



## **Meeting Minutes**

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

## **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, May 1, 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 7:52 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, and Director of Parks and Recreation Darren Hurley

There were ten visitors present.

*Members dispensed with the recitation of the Pledge of Allegiance since it was recited during the Joint Meeting of City Council and the Sharon Township Trustees.*

## VISITOR COMMENTS

There were no visitor comments.

## APPROVAL OF MINUTES

- April 3, 2017 – Regular Meeting
- April 10, 2017 – Committee of the Whole Meeting
- April 17, 2017 – Regular Meeting

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

*Mr. Myers asked that the minutes of April 10<sup>th</sup> be amended as follows:*

*Page 13-13, first paragraph on the eighth line should read “Kit” house.*

*Page 13-15, second line of the first paragraph should read “wavy” glass.*

*Mr. Foust asked that the minutes of April 17<sup>th</sup> on page 14-6 be amended after “\$133.00” to include, “or whatever the going rate.”*

**There being no additional comments, the motion to approve the minutes as amended carried unanimously.**

## PUBLIC HEARINGS ON LEGISLATION

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

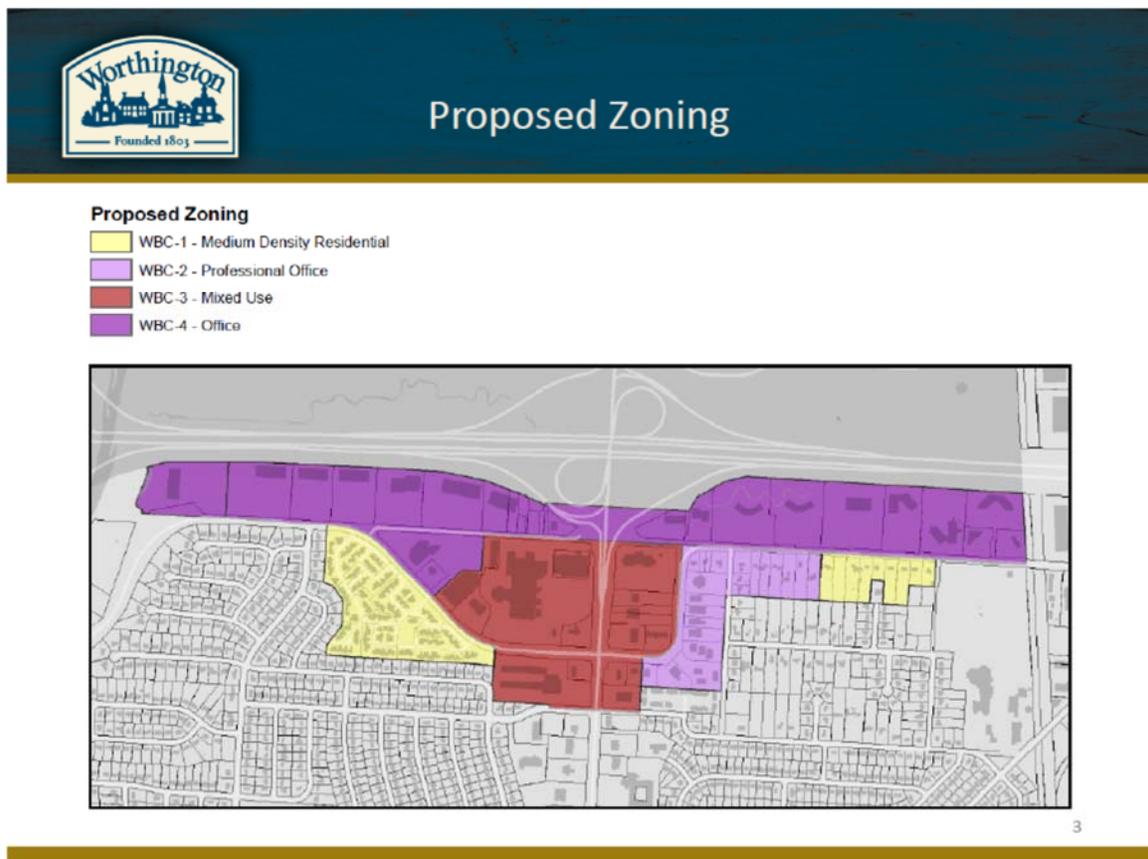
### **Ordinance No. 13-2017**

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)).

**The foregoing Ordinance Title was read.**

*Mr. Brown shared that the request is to rezone two parcels on the south side of East Wilson Bridge Road. This is part of the greater Wilson Bridge Road Corridor Plan that was adopted in 2011.*

He showed a slide of the current zoning in the district and one of the proposed zoning (shown below).



