



CITY OF WORTHINGTON
Worthington City Council Minutes
October 16, 2017

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, October 16, 2017, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 PM

ROLL CALL

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

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Finance Scott Bartter, Director of Planning & Building Lee Brown, Chief of Fire & EMS Scott Highley, Director of Parks & Recreation Darren Hurley, Director of Law Tom Lindsey, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress

There were twenty two visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

President Michael welcomed a group of Thomas Worthington Poly Rad students to tonight's meeting. She shared information regarding ordinances and resolutions and encouraged them to ask questions.

APPROVAL OF THE MINUTES

- Meeting Minutes – October 2, 2017
- Special Meeting Minutes – October 9, 2017

MOTION

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

There being no additions or corrections, the motion to approve the minutes as presented carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

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

ORDINANCE NO. 38-2017

Accepting a Permanent Easement for Landscaping at 50 East Dublin-Granville Road, Worthington, Ohio 43085.

The foregoing Ordinance Title was read.

Mr. Greeson reported this item being for the 752 High St. building (formerly the James Kilbourne Memorial Library) that is adjacent to Kilbourne Middle School. It is a city owned building. Part of the building is being renovated to house COhatch, which is a co-working/makerspace facility. A piece of that project includes a patio that has been constructed on the south side of the building and some landscaping. The landscaping just to the south of that patio actually sits on school property. Staff has arranged for an easement (a site plan of the easement was displayed on the overhead) that will allow us to maintain facilities that are in the easement, both landscaping and sanitary easements.

When asked by Ms. Dorothy if COhatch opened today, Mr. Greeson replied that he doesn't know the answer to that. They are very close and there is another agenda item later in the meeting regarding a grand opening event that they are planning in November.

At Ms. Michael's request, Mr. Greeson briefly explained the COhatch office/makerspace concept for the benefit of the students.

There being no additional comments, the clerk called the roll on Ordinance No. 38-2017. The motion carried by the following vote:

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

No 0

Ordinance No. 38-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

RESOLUTION NO. 60-2017

To Endorse and Commit to Participation in the sustainable2050 program of the Mid-Ohio Regional Planning Commission.

Introduced by Mr. Foust.

MOTION

Mr. Norstrom made a motion to adopt Resolution No. 60-2017. The motion was seconded by Mr. Smith.

Mr. Greeson explained that the Mid-Ohio Regional Planning Commission has created a program called sustainable2050. This is a replacement program for the Central Ohio Green Pact that was adopted ten years ago. It has been updated as part of implementing a regional sustainability effort. MORPC is requesting that their local government members adopt a resolution endorsing and committing to participate in the sustainable2050 program. That program has a number of goals that are tied to their regional sustainability program. In adopting this resolution members would be continuing our participation in the regional conversation about making Central Ohio more sustainable. It would also authorize him to designate a staff member to work on this program in collaboration with other local governments as well as share data with MORPC on the progress we are making on the sustainability goals.

Ms. Dorothy reported that members received a presentation on this topic at the last Council meeting. She thinks members also noted that we might want to go above and beyond this and maybe make our own sustainability policy. We have been a part of the Green Pact and have made incremental improvements to improve our sustainability throughout but we do not have a formal policy or master plan to get through.

Mr. Foust asked if there is any guess as to how many hours a month a staff member might need to assist with this effort and what the impact will be. Mr. Greeson thinks the staff member will attend the networking and coordination meeting, which will probably be monthly. The more substantive work and where more time will be allocated will be through our internal green time. We have volunteered to be one of the guinea pigs for their new energy benchmarking program that Ms. O’Keeffe spoke about.

Mr. Foust shared that he asked because you don’t know what you don’t know. He requested that Council be kept apprised if this turns into a significant time commitment. It is very important and time well spent but if it turns into an FTE or something like that members will need to know that in advance. Mr. Greeson replied that while he doesn’t anticipate that at this point, he agreed to keep members updated. He added that it is a voluntary program so our staff and budgetary resources will kind of dictate what we are able to accomplish through it.

There being no additional comments, the motion to adopt Resolution No. 60-2017 carried unanimously by a voice vote.

RESOLUTION NO. 61-2017

Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds.

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 61-2017. The motion was seconded by Mr. Troper.

Mr. Greeson explained that several times during the year staff reviews our budget and identifies areas of greater need from areas of lesser need. This transfer does not increase the total budget of the City but rather reallocates dollars within the organization. This resolution does that in a number of areas. He asked Mr. Bartter to highlight any items that he thinks are particularly important.

Mr. Bartter reported that the most significant transfer is to the police overtime line that is due to some health issues.

There being no additional comments, the motion to adopt Resolution No. 61-2017 carried unanimously by a voice vote.

RESOLUTION NO. 62-2017

Authorizing the Use of a Portion of the Proceeds of Bonds or Bond Anticipation Notes of the City, in the Principal Amount of Not to Exceed \$3,000,000 to be Issued for the Purpose of Financing the 2017 and 2018 Capital Improvement Program Projects Including Street, Community Center and Utility System Improvements Identified as Bonded Projects in the 2017-2021 Capital Improvement Program, to Reimburse the City's Capital Improvement Fund for Moneys Previously Advanced for Such Purpose.

Introduced by Mr. Foust.

MOTION Mr. Norstrom made a motion to adopt Resolution No. 62-2017. The motion was seconded by Mr. Smith.

Mr. Bartter explained that this resolution is similar to the reimbursement resolution that was passed in 2016. It allows the City to reimburse the Capital Improvements Fund for projects identified as being funded through bond proceeds. Passage of this resolution allows staff to move projects forward and then issue debt at a future time when we have multiple projects that we can bundle together. We have a significant bond issuance anticipated in 2018 and that would reimburse for some of these projects.

When asked by Ms. Dorothy if we have any idea of what the interest rate might be, Mr. Bartter reported that he looks periodically. He shared that recently there was a school district that issued about \$11M bond. They were AAA rated and they paid 3.5% over thirty years. It is hard to say where rates will be in eight months when we will be looking to actually issue this but we hope to be right around that same mark.

Mr. Bartter confirmed for Ms. Dorothy that our AAA bond rating is still intact.

There being no additional comments, the motion to adopt Resolution No. 62-2017 carried unanimously by a voice vote.

RESOLUTION NO. 63- 2017

To Join a Coalition of Municipalities in Challenging the Constitutionality of Amendments to Ohio Revised Code Chapter 718 Relating to the Administration and Collection of Municipal Income Taxes

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 63-2017. The motion was seconded by Mr. Troper.

Mr. Greeson provided an overview of the structure of the coalition as it relates to recent laws passed by the Ohio legislature that have been and/or will be challenged by municipalities on their constitutionality. He then asked Law Director Lindsey to comment on this issue.

Mr. Lindsey shared that this resolution would allow the City to join the coalition that is represented by attorneys at Frost Brown Todd. The benefit of these coalitions and the ability of one firm to move forward is something that most communities would not be able to successfully accomplish by themselves because of the time and resources needed to challenge such legislation at the state level. The results of the Senate Bill 331 lawsuit is favorable at this point in time. It is on appeal so no guarantee of the future success although it does appear headed in a positive direction. That litigation is being handled by the Ice Miller firm with a similar contribution by multiple cities. When he spoke to Gene Hollins at the City of Powell and Thad Boggs down at Frost Brown Todd last week, they already had over a hundred communities who indicated their intent to support this litigation because of multiple issues in the legislation. The most significant is that the state is permitting businesses to decide whether to file their net profit returns with the City as they currently do or with the State. The State would then take a percent of the revenues that would normally go to the cities and presumably pay their own administrative expenses at a higher rate than what the cities believe they are currently paying. This change could result in a net loss of revenue for cities.

Secondly, it is a question of our home rule authority.

Thirdly, it was also filed as part of the budget which makes it a question of the single subject rule. That rules states that any piece of legislation should be directed to a single subject and not omnibus type bills that combine unrelated subjects. The budget bill is a frequent source of those types of combining of things because it is a convenient way of getting your legislation passed since the budget bill has to be passed in order to keep the state government funded and moving forward. So it is not unusual to see it. The Ohio Supreme Court has upheld on challenges to it on certain occasions so this might be one in which they would look at these changes effecting our administration of the municipal income tax and the home rule issue. So those are the basis by which we would go forward. We would asked council to approve this to allow City Manager Greeson and him to take the necessary steps to join the coalition.

