



Meeting Minutes

Monday, June 5, 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, June 5, 2017, in the John P. Coleman Council Chambers of the Louis J. R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

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

Member(s) Absent:

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

There were nineteen visitors present.

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

VISITOR COMMENTS

There were no visitor comments.

APPROVAL OF MINUTES

- **May 1, 2017 – Regular Meeting**
- **May 8, 2017 – Committee of the Whole Meeting**
- **May 15, 2017 – Regular Meeting**

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

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. 17-2017

Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund

Unappropriated Balance to Pay the Cost of the 2017 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 651-17)

The foregoing Ordinance Title was read.

Ms. Michael shared that amendments are needed to this legislation.

MOTION Ms. Dorothy made a motion to amend Section 1. to add the sum of Nine Hundred Twenty Thousand Dollars (\$920,000.00) and in Section 2. the firm of Columbus Asphalt Paving Inc. The motion was seconded by Mr. Smith.

When asked by Ms. Dorothy when construction would begin, Mr. Whited replied that once the award of the contract is completed, we hope to begin around the first of July.

The motion to amend carried unanimously by a voice vote.

There being no additional comments, the clerk called the roll on Ordinance No. 17-2017 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 17-2017 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 18-2017 Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2017 Street Crack Sealing Program (State of Ohio Contract 101G-18 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 651-17)

The foregoing Ordinance Title was read.

There being no comments, the clerk called the roll on Ordinance No. 18-2017. The motion carried by the following vote:

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

No 0

Ordinance No. 18-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 19-2017

Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Community Center Sprinkler Head Replacement Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 652-17)

The foregoing Ordinance Title was read.

Ms. Dorothy asked if this was just routine maintenance or something that needs done every ten to fifteen years. Mr. Hurley reported that he does not expect it to be this regular. He thinks the need in part is due to some of our HVAC concerns.

When asked by Ms. Dorothy if the work will be done during the regular maintenance period, Mr. Hurley shared that approximately 112 sprinkler heads will be replaced during the annual shutdown in August.

There being no additional comments, the clerk called the roll on Ordinance No. 19-2017. The motion carried by the following vote:

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

No 0

Ordinance No. 19-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 30-2017

Creating a Designated Outdoor Refreshment Area for Downtown Worthington and Enacting Regulations.

Introduced by Mr. Foust.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 30-2017. The motion was seconded by Mr. Smith.

Mr. Greeson explained that the City received a request from the Old Worthington Partnership to create a Designated Outdoor Refreshment Area in Old Worthington. This topic has been discussed during several meetings (April 3rd, April 10th, and May 15th). Initially Council authorized him to submit the statutory required application, which began

the process that included properly advertising a public hearing. That public hearing was held on May 15th. At that hearing, Council reviewed the application and took public testimony on that and provided staff with further direction on how to draft the resolution that is before members this evening. The resolution establishes the Downtown Worthington Designated Outdoor Refreshment Area. It creates and approves several statutorily required aspects of that area (a public health and safety plan, a sanitation plan and other requirements). It also establishes a one year review which was a requirement that Council felt was important.

Ms. Fox shared that members will see a series of exhibits attached to this resolution and each of those exhibits address specific requirements set forth in 4301.82 of the statute.

Mr. Foust offered a brief comment on the Farmers Market. He felt the most compelling comments that were shared on May 15th were from a representative of Drug Safe Worthington. There were numerous people in attendance on both sides of this issue. He is concerned that the message to the children is just not in accordance to what a majority of voters would choose but his problem is we don't know and therein lies the rub. He believes that a sip and stroll every Saturday beginning at 9:00 a.m. all summer long is a change of character in who we are and one that he believes demands more dialog. He requested that members reconsider that piece and he has a motion to offer prior to any vote of Council.

Mr. Smith shared that he has been struggling with this and the Farmers Market specifically. For him it boils down to personal responsibility and prudence. He believes that what Mr. Foust is saying is very prudent and he would be on board with that motion.

Mr. Troper added that after receiving some further information from some concerned citizens about including the Farmers Market as a DORA event he would agree with Mr. Foust.