*The proposed zoning was adopted last April with the Wilson Bridge Corridor Zoning looking at the future uses and future zoning categories for the corridor, everything*

ranging from the Medium Residential, which is for consideration tonight, to Professional Office, Mixed Use and an Office category.

Mr. Brown shared that the highlight that has been discussed for decades is the south side of East Wilson Bridge Road. The application tonight focuses on two vacant parcels in the Medium Density Residential zoning category. They are owned by Metropolitan Holdings (Matt Vekasy). He acknowledged there being no development proposal tonight so at any time in the future when the current or a future property owner would want to develop the site, a development plan would be required. It would need to go before Municipal Planning Commission as well as City Council for approval. Tonight members are just considering the rezoning of the two vacant parcels from R-10 to WBC-1 (Medium Density Residential). That zoning allows for multi-family up to fourteen units to the acre. The height is also increased to 2 ½ stories for a maximum of thirty feet. This is all in accordance with what Council adopted in April 2016.



Mr. Brown shared that the east most parcel has never had a house. The City's arborist walked the area to determine what trees may be worth keeping in the future. The west lot has previously had a house but does not currently. He pointed out that the nine lots west of these parcels are recommended for the WBC-2 zoning category and have been identified for Professional Office zoning in the future.

Mr. Brown showed several slides of the two parcels as well as other properties on that stretch of road. The south side of Wilson Bridge is proposed to have a multi-use path that will ultimately connect bikers/walkers/joggers from the River to the Rails.

Mr. Brown reported that this application went before the MPC on April 13<sup>th</sup>. They in turn recommended approval onto City Council. Staff is also recommending approval.

Mr. Myers believes members have been discussing this for some time. It was the principle goal that came out of the retreat this winter. He urged approval of the rezoning.

**The clerk called the roll on Ordinance No. 13-2017. The motion carried by the following vote:**

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

No 0

**Ordinance No. 13-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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).

**The foregoing Ordinance Title was read.**

*Mr. McCorkle shared that this request is an amendment to extend Worthington Square's acquisition first payroll deadline by eighteen months.*

**Background**

The City of Worthington and Worthington Square Acquisition, LLC entered into this agreement in 2013 to encourage the development and maintenance of businesses within the commercial corridor. The building is located at 160 W. Wilson Bridge Road and known as The Heights at Worthington Place.

The venture grant, totaled \$878,000 and is payable over ten years with annual installments of \$87,800 over that ten year term. Staff was contacted by Worthington Square Acquisition in the summer of 2016 with a request and a heads up that they would be asking to extend their first payroll deadline. Per the agreement they had thirty six months from when the original contract was entered into. The original contract was entered into in September 2013. That gave them until September 2016 to meet their first payroll deadline, which was \$1,000,000.00 of retained payroll.

**Grantee Request:**

The request is to extend that thirty six months to fifty four months, making it a net of eighteen months. That would take their first goal deadline out to March 6, 2018. All other terms of the contract remain the same. The total duration of the contract will still be the same. The agreement was written in a way that the contract does not expire until the later of ten years or when their last installment is received. So this extends each one of those subsequent payments so the payroll will still be in Worthington for the same amount of time. They are just asking for that first deadline to be extended by eighteen months.

**Recommended Action:**

Staff has discussed it internally and we recommend approval to extend their first payroll deadline by eighteen months.

*Ms. Michael asked if part of this had to do with trying to get businesses into the building. Mr. McCorkle replied yes. The building is 23,000 square feet of class "A" office space and spread over two floors. They do have some walls going up and some units going in on the first floor. Ohio State has actually leased the first floor and they expect to be in by June of*

*this year. The second floor is close to being leased. They are expected to also be a branch of Ohio State and that will be a net new business for Worthington. We are not completely sure on what practice it is but we are expecting them as early as October of this year.*

*When asked by Mr. Norstrom if “practice” is for medical, Mr. McCorkle replied yes. The first floor is actually not net new to Worthington as they are relocating from the Harding site.*

*Mr. Foust was curious as to why the delay in the leasing process. He wondered if they were caught by surprise. Mr. McCorkle thinks it took them a little longer than anticipated to get the site leased. This was one of two spaces in Worthington that is the first class “A” office space so the price per square foot is a little higher.*

*Mr. Foust shared that as being a concern as he has been hearing that we need class “A” space in Worthington. He didn’t think we would have a hard time getting it filled somehow with all of the alleged demand. He wants to know that we aren’t going to be sitting here twelve months from now with another potential extension because the second floor didn’t come to pass or whatever.*