Ms. Michael shared additional information on the change House Bill 49 would make to tax collections at the state and local level for the benefit of the students.

Mr. Myers told the students that if they had to write a paper about tonight's council meeting, this topic would be a good one to write about because it has to do with the power to govern yourself and who gets to do that. We think the best way to govern is the closest to you because you can't go downtown and talk to the people that make your laws but you can come in and talk to council members and they are trying to take that away from us. That is why we are kind of upset about this.

Mr. Foust explained that the acronym RITA stands for Regional Income Tax Agency. They are the collection vehicle that has been responsible for collecting our city taxes. Ms. Michael added that

there is nothing the cities are aware of that states that the State has the authority to be able to collect municipal taxes.

Mr. Myers remembers a previous time we went through something like this and one of the issues that came up was our voice through the General Assembly as expressed by the Ohio Municipal League. He knows that they have gone through some changes in the last few years. He asked if we have an effective voice in the General Assembly because we are getting beat up at Broad and High. Mr. Greeson thinks we have increased our active participation in that one of the outcomes of the law suits of Senate Bill 331 has been some high level interested party meetings where municipalities have had a seat at the table in a way that they didn't before. Mr. Myers commented that current leadership seems to have a fundamental misunderstanding of the concept of home rule. He was wondering what steps we were taking to re-educate them as to what that means. Mr. Greeson replied as many as possible.

Ms. Michael reported that the Municipal League has been down there doing quite a bit of very good testifying. They have also been working to get cities to contact the legislators in the different areas, especially in the leadership areas to try to get the cities in those districts to get the legislator to understand what is happening.

Ms. Michael then shared information about the impacts of Senate Bill 331 with the students.

A member of the audience, Ron Sears, asked if members knew who was behind the House Bill 49 initiative.

Mr. Greeson explained that it has been multiple legislatures. There have been a series of bills that have been passed by the legislature under the idea of creating a more uniform sets of rules around municipal income tax filing. He explained that each city adopts income tax regulations and there are some variations across the state of those so the effort has been to try to achieve more uniformity so the businesses can have predictability in those regulations. But the devil is in the details in terms of bills and many of those bills also had things that remove municipal authority, centralized collections with the state and undermined revenue streams to cities. There are various interest groups that were interested in it and not one in particular. Ms. Michael added that the CPAs is one group and a business organization (NFIB) has also effectively lobbied legislators saying they absolutely need this. She has personally met with legislators on this exact bill before it was passed.

When asked by Mr. Norstrom what NFIB stands for, Mr. Myers replied National Federation of Independent Businesses.

Mr. Sears asked if it is a fair assessment to say that this was floated in under the idea of getting rid of the complexities for small businesses. Mr. Greeson agreed that it was. He explained that one of the reasons we contract with the Regional Income Tax Agency (RITA) is so that people do not have to file here. RITA does that for about 300 municipalities statewide so there are some local governments already participating in a process that creates economies of scale and less confusion. He thinks many municipalities, including us, are advocates of trying to create simple processes and uniformity where appropriate. In some cases policy is embedded in some of those bills that either promote centralization with the State, which is not necessarily more efficient or effective or under the idea of uniformity and essentially taking resources away from cities.

Mr. Norstrom asked if there are other lawsuits as well or is everybody pooling into this one. Mr. Lindsey replied that with this lawsuit, it appears that most everybody will be in one lawsuit. While there has been some discussion that perhaps somebody up in the northeast part of the state might file a separate lawsuit, but he knows from his discussion last week that there are some communities in that area that are interested in joining the Frost Brown effort. Hopefully it will be one lawsuit with a couple hundred cities involved.

There being no additional comments, the motion to adopt Resolution No. 63-2017 carried unanimously by a voice vote.

ORDINANCE NO. 39-2017

An Ordinance Enacted by the City of Worthington, Franklin County, Ohio, in the Matter of the Stated Described Project, (FRA-SR161-8.86 to 9.04).

Introduced by Mr. Myers.

Ms. Michael shared that this project permits ODOT to work on the roads, and replace guardrails in Worthington.

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)

Alcohol on City-Owned Property

Mr. Greeson reported that part of the James Kilbourne Memorial Library building is now being occupied by COhatch. They have two requests as follows:

- 1) Host a Grand Opening event in early November that would allow alcohol.

Mr. Greeson explained that their request is to close down Village Green Drive and use the paved portions of the road as well as the north parking lot for their event. Alcohol would be allowed on their leasehold. Because that is a City-owned property the allowance for alcohol has to be approved by City Council. They will submit the required permits to the Division of Liquor Control (F-2 permit). The permit will actually be under the Old Worthington Partnership since they will be running the event. It will be for temporary alcohol at a special event.

- 2) Add the 752 High St. building to the list of City-owned buildings in the Administrative Code that allow the consumption of alcohol.

Mr. Greeson shared that the Codified ordinances prohibit alcohol in parks and in City-owned buildings and properties unless authorized by Administrative Regulations. Our Administrative Regulation essentially mirrors the ordinance and prohibits alcohol except at the McConnell Arts Center. COhatch is a private leasehold. They will occasionally have fundraisers and special events. There may be someone in a makerspace that involves alcohol and likewise may have some

private consumption in the office or on their private patio. Staff thinks that this City-owned building should be added to the Administrative Regulation along with the McConnell Arts Center, which is already added for alcohol to be allowed. The COhatch lease prohibits alcohol consumption on the patio during school hours. Any function outside of the private leasehold or any business inside the private leasehold that would make or sell alcohol would require Division of Liquor Control approval. The City would also have to sign off on that when that occurs because we own the property.

Mr. Foust commented that events at the McConnell Arts Center do not have to be approved every time. Mr. Greeson agreed. He added that they have a liquor permit. Mr. Foust recapped that members are agreeing to a one-time event and not a repeat, open-ended agreement or is it? Mr. Greeson clarified that we are allowing the one-time event. Then members would be adding the James Kilbourne Memorial Library to the list of city-owned properties where alcohol is allowed. The practical effect of that would be that they would be able to consume alcohol on their private leasehold, except on the patio during school hours. Any events they have would be subject to the Division of Liquor Control Regulations.

When asked by Mr. Troper if the time of the event is known, Mr. Greeson replied that staff will have to issue a temporary use permit for their event but he doesn't have that information in front of him. Mr. Hurley shared that the permit for the special event came in with the event time listed as 5:00 p.m. to 9:00 p.m. on November 10th. Mr. Greeson thanked him for the information.

Mr. Foust asked to go back to his question because he doesn't feel like it has been answered yet. The request reads: "Motion to add the James Kilbourne Memorial Library Building at 752 High Street to the list of properties exempted from the prohibition of alcohol on City property and to authorize alcohol at the grand opening event for COhatch." What he gets out of that is that we are authorizing alcohol for this single event. Mr. Norstrom disagreed with Mr. Foust's understanding of the request. Mr. Foust believes the wording is misleading.

Ms. Michael agreed that the way it is worded is misleading but the presentation stated that there is two things being asked. 1) Permit for special event and, 2) Add the Kilbourne Memorial Building to the list of properties exempted from the City's alcohol prohibition.

Mr. Greeson agreed that the request may not be artfully worded but one of the reasons for it being that way is because the special event is not only at the James Kilbourne Memorial Library but also in the public right-of-way, which is also our property. The City will be allowing them to close down Village Green Drive and have that as part of the premises which exceeds their leasehold. That is why we believe it necessitates a separate action.

Mr. Myers stated that by this action, members are giving COhatch permission to have a mixer on the patio at any time they want except during school hours and if permitted by liquor control. Mr. Greeson agreed. He clarified that alcohol would be allowed on the patio but not on the Village Green. Mr. Myers argued that the patio is the Village Green. Mr. Norstrom commented that legally it is not. Mr. Myers understands but conceptually it is part of the Village Green.

