study
The Wilson Bridge Road Corridor Study, adopted in 2011, makes recommendations for the Wilson Bridge Road corridor from the Olentangy River to the west to the Railroad Crossing to the east. The Study recommends the need to promote the redevelopment of the Wilson Bridge Road Corridor into a mixed use area that will generate new economic growth within the City. These requirements are intended to foster development that strengthens land use and economic value; encourage a mix of uses; enhance livability of the area; to augment pedestrian and bicycle connections; and to promote construction of high-quality buildings and public spaces that create and sustain long-term economic vitality.

Wilson Bridge Corridor Zoning
City Council adopted the Wilson Bridge Corridor Zoning (Chapter 1181) on April, 18 2016, creating new zoning districts and development standards for the Wilson Bridge Corridor.

Recommendation:
Staff is recommending the Municipal Planning Commission forward a recommendation of approval of this request to City Council.

Discussion:
Mr. Brown explained to the Board members the two parcels before them, both vacant and are two separate parcels of record. The parcels are heavily wooded, but the wood is more like scrub trees, according to the City’s Arborist who visited the area over a year ago and documented the area with a tree survey of what is actually on the parcel. Mr. Brown said looking west along East Wilson Bridge Road, included the area where they did the plan in 2015 for the Wilson Bridge Road Streetscape Improvements that called for the multi-use path and lighting throughout the corridor. Mr. Brown discussed the house that was recently built on East Wilson Bridge Road over a year ago (located at 173 East Wilson Bridge Road) within the corridor. He said there is no development plan or a development proposed for these parcels at this time, the City wanted to be proactive and rezone the two parcels to alleviate anyone else purchasing the two parcels to build additional single family homes in the future. Mr. Brown reiterated the area along East Wilson Bridge Road is near the Community Center, and directly across from the Worthington Education Center. Mr. Brown said the maximum density recommended for residential units would be up to 14-units per acre.

Mr. Brown reiterated there is no development proposal at this time. He explained a recommendation from this body would be forwarded to City Council and they will introduce the item next Monday night for a hearing on May 1st, 2017 for a future hearing date. At that time the rezoning hearing would take place and in the future if a development proposal comes in, the plan would have to be submitted to this body. The Development Plan would have to be approved by the Municipal Planning Commission and then ultimately approved by City Council once there is a proposal on the table. Mr. Brown said proactively rezoning the two parcels which are currently vacant, and staff has already been in contact with the owner who is a willing participant in the rezoning process, just alleviates any individual from purchasing the property to perpetuate that
single family use in the corridor. Staff recommended approval because it does match up with the Corridor Study and matches up with the Wilson Bridge Road zoning.

Mr. Coulter asked if the parcels are owned by the same entity, and Mr. Brown said yes, the parcels are owned by Metropolitan Holdings (Matt Vekasy). Mr. Sauer asked about the parcel which lies to the east of the two parcels being discussed and if that property is for sale. Mr. Brown said yes, he believed the parcel Mr. Sauer was inquiring about was already in contract. Mr. Brown explained the owner of the other nearby property with the newly built home was present at the meeting. He also said city staff has discussed the potential rezoning of the corridor with several potential buyers of the lot that was for sale, so all were aware of the plans to rezone the area.

Mr. Coulter asked Mr. Brown if the rezoning of the area had been discussed for the past four years and Mr. Brown replied the rezoning was mentioned in the 2005 Comprehensive Plan, and again in the 2011 Wilson Bridge Road Corridor Plan which was approved by the Commission and City Council and recommended focusing on the development of the south side of East Wilson Bridge Road and the new zoning categories development standards which were discussed last year for the entire corridor. In the plan, the south side of East Wilson Bridge Road was divided into nine parcels for medium density residential and nine parcels for professional office. The plan looked at setback and height requirements and an additional bump up in landscaping, screening and material requirements. Mr. Coulter explained the area being discussed has gone through many public discussions over the past several years.

Mr. Brown explained part of the Plan which was approved and recommended by City Council included the use of a 10 ft. multi-use path that will run along the south side of East Wilson Bridge Road, from North High Street which will connect people to the Community Center and is part of the North East Gateway Project with East Wilson Bridge Road, Huntley and Worthington-Galena Road being realigned in 2019. The path will continue the trail from Sancus Road to Schrock Road which will lead to the City of Westerville, Ohio. Mr. Brown said these are baby steps to getting to what the City has planned for the corridor.

Mr. Myers explained this project comes to the Board & Commission from City Council. He explained at the City Council retreat this past year, the council members identified Wilson Bridge Road development as their top priority this year. Mr. Myers said they have been in discussions with Mr. Vekasey for the past year and a half and they wanted to make certain that they could keep this development consistent with their long range plan and that is why they had referred this to the Planning Commission for a vote tonight so City Council can recommend the area to be rezoned.

Mr. Coulter asked if there was anyone present who wanted to speak for or against this application.

Mr. Harold Careins, 173 E. Wilson Bridge Rd., Worthington, Ohio, said his house is directly west of the two parcels being discussed. Mr. Careins said after he and his wife purchased the lot to build a home they were contacted by the city to discuss the future plan for rezoning the area. Mr. Careins said the city offered to purchase the lot from him, and he gave them what he though was a fair price, but the city declined, and they built a home. He said the price he offered was the same
Mr. Careins said he has spoken with the neighbors and they are happy where they are at even though the zoning change is moving forward. He said he is aware some of the neighbors went to speak with developers but were disappointed at the price they were offered for their lots. Mr. Careins feels that the property values surrounding the area will be reduced by the rezoning. He said he put a lot of money into his property to build a home. Mr. Careins said he was contacted by an interested party about building a home next door to his, but the owner of Metropolitan Properties said it would depend on the zoning. Mr. Careins said the area has been mainly residential for a very long time, but he realizes the city wants to rezone the area to make money, but he felt the city does not have a need for more apartments and besides the increased population would overburden the aging infrastructure and cause more traffic congestion. Mr. Careins said the water pipes along East Wilson Bridge Road are always breaking and needing to be repaired, and he felt there is no need to rezone the area. He said he and his neighbors discussed concerns about transient apartment traffic and uninvited visitors wandering onto their residential properties and wanted to know if there were any plans to build fencing between the residential and commercial property. Mr. Careins reiterated he is not in favor of the area being rezoned.