*Ms. Fox shared that Mr. McCorkle wasn’t here when this agreement was entered into. Obviously this was built as spec office space. We have heard that it is a challenge for builders to build spec office space so while we have very little class “A” space, she thinks that challenge still remains. It just took them a little while to get that space filled which is what we have been hearing has been the difficulty in building that kind of space. Mr. McCorkle added that the only other class “A” office space in Worthington is located at 350 West Wilson Bridge Road (Central Ohio Urology Group and Wheels Up). They are still trying to find a tenant for that last 10,000 square feet of that 60,000 square foot building.*

*Mr. Foust asked if it is fair to say that class “A” space isn’t necessarily a “if you build it they will come” scenario. Mr. McCorkle reported that staff has had several of these conversations, specifically an extension of this is East Wilson Bridge. We have heard from a couple of developers that you just can’t build this speculative anymore. A tenant is really needed, somebody that is driving the boat in order to push that. Mr. Foust sees that as the takeaway and somewhat of a lesson learned perhaps.*

*Mr. Myers shared that if memory serves him correctly, part of the thinking behind this grant was the acknowledgement that spec class “A” space was difficult to lease and this was to be used, for want of a better term, as a lease rate buy down. They could use this grant money to supplement what the normal lease rate for class “A” space would be to make it more attractive. Mr. McCorkle agreed.*

*Ms. Stewart shared that originally the proposal was only for apartments. This was the City’s incentive to get them to incorporate office space so that we could have some revenue generated off of this new property. It is always challenging to get them to build spec office but we also have businesses that come to us that want class “A” space but can’t wait for them to be built so what do we do? Do we tell them we don’t have any so they will have to go to the next community or do we see if we can encourage some spec development but recognizing that it may sit empty for a little bit until we get those businesses that come back who are looking for class “A” and it is ready to go.*

*Mr. Foust explained that he didn't intend to second guess what happened before he arrived on Council. It is obviously a great outcome ultimately it appears in the end but he is just trying to understand the process.*

*Mr. Myers replied that he appreciates what Mr. Foust is saying. He thinks Council members understood when they encouraged the original developer to add this space on to the front of the apartments that it was somewhat problematic, which is why we felt like we should do this incentive. He doesn't think times have changed all that much. He thinks Mr. Foust made a good point. He asked Mr. McCorkle to let them know that if they were to come back for a second extension it would probably not be received nearly as well.*

*Ms. Michael added that one of the important things that members wanted as a City was to be able to have income tax coming in to help us support all of the projects in the whole area.*

*Mr. McCorkle shared that per the agreement, their minimal number is \$1,000,000 in annual payroll. This amount of square footage is very similar to what Central Ohio Urology Group took. He realizes that they are two separate entities but Central Ohio is closer to \$5,000,000 in payroll.*

*Mr. Myers commented that currently no payroll is being generated by this property. Mr. McCorkle agreed.*

*Mr. Foust shared that he is glad that we were able to retain this business.*

**The clerk called the roll on Ordinance No. 14-2017. The motion carried by the following vote:**

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

**No       0**

**Ordinance No. 14-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 15-2017**                      Amending Ordinance 47-2016 to Establish Compensation for the Unclassified Position of Administrative Assistant/Finance Manager

**The foregoing Ordinance Title was read.**

*Mr. Greeson commented that he would like to speak to this ordinance as well as the two following resolutions which together are a packet. Members obviously have to vote on them individually but they are related and reflect a number of changes that he is proposing in the Department of Finance. Probably the most important of those is Resolution No. 18-2017. He is proposing the promotion of Scott Bartter as our new Finance Director and is requesting Council's confirmation of that appointment. Mr.*

*Bartter is here this evening. As members' know he is essentially our #2 in the Finance Department and has ably served the City for five years. He has over fifteen years of experience in the municipal finance and income tax collection industry. Mr. Bartter, as Ms. Roberts will attest, is familiar with all aspects of our municipal finance operations and has been an important contributor to our budgets, our capital planning, labor negotiations, and income tax administration. He currently serves as the City's income tax administrator. He is currently a leader in his industry and serves as President of the Greater Ohio Tax Administrator's organization. He is a graduate of Leadership Worthington and resident of our community. When we get to that resolution he would urge members' confirmation of Mr. Bartter. He is very excited to recommend his confirmation.*