Mr. Greeson explained that it is a private patio, which the City has leased to COhatch. Mr. Myers again stated that he understands but he is having a hard time getting his head around that one. He added that he doesn't have a problem with the Grand Opening special event but as sacred as

this Green is. . . he asked Mr. Norstrom to provide the other point of view. Mr. Norstrom shared that he understands. It is not clear cut but at the same time legally it is very explainable.

*The second thing is where Worthington stands in terms of having businesses like COhatch and the opportunities of how business environments are now set up. The Partnership has their offices in COhatch at the former hardware store. There is beer and wine in the refrigerator on a regular basis for basically anyone to consume. He shared that he has friends that work at ~~Govern My Meds~~ *CoverMyMeds and they have food and liquor available 24 hours a day at no cost to the employees. That is the Silicon Valley kind of environment. That kind of work environment is a competitive advantage for some businesses. Since COhatch especially is trying to attract entrepreneurs, putting any kind of restrictions in that way, he is not saying we are going to have big vociferous parties. In fact that is not what this legislation will do but it will allow them to drink on the patio during non-school hours. * Typo corrected with the approval on 11/6/17.*

Mr. Foust shared that he is kind of back to the whole conversation members had about Farmers Market. He doesn't like the message it sends.

Mr. Greeson shared that we do have some legislative history that led up to this. If members will recall, the CIC worked to have the precinct that includes the James Kilbourne Memorial Library voted wet (alcohol sales). That was to position that building for a restaurant, which didn't come about. But the voters in that precinct approved that location to go wet and the Kilbourne Building was the stated reason why the issue was placed on the ballot when public information was sent out about it. The second act or legislative act that he thinks is consistent with this action is that we entered into a lease with Sweet Carrot, which was a restaurant. They didn't move forward because of some financial feasibility challenges but included in that lease and restaurant concept was an outdoor patio for dining. We would have had to amend this Administrative Regulation in order to fulfill our lease obligations with Sweet Carrot. Subsequently we have entered into a lease with COhatch with the only restriction to alcohol in the lease being during school hours on essentially a fenced patio. This presumably would allow any consumption inside the building.

Mr. Myers stated consumption can be inside or on the patio but that is all. Mr. Greeson agreed. He added unless we separately authorize through some permit like we are doing now. It will not be allowed on the public patio at the front of the building.

Ms. Michael asked Chief Strait if there has been any problem with the existing COhatch and alcohol in the downtown. Chief Strait replied that he is aware of no problems. If the alcoholic items are not for sale then he thinks we are fine. If we move into a position where it becomes a club or they start distributing or manufacturing their own in anyway, whether that is through tickets or cash, then we move into a situation where they will have to apply for a permit with the Department of Liquor Control.

Mr. Myers stated that what we are doing tonight will not permit the sale of alcohol, only the consumption. Mr. Greeson clarified that it wouldn't by itself permit the sale. Members would have to take a subsequent action as the property owner authorizing staff to sign off on a Division of Liquor Control application.

Mr. Myers asked if members created a zoning classification for breweries once Zaftig came online. Mr. Greeson reported it being an allowable use within certain zoning classifications. Mr. Myers

stated that what he is driving at here is this action would not permit a craft brewery as part of the makerspace because it wouldn't be zoned for it or would it? Mr. Greeson replied that in the C-5 zoning designation, which the Kilbourne Library Building is, it might be.

Mr. Brown shared that he would have to pull up the permitted uses but the one that Mr. Myers referenced for Zaftig was in the I-1 district. That was added to the mixed use section in the Wilson Bridge Road corridor. It would be a conditional use so we would have to see how it would fall in the C-5 zoning.

Ian Mikel, 325 Medick Way

Mr. Mikel shared that he is running for Council and has been knocking on doors. There have been a few raised eyebrows at the whole COhatch situation. People are curious about how it came about. He noticed and everyone has noticed that they put on a patio and now there is a request to utilize the patio that seems to perhaps have already been in the workings. He thinks that we should be cautious that a lot of people would see this entire process as questionable about who knew what and how it was laid out. He can foresee the space in the basement to be used as not a brewery but we will rent you the materials and the items to make your own beer and then when it is done you can go upstairs and drink it. It seems a work around to have the ability to sell alcohol without actually selling alcohol. So he thinks we should be careful and cautious and find out more.

Ms. Michael explained that this has been going on for several years which makes it very hard for the public to follow several years of something. When Sweet Carrot was going to come in and have a restaurant there she didn't hear anybody say anything about having problems with alcohol with the restaurant except during school hours, which made perfectly good sense.

Mr. Mikel commented that he has brewed alcohol in various places and is not against alcohol. But rumors are and he is curious to know how much COhatch pays for the space. Mr. Norstrom stated that is not a rumor. COhatch is not paying anything up front because they are putting their money into the refurbishment of the facilities so that the City does not have to put millions of dollars into that building. He encouraged Mr. Mikel to tell the people that as he walks around town.

Mr. Mikel reported there being other rumors going around and he doesn't have enough information with COhatch and he loves the idea. Mr. Myers stated that is why they are rumors. Mr. Mikel commented that he is not against COhatch. When asked by Ms. Michael if he has been inside of COhatch, Mr. Mikel replied that he has not. He loves the idea of having the space where people can go and rent offices. Ms. Michael interjected that many members have already been inside of COhatch more than once and have had briefings about what it is about. She suggested that he set up a meeting with the owner. Mr. Mikel thought that was a good idea.

Mr. Norstrom understood that Mr. Mikel was trying to provide information about rumors. Mr. Mikel thinks that the underlying theme that he is trying to get to is that this could be a set up for a work around to get around the alcohol laws that may have been established three years ago but the people aren't finding out about it until tonight. That is problematic and those are the kind of rumors that exist out there which can be harmful to the city in the long run. Mr. Norstrom agreed, especially if they are perpetuated by certain people. He added that Mr. Mikel is the same one that perpetuated the rumor that council hired a consultant to give specific answers on the master plan that we wanted. Mr. Mikel argued that Mr. Norstrom is changing his words. He doesn't think

they need to get into a fight. He is actually trying to come clean and clear with what he has heard and he is seeking information. He is not spreading rumors. If Mr. Norstrom would like to talk about the other matter he can but he doesn't think this is the place. He shared that he finds Mr. Norstrom confrontational and unpleasant.

Ms. Michael thanked Mr. Mikel for coming forward with the rumors. She asked Mr. Greeson if he is aware of COhatch having any leasing with any brewery or any alcohol making entity. Mr. Greeson reported that not being the first time he has heard that rumor or even coffee in conjunction with the Farmers Market activities. Our lease would not prohibit those types of activities. But if there is coffee there is restrictions about odor and our lease has restrictions about emissions so it would be a lease management issue. If it were making and distributing alcohol it would trigger applications for the Division of Liquor Control that would be required and we would have to sign off on those. He thinks the question becomes what the C-5 zoning allows. If they have a tenant that wants to make something and then either distribute it or sell it or something like that, does the zoning allow it? Does the lease allow it and what kind of liquor control approvals will they need.

Mr. Myers understands that they would need a permit to distribute but not necessarily a permit for personal consumption, we are talking a gallon. There is enough room in the basement of the Kilbourne building for a commercial distillery.

Mr. Greeson shared that staff didn't bring this request forward for the purposes of debating whether there should be a home brewer down there as part of the makerspace. We have allowed a company to put in offices and have a private leasehold like many buildings in this town where people rent buildings for offices and have event space or common space or meeting rooms and yes they have a makerspace. We have an administrative regulation where this building needs to be added if we are going to have any consumption in the building.

Mr. Foust, as one member of Council, thanked Mr. Mikel for standing up and making his remarks. He hopes that he will find that not all of Council is confrontational. But he thinks members have gone astray from the issue that he was concerned about, maybe we will get back to it. He doesn't care about what happens inside the four walls so much but what he struggles with is what is out in plain view and the message it sends. He is thinking about the conversations that members had during the sip and stroll conversations. There was a lot of thought given and at one point if you were the owner of a restaurant then you were on the back patio if you wanted alcohol. Then members had conversations about being able to get out to the street. Those were long deliberative discussions about what is okay and what isn't. To him, this is one more piece of that conversation that he is not ready to just wave his hands and approve.