President Michael shared that she has received several speaker slips and invited Mr. Sears forward to address Council.

Ron Sears, 500 Park Overlook Dr.

Mr. Sears offered a graph (copy attached) to members. He shared that he read through the minutes of the past discussion and acknowledged it being extensive. It is obvious that Council is being very cautious about this but there were two issues that struck him that didn't come up. The first issue has to do with the attached graph. The graph is the reality that Council is looking at. If you look at the actual consumption of alcohol in the United States, 30% of U.S. adults do not drink at all. Another 30% consume an average of <1 drink per week. On the other hand, the top 10% of American adults (24,000,000) consume an average of 74 drinks per week. That is ten drinks per day. Obviously we tend to drink more on the weekends. If someone drinks at 9:00 in the morning that is a symptom of alcoholism. The point is that a significant percentage of those being attracted to the community are in fact going to be borderline alcoholics. He thinks that is inappropriate

and is very much in agreement with Mr. Foust's comments. We need to be very conscious of who is consuming most of the alcohol.

Secondly, this is really kind of a discussion between drugs and profit because alcohol is a drug. We have to balance that. In the next five to ten years, even in Ohio, it is very likely that marijuana will be legalized as a recreational drug. He doesn't believe that Worthington could discriminate between pot and alcohol if it is legalized by the state. Since the state of Washington legalized pot the consumption of alcohol, beer specifically has dropped greatly so any increase in profits may be negated if this happens.

Suzanne Seals, 123 East New England Ave.

Ms. Seals shared that a local organization, Drug Safe Worthington, as members know is dedicated to preventing drug and alcohol abuse in our community. Their website prominently displays the logos of several organizations identified as community partners. Along with ADAMH, Youth to Youth International, Worthington Food Pantry and others three partners are particularly notable: Worthington Parks and Recreation, the Worthington Division of Police and the City of Worthington. All three are cited as community partners who we can infer are also dedicated to promoting a culture that prevents drug and alcohol abuse. Given that commitment, the issue of whether to permit open containers of alcohol to be carried around during Farmers Market is an excellent opportunity for the City to support the efforts of Drug Safe Worthington by supporting in very tangible ways its guiding principles which are directly relevant to this issue at hand. The first two principles of Drug Safe Worthington are:

- 1) Environmental and cultural change is possible and we believe we can make a difference.

As Mr. Foust mentioned, every Saturday through the summer the Farmers Market sends a message to central Ohio and to Worthington families about our City's culture and values. Nancy Zajano, who presented for Drug Safe Worthington at the May 15th meeting, shared some alarming statistics about alcohol and drug use of Worthington youth. She hopes that the City will take this opportunity to do what it can to help impact Worthington youth and families in a positive way by changing its proposed Sip and Stroll policy during Farmers Market. In short the question is what kind of environmental and cultural difference the City of Worthington will make and what difference will Council members make tonight with their vote.

- 2) Every member of the community can be an effective part of prevention efforts starting with gaining an understanding of the drug culture within and around our community.

Ms. Seals stated that everyone has a part in impacting our community in both our attitudes and our behaviors, in this case the kind of event that we can promote as appropriate for families. She thinks it is interesting that each of us has a part of a prevention effort whether we choose to or not. Again it is by our behaviors and attitudes. So the question is what message will we be sending individually and collectively?

Ms. Seals added that as an Old Worthington Association member she wants to share with members the central idea contained in the OWA document that members received earlier in May and then again recently. Briefly quoting from that document, “OWA flatly opposes “sip and stroll” alcoholic beverage consumption during the Farmer’s Market. We believe that this successful, family-focused event will not be “enhanced” by the consumption of alcoholic beverages outside of designated restaurant establishments (indoors and outdoors).”

Ms. Seals closed by stating that as a community partner of Drug Safe Worthington and in an effort to actively support their principles and objectives in our community, which she hopes members all share, she respectfully asks City Council members to vote to eliminate the Farmers Market from the “sip and stroll”.

Ms. Michael believes Ms. Seals comments to be a little inconsistent with those of Nancy Zajano, who spoke of not expanding alcohol at all. For the OWA to be supportive of alcoholic beverage being drunk in front of the restaurants on the public sidewalks seems to be inconsistent.