*Mr. Greeson shared some related changes as part of Mr. Bartter's promotion. Staff has also evaluated his current role, which is titled Finance Assistant, which probably doesn't describe the breath and scope of that position as it has changed over time. Staff is recommending a series of changes to that position and reflected in this ordinance. It would create compensation for the position of Administrative Assistant / Finance Manager. It would also be an unclassified position. Resolution 17-2017 would adopt a revised job description and make the change in the staffing chart that allows for that new title, job description and change to an unclassified position. He believes those changes best reflect the duties of that position. The fiduciary responsibilities of that position warrants it to be unclassified and on their own have merit. In addition, these changes provide the opportunity for him to hire an experienced finance person. Pending Council's approval of these changes to that position, he has offered the position to Steve Gandee, former Finance Director for fifteen years. This is a reorganization of a position, a confirmation of a director and some changes in the position that will allow us to hire a highly competent experienced Finance person to fill Mr. Bartter's current role.*

**MOTION** Mr. Myers made a motion to amend Ordinance No. 15-2017 in Section 1 to establish a salary of \$75,000.00. The motion was seconded by Ms. Dorothy.

**The motion carried unanimously by a voice vote.**

**There being no additional comments, the clerk called the roll on Ordinance No. 15-2017 (As Amended). The motion carried by the following vote:**

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

**No 0**

**Ordinance No. 15-2017 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**NEW LEGISLATION TO BE INTRODUCED**

**Resolution No. 17-2017** Adopting a Job Description for Administrative Assistant/Finance Manager and Amending the Staffing Chart to Accommodate Said Position

**Introduced by Mr. Norstrom.**

**MOTION** Mr. Smith made a motion to adopt Resolution No. 17-2017. The motion was seconded by Mr. Myers.

**There being no comments, the motion to adopt Resolution No. 17-2017 carried unanimously by a voice vote.**

**Resolution No. 18-2017** Confirming the Appointment of Scott F. Bartter to the position of Director of Finance.

**Introduced by Mr. Myers.**

**MOTION** Ms. Dorothy made a motion to adopt Resolution No. 18-2017. The motion was seconded by Mr. Troper.

**There being no comments, the motion to adopt Resolution No. 18-2017 carried unanimously by a voice vote.**

*Ms. Michael congratulated Mr. Bartter who replied that he appreciates the opportunity.*

*Mr. Greeson thanked members for voting for all of those changes. He appreciates their support of him and his recommendations.*

**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.

**Introduced by Mr. Foust.**

**MOTION** Mr. Norstrom made a motion to adopt Resolution No. 19-2017. The motion was seconded by Mr. Smith.

*Mr. Greeson commented that he will turn the meeting over to Mr. Brown who will overview changes to the Architectural Review guidelines based on Council's conversations and the process that we have undertaken over the last few months.*

*Mr. Brown reported this being a several meeting process of making modifications and changes to the Worthington Design Guidelines. The Architectural Review Board*

*requested more clarification for the installation of solar panels. We have had a fifty year history of the Architectural Review District so any modification, change or new in the Architectural Review District requires ARB approval.*

*At the last meeting, Mr. Myers introduced some changes that were discussed at previous meetings. Mr. Brown shared that he and Ms. Fox sat down after that meeting and went through all of the comments and changes that they heard section by section. Those results are attached to the Resolution before members tonight. They thought it would be appropriate to go through the sections and see the changes that were highlighted in “red” to make sure that it addressed members’ comments and/or concerns.*

*Ms. Fox made a change in Section “C.” that talked about solar panels and the sustainability sections of the Design Guidelines. The changes include an “(i)” and “(ii)” with the “(ii)” paragraph seeing the most changes. The changes were from comments members made during the meetings. The additions are highlighted in red as follows:*

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:

*Mr. Brown asked if there were any comments, questions, clarifications or maybe some misinterpretation that he and Ms. Fox had when they sat down to make the changes that members’ discussed at that meeting.*

*Ms. Dorothy commented that if an applicant was going to come forward with a proposal, they would have this document accessible to them through the website portal. If they came to Mr. Brown and said they wanted to have solar panels he would immediately point them to this section of the code. She asked if that is how it would work. Mr. Brown agreed that it was.*

*Ms. Dorothy added that they would see right away that Worthington is saying from this guideline that they are to be strongly discouraged. Mr. Myers remarked that her statement mischaracterized the statement.*

*Mr. Foust agreed. The phrase: “visible from the principal right-of-way” got left out of her comment. He thinks “strongly discouraging solar panels” is a gross mischaracterization of the conversations members have had to this point. Ms. Dorothy replied okay. It says, “visible from the principal right-of-way are to be strongly discouraged . . .” and then it goes on to express other considerations.*