Ms. Michael thinks members had a conversation on this when they decided to amend the lease to say they could not have alcohol during school hours. That sort of set the stage. Mr. Norstrom commented that that conversation wasn't with this use but rather when members were talking with Sweet Carrot.

Mr. Greeson shared that the big policy decision was the lease. He thinks when we decided to allow COhatch to build a patio that essentially would be private and we restricted them, he agrees with Ms. Michael that that is when we made the decision. We really thought more about this Administrative Regulation as we confronted this event because it is not something we use very often. But he understands Mr. Foust's perspective and he offered the following:

- 1) Members can vote discreetly on whether they want to allow alcohol at the event for the grand opening;
- 2) If you desire to vote on the proposal to add this property to the Administrative Regulation, go ahead and do so tonight, or;
- 3) If it would be helpful to hear Mr. Davis talk about his particular approach to using it and managing it then table it and staff will ask him to come in.

Mr. Greeson shared that Mr. Davis really needs to move forward with his F-2 permit for the event and get that organized and filed. He thinks he is presuming that he already has the authority for alcohol on the patio because we negotiated only one lease restriction with him.

Mr. Smith acknowledged being confused. He asked what COhatch is allowed to do with alcohol today. Mr. Greeson thinks they believe that they can consume it on the premises. When asked by Mr. Smith what our position is, Mr. Greeson replied that staff has identified an Administrative Regulation that prohibits alcohol on that property. Mr. Smith concluded that our position as a City would be that they are not allowed to have alcohol on the premises today. So seeing as how they have alcohol in their current setting above the hardware store, he asked why they didn't come to us sooner because he is guessing they knew that they were going to want alcohol in this new place. Mr. Greeson thinks they did but staff didn't identify the Administrative Regulation as a hurdle early in the lease negotiations. He believes through the lease negotiations the only restrictions they believe they have are the school hours on the patio.

Mr. Norstrom stated that by negotiating that restriction it would only be necessary if they could not drink alcohol. Mr. Greeson agreed.

Ms. Michael suggested doing the easy part. She asked if there was a motion to permit the consumption of alcohol at the Grand Opening event for COhatch and give permission to use City property for the one Grand Opening event.

MOTION Mr. Norstrom moved the aforementioned motion. The motion was seconded by Mr. Troper.

Ms. Dorothy wanted to confirm that Ms. Michael was going along with Mr. Greeson's suggestion of separating these two items. Ms. Michael agreed.

Mr. Greeson stated that the approval would be subject to them getting a liquor permit and a City issued temporary use permit for this activity.

Mr. Foust asked that members honor the separation of this into two issues and no one jump to move that we do the second part of this tonight as he has seen it done in the past.

There being no additional comments, the motion carried unanimously by a voice vote.

MOTION Mr. Norstrom moved that the restriction be lifted on this property as presented previously by Mr. Greeson. The motion was seconded by Mr. Troper.

Mr. Smith commented that this is where Mr. Foust's point comes in. Members can choose to not vote in favor of this in order to potentially table it to bring Mr. Davis in to provide an explanation. Ms. Michael agreed.

Mr. Norstrom shared that having talked to Mr. Davis about the restrictions that he has faced in getting that great operation going on the Green this is just another bump in the road that he believes doesn't need to be there.

Mr. Norstrom explained that this issue has been in our documents and has been discussed previously relative to the patio and to another entity that was going to operate there before COhatch decided to lease the space. It is not railroading in any way from his perspective because it is a public meeting and has been discussed a number of different times.

Mr. Foust stated that he would appreciate more public dialog before we move forward.

Mr. Myers commented that to a point he thinks he is with Mr. Foust on this one. He asked if it has any impact that the voters had this issue in front of them. They voted this precinct wet two years ago so they have signed off. That is kind of persuasive to him because he is troubled by alcohol on the Village Green and he thinks Mr. Foust is too. In our discussions about the DORA, we specifically cut it off at Village Green Drive. We had this discussion and now there is this appearance that it is coming in through the back door. He gets that but he finds it somewhat persuasive that this specific issue was put before the voters and they said it is okay. That does carry some weight. Mr. Foust acknowledged that as being a great point.

Mr. Smith reported that he was one of the people in charge of that campaign along with Ms. Michael to go to the 350 or so houses and persuade the voters on that topic. Specifically, it was for a restaurant. Mr. Myers commented that he understands that but he thinks this is probably more restrictive than a restaurant would be.

Mr. Smith believes that to be a great segue to his next question for Mr. Greeson. He asked what our abilities are with this guideline. Mr. Greeson acknowledged that as being a good question. He asked if he means that rather than just adding the building, could you add additional restrictions. Mr. Smith replied yes. Mr. Greeson stated that if we started doing that he thinks we really would need to sit down with Mr. Davis because he believes that he negotiated in good faith for his lease. We received public input, particularly from the Old Worthington Association about the restriction of alcohol during school hours and we negotiated that with him. He thinks Mr. Davis believes that he is good to go as long as he is within the Division of Liquor Control and the zoning requirements. He thinks if we are going to start using the Administrative Regulation as a different vehicle for lease conditions or as a way to narrow it, then we should bring him in and talk to him about it. He thinks that is something that Council could do.

Mr. Myers asked Mr. Foust if he heard from Mr. Davis and he spoke what you might want to hear, could he get in favor of it. He asked whether it is worth tabling to hear from Mr. Davis. Mr. Foust replied that it is to him. He thinks Mr. Smith just now kind of nailed the point for him, which is if this were being proposed as a restaurant as it was at one point then he sees that as a very different scenario. That is very different from the perception of an outdoor watering hole and that is what he is trying to avoid.

Mr. Myers thinks his terminology is a little harsh. In addressing Mr. Norstrom, he commented that he has dealt with Mr. Davis often enough to know that he will not be happy to have to come before Council. Members have already voted off the special event so at least he can move forward with that. He asked Mr. Norstrom if he would accept a table. Mr. Norstrom replied that he would not vote for it. The description of a watering hole, this is office space. He doesn't think a 7 – 0 vote is all that important. It could be 5 – 2. Mr. Myers disagreed. Mr. Norstrom thinks the issues that are being raised here, in fact you just heard that in the lease discussions, if he were Mr. Davis he would say to go ahead and vote for that and I'll sue you folks because in the lease discussions it was that we will not allow you to serve alcohol on the patio during school hours. So what does the reverse of that mean? Mr. Myers replied that he understands. He is trying to address this politically. Mr. Norstrom said that he is talking as a Council member who wants to see this project move forward. What we are talking about during the day if they are working outside on the patio during the summer. We are not talking about a watering hole or a restaurant. The point is a restaurant would actually have more visibility of alcohol being served than this as part of a business function. Mr. Myers understands.

Mr. Greeson shared that he thinks it is staff's mistake because we didn't make the Administrative Regulation a highlight during the lease negotiations. He thinks they moved forward in good faith negotiating the terms of the lease with the restrictions that are in them and with the understanding that they would be able to operate COhatch very similarly the way they operate the one at the hardware store and with access to the private leasehold patio consistent with that. It begs the question of whether they would have entered into the lease knowing that we would have this debate.

Mr. Foust in talking about the first COhatch location, he knows the answer to the question but he wants to ask it rhetorically, he asked if employees could take their beer from the upstairs refrigerator and walk down and stand on the sidewalk in front of the old hardware building and drink one on the sidewalk? Of course not. He doesn't care what happens inside the four walls. He concern is what happens ten feet away from the Village Green in public view.

Ms. Michael asked what the difference is in COhatch doing that and Sweet Carrot serving alcohol during non-school hours out on the patio. Mr. Foust replied that it goes back to the question of a restaurant versus a place simply serving beverages. Those are two different places to his way of thinking.

Mr. Norstrom argued that serving beverages is not what it does. When asked by Mr. Foust why it is necessary, Mr. Norstrom asked if he heard him talk about the modern office. Mr. Foust acknowledged that he did. Mr. Norstrom asked if he understands that that is a competitive environment.

