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.

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

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

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-kit 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. *correction made during approval May 1, 2017*

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 valuable the goal is and weighted wavy 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.  
* correction made during approval May 1, 2017

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 distinctly 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 up...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. Norstrom 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 another 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 statue 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.

/s/ Tanya Maria Word
Temporary Clerk of Council

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

/s/ Bonnie D. Michael
Council President