Mr. Reis asked Mr. Careins if he was aware of the potential rezoning around the property he was purchasing and Mr. Careins said no. He said he never met the original owner of the lot, only the realtor, and the realtor did not disclose that information. Mr. Myers said that he thought he heard Mr. Careins say earlier that prior to building his home he was approached by the City. Mr. Careins said yes, he was contacted by the City because they were interested in purchasing the lot. Mr. Myers said, but prior to building the home Mr. Careins told Mr. Reis that he was unaware of the city’s plans until after the home was built. Mr. Careins said after he purchased the lot he was contacted by the city. Mr. Brown explained the property originally had an old decrepit house on the lot that was torn down and then Mr. Careins built a new home on the lot after the old house was torn down. Mr. Sauer asked Mr. Careins if he was aware of the rezoning plans before the construction of the new home and Mr. Careins said he was aware of the rezoning plans after making a deposit with a builder to build a new home. Mr. Careins said he offered to sell the land to the city but the city did not respond to his offer or make a counter offer.

Mr. Reis asked Mr. Careins if the City made it clear at that time of what their intentions were in regards to the rezoning plans and Mr. Careins said he received a call and the city told him about it, but that was after they had already purchased the plans to build a new home. Mr. Brown said he wanted to clarify he did meet with Mr. Careins and explained what was planned for the corridor since 2005 to 2011 and what the city is in the process of doing. He said the city’s previous Economic Development Director, Jeff Harris and the City’s Law Director, Pamela Fox, also discussed the plans with Mr. Careins and Ms. Fox has documented correspondence regarding the discussion. They clearly explained what was going to be changing in the corridor prior to the construction of the new house.

Mr. Sauer said he understands the city’s desire, but he realized there was a plan approved by the Board and then City Council but he disagrees with moving forward with the rezoning at this point only because he feels the city’s actions could have an adverse effect on the nearby residential
properties. Mrs. Holcombe said there have been numerous meetings in which Mr. Sauer was a part of concerning this topic, and all of the abutting neighbors were all called to attend the meetings. Mrs. Holcombe said she is in favor of the rezoning. Mr. Brown said from the staff’s standpoint the plan matches up with what has been recommended and the language has been adopted by City Council who will give guidance while moving forward. He continued to explain Worthington is a land locked community with very few areas to be developed or have the potential for redevelopment to happen.

Motion:
Mr. Reis moved:

THAT THE REQUEST BY THE CITY OF WORTHINGTON TO REZONE LOTS 16 & 17 OF NORTHIGH ACRES FROM R-10, LOW DENSITY RESIDENCE TO WBC-1, MEDIUM DENSITY RESIDENTIAL, AS PER CASE NO. REZ 01-17, DRAWINGS NO. REZ 01-17, DATED MARCH 30, 2017, BE RECOMMENDED TO CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING GOALS OF THE CITY, AS REFERENCED IN THE LAND USE PLANS, AND ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND PRESENTED AT THE MEETING.

Mrs. Holcombe seconded the motion. Mr. Brown called the roll. Mr. Coulter, aye; Mr. Reis, aye; Mrs. Holcombe, aye; and Mr. Sauer, nay. The motion was approved.
Authorizing an Amendment to the Economic Development Grant Agreement between the City of Worthington and Worthington Square Acquisition, LLC (The Heights at Worthington Place).

WHEREAS, consistent with the City’s Economic Development Incentive Policy and pursuant to Ordinance No. 16-2013 passed on May 20, 2013, an Economic Development Grant Agreement (the “Agreement”) was entered into between the City and Worthington Square Acquisition, LLC (the “Company”) to encourage the development and maintenance of businesses within the commercial portion of the building known as The Heights at Worthington Place at 160 W. Wilson Bridge Road; and,

WHEREAS, at the time the Agreement was originally authorized by City Council, construction of the building had not been completed and no potential commercial tenants were secured by the Company; and,

WHEREAS, upon construction completion, in 2016 the Company was able to negotiate with prospective tenants with more certainty, and has finalized and executed leases with determined occupancy dates; and,

WHEREAS, because the Agreement required the Company to cause a targeted payroll amount to be paid to persons working exclusively at the site within 36 months from the Effective Date of the Agreement, which expired in September of 2016, the Company has requested an extension to meet this targeted payroll objective.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That an amendment to the Economic Development Grant Agreement between the City and Worthington Square Acquisition, LLC to provide for an extension of up to eighteen months from the Effective Date of the Agreement to meet the Grant Objective set forth in Section 3(c) therein is hereby authorized to allow the Company a sufficient amount of time for the Company’s tenants to complete tenant improvements, occupy the premises and begin their commercial operations.