Ms. Michael called the question.

Mr. Greeson clarified that outdoor alcohol consumption would only be allowed on the private patio that is part of their leasehold.

The motion that the restrictions be lifted on this property as presented by Mr. Greeson failed by a voice vote of three “yea” (Troper, Norstrom, Dorothy) to four “nay” (Smith, Myers, Foust, Michael).

Ms. Michael thinks council would like to have this resolved as soon as possible. She requested that Mr. Davis come back as soon as possible so that we can have a discussion on this. She would be interested in knowing what kinds of businesses are going in at this location. She also asked that staff look at the C-5 zoning classification to see what is and isn't allowed.

Mr. Myers asked that this discussion be added to the next agenda as he would like to get this voted off the first meeting of November. Mr. Greeson agreed.

Visitor Comments

Ron Sears, 500 Park Overlook Dr.

Mr. Sears shared that his comments were triggered by a meeting at the Architectural Review Board and Municipal Planning Commission. At the end of that meeting last week, to his mind he walked out of there with a drastic conflict within Worthington's rules and regulations. That is what drove this. He began reading the attached statement.

At one point, Mr. Norstrom told Mr. Sears that public testimonies have a five minute limit. While he understands that Mr. Sears may not be familiar with that rule as it wasn't shared before he began speaking that has been our recent practice. He asked him to shorten his comments.

Ms. Michael reported that his five minutes are up. She understands that he will be providing his testimony. When asked by Mr. Sears if his statement would be entered into the read, Mrs. Thress assured him it would be.

Mr. Sears reported there being contradictions in the Comprehensive Plan. He continued reading his statement until Ms. Michael asked him to wrap it up in a minute.

Mr. Sears stated that he has spent thirty five years trying to protect his neighborhood and Council gives him five minutes.

Mr. Norstrom reported that Mr. Sears has provided this information. It is in the public record of the ARB. Mr. Sears disagreed. His presentation tonight was to provide a background and then come up with additional information based on what he was told. There is an inherent conflict between what is in the Comprehensive Plan and what the ARB has approval. He would like for Council to rectify that.

Mr. Norstrom asked that he talk with staff about that because he is interpreting the Master Plan incorrectly. He suggested talking about it after the meeting.

Ms. Michael suggested that he work with staff to have this be an agenda item where it is not limited to five minutes.

When asked by Mr. Sears if the fact that there is an inherent and direct explicit contradiction in the Comprehensive Plan, Ms. Michael replied that she has no idea since she has not researched it.

When Mr. Sears asked if anyone else wanted to comment, Mr. Myers reported that MPC/ARB members talked about it Thursday night. Mr. Sears asked if it has been changed. Mr. Myers replied that he and Mr. Sears talked specifically about this issue and he thought they understood each other. Mr. Sears stated that he has to protect the value of his house and the quality of his community. He has an ARB decision and there are three members of Council who actually live in Colonial Hills and that is wonderful as a short term solution. Franklin Management Services is a very stable company but. . .

Ms. Michael again suggested that Mr. Sears contact staff to set up an opportunity to discuss the matter in greater detail as an agenda item.

When asked by Mr. Sears if the Comprehensive Plan could be changed, Ms. Michael replied that it would have to be an agenda discussion that would require research and public comment. She added that it might be time to have a strategic planning process for the whole community and not just for one area.

Budget & Capital Improvement Program Workshop

Mr. Greeson offered the students an opportunity to leave given the late hour.

Mr. Greeson apologized as he underestimated the length of time that the alcohol issue would take given our history with it. He reported that the intent for this presentation is to be our high level five-year forecast of both the operating and the capital funds. Mr. Bartter will begin with the operating information. If after that members decide that is enough for tonight we can separate the two.

2018 Proposed Operating Budget Five-Year Forecast

Presented by Finance Director Scott Bartter

General Fund Balance Projections

A slide was shared that showed the actual General Fund Balances as of January 1st, 2014, 2015, 2016, 2017 with projected balances shown for 2018, 2019, 2020, 2021, and 2022. A high forecast of about \$12,210,000 is anticipated in 2019 before seeing a little bit of a decline as he is projecting a negative annual net cash position moving forward from 2019 to 2022.

General Fund Revenue Projections

Staff anticipates relatively flat revenue between 2017 and 2018. He will explain that in a little more detail later in the presentation but he felt it was important to share.

2018 Estimated General Fund Revenue

The City continue to rely heavily on income tax, which makes 74% of General Fund Revenue. It is by far the most important revenue source that the City has.

Income Tax Projections

He noted that the reason the revenue is projected flat as a total is because income tax revenue has been very strong since 2011. We have seen about a 4.9% year over year growth between 2011 and 2016. He will report later in his quarterly report that we are up about 7% for 2017 with

October so far being up about 19%, which will put us over 8% for the year. We are trying to balance that with what we see as the negative impacts of both state reforms (a throwback provision and the potential impact of net profit filers being able to file with the state) and in conjunction with the potential loss of a major employer. We wanted to take that into consideration and balance that with the growth that we have seen since 2011, which is the reason it is flat and not continuing that trend upward. Again, the income tax revenue is strong but we are trying to balance it against some factors that staff believes might have a negative impact.

General Fund Expenditure Projections

Expenditures remain relatively flat. The average growth in expenditures is 2.9% from 2017 to 2022. Before that, 2011 to 2016 it was about 3.1%.

2018 Estimated General Fund Expenditures

A large part of expenditures is in Safety (Police and Fire operations) as well as General Government.

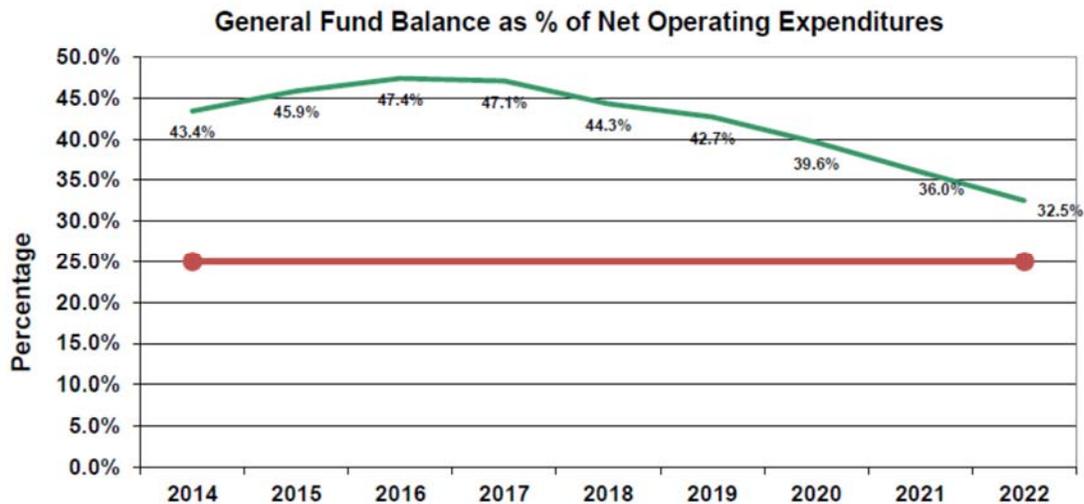
General Fund Expenditures to Revenues

If we spent 100% of budgeted amounts (we anticipate spending about 98%) revenue exceeded expenditures in 2016 and anticipated for 2017 before that flipping as we move forward. Again, the chart accounts for 100% expenditures being spent.

General Fund Projections (General Fund Balance as a Percentage of Net Operating Revenue)

Staff anticipates a decline in General Funds in the out years. Revenues continued to be strong between 2015 and 2018.

General Fund Projections (General Fund Balance as a Percentage of Net Operating Expenditures)



Mr. Bartter feels General Fund Balance as a percentage of Net Operating Revenue Expenditures is more important. The red line indicates the policy adopted by City Council of 25%. The Five Year Forecast exceeds that amount for the entirety of the forecast. (2017 shows it at 47.1% and it is anticipated to decline through 2022 when it is anticipated at 32.5%).