*Mr. Myers commented that members discussed this at the last meeting and when he left the meeting and we ended the discussion, he explained the thinking on that paragraph. He first thought that we could have a design guideline that says, “no visible panels, no exceptions.” We could have a design guideline that say, “panels anywhere, no criteria.” and he really didn’t like either one of those two. So he tried to come up with something that would accommodate panels and the architectural integrity of the district at the same time. In doing that he had to begin with a general rule as most statutes do, in this case the Design Guidelines. The general rule would be that we should not have visible panels but then we create exceptions to that general rule that they could meet. So we were encouraging panels if they were appropriately done. This allowed for both sides. At the end of that meeting he specifically asked if members were okay with that presumption because that was the critical part of this whole scenario. Mr. Smith, Mr. Norstrom, Mr. Foust, Ms. Michael all said they were good. Theirs were the only comments that he got back. He took that to mean that she didn’t have a disagreement with it. So he thinks that members reached consensus on the general rule. That was how he left that meeting. The general rule is that they should be discouraged and the exceptions to that rule are what is set out below so it affords both sides. He understands that there is subjectivity to this but there will always be subjectivity when talking about architecture. He tried to address a couple of the specifics that ARB struggled with and he tried to incorporate as many criteria as he could in an effort to make ARB’s decision as streamline as possible. We have had three votes (two by ARB and one by Council) now. He just really hopes that members can reach consensus on this as he thinks it is critical going forward. If we can’t he understands that but he had hoped that they could.*

*Ms. Dorothy shared that she was going through the process and she thinks at the very beginning she said that she wanted to have the language in the affirmative. She just wants to go over what the process would be if someone wanted to try. She understands they might not be able to obviously that was always the case to have solar panels visible.*

*Ms. Michael stated that in order to do this methodically, let’s go over this paragraph and then move on to the next page.*

*Ms. Dorothy commented that she thinks they are done with that paragraph unless someone else has any comments.*

*Mr. Smith noticed “principal right-of-way”, with the key word being “principal”. He doesn’t remember that word popping up at all in previous conversations. He kind of likes that word. He noticed that it is in the first “redline” but not in the bottom lower “redline”. He asked if “principal right-of-way” is implied at the end. He asked if we have guidelines on what is and isn’t the principal. Mr. Myers acknowledged that he did not put in some of the more specific language as he was counting on Ms. Fox to incorporate it. There were places where he didn’t even put in “right-of-way” and “visible” and he was hoping she would catch that. He thinks this one addresses the corner lot or possibly the street behind because panels will be seen on the back of the house from the house behind. The street address would be the principal. If you were on a corner lot, the street address would be the principal right-of-way. That is the way he reads this.*

*Ms. Fox concurred. She felt from some of the comments in the e-mails we received that there might have been some confusion as to whether C (ii) applied to solar panels in general or whether they were only visible from the right-of-way. She tried to say it as many times as possible but that question then comes up about what right-of-way are we talking about. So she put it in the beginning. If it needs to go in all of them that is fine. She felt that if it was in the beginning of the initial paragraph it would be implied that it was the right-of-way for the rest but if there is some confusion on somebody’s part then it could be changed. This is an effort to try to eliminate the confusion.*

*Mr. Smith said that he would defer to Ms. Fox’s legal brain but if he were trying to argue it his way, he would say that it is not in the second statement so it means any right-of-way and not just the principal.*

*Ms. Michael asked if he was suggesting the word “principal” be added before the words “right-of-way” in the last redlined sentence.*

*Mr. Foust suggested we go the other way. What if we remove “principal” in the first statement? He is thinking of that in terms of a house like Mr. Smith’s. He doesn’t recall if the pitch of his roof is front to back or side to side but let’s suppose for a minute that it is north/south pitch. Solar panels on the non-principal right-of-way, because your address is on North St. So someone driving east on North St. would be looking square at your west facing roof. Mr. Smith commented that it is a good for instance. Somebody driving from High St. down past my house to the east on E. North St. would not see a solar panel that is not in the principal right-of-way. It is on the rear of my house but somebody driving northbound on Morning St. towards North St. would see it. He thinks that would apply to quite a few homes in that type of situation. That is why he is bringing it up.*

*Ms. Michael asked what other council members feel about adding the word “principal” in that second redlined sentence.*

*Mr. Norstrom opposes that because he thinks it should not be visible from the right-of-way period, not just the principal right-of-way.*

*Mr. Foust clarified that Mr. Norstrom's position would be to remove the word "principal" from the statement and leave the second one unaltered. Mr. Norstrom agreed.*

*Mr. Smith asked if Mr. Norstrom is saying that if 1% of the panel shows in any of the right-of-way then these guidelines would apply or 50% of the panel. Mr. Norstrom replied that these guidelines apply regardless. You can still put one in. As Mr. Myers has indicated we have gone with that principle but we strongly discourage them being visible from the right-of-way.*