SECTION 2. That the City Manager is authorized to enter into an amended Agreement with the Company to reflect this authorized extension of time.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ______________________________

Attest

President of Council

Introduced April 17, 2017

P.H. May 1, 2017

Clerk of Council
MEMORANDUM

TO: Matt Greeson, City Manager
FROM: David McCorkle, Economic Development Manager
DATE: April 12, 2017
SUBJECT: Amendment to Economic Development Grant Agreement – Worthington Square Acquisition, LLC

This is intended to provide background information concerning the recommendation that the City Council approve an amendment to the Economic Development Grant Agreement between the City of Worthington and Worthington Square Acquisition, LLC.

Project Background:
The City of Worthington and Worthington Square Acquisition, LLC entered into an Economic Development Grant Agreement on September 6th, 2013 to encourage the development and maintenance of businesses within the commercial portion of the building known as The Heights at Worthington Place, located at 160 W. Wilson Bridge Road.

The grant, totaling $878,000, is payable to the company in ten (10) consecutive annual installments of $87,800 each, with the first installment due upon the City’s issuance of the Certificate of Occupancy and the Certificate of Zoning Compliance. To date, both certificates have been issued and only the first annual installment of $87,800 has been disbursed.

Grantee Request:
Per Section 3(c) of the Grant Agreement, Worthington Square Acquisition is required to cause at least $1,000,000 in total annual wages to be paid to persons working exclusively at the site within 36 months from the Effective Date of the Agreement, or September 6th, 2016. Due to a delay in the tenant leasing process, Worthington Square Acquisition has requested an extension of (18) months to meet their targeted payroll objective.

Recommended Action:
Staff recommends that the City Council approve the request to amend Section 3(c) of the Economic Development Grant Agreement between the City of Worthington and Worthington Square Acquisition, LLC to extend the initial hiring window from 36 months to 54 months. All other terms of the Agreement would remain the same.
ORDINANCE NO. 15-2017  
(As Amended)  

Amending Ordinance 46-2016 to Establish  
Compensation for the Unclassified Position of  
Administrative Assistant/Finance Manager.  

WHEREAS, the salaries for the unclassified positions of the Municipal Service must be fixed by City Council;  

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:  

SECTION 1. The salary of the Administrative Assistant/Finance Manager (Class Specification No. 243) is hereby established to be $75,000.00.  

SECTION 2. The provisions of this ordinance supersede Ordinance No. 46-2016, passed December 5, 2016, to the extent it pertains to the position specified in Section 1.  

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.  

Passed_________________  

President of Council  

Attest:  

Introduced April 17, 2017  
P.H. May 1, 2017  

Clerk of Council
ORDINANCE NO. 15-2017

Amending Ordinance 46-2016 to Establish
Compensation for the Unclassified Position of
Administrative Assistant/Finance Manager.

WHEREAS, the salaries for the unclassified positions of the Municipal Service
must be fixed by City Council;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of
Worthington, County of Franklin, State of Ohio:

SECTION 1. The salary of the Administrative Assistant/Finance Manager (Class
Specification No. 243) is hereby established to be $_____________________.

SECTION 2. The provisions of this ordinance supersede Ordinance No. 46-
2016, passed December 5, 2016, to the extent it pertains to the position specified in
Section 1.

SECTION 3. That notice of passage of this Ordinance shall be posted in the
Municipal Administration Building, the Worthington Library, the Griswold Center and
the Worthington Community Center and shall set forth the title and effective date of the
Ordinance and a statement that the Ordinance is on file in the office of the Clerk of
Council. This Ordinance shall take effect and be in force from and after the earliest
period allowed by law and by the Charter of the City of Worthington Ohio.

Passed__________

________________________________
President of Council

Attest:

____________________________   P.H. May 1, 2017
Clerk of Council
RESOLUTION NO. 17-2017

Adopting a Job Description for Administrative Assistant/Finance Manager and Amending the Staffing Chart to Accommodate Said Position

WHEREAS, City Council wishes to adopt a job description for the unclassified position of Administrative Assistant/Finance Manager; and,

WHEREAS, it is desirable and necessary to amend Resolution No. 59-2016 establishing the 2017 Staffing Chart of the City of Worthington to add the position Administrative Assistant/Finance Manager;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the job description for the position of Administrative Assistant/Finance Manager (Class Specification No. 243) as per the description attached hereto be and the same is hereby adopted.

SECTION 2. That City Council does hereby amend the 2017 Staffing Chart of the City of Worthington by adding the position Administrative Assistant/Finance Manager.

SECTION 3. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted_________________

____________________________________
President of Council

Attest:

__________________________
Clerk of Council
**General Statement of Duties**

This position serves as income tax administrator, prepares and directs payroll operations, and works with the Director of Finance on financial forecasting, planning and budget issues and the daily operations of the Finance Department. The Finance Manager performs a variety of accounting and auditing tasks, prepares monthly bank reconciliations, and may act in place of the Director of Finance in their absence. The Finance Manager interprets and applies complex laws, rules and regulations relating to tax and accounting matters and must exercise integrity, honesty, personal initiative and sound professional judgement.

**Essential Functions of the Position**

Directs and assists in preparing the City's bi-weekly payroll process and ensures compliance with guidelines/standards;

Examines contracts, purchase orders and other financial documents for approval based upon availability of funds and ensuring compliance with accounting reporting standards;

Serve as lead contact between the City and auditors during audits relating to financial reports;

Reviews and monitors budgets; assists departments with budget problems throughout the year;

Performs income tax compliance reviews and reconciles income tax reports with monthly collections;

Reviews City income tax procedures for compliance with state and federal tax laws;
Receives payments and makes bank deposits;

Assists with the daily operations of the Finance Department and provides guidance regarding accounts payable and receivable;

Assists in the planning, organizing and directing of accounting and finance operations for assigned funds including the supervision of related staff and administration of financial policies;

Works with executive staff on complex and city-wide financial planning and budget issues including, but not limited to, the execution of the financial plan and operational budget;

Provides financial information and recommendations to other departments and the public;

Assists with preparation of the City's financial statements including GAAP reviews;

Works with staff on the reporting and analysis of the City's performance and program measurements;

Performs routine office functions and operates computer systems.