Ms. Dorothy recalls that balance being built up beginning in 2009 through the income tax rate increase from 2% to 2.5%. We also diverted some of the money that we normally put into our CIP budget into the General Revenue Funds. She asked if that is correct. Mr. Bartter agreed that it was. He explained that from 2009 to 2013 we put 6.4% additional into the General Fund (86.4% of income tax revenue with 13.6% into the CIP). That ended in 2013. He added that the Fund Balance was also largely built off of one time revenue with Inheritance Tax (2012 we received a substantial distribution of over \$1M, which also contributed).

When asked by Ms. Dorothy if he knows approximately how much money was diverted from the CIP into the General Fund, Mr. Bartter replied that he has that information in his office and would be happy to send it to her.

Mr. Greeson shared that we are conservatively projecting because there are some potential storm clouds. Staff really wrestled with how to project that in terms of balancing that with the positive growth that we are experiencing. But he thinks staff took the route of reflecting both the impacts of the income tax and some business loss. Hopefully we will be successful in our law suit and are able to not have some of that business loss.

When asked by Ms. Michael if this includes the loss of income as a result of the throwback rule being removed by the legislature, Mr. Greeson confirmed that it did. Ms. Michael believes the loss to be around \$270,000 a year. Mr. Bartter reported that RITA estimated it to be about \$150,000 for us although it does not include the increase we would have to pay the State of Ohio.

At Mr. Norstrom's request, Mr. Bartter explained the "throwback" rule.

Mr. Myers commented that staff is projecting deficit spending for the next five year. Mr. Greeson replied not in the upcoming year. Mr. Bartter explained that once you consider the 98% of expenditures, then 2018 we will still have a positive net cash position. 2019 – 2022 does become negative even with consideration of only spending 98% of appropriations. Mr. Myers clarified that assumes we only spend 98%. Mr. Bartter agreed because that is historically what we have done.

Mr. Greeson explained that staff thought it was really important to take this approach and show what would happen if all of these facts hit. We are fine in 2018 but decisions would have to be made in 2019. He thinks we will know more in the coming months and within the year to be able to make those decisions but we wanted to make sure that we showed this end of the spectrum.

Mr. Myers commented that at this point there is a great deal of uncertainty in these projects. Mr. Bartter agreed. He added that it is very difficult to predict what the impact of that net operating loss is going to be. He explained his methodology and stated that it is very dependent upon how businesses are doing year to year and how they are reporting and what that impact is going to be on the City.

Mr. Myers emphasized that the impact has nothing to do with what the City did. It is strictly a change in the General Assembly's approach to how we are allowed to tax. It is an external hit to our ability. Mr. Bartter agreed.

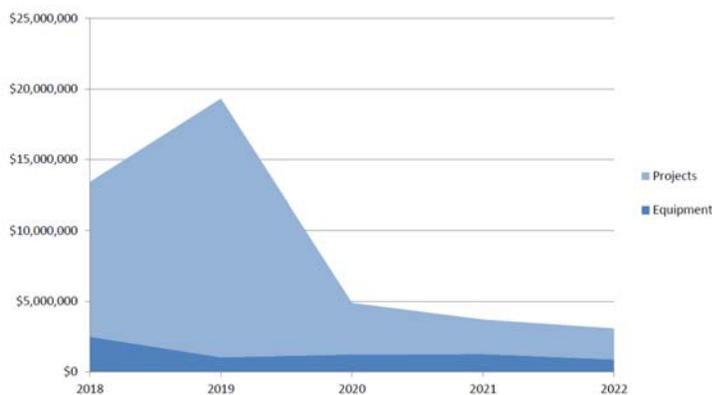
When asked by Mr. Norstrom if the Expenses are a more reliable forecast because we have a better understanding of what we are going to spend to maintain the level of service we currently have, Mr. Bartter agreed.

Mr. Troper asked how much was being projected for health care cost increase. Mr. Bartter replied that 14% is our actual increase for 2018. We are projecting an additional 5% (total of 19%) for 2019. Mr. Foust understood the trend to be more like 7½% to 9% for 2019. Mr. Troper agreed that 5% seems to be too low. Mr. Bartter reported that the 2017 increase was 5%. We have seen a spike now for 2018. We are hoping that if we can control the cost then we can level out at 5% but we can certainly make the adjustment as needed.

Proposed 2018-2022 Capital Improvement Program

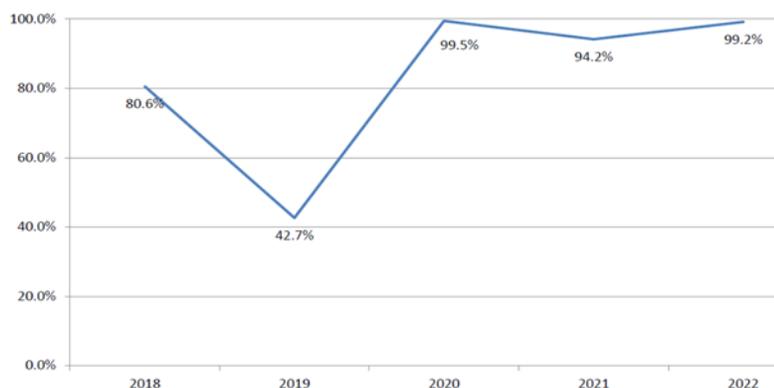
Presented by Assistant City Manager Robyn Stewart

2018-2022 Expenditures – All Funds



This slide looks at the five year window in terms of expenditures on projects and equipment. It shows big years in 2018 (\$14M) and 2019 (\$19M). The 2018 numbers are driven in part because of some additional revenue through an anticipated bond issuance that will reimburse us for expenses we have already incurred as well as reimbursement of license tax revenue for the Huntley Road project being done this year. That will provide us the ability to fund a few more projects and equipment in 2018. The other reason for the big spikes in 2018 and 2019 is because of the Northeast Gateway project. This captures the full costs regardless of who is paying.

City's Share of CIP Expenditures



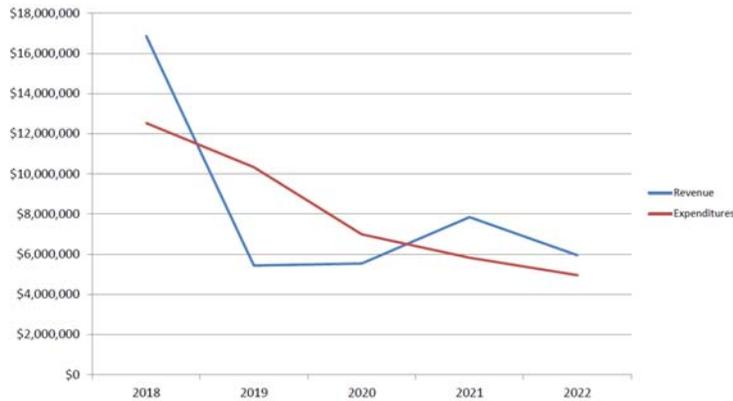
This looks at our leveraging of other people's money beyond the City's revenue streams with 2018 and 2019 reflecting the

Northeast Gateway primarily with quite a bit of federal money. We are also showing the extension of the East Wilson Bridge Road shared use path. There is some City money in that but we are hoping to leverage some grant funds in that project.

Mr. Norstrom concluded that the graph shows that staff better get some grant applications written for the outer years. Ms. Stewart agreed if we are going to continue to take on big projects. Mr. Greeson added that it is difficult to project those that many years out.

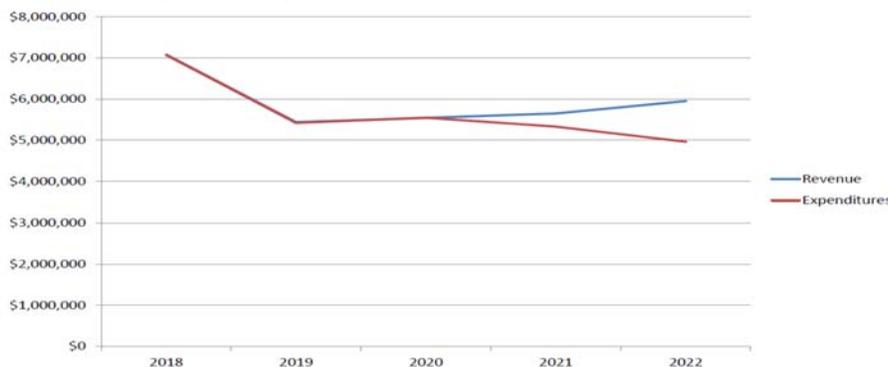
CIP Fund Revenue & Expenditures

Ms. Stewart shared two slides; one that showed with bond revenue and bond expenditures and then another without because many of our larger projects have bond revenue coming in.