Ms. Seals offered that the difference to her is that the Farmers Market is a family event. If families choose to go into an establishment and sit down, they have the right and if they have their children with them that is up to them. She thinks it is different when it becomes more environmental and cultural, when it is pervasive and people are wandering around. She added that in the informal poll that David Robinson, Ellen Shearer, and she did, many people commented about the same thing that Mr. Sears commented about and that is that often early morning drinking is associated with problem drinking. She thinks sitting in a restaurant and having a drink with your meal and families make that choice. It is also limited in scope because people are not wandering around. We do see a difference in that. She thinks that is where they see the potential to impact the character of the Farmers Market in a negative way.

David Robinson, 195 E. Dublin-Granville Rd.

Mr. Robinson understands the principle of not wanting to revisit something once it has been discussed however for certain issues, those that deal with core values of our community or defining institutions, events, places warrant ample discussion and policies ought to be enacted in these matters only after thorough public vetting and dialog. In the present case, he would say the historic district certainly qualifies to that description as does the Farmers Market and yet he would contend that adequate dialog with the residents about the inclusion of the Farmers Market has not taken place. Several residents, as Ms. Seals just mentioned, conducted what is admittedly an informal e-mail survey. He thinks that is at present the best information that anyone has about public sentiment regarding inclusion of the Farmers Market in the DORA. If it is to be criticized, he thinks it would only reinforce his point that we need more information. He would love it if the City would conduct an open dialog about it or a survey to come up with better information. Without firm public support for public policy that relates to core values and institutions he thinks we risk both bad policy and ensuing public rankle. Accordingly, he would urge each

member to please vote to exclude the Farmers Market from the list of DORA special events in this resolution, thereby allowing time for proper dialog and vetting with the residences.

AnnaBell Kinsel, 767 Worthington Woods Blvd., #202

Ms. Kinsel shared that she is in attendance representing the Worthington Inn. She is probably one of the closer ones to the young people in the community group that members are concerned about who this affects. She can see both sides and can respect what the concern is. She would like to elaborate on the idea of the personal responsibility and also talk about the business side too. Yes, we have personal responsibility as adults and community members that care about Worthington but the Partnership has spent a great deal of time explaining the DORA to businesses and providing education on what the implication could be for business owners. In fact, there is going to be a training about safe alcohol serve this Thursday for all business owners that are going to serve alcohol in the DORA. We must ID everybody to make sure that we are not serving people who are underage. In general, as a business owner that has a liquor license we could get in big trouble if we don't train our staff and we allow someone to walk out of our building who has been overserved or who might have walked in overserved and we continue to serve. She can totally understand the other side of the argument but at the same time, we are not going much further than the business she represents. The rules and training that she has to enact when she is serving alcohol in her business are going to be the same in the DORA. She knows that last time we talked, people mentioned something like a Heinygate or something like that. It is not a keg in the middle of the street. It is still served very responsibly. She would like for members to take that into consideration as well.

Mr. Foust stated that given the comments that have been shared this evening he would move to amend Resolution No. 30-2017 with the following motion:

MOTION

Mr. Foust made a motion to amend Resolution No. 30-2017 by deleting the reference to the Farmer's Market from (a) the list of Special Events found in Exhibit "C" to the Resolution and (b) the proposed Special Events listed in Section I on the Application for the Establishment of the DORA submitted by the City Manager on April 10, 2017. The motion was seconded by Mr. Smith.

Mr. Myers told Mr. Robinson that he takes some issue with the fact that this has not been subject to a full vetting as this discussion began in March and has been discussed at four or five different Council meetings. Members have worked incredibly hard in the last two years to be better at our communications and he thinks they have done an adequate job. He is never in favor of revisiting decisions but on May 15th he thought he made a fairly compelling argument for exactly the position that Mr. Foust is expressing tonight and it was pretty soundly defeated by a vote of five to two. Apparently he was not as persuasive as he thought he was. He is curious as to what has changed between May 15th and today.