*Mr. Myers shared that he likes the way Ms. Fox wrote the statement. The concern he has is what about on an outbuilding or the garage in the backyard. Potentially, part of that could be visible from the right-of-way if you were walking at a slow pace in broad daylight. Mr. Norstrom agreed. Mr. Myers stated that he can't be that restrictive. He just can't go that far.*

*Mr. Norstrom commented that Mr. Myers has indicated that the "principal" would be allowed but we don't want it. Mr. Smith added that it is not preferred. Mr. Norstrom agreed. He added that if ARB was looking at it and decided that it isn't bad, they could approve it. This tells them that they have to make a hard decision. It is a high hurdle if it is going to be visible. Mr. Myers replied that it shouldn't be an impossible hurdle. Mr. Norstrom stated that it is not.*

When asked by Ms. Michael if anyone wanted to make a motion to amend this language, no motion was made. Ms. Michael asked staff to move onto the next section.

*Mr. Brown reported that a paragraph was added on the next page as follows:*

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.

*Mr. Norstrom thinks the discussion that members had was not "architectural or historical character" but rather "architectural character. That is the way he stated it. Originally it was written "of the historical character" and he said the word "historical" should be replaced with the word "architectural".*

*Ms. Fox reported that Mr. Smith stated that he liked the word "historical" so that is why both words are in there. She thinks that probably deserves some discussion.*

*Mr. Myers recalls when Mr. Norstrom brought that up and he agreed with it because, and we address it later, he doesn't want there to be confusion between the architectural district and the historical designation application. Mr. Norstrom agreed. Mr. Myers*

*thinks the “architectural character” would include any significant historical attribute of that architecture. Mr. Norstrom again agreed.*

*When asked by Mr. Myers if that makes sense, Mr. Smith replied that it makes sense although he doesn’t agree. When you have a situation where the architecture itself was approved to be changed at some point but the historical nature of the building with property still exists in essence that was what he was going for and he is trying to think of an example but he can’t.*

*When asked by Mr. Myers if he can live with it if the word “historical” is removed, Mr. Smith replied if he is outnumbered. Mr. Myers stated that is not what he is asking.*

*Mr. Foust asked if it reads better if it says, “and/or” or does that complicate things.*

*Mr. Myers replied that he agrees with Mr. Norstrom on this one. Mr. Norstrom clarified that the nature of the ARB is architecture, not historical. Mr. Smith expressed that as his problem. We can’t take away the historical character of Worthington.*

*Mr. Norstrom sees that as a different argument. That means you oppose the ARB.*

*Mr. Myers provided an example of an ARB application where someone wants to replace their windows. He explained that the appropriate architectural and historic window at that time would have been a six over six so that is what should be approved. It is the architecture of the building but it is based on historic premise. Mr. Norstrom added that it is the architectural history at that time. Mr. Myers agreed. He added that even though history is not in our guidelines, it plays a significant role in the thought process of the ARB and has been as long as he has been associated with it.*

*Mr. Smith replied as long as that is true and worked into the essence of the Board then. . . Mr. Myers interjected that you can’t really separate the two especially with Mr. Foust serving on that Board. Mr. Smith explained that he was coming from a resident’s perspective. He doesn’t know anything about architecture but he sees the word “history” there so he will have a different lens on. If that is built into the process anyway then that is okay. Mr. Myers thinks it is a fair representation. He didn’t know anything about architecture either when he started almost seventeen years ago. He knows a little more about it now.*

*Mr. Foust asked if there was also some language, we refer to the character of the Architectural Review District but doesn’t the phrase “Village-like” appear in front of the word “character” in various places. Several members stated that they do not recall that phrase. Mr. Foust thinks it was misquoted last time but if members go back and look there was reference to the “village like character”. When asked by Mr. Norstrom if that was in the Architectural guidelines, Mr. Foust replied that he believes so.*

After searching for it on her I-pad, Ms. Dorothy reported that the only reference she could find states that Worthington itself is based on a New England village design in 1802.

**MOTION** Mr. Myers made a motion to amend paragraph 3 to remove “or historical”. The motion was seconded by Mr. Norstrom.

**There being no additional comments, the motion passed by a vote of 6 “aye” (Foust, Troper, Norstrom, Dorothy, Myers and Michael) to 1 “nay” (Smith).**

*Mr. Brown explained that there was a sentence struck and a new one inserted in #4. as shown below:*

4. ~~The applicant has demonstrated that the addition of solar panels advances an over-all plan of energy efficiency and sustainability.~~ 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.