The big spike in 2018 is because we are projecting issuing bonds of about \$10.8M. That is in addition to the other revenue that is coming into the CIP. On the expenditures side is some corresponding projects scheduled in 2018. Revenues drop quite a bit in 2019 and 2020 with a small spike in 2021 for a planned issuance of bonds again of about \$2M.

Mr. Norstrom recalls Mr. Bartter saying earlier that we are looking at going out in eight months and anticipate 3.5% interest. He asked if there is a reason we have to wait eight months. If not, he wondered if we could get a lower interest rate now. Mr. Bartter explained that the primary reason for the eight month wait is because we do not want to have a definitive timeline. Once we issue the bonds we are on a timer to get that money spent and a large portion of that is for the Northeast Gateway project and we do not have a definitive timeline. So we are hoping we have a better timeline when we actually issue this debt in late spring/early summer. Mr. Norstrom thanked him for the explanation.



Excludes bond revenue and bonded projects

Ms. Stewart reported this being the same chart except with bond revenue and expenditures associated with the bonded

projects excluded. The drop in expenditures beginning in 2020 is because we do not know as much about what we will need to spend. Staff anticipates that expenditures will be added in those years as the time gets closer.

CIP Fund – Revenue

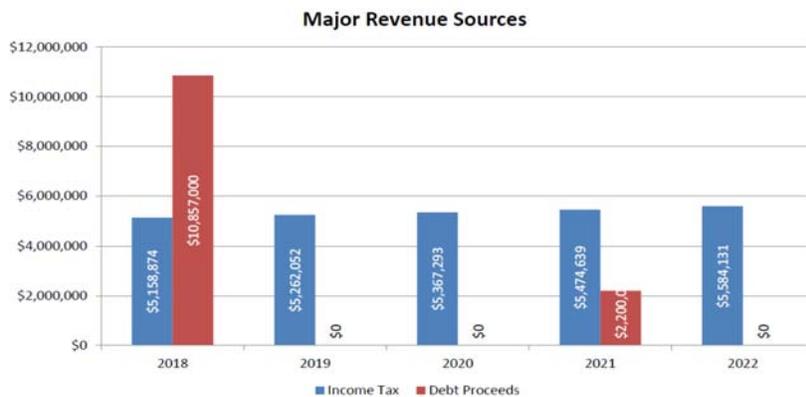
A pie chart was shown with the sources of revenue as a percentage of the total revenue. Income Tax only makes up about 64.4% because we expect a third of our revenue to come from Debt Proceeds at 31.3% (primarily bonds).

When asked by Ms. Dorothy how we pay for the debt, Ms. Stewart replied that Debt Service is including in the CIP. After bonds are issued and revenue comes in we have to pay those bonds off. There is an expenditure chart later that shows where we are paying off that debt service.

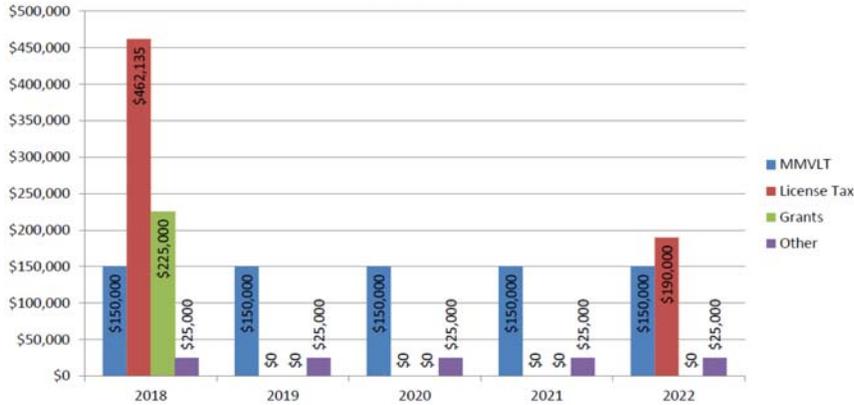
Mr. Norstrom commented that if we were to structure that in a different way and not consider bond income as real income, he asked if the income tax revenue would approach more like 75% as it does in the operating side. Mr. Bartter replied that when he put together some slides for the Citizens Academy he was looking at revenue on the CIP. When we are not issuing debt the number is more like 90%. Ms. Stewart added that members can see that we do not have much income coming from other sources (license tax, grants, etc.).

Ms. Dorothy concluded that instead of paying for everything in one year we are stretching it out for however long we have that bond. So if we are investing in projects that will last a long time bonds allow us to be able to pay it off over a long time, like sewers or maybe water. Ms. Stewart agreed. She added that we tend to time our payment term on those bonds with anticipated life of those projects. She added that often there is still life left after the bonds are paid off.

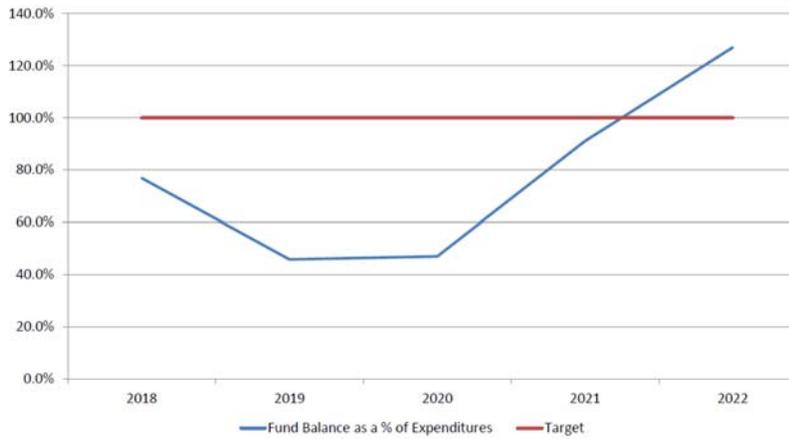
CIP Fund – Revenue



Other Revenue Sources

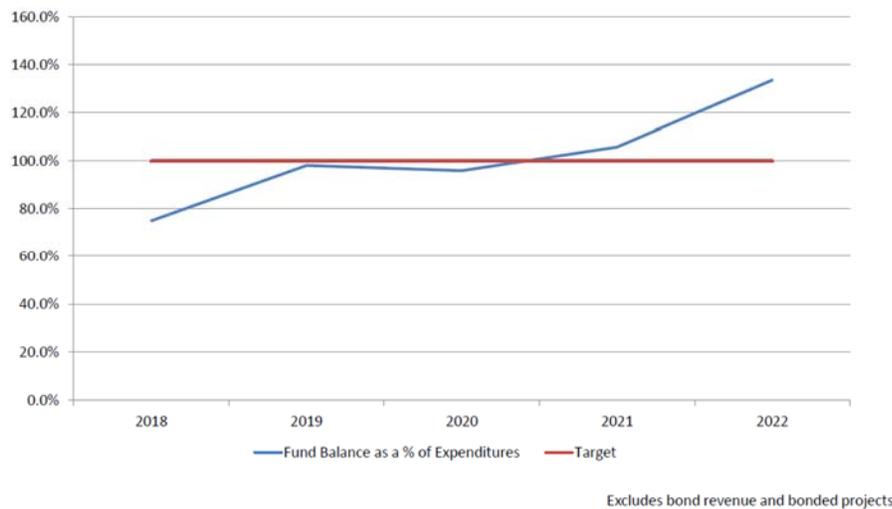


CIP Fund Balance



Ms. Stewart shared that this slide takes into account bond revenue and bond expenditures. Our stated target for the CIP is to have our fund balance equal to the expenditures for the year. This allows us to spend on the projects and equipment during the year and then reimburse that account throughout the year as income tax revenues come in. Because this spikes with when we actually have the costs for the bonded projects that is effecting our fund balance being below the target. It does pick up towards the end.