Mr. Smith replied that the seed that Mr. Myers planted several weeks ago has sprouted into a billowing tree. He thinks his comment before, in his mind it really gets to the heart

of it and that is personal responsibility versus prudence. In this context, in this day, prudence wins and he thinks that is a valuable virtue for members to have.

When asked by Mr. Norstrom if he is saying that personal responsibility and prudence are different, Mr. Smith clarified that he is saying they can be different. In this context, prudence would dictate that we see how the rest of it goes first because he thinks members are in favor of the concept but it has never been proven. He would like for the concept to be proven, see how it goes, be prudent about it and talk later.

Mr. Foust shared that no matter how hard Council and staff has worked to get this information out, this issue could still have an undesirable outcome much like the meeting at the Board of Education building several years ago regarding the Comprehensive Plan. He suspects that if you walked down the street and polled twenty people about this issue fifteen couldn't tell you what members have talked about.

Mr. Norstrom commented that he stated his position last time. Based on the testimony tonight, he shares Mr. Foust's concern about the statistics that were shared by Drug Free Worthington but as he mentioned last week he doesn't think that this really changes the environment in any manner, shape or form. He understands Mr. Smith's discussion of prudence and he would say let's be prudent and we will try it for this summer and see what happens. Mr. Robinson has pulled a petition to run, he can run on this issue in November. If there are issues Council can change it in a minutes notice. He trusts the residents of Worthington. He just believes that we are adults and he doesn't believe that what is being proposed in any way changes the atmosphere that we have worked hard to establish in Worthington.

Ms. Dorothy agreed with Mr. Norstrom's comments. She believes that Old Worthington Partnership and the downtown business members have worked very hard to create this atmosphere that we enjoy on Saturday mornings and they are not trying to adversely affect us at all. They are trying to give us a bit more leeway to enjoy the market while using our personal responsibility. She does not see a whole bunch of people using this time to drink a lot. She sees it as another way to enjoy the market. She thinks it is something we can try. We can definitely take it back if something happens but she would be supportive of trying this option.

Mr. Troper commented that the Farmers Market is a great event for Worthington. In recent years we have had the Picnic with the Partnership which is a new great event. He thinks we should look to create more great DORA eligible events, like the Picnic with the Partnership.

Ms. Michael shared that it is never easy to make a decision when there is a significant amount of disharmony in the community. Everybody seems to be in agreement on the DORA except when it comes to the Farmers Market. The opposition, for her has been very, very large. She has had people come up to her on the street and in the Rec Center. She encouraged them to come and share their thoughts. Those who are supportive of the DORA have shared that they come and have a mimosa but end up drinking it quickly so they can

shop. If a sip and stroll were in place they would have the exact same amount of alcohol that they would otherwise have but they could drink it while they shopped. Other points some have made was to ask how children would know what is in the DORA cup unless somebody points it out to them. Those are just some of the comments she has heard and wanted to share.

Ms. Michael shared that there seems to be two philosophies on the issue. One is that Council members need to look out for the public and make our decision for the public while the other is to trust the public. We should give them a chance and if it doesn't work it could be pulled back. The subject has been more divisive in the community than she anticipated. She understands both sides which is why it makes it difficult.

Ms. Seals shared that her group has not commented on the informal survey they did. She explained that they sent e-mails to about 100 individuals. They received 55 replies with 51 saying they were unaware that the DORA allowed a sip and stroll at the Farmers Market. In one case they said that Ms. Michael explained to them that it was about being able to have an alcoholic beverage outside. Part of her concern is that the Fact Sheet that the City put out does not include the Farmers Market and many just had no idea.

When asked by Ms. Michael how the e-mail addresses were selected, Ms. Seal replied that they are people in the community that the group has connected with over the last few year. They are people from Old Worthington, Wilson Hills, Worthington Estates, Medick Estates, Colonial Hills and maybe one other area. We are not suggesting that this was in anyway scientific any more than the form letter the Old Worthington Partnership put out there that also did not include the Farmers Market. They are only talking about the Farmers Market and not the DORA as a whole.

Ms. Michael again expressed that the community is divided on this issue.