**Knowledge, Skills and Abilities**

Experience with supervising payroll, accounting functions and knowledge of accounting practices;

Experience with accounting, auditing, financial and budgeting principles, practices and analysis;

Ability to assist with the review and tracking of economic development programs;

Ability to comprehend and follow complex policies, regulations, codes and procedures;

Ability to perform accurate mathematical calculations;
Experience with computers and software applications as used in office settings;

Ability to communicate effectively both verbally and in writing;

Ability to establish and maintain effective working relationships with other employees, Department/Division Heads, vendors and the public;

Ability to maintain confidentiality regarding City information.

**Minimum Requirements of the Position**

Bachelor's Degree from an accredited college or university with a major in accounting, finance, business, public administration or closely related field or equivalent combination of experience and training which provides the required knowledge, skills and abilities of the position. Must be eligible to be bonded.

The characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This job description does not list all of the duties or functions of the job. The individual in this position may be asked by supervisors to perform other duties. The City has the right to revise this job description at any time.

Adopted by Resolution No. 17 -2017; Effective
RESOLUTION NO. 18-2017

Confirming the Appointment of Scott F. Bartter to the position of Director of Finance.

WHEREAS, the Charter of the City of Worthington provides for the City Manager to appoint certain unclassified officers of the City subject to the confirmation of City Council; and,

WHEREAS, the City Manager has appointed Scott F. Bartter as Director of Finance effective June 5, 2017; and,

WHEREAS, City Council desires to confirm the appointment of Scott F. Bartter as Director of Finance;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the appointment by the City Manager of Scott F. Bartter to the position of Director of Finance be and hereby is confirmed.

SECTION 2. That Scott F. Bartter shall also serve as the Fiscal Officer for the City as set forth in Section 5.05 of the Charter.

SECTION 3. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted _______________

President of Council

Attest: ___________________________

Clerk of Council
April 28, 2017

TO: Worthington City Council

FROM: Matt Greeson
City Manager

SUBJECT: Confirming the Appointment of Scott Bartter to the position of Director of Finance

As you are aware, the City’s current Director of Finance, Molly Roberts, has announced her retirement effective June 2, 2017. This has caused me to meet with departmental staff, review current departmental goals and assess the desired attributes of the City’s next Director of Finance.

I am pleased to request that the City Council adopt a resolution confirming my appointment of Scott Bartter to the Director of Finance position.

As you know, Mr. Bartter currently serves as Worthington’s Finance Assistant. In his current position, he functions as our income tax administrator and essentially as the number two person in the department. He has an exemplary track record of performance during his 5 with the City of Worthington and his 15 year of service in the municipal finance and tax industry. Mr. Bartter is thoroughly familiar with all facets of Worthington’s financial operations and has played a critical role in budgeting, payroll operations, income tax administration, labor negotiations and a variety of economic development transaction, legislative, fiscal and operational analyses. During his tenure with the City of Worthington he completed numerous training courses, the Leadership Worthington program, and his Master’s Degree in Public Administration. Mr. Bartter is recognized as a leader in his field, having been elected President of the Greater Ohio Tax Administrators. He is a resident of the City of Worthington.

I have attached a copy of Mr. Bartter’s resume for your information and review. Also enclosed is a copy of a proposed resolution. I have appreciated the previous opportunity to discuss Mr. Bartter’s qualifications and my plan for the transition of this important City function. I would welcome the chance to answer any additional questions you may have regarding this recommendation.
SCOTT F. BARTTER
7057 Rieber Street, Worthington, OH 43085 | sbartter@gmail.com | 614-288-1959

FINANCE ASSISTANT

Analytical and results-oriented Finance professional with more than 15 years of progressive experience as a lead financial analyst in local government. Strong analytical skills in adhering to municipal accounting principles and practices, bank reconciliations, auditing, and departmental budget planning. Analyzes and streamlines work processes to increase efficiencies, effectiveness, and cost controls while meeting business goals. Adept in financial reporting and analyzing report variances and trends. Leads complex ad hoc projects and effectively communicates issues and results to senior management. Ability to make sound financial decisions based on information gathering, analytical skills, and in-depth knowledge of municipal finances and accounting. Proficient in the Microsoft Office suite of products, including Excel and Word and the Creative Microsystems accounting software.

AREAS OF EXPERTISE AND SKILLS

- Financial Accounting
- Bank Reconciliations
- Strategic Planning
- Business Process Improvement
- Problem Resolution
- GAAP
- Budgeting & Forecasting
- Financial Reporting
- Income Tax
- Auditing
- Relationship Building
- Cross-Functional Skills

PROFESSIONAL EXPERIENCE

CITY OF WORTHINGTON, OHIO, Worthington, OH 2012 - Present
Finance Assistant

Key Achievements:
- Yielded additional income tax revenue of $430K by implementing a business compliance program which included the canvassing of the business corridor.
- Improved overall efficiency of pension payments and reports by overseeing an electronic conversion enabling a more accurate and smooth workflow process.
- Initiated business process improvements in Accounts Payable by consolidating billing and utilizing laser printing of all checks.
- Oversaw a complete rewrite of the City income tax code to adhere to new provisions enacted by the Ohio Legislature.