*Ms. Dorothy asked how the criteria would work in practice. She asked what would be required from the applicant as proof. Mr. Brown replied that in staff’s discussions with Mr. Myers over the proposed language and for staff to try to determine how it would play out in the real world, we would work with the applicants as they come in and hopefully sit down with us. We would look at their plan. He knows with the two solar panels that were approved on Evening St. both applicants already had a plan. They had replaced windows, added additional insulation, and had energy efficient appliances as well as heating and cooling. So they had already added all these other steps on their property to work toward that goal of sustainability.*

*When asked by Mr. Troper if utilizing your recyclable container is considered being sustainable, Mr. Myers and Mr. Norstrom both agreed that it was. Mr. Myers added that this is whatever the applicant wants to come in and say. But what he wanted to avoid was putting solar panels on top of the house to generate electricity and at the same time have single pane, 1945 windows and all of the heat is leaving. That doesn’t seem to be consistent. If that were the case, should we relax our architectural standards in that particular setting? He thinks it would weigh against relaxing those standards. But if someone came in and said that this is the last step or one of the last steps, then they have to show to us that this is part of a commitment and not just to put it on the top and let it go out the windows. That was the point behind that and it will be completely up to the*

applicant to show whatever they want to show. It could be a whole range of things. These are just examples.

Ms. Dorothy thinks it is very laudable. She agrees that the easiest way to reduce energy is to save energy through all those other items (energy efficient windows, insulation, etc.). She believes it should be a whole encompassing effort. She is just concerned that this could be a never ending list but you are saying that they just bring what they have to the ARB and then it is up to the Board to determine. Mr. Myers agreed. He doesn't think this is a particularly high standard for that applicant to meet. He has a whole-house fan in his house. It is probably the best energy saving device he has. It uses a little bit of electricity but it means he doesn't use air conditioning. He has a tree that canopy's over his house so he doesn't use air conditioning. Those are two things that he thinks would be evidence that he would bring. He replaced windows and insulated his attic. All of those things show that he has a commitment to this process. Are there going to be many people like Joanne Dole who is that committed? Probably not but he doesn't think you need to be.

When asked by Ms. Michael if there were any suggested changes for this part and hearing nothing, she was ready for Mr. Brown to move on.

Mr. Brown shared that #5 was struck. Then the new #6 that will become #5.

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.~~

Mr. Brown thinks this addition will address Mr. Myer's earlier comment that when we reviewed the two cases on Evening St. part of their arguments in both cases were that they were noncontributing houses when we made application to be a Historic District. Mr. Myers agreed.

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 "noncontributing" 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.

Mr. Brown shared that a few words were added and are in red and underlined.

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.

*Ms. Fox apologized to Mr. Foust because she couldn't think of a word that described "blend in". She just wasn't sure exactly how to come up with that.*

*Mr. Troper stated that he doesn't know how much a solar panel would cost. He asked how much it would cost to cover the other half of the roof as it could potentially be an additional burden. Mr. Brown replied that from staff's discussions with Joanne Dole and some others, faux panels are at a much reduced cost although he does not know the actual costs. He thinks one of the reasons that Mr. Myers brought this up is that originally there was a patch quilt to the solar panels on the front of the house Joanne Leussing's property. One of the adjustments the ARB made was to package or group them together. But when you look at her solar panel placement, they are in two rows. If a faux third row would have been added, it would have looked completely seamless. He thinks that was one of the ideas behind the change. Mr. Myers reported that being the reason they included the pictures that Ms. Dole provided.*



*When asked by Mr. Troper if anyone has a problem with this panel facing the right-of-way, Mr. Norstrom acknowledged that he does.*

*Mr. Myers shared that if it meets the other criteria, this is what that one provision would mandate. Mr. Troper reported that it doesn't mandate but rather states that it "should". He would like clarification. Do the panels have to cover the entire roof or is it subjective to the ARB.*

*Ms. Michael read, "as much as the roof as possible" so that kind of makes it should and not shall.*

*Mr. Norstrom shared that members want to encourage the use of solar shingles and that is not included in this. He asked if it is already included in the design guidelines. Mr.*

*Brown replied yes. He clarified that solar shingles would be required to go before the ARB. Mr. Norstrom stated that solar shingles would not fall in with what is being discussed right now. Mr. Brown replied that he doesn't believe so unless it would change the architectural integrity of the roof material. Mr. Norstrom clarified that he has no objection to those kinds of solar shingles. They could be visible from the right-of-way. He just wants to make sure that Council has that covered. Mr. Brown thinks it is. He added that some of the houses in Old Worthington have a slate roof that has a pattern to them. He thinks if someone wanted to replace them with a solar shingle the Board would look to see if there is a way to replicate that architectural feature on those slate tiles. But he thinks that once these types of solar panels become more energy efficient and more prevalent that would be something that the Board and/or staff would support.*