Mr. Myers shared that that goes to the argument that he tried to make at the last meeting. If Council eliminates the Farmers Market from the list of special events permissible under the DORA, it still means that we are enacting 80% of the DORA. To him, the elimination of one event as a compromise without any data to suggest that the elimination would have substantial impacts on the business community. . . He doesn't want to get in a situation where we are pitting citizens against merchants. That is not where he is coming from at all but to him it seemed like a reasonable compromise where everyone got most of what they wanted. He has nothing to suggest that this isn't a valid compromise. That was the point that he was trying to make the first time.

Ms. Dorothy remarked that no matter what, this topic will be reviewed in a year. Other members agreed.

The motion to amend carried by a show of hands of four “ayes” (Foust, Smith, Myers, Troper) to three “nays” (Norstrom, Dorothy, Michael).

There being no additional comments, the motion to adopt Resolution No. 30-2017 (As Amended) carried unanimously by a voice vote.

Resolution No. 31-2017 Providing for Adoption of the Tax Budget for the Fiscal Year Beginning January 1, 2018

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 31-2017. The motion was seconded by Mr. Troper.

Mr. Greeson reported that the Ohio Revised Code requires that we submit a tax budget to the Franklin County Budget Commission each year. He asked Mr. Bartter to comment.

Mr. Bartter reiterated that this is an annual housekeeping requirement as shared by Mr. Greeson. It is used as a planning document and failure to submit this to the County Auditor by July 20th causes them to revoke our local government fund distribution. So it is important to adopt this legislation.

When asked by Ms. Dorothy if there were any big differences that he would like to point out from last year to this year, Mr. Bartter replied that there is one substantial difference in the additional appropriation that was made by this Council earlier of \$600,000.

There being no additional comments, the motion to adopt Resolution No. 31-2017 carried unanimously by a voice vote.

Resolution No. 32-2017 Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds.

Introduced by Mr. Foust.

MOTION Mr. Norstrom made a motion to adopt Resolution No. 32-2017. The motion was seconded by Mr. Smith.

Mr. Greeson reported this as a transfer of funds and not an increase in appropriation. It is just a move of funds from one place to another. The transfer relates to our principal and interest payments related to debt that we issued after the budget was already adopted.

Mr. Bartter explained that the bonds were issued in January meaning that we didn't have actual numbers until after the adoption of the 2017 budget.

There being no additional comments, the motion to adopt Resolution No. 32-2017 carried unanimously by a voice vote.

Resolution No. 33-2017

Authorizing an Amendment to the Final Development Plan for 350 E. Wilson Bridge Road and Authorizing a Variance (MedVet Associates).

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 33-2017. The motion was seconded by Mr. Troper.

Mr. Greeson shared that he is excited that we are considering these types of Amendment to Development Plans because this means the growth of one of our largest and still rapidly growing businesses in MedVet as they move to occupy all of the 350 E. Wilson Bridge Rd. building. He asked Mr. Brown to comment.

Mr. Brown commented that on April 3rd Council adopted an Amendment to Development Plan that included variances for directional signage on the site. MedVet Associates did purchase the 350 E. Wilson Bridge Rd. building and have moved some of their administrative office and IDEXX over to that building. The request before members is for a minor variance from the Planning and Zoning Code for an additional 10 square feet per side of a sign. It still falls within the height and setbacks of all of our sign requirements. It went before MPC on May 25th and they did recommend approval on to City Council. Staff also recommends approval as we did not feel that it was out of character for the corridor and that it also complimented the large size of the site itself.

Mr. Brown showed a slide of the actual sign.

There being no additional comments, the motion to adopt Resolution No. 33-2017 carried unanimously by a voice vote.

Resolution No. 34-2017

Amending Resolution No. 58-2016 to Include a Compensation Rate for Part-time Staff Designated as Personal Trainer.

Introduced by Mr. Foust.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 34-2017. The motion was seconded by Mr. Smith.

Mr. Greeson shared that this legislation adds part-time personal trainers to our classified pay resolution, which had not previously been included in that manner.

There being no comments, the motion to adopt Resolution No. 34-2017 carried unanimously by a voice vote.

Resolution No. 35-2017 Amending the Position Description for Director of Law.