Key Responsibilities:
- Assists and oversees financial and accounting functions for the City with an operating budget of $26M+ and a total budget of $35M.
- Oversees payroll function of 300+ employees including payroll deductions, tax deductions, annual issuance of 1099s and W-2s, and other payroll related deductions and forms.
- Strategically plans and forecasts departmental, operating, and capital budgets for the City.
- Manages monthly bank reconciliations for seven (7) bank accounts and communicates directly with bank managers on discrepancies, issues, and concerns.
- Operates the City’s H.S.A. bi-annual contribution of $350K+ to 140 different bank accounts.
- Controls all electronic deposits made to the City including income tax, MVLT, Gas Tax Revenue, and the Local Government Fund.
- Conducts and researches various ad hoc reports including fee analysis structure and gross wage comparisons and presents findings to management.
- Ensures all financial transactions adhere to city, state, federal, and other regulations.
- Coordinates and plans financial goals in alignment with City’s business objectives.
PROFESSIONAL EXPERIENCE CONTINUED

• Researches and accurately prepares the City’s financial reports and statements including the 2016 General Fund Comprehensive Annual Financial Report.
• Provides support and guidance to team members in best practices and training and development.
• Fosters a cohesive team environment by building relationships with a hands-on approach and friendly style.

REGIONAL INCOME TAX AGENCY (RITA), Worthington, OH 2002 – 2012

Auditor III, 2008 – 2012
Legal Auditor / Paralegal, 2002 - 2008

• Planned and produced revenue sharing and tax distribution documents for member municipalities.
• Ensured all financial documentation was accurate and adhered to policy and regulation guidelines.
• Communicated with various payroll departments and third-party administrators to ensure compliance with municipal tax withholding requirements.
• Implemented and improved cost controls by analyzing and streamlining work processes.
• Negotiated financial settlements with taxpayers, attorneys, and accountants.
• Prepared various legal documentation for litigation cases.

CERTIFICATIONS AND TRAINING PROGRAMS

➢ Lean Six Sigma, Upper Arlington, 2015
➢ Leadership Worthington, 2013
➢ Registered Notary Public

AFFILIATIONS

➢ Greater Ohio Association of Tax Administrators, President, 2017; Vice President, 2015-2016
➢ Ohio Government Finance Officers Association, Member
➢ Ohio Association of Public Treasurers, Member
➢ Franklin University Advisory Board for Public Administration Programs, Member

EDUCATION

Master of Public Administration, Franklin University, Columbus, OH, 2016
Bachelor of Art, Wittenberg University, Springfield, OH
RESOLUTION NO. 19-2017

Amending the Worthington Design Guidelines for the Architectural Review District by Revising the Recommendations for the Placement of Solar Panels in the Sustainability Section.

WHEREAS, City Council established an Architectural Review Ordinance for the City of Worthington in 1967 and the Architectural Review process has provided great benefits to the City in preserving our heritage and character and promoting high quality development; and,

WHEREAS, City Council adopted guidelines for the Architectural Review process in 2004; and,

WHEREAS, City Council added a Sustainability Section to the Worthington Design Guidelines in 2010; and,

WHEREAS, City Council and the Architectural Review Board are interested in encouraging sustainable design and building practices, while preserving the character and integrity of the Architectural Review District; and,

WHEREAS, revising the section in the Design Guidelines addressing recommendations for solar panel placement would assist applicants with planning and design.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Sustainability section of the Worthington Design Guidelines be amended to revise Recommendation “C” addressing the placement of solar panels as set forth on the attached Exhibit “A”.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted ________________

President of Council

Attest:

Clerk of Council
Sustainability:

Sustainability can be achieved by ensuring the economic, environmental and social concerns of Worthington are addressed in a balanced manner. The City of Worthington and its Architectural Review Board are interested in encouraging sustainable design and building practices, while preserving the character and integrity of the Architectural Review District. The Design Guidelines as a whole work toward that end; and this section addresses additional measures for sustainability.

Recommendations:

A. Energy conservation methods are encouraged. Making use of the existing buildings inherent efficiency features should occur first. Maintaining building components in good condition helps preserve energy, as well as retaining the integrity of the property. Landscape concepts often complement energy conservation and should be maintained and replenished. Utilize indigenous plant materials, trees, and landscape features, especially those which perform passive solar energy functions such as sun shading and wind breaks. Preserve and enhance green/open spaces wherever practicable.

B. Manage storm water run-off through the use of rain gardens, permeable forms of pavement, rain barrels and other such means that conserve water and filter pollutants.

C. (i) Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, panels should be located on roofs in the following manner: the rear 50% of the roof off a main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard. On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement. With flat roofs, keep panels at least 5’ from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

(ii) Solar panels proposed for another location on a building or site visible from the principal right-of-way are to be strongly discouraged and may be acceptable only if their placement does not have an adverse effect on the architecture of the building, or the character of the site or Architectural Review District. The Board shall consider the following criteria to determine whether conditions exist to support an application for the placement of solar panels in a location visible from the right-of-way:

1. The inclusion of panels, visible from the right-of-way, shall not alter the historic character of a property and the character shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

2. If panels are to be placed on a roof, visible from the right-of-way, the Architectural Review Board shall first identify functional and decorative features of the roof such as, but not limited to, the roof's shape, such as hipped, gambrel, and mansard; decorative features, such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning and
conclude that the addition of solar panels does not impact the functional or distinctive features.

3. Preservation of the architectural or historical character of the structure and of the Architectural Review District shall be the Board’s primary consideration and the efficiency of the installation shall only be considered once other considerations of the Guidelines have been satisfied.