*Ms. Michael asked if there is any additional comments on this change. There being none, she asked members to look at the document attached to this legislation, Resolution No. 19-2017. The only change that Council made to the document during this discussion was in #3. with the removal of the words, "or historical".*

*Mr. Myers asked Ms. Fox and Mr. Brown what their thinking was on eliminating the 5<sup>th</sup> paragraph. Ms. Fox reported that it wasn't removed but rather moved up to #3. as it felt better in that area than it did below. Mr. Myers was okay with the change.*

*Mr. Troper commented that the majority of people who have spoken before Council favor solar. He thinks this legislation is very restrictive and he is not in favor of it.*

*Ms. Dorothy echoed Mr. Troper's comments as she would rather be strongly encouraging solar panels. She would prefer they be allowed in the ARD if the footprint of the structure does not increase, the feet height of the roof is not increased and the system must be parallel to the slope of the roof. She does appreciate all of the time that we have taken to go over these comments. She feels that use of solar panels should be strongly encouraged throughout Worthington.*

*Mr. Norstrom thinks that technology will overtake us and this will become a moot discussion. Mr. Troper stated that it may be moot at this point but in his opinion it kind of sets a tone. Mr. Norstrom shared that having served on the ARB for many years sometimes you make mistakes and you get architectural features that stay around for decades. That is what we will have with solar panels that have been placed on now instead of waiting for the technology to develop and those are eye sores.*

**There being no additional comments, the motion to adopt Resolution No. 19-2017 (As Amended) carried by a vote of five "aye" (Foust, Norstrom, Smith, Myers, Michael) to two "nay" (Dorothy and Troper).**

*Ms. Michael thanked Mr. Brown, Ms. Fox, and Mr. Myers for all of the time and effort they put in trying to listen to all of this and assimilate all of it to put together a compromise solution for our community.*

**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.

**Introduced by Mr. Myers.****MOTION**

Ms. Dorothy made a motion to adopt Resolution No. 20-2017. The motion was seconded by Mr. Troper.

*Ms. Stewart reported this being a routine renewal for three years of a telecommunications permit to operate and maintain a telecommunications system within the Worthington right-of-way. Staff recommends its approval.*

**There being no additional comments, the motion to adopt Resolution No. 20-2017 carried unanimously by a voice vote.**

**REPORTS OF CITY OFFICIALS**

*Mr. Greeson reported that the draft Parks Master Plan was distributed tonight at members' places. The Park Commission members will be in attendance at our next meeting, May 8<sup>th</sup> to present the information, seek Council's feedback and potentially approval of it.*

**REPORTS OF COUNCIL MEMBERS**

*Mr. Norstrom shared that today, May 1<sup>st</sup> is the first day of the COTA redesign plan. Travelers may ride the bus for free this week as part of that effort. There will be more service that is faster to the downtown. He encouraged members to get out and ride the bus.*

*Mr. Smith reported that he was contacted by someone interested in providing the City with live streaming of meeting capability and he was interested in giving Council members a 10 to 15 minute presentation. He thought that might be of interest to members. Ms. Michael requested that he provide city staff with the information.*

*Ms. Dorothy shared that the Sayama delegation will be in our community from October 18<sup>th</sup> through the 24<sup>th</sup>. They are currently looking for host families for all five nights.*

*Ms. Michael reported Leadership Worthington Service Day being this Saturday, May 6<sup>th</sup>. She encouraged members to join in the effort by congregating at Kilbourne Middle School between 8:00 and 8:45 to eat breakfast and get their assignments. Advanced registration is not required.*

*Ms. Michael also reminded members that tomorrow is a voting day even though there is not much on the ballot.*

*Mr. Troper shared that Saturday is also the Green on the Green event.*

*Mr. Norstrom added that outdoor Farmers' Market will also be open in the downtown area.*

## **EXECUTIVE SESSION**

## **ADJOURNMENT**

**MOTION** Mr. Foust made a motion to adjourn the meeting at 9:01 p.m. The motion was seconded by Mr. Norstrom.

**The motion carried unanimously by a voice vote.**

President Michael declared the meeting adjourned.

    /s/ D. Kay Thress      
Clerk of Council

*APPROVED by the City Council, this  
5<sup>th</sup> day of June, 2017.*

    /s/ Bonnie D. Michael      
Council President