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 35-2017. The motion was seconded by Mr. Troper.

Mr. Greeson reported that since our law director will be retiring later this summer, we are advertising for a new director. It is our custom when we have vacancies or retirements to carefully review the position to see if the job description needs updated. We have proposed a number of modifications to the job description for this position as it hasn't been updated in quite a while. He recommends its approval.

There being no comments, the motion to adopt Resolution No. 35-2017 carried unanimously by a voice vote.

Ordinance No. 20-2017 Amending Section 529.07 of the Codified Ordinances of the City to Limit Opened Containers in the Designated Outdoor Refreshment Area to Locations as Authorized by the Permit Holder during Outdoor Dining Activities.

Introduced by Mr. Foust.

Ordinance No. 21-2017 Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for An Appropriation from the General Fund Unappropriated Balance.

Introduced by Mr. Norstrom.

Ordinance No. 22-2017 Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

Introduced by Mr. Smith.

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

REPORTS OF CITY OFFICIALS

Policy Item(s)**TREX Application**

Mr. Greeson reported that a TREX relates to state liquor laws. He explained that there are population based quotas for communities throughout our state and Worthington is at quota for the D-2 permits that is being proposed. The state law allows communities to TREX a permit from communities from another part of the state where they are over quota. We have received a request from Diamond Wolves LLC who is opening Tomatillos Authentic Mexican restaurant in the Linworth Plaza. They will occupy the furthest space to the west in the Plaza. They will also be opening Diamond's Ice Cream adjacent to that restaurant. The request of the D-2 liquor permit means that Council needs to approve a motion to endorse and acknowledge the transfer as an economic development project, which is what the state law requires.

MOTION

Mr. Myers made a motion to endorse and acknowledge the TREX transfer as being an economic development project. The motion was seconded by Ms. Dorothy.

When asked by Ms. Dorothy how full the new strip mall was, Mr. Greeson replied that staff can get an update for members but we believe their leasing is pretty successful to date although it is yet unseen.

The motion carried by a voice vote.

Mr. Greeson shared that he had a few announcements and when appropriate he would request an executive session to discuss Board and Commission appointments.

- 1) Open House – The Ohio Department of Transportation and the various partners will host an open house at Thomas Worthington High School tomorrow night where the work of the consultants will be shared. That work incorporates much of the feedback provided by an advisory committee of representatives throughout the corridor. Staff is excited to have the public provide comment as part of that open house. After the open house there will be an approximate 30 day period where ODOT will be accepting public comments on the various concepts that are presented.
- 2) School Facilities Meeting - Last week there was a school facilities meeting that he would encourage members to look at the material and proposals that are located on the school district's website. They have essentially narrowed their concepts to two major proposals related to how they would approach dealing with the growth of the district. Both are about \$160M+ in terms of total implementation costs and both require a 2018 ballot initiative. They are currently doing online surveys and will refine the proposals later this summer.
- 3) Municipal Planning Commission/Architectural Review Board Agenda – This week's MPC/ARB agenda has three notable items:

- a. Subdivision of the Methodist Conference Center from the parent UMCH parcel – 3.418 acres
- b. COhatch proposed outdoor patio
- c. Renovation of the building that formerly housed the Worthington Area Chambers of Commerce

REPORTS OF COUNCIL MEMBERS

Ms. Fox shared that the City has participated with forty nine other local communities as plaintiffs in a case against the State of Ohio over the Senate Bill 331, small cell wireless legislation. On Friday we received a decision from Judge Frye in the Franklin County Court of Common Pleas who found that Senate Bill 331 addressed numerous unrelated subjects and held that the micro wireless amendments to the bill were not constitutionally enacted so the argument that the bill violated the one subject rule has been upheld by Judge Frye. Although our complaint did not ask the Court to do this, he also ruled the minimum wage requirements of that same bill to also have been enacted unconstitutionally. So this is good news for the plaintiffs in the central Ohio case. Judge Frye also took the opportunity to offer this as a means of bringing the General Assembly, the telecommunications companies and municipal corporations together to constructively revisit all the issues through formal legislative hearings and informal discussion. The attorneys who are representing us and the other communities in central Ohio are hopeful those discussions can begin to take place. She thinks all of our efforts and the efforts of the other communities at least in our central Ohio case have been successful so we are very pleased with this decision and will keep members advised to next steps.