4. Should efficiency be considered, the applicant shall have demonstrated that the addition of solar panels advances an over-all plan of energy efficiency and sustainability. As evidence of this requirement the Board shall consider the following and such other criteria as the Board considers appropriate:
   a. The use of alternative methods of energy conservation such as awnings, insulation and landscaping.
   b. Other sustainable steps the applicant has taken including but not limited to, rain catchment systems, pervious pavement, native plantings, and energy efficient window systems, energy efficient mechanical equipment and appliances.

5. The Board's review shall apply to the entire Architectural Review District. A property’s location in the Historic District, as that term is used in the application for National Register of Historic Places designation, or the identification in that application of a property as "contributing" or "non-contributing" shall be of no effect.

6. The Board shall consider all alternative technologies that may be available at the time of the application and approve the existing technology most consistent with the architectural guidelines.

7. If placed on a roof location visible from the right-of-way, the panels, working or faux, should cover as much of the roof as is possible to make them appear as one continuous unit.

The equipment to support solar panels should be screened from view.

D. Bike racks and other methods of facilitating alternative transportation should be utilized.

E. Streetscape elements should be of a human scale.

F. Make use of recycled materials; rapidly renewable materials; and energy efficient materials.

G. Use of natural and controlled light for interior spaces and natural ventilation is recommended.

H. Minimize light pollution.
EXHIBIT A

Examples:

Source: National Trust for Historic Preservation

Source: Matt Grocoff

Source: National Trust for Historic Preservation
EXHIBIT A

Source: Santa Cruz, CA Via Inspectors Blog

Source: Great Sky Solar
MEMORANDUM

TO: Matthew H. Greeson, City Manager

FROM: R. Lee Brown, Planning & Building Director
       Pamela Fox, Law Director

DATE: April 26, 2017

SUBJECT: Resolution to amend the Worthington Design Guidelines for the Architectural Review District by Revising the Recommendations for the Placement of Solar Panels in the Sustainability Section.

Background & Request:

In 2010, the City of Worthington proactively provided a framework through its Architectural Design Guidelines for sustainable features to be incorporated into the District. Successful solar projects followed with the installation of solar panels on buildings in the District, such as Evening Street Elementary School and the Peggy R. McConnell Arts Center. Since this time, there have been two residential solar applications in the District. The City has a long tradition of promoting sustainability initiatives including increased bike and pedestrian connections and access, community gardening, projects to promote recycling and re-purposing, and building efficiency projects.

On February 6, 2017, Worthington City Council passed a 90-day moratorium on consideration of new applications for solar panels in the Architectural Review District by the Architectural Review Board. The moratorium will be in place until May 31, 2017, or earlier if amendments are made to the Design Guidelines or until Council revokes the moratorium.

Two inherent values of the Worthington community are to preserve the character of the Architectural Review District while promoting the sustainable practices of our residents and businesses. The purpose of the moratorium is to provide time to strike a balance and appropriately research, evaluate and discuss options that might address concerns about the visual impact of solar panels on the character of the District.

While the Architectural Review Guidelines currently allow solar panels in the District, there are differing opinions about where solar panels should be allowed. The Guidelines currently allow
solar panels to be placed in a location that minimizes the visual impact as seen from the public right-of-way. In addition, the Guidelines state: “Solar panels at another location on a building or site may be acceptable if their placement does not have an adverse effect on the architecture of the building, or the character of the site or Architectural Review District.” The goal is to provide clarity to residents and businesses prior to initiating the application process.

The moratorium allowed time for staff and City officials to thoughtfully and thoroughly research and review the impact of solar panel installations. It also allowed for time to determine if and/or what changes should take place in the Design Guidelines to further clarify what should be permitted and the impacts on the character of the District.

Solar Panel Discussion Process:

- **February 13th City Council Committee of the Whole meeting** – Staff presented research findings related to how solar panels are regulated in the Worthington community in comparison to other cities in Ohio and the U.S. Staff will answer Council questions related to the findings. This was an informational meeting.
- **March 2nd** - Staff met with interested parties to gather feedback, answer questions and discuss issues or concerns.
- **March 20th City Council meeting** – Public provided comments and input.
- **April 10th City Council meeting** – City Council discussed the findings of the research and the information collected through public input. Councilmember Myers proposed changes to the Sustainability section of the Worthington Design Guidelines.
- **May 1st City Council meeting** – City Council to discuss the proposed draft changes discussed at the April 10th City Council meeting. See attached Resolution and Exhibit.
RESOLUTION NO. 14-2010

Amending the Worthington Design Guidelines for the Architectural Review District by Adding a Sustainability Section.

WHEREAS, City Council established an Architectural Review Ordinance for the City of Worthington in 1967 and the Architectural Review process has provided great benefits to the City in preserving our heritage and character and promoting high quality development; and,

WHEREAS, City Council adopted guidelines for the Architectural Review process in 2004; and,

WHEREAS, City Council and the Architectural Review Board are interested in encouraging sustainable design and building practices, while preserving the character and integrity of the Architectural Review District; and

WHEREAS, the addition of a section addressing additional measures for sustainability in the Design Guidelines would assist applicants with planning and design of sustainable features;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the attached Sustainability section be added as an appendix to the Worthington Design Guidelines.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted 3/1/10

[Signature]
President of Council

Attest:
[Signature]
Clerk of Council

Tabled February 16, 2010
Sustainability:

Sustainability can be achieved by ensuring the economic, environmental and social concerns of Worthington are addressed in a balanced manner. The City of Worthington and its Architectural Review Board are interested in encouraging sustainable design and building practices, while preserving the character and integrity of the Architectural Review District. The Design Guidelines as a whole work toward that end; and this section addresses additional measures for sustainability.

Recommendations:

A. Energy conservation methods are encouraged. Making use of the existing buildings inherent efficiency features should occur first. Maintaining building components in good condition helps preserve energy, as well as retaining the integrity of the property. Landscape concepts often complement energy conservation and should be maintained and replenished. Utilize indigenous plant materials, trees, and landscape features, especially those which perform passive solar energy functions such as sun shading and wind breaks. Preserve and enhance green/open spaces wherever practicable.

B. Manage storm water run-off through the use of rain gardens, permeable forms of pavement, rain barrels and other such means that conserve water and filter pollutants.

C. Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, panels should be located on roofs in the following manner: the rear 50% of the roof of the main building; the rear inside quadrant of the roof of a main building on a corner lot, or on accessory structures in the rear yard. On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement. With flat roofs, keep panels at least 5' from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

Solar panels at another location on a building or site may be acceptable if their placement does not have an adverse effect on the architecture of the building, or the character of the site or Architectural Review District.

The equipment to support solar panels should be screened from view.

D. Bike racks and other methods of facilitating alternative transportation should be utilized.

E. Streetscape elements should be of a human scale.

F. Make use of recycled materials; rapidly renewable materials; and energy efficient materials.

G. Use of natural and controlled light for interior spaces and natural ventilation is recommended.

H. Minimize light pollution.
Sustainability:

Sustainability can be achieved by ensuring the economic, environmental and social concerns of Worthington are addressed in a balanced manner. The City of Worthington and its Architectural Review Board are interested in encouraging sustainable design and building practices, while preserving the character and integrity of the Architectural Review District. The Design Guidelines as a whole work toward that end; and this section addresses additional measures for sustainability.

Recommendations:

A. Energy conservation methods are encouraged. Making use of the existing buildings inherent efficiency features should occur first. Maintaining building components in good condition helps preserve energy, as well as retaining the integrity of the property. Landscape concepts often complement energy conservation and should be maintained and replenished. Utilize indigenous plant materials, trees, and landscape features, especially those which perform passive solar energy functions such as sun shading and wind breaks. Preserve and enhance green/open spaces wherever practicable.

B. Manage storm water run-off through the use of rain gardens, permeable forms of pavement, rain barrels and other such means that conserve water and filter pollutants.

C. (i) Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, panels should be located on roofs in the following manner: the rear 50% of the roof off a main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard. On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement. With flat roofs, keep panels at least 5’ from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

(ii) Solar panels proposed for another location on a building or site are to be strongly discouraged and visible from the principal right-of-way are to be strongly discouraged and may be acceptable only if their placement does not have an adverse effect on the architecture of the building, or the character of the site within the or Architectural Review District, and there exists sufficient evidence of record demonstrating that the following non-exclusive conditions exist: The Board shall consider the following criteria to determine whether conditions exist to support an application for the placement of solar panels in a location visible from the right-of-way:

1. The inclusion of panels, visible from the right-of-way, shall not alter the historic character of a property and the character shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

2. If panels are to be placed on a roof, visible from the right-of-way, the Architectural Review Board shall first identify functional and decorative features of the roof such as, but not limited to, the roof's shape, such as
hipped, gambrel, and mansard; decorative features, such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning and conclude that the addition of solar panels does not impact the functional or distinctive features.

3. Preservation of the architectural or historical character of the structure and of the Architectural Review District shall be the Board’s primary consideration and the efficiency of the installation shall only be considered once other considerations of the Guidelines have been satisfied.

4. The applicant has demonstrated that the addition of solar panels advances an overall plan of energy efficiency and sustainability. Should efficiency be considered, the applicant shall have demonstrated that the addition of solar panels advances an overall plan of energy efficiency and sustainability. As evidence of this requirement the Board shall consider the following and such other criteria as the Board considers appropriate:
   a. The use of alternative methods of energy conservation such as awnings, insulation and landscaping.
   b. Other sustainable steps the applicant has taken including but not limited to, rain catchment systems, pervious pavement, native plantings, and energy efficient window systems, energy efficient mechanical equipment and appliances.

5. Preservation of the historic character of the location and the Review District shall be the Board’s primary consideration and the efficiency of the installation shall only be considered once other considerations of the Guidelines have been satisfied.

6. The Board’s review shall apply to the entire Architectural Review District. A property’s location in the Historic District, as that term is used in the application for National Register of Historic Places designation, or the identification in that application of a property as "contributing" or "non-contributing" shall be of no effect.

7. The Board shall consider all alternative technologies that may be available at the time of the application and approve the existing technology most consistent with the architectural guidelines.

8. If placed on a roof location visible from the right-of-way, the panels, working or faux, should cover as much of the roof as is possible to make them appear as one continuous unit.

The equipment to support solar panels should be screened from view.

D. Bike racks and other methods of facilitating alternative transportation should be utilized.

E. Streetscape elements should be of a human scale.

F. Make use of recycled materials; rapidly renewable materials; and energy efficient materials.

G. Use of natural and controlled light for interior spaces and natural ventilation is recommended.
H. Minimize light pollution.

Examples:

Source: National Trust for Historic Preservation

Source: Matt Grocoff
Scott Myers Proposed Modification to C. (i) and #7

Current Language:

C.  (i) Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, panels should be located on roofs in the following manner: the rear 50% of the roof off a main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard. On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement. With flat roofs, keep panels at least 5’ from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

7. If placed on a roof location visible from the right-of-way, the panels, working or faux, should cover as much of the roof as is possible to make them appear as one continuous unit.