Ms. Michael shared that she believes some of the members of COMMA are already working with the telecommunications companies on this issue because cities are not against having cellular in the future but doing it so that all parties win.

Ms. Fox thinks there are many who have already begun going through some discussions with some of the providers of these small cell, Worthington being one of them. We are not opposed to having those discussions but rather the manner in which it was enacted. Mr. Norstrom added that it was also the intent behind the legislation which was to bypass municipal control.

Mr. Myers asked Ms. Fox if she's had a discussion with any of our attorneys. It would seem to him if we are working with the industry that would tend to mitigate their desire to file an appeal and a stay. Ms. Fox replied that this is kind of fresh off the press so we don't know what their intent may be. She added that there are still cases yet to be decided around the state. We were somewhat surprised at the quick response out of Judge Frye and were grateful to be a part of this group from Franklin County.

Mr. Smith shared that he received a very nice Thank You note from a neighbor applauding Ms. Fox for helping them take down some trees in their backyard.

Mr. Myers encouraged members to take a look at the COhatch application and let him know of any comments they may have that he can then pass on to the ARB. He is not going to comment on specifics but he thinks it is very much worth members taking a look at because there may be some public comment on that application.

Mr. Myers shared that the lot split that members were afraid of is kind of beginning. We really wanted this to be an inclusive development of the entire parcel. He doesn't want it to turn into a piece meal, patchwork development so keep your eye on that and hope that this is the last split that members will see.

Ms. Dorothy added to what Mr. Greeson already shared in that the school does have a public comment period. It is a big number for the facilities that they are looking at financing and potentially a big change in the K-5 versus the current K-6 configuration but both of them have significant building changes. Many with children have been engaged throughout the whole process but they have been lacking engagement from those without children, which is the majority of the school district. She encouragement members to inform their neighbors of this issue as they should be aware of it.

Mr. Troper shared that he likes the new Worthington signs.

Ms. Michael thanked Mr. Norstrom for the e-mail that he sent out about how to try to get our council meetings onto our cell phones. She is hoping that staff will follow up to see if that will work. Mr. Greeson assured members that it is an option that staff is looking at.

Ms. Michael also thanked staff for all of their work on the Memorial Day Parade and ceremony as well as the 614 work.

Ms. Michael shared that she also received some comments today about the airport and would like staff to check into that. She reported there being an article today in the Columbus Dispatch about the possible expansion of the OSU airport or funding and people want to know what the funding is for. Mr. Norstrom reported it being funding for a study. The letter indicated that the writer felt the study is for expansion of the north runway. There is nothing about funding for the north runway but rather an extrapolation of what he thinks the study is looking at.

Ms. Michael added that there is another pizza place in Worthington that had its grand opening today. Blaze Pizza now occupies the former COSI site at Wilson Bridge Rd. Mr. Troper shared that they have gluten free options as well.

EXECUTIVE SESSION

MOTION

Mr. Troper made a motion to meet in Executive Session to discuss Board and Commission appointments. The motion was seconded by Ms. Dorothy.

The motion carried by the following vote:

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

No 0

Council recessed at 8:37 p.m. from the Regular meeting session.

MOTION Mr. Norstrom made a motion to return to open session at 8:52 p.m.
The motion was seconded by Mr. Foust.

The motion carried unanimously by a voice vote.**ADDITIONAL NEW LEGISLATION TO BE INTRODUCED**

Resolution No. 36-2017 Re-appointing Members to the Worthington
Community Relations Commission.

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to adopt Resolution No. 36-2017. The
motion was seconded by Mr. Foust.

**There being no comments, the motion to adopt Resolution No. 36-2017 carried
unanimously by a voice vote.**

ADJOURNMENT

MOTION Mr. Smith made a motion to adjourn the meeting at 8:53 p.m. The
motion was seconded by Ms. Dorothy.

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
19th day of June, 2017.*

/s/ Bonnie D. Michael

Council President