Proposed Modifications:

C.  (i) Place solar panels in a location that minimizes the visual impact as seen from the right-of-way and surrounding properties. Generally, Panels should be located on roofs in the following manner: the rear 50% of the roof off a main building; the rear inside quadrant of the roof of a main building on a corner lot; or on accessory structures in the rear yard. On sloped roofs, place panels flush along the roof unless visibility is decreased with other placement. With flat roofs, keep panels at least 5’ from the edge of the roof, or place at the edge if a building parapet exists that will screen the panels.

7. If placed on a roof location visible from the right-of-way, the panels, working or faux, should cover as much of the roof as is possible, should be as flush to the roof as the technology will allow, should be of a character and composition so as to eliminate glare and reduce the total area of the panels frame to make them appear as one continuous unit.
RESOLUTION NO. 20-2017

Approving an Agreement and Permit for and between Fiber Technologies Networks, LLC, a New York Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

WHEREAS, Fiber Technologies Networks, LLC, a New York limited liability company, has requested authority to provide telecommunications services in the City of Worthington; and,

WHEREAS, the City of Worthington has enacted a comprehensive Right-of-Way Ordinance, Chapter 949 of the Codified Ordinances of the City of Worthington; and,

WHEREAS, City Council found the technical ability, and plan for services of Fiber Technologies Networks, LLC acceptable; and,

WHEREAS, Fiber Technologies Networks, LLC had facilities within the community under a permit initially approved in 2002; and,

WHEREAS, the authority is nonexclusive; and,

WHEREAS, Fiber Technologies Networks, LLC has certified that the company meets the criteria of Section 949.05 of the Codified Ordinances of the City of Worthington for the issuance of a permit;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That pursuant to Chapter 949 of the Codified Ordinances of the City of Worthington, an agreement between the City of Worthington and Fiber Technologies Networks, LLC, a New York limited liability company, as attached hereto and made a part hereof is hereby authorized and approved and the City Manager is hereby authorized and directed to execute said agreement on behalf of the City, upon approval thereof by the Director of Law.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted ______________

President of Council

Attest:

_____________________________

Clerk of Council
TELECOMMUNICATIONS AND UTILITY PERMIT FOR THE USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY OF WORTHINGTON, OHIO

This Agreement is executed on this __________ day of __________, 2017, by and between Fiber Technologies Networks, LLC, a New York limited Liability company, ("Company") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City") pursuant to Resolution No. __________ passed by the Worthington City Council on ________________, 20__. 

Now, therefore, in consideration of the foregoing and of the covenants, promises and conditions hereinafter set forth it is hereby agreed as follows:

I. That the Company, a limited liability company organized under the laws of the State of New York, its successors and assigns, is hereby granted the non-exclusive right, privilege and authority in accordance with the provisions of Chapter 949 of the Codified Ordinances of the City to acquire, construct, maintain and operate a telecommunications system and/or utility in the City in and under, above, across and along the streets, alleys, thoroughfares, public rights-of-way, public property and easements as the same now exist or may hereafter be laid out in the City, with minimum interference with the proper use of same, for the provision of all competitive telecommunications services as authorized by the Public Utilities Commission of Ohio.

II. The Company shall construct and operate the telecommunications and/or utility system in accordance with all laws, ordinances, construction standards, governmental requirements, FCC technical standards and any other standards incorporated by reference. Nothing in this Agreement permits the Company to provide any other utility services or cable television services.

III. The Company shall comply with the applicable requirements of Chapter 949 of the City Codified Ordinances.

IV. The Company shall pay the annual permit fee as determined by City Codified Ordinances Section 949.07.

V. The Company agrees that all contractors and subcontractors proposed for work on construction, installation, operation, maintenance and repair of the system shall be properly licensed under the laws of the state of Ohio and all City ordinances.

VI. Subject to the final requirements of this Section VI, in those areas where telephone and electric services are provided by underground facilities, the Company shall place all new facilities underground. In all other areas, the Company agrees to use its Best Efforts (as defined in Chapter 949 of the City Codified Ordinances) to place all facilities in the City right-of-way underground except for equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities. In addition, where the City Manager or his designee determine that such transmission facilities should not be located underground, the City Manager shall have the authority to relieve the Company of the requirement to do so. In making such a determination, the City Manager may take into account unusual circumstances or physical characteristics including but not limited to the existence of underground facilities which might
interfere with the operations of the Company, topographical features or use requirements which may interfere with existing facility locations. The City Manager may also relieve the Company of the requirement to locate transmission facilities underground when to do so in a particular circumstance would not be in the best interest of the City. The installation of above-ground locator wire markers is prohibited.

VII. The rights, privileges and authority hereby granted shall not be effective prior to acceptance of this Agreement by the Company and the City and shall terminate three years from the date of acceptance.

VIII. The Company shall, at its sole cost and expense, fully indemnify, defend and hold harmless the City, its officers, public officials, boards and commissions, agents and employees from and against any and all lawsuits, claims, causes of action, actions, liability, and judgments for injury or damages in connection with this permit, the Company system, and construction, installation, maintenance, and repair thereof.

IX. Whenever in this Agreement the City or Company is referred to, such reference shall be deemed to include the respective successor or assign of either, and all rights, privileges, and obligations herein contained shall bind and inure to the benefit of such respective successor or assign, in which the predecessor of such successor or assign is divested of all such rights, privileges, or obligations, whether so expressed or not.

X. The terms and provisions of this Agreement are joint and several, and the invalidity of any part shall not affect the validity of the Agreement.

FIBER TECHNOLOGIES NETWORKS, LLC

By: __________________________

Name: ERIC FINNEMORE

Title: V.P. REGIONAL OPERATIONS - SOUTH

CITY OF WORTHINGTON

By: __________________________

Name: Matthew H. Greeson

Title: City Manager

Approved as to Form:

Law Director, City of Worthington

(11251364.1)