CIP Fund Balance



Ms. Stewart explained that if we exclude bond revenue and bonded expenditures, what the rest of our projects are looking like, essentially those that we are paying cash for. Members can see that we don't hit that that fund balance target in 2018, which is driven by the fact that we have more revenue coming in in that year. We have increased our expenditures in 2018 and our fund balance is below that amount but we get level again in 2019 and 2020.

CIP Fund Expenditures: 2018-2022 (Including all projects)

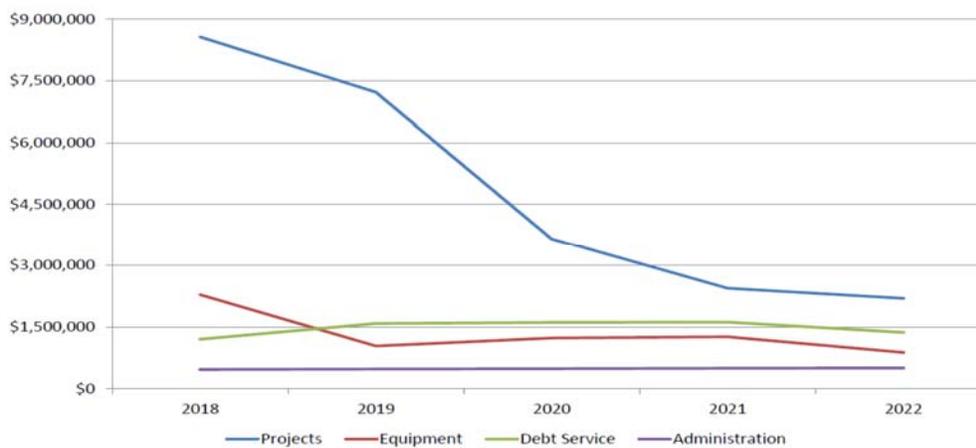
Ms. Stewart showed a pie chart of Total CIP Expenditures as follows: Projects 59%, Equipment Replacement 17%, Debt/Lease Payments 18%, and Administration 6%

Mr. Myers stated that this chart represents an average of the five year period and does not include the pinch we see in the out years when almost a third of the CIP is dedicated to debt services. Ms. Stewart agreed. She added that in this five year window members will finally see the payoff of the bonds on the community center expansion and the police station. So in 2022 our debt service number does decrease. Mr. Myers noted that during the period of 2018 – 2020 our debt services are closer to one third of our CIP budget. Ms. Stewart agreed.

CIP Fund Expenditures: 2018-2022 (Excluding Bonded Projects)

Ms. Stewart showed a pie chart that excludes bonded projects with totals as follows: Projects 41%, Equipment Replacement 24%, Debt/Lease Payments 26% and Administration 9%.

Ms. Dorothy shared that she had some people ask her if we have looked at shared use and how much it costs to buy our own equipment versus lease. Ms. Stewart reported that our Fleet Manager has been looking at where it makes sense for us to lease rather than purchase but it has been more as a financing arrangement. Unfortunately Mr. Whited is not here or he could speak to your question. But we do look to determine what equipment we need and whether it makes more sense to lease or purchase. She is not aware of any specific shared lease agreements that we have on equipment. Ms. Dorothy stated that we can wait until Mr. Whited is here.



Includes all projects Ms. Stewart shared

that this slide shows trends in the four various areas. She noted that equipment spikes a bit in 2018 due to staff proposing an investment in some technology as a result of the information technology assessment that was done for the organization. Members are starting to see some investments in the 2018 timeframe from those recommendations.

When Mr. Troper mentioned that he would really like to see our Investment Policy updated, Mr. Bartter reported having a new one already written. He will be bringing it forward shortly.

Information Item(s)
Financial Report

Mr. Barter presented highlights of the Third Quarter 2017 Financial Reports as follows:

Third Quarter 2017

Financial Report – All Funds

- 1/1/2017 Beginning Fund Balances: \$23,225,624
 Total Actual Revenue: \$32,695,034
 Total Actual Expenditures: \$27,279,543
- 9/30/2017 Fund Balances: \$28,641,114

All Fund Summary

- Year to date revenues exceeded expenditures by \$5,415,491.
- For the month of September, expenditures exceeded revenues by \$845,180.
- Expenditures tracked at 91.21%.
- Revenues for all funds are below 2016 revenues by \$231,671 (excluding 2017 bond proceeds) and above estimates by \$1,220,602.

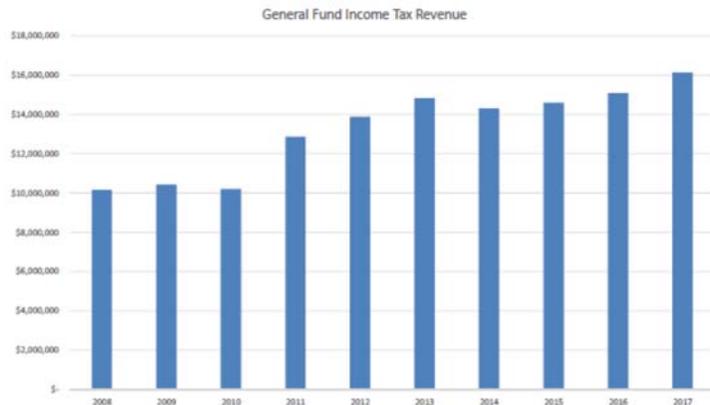
General Fund Summary

- 1/1/2017 Beginning General Fund Balance: \$11,628,193
 Total General Fund Revenue: \$22,000,027
 Total General Fund Expenditures: \$19,645,902
- 09/30/2017 General Fund Balance: \$13,982,318
- Year to date revenues exceeded expenditures by \$2,354,125.
- September expenditures exceeded revenues by \$635,675.
- Expenditures tracked at 92.86%.
- Year to date revenues are above estimates by \$754,277 and above 2016 year to date revenues by \$1,541,889.
- Income tax collections are above year to date 2016 collections by \$1,315,421 or 6.97%.
- Income tax collections are above estimates by \$1,244,248 or 6.57%.

2017 General Fund
Third Quarter Revenue

<u>General Fund Revenue</u>	<u>Budgeted Revenue</u>	<u>Actual Collections</u>
Municipal Income Tax	\$ 15,146,729	\$ 16,142,128
Property Tax	2,770,000	2,628,416
Local Government	318,750	269,723
Inheritance Tax	-	
Interest Income	101,250	157,727
Fines & Forfeitures	198,750	118,436
Township Fire Service	356,250	304,448
Community Center Membership/Programs	1,076,250	964,206
EMS Transport	450,000	498,865
All Other Revenue	827,770	916,078
	\$ 21,245,749	\$ 22,000,027

Income Tax Collections



Mr. Bartter finds this slide interesting because 2013 was the last year that we were putting 86.4% into the General Fund and we surpassed that by \$1.3M in 2017 only putting in 80%. Again, it is just showing strong income tax revenues right now.

Mr. Bartter reported that:

- *Income Tax Revenue as a percentage of Total General Fund Revenue has remained relatively stagnant.*
- *Property Tax Collections have also remained relatively flat and he doesn't anticipate much change.*
- *Property Tax as a percentage of Total General Fund Revenue has also remained relatively flat since 2011.*
- *Local Government Fund continues to decline because the State Legislature continues to cut that funding from us.*
- *Local Government Fund as a percentage of Total General Fund Revenue also continues to decline.*

2017 General Fund

Third Quarter Expenditures

General Fund Expenditures	Budgeted Expenditures	Actual Expenditures
Planning & Building	\$567,380	\$523,112
General Government	5,238,447	4,842,681
Fire Operations	4,886,958	4,600,318
Parks & Recreation	3,591,332	3,455,418
Police Operations	4,475,138	4,191,948
Service/Engineering Department	1,892,306	1,584,571
	\$20,651,561	\$19,198,048

Mr. Bartter shared that this slide shows how the money is being spent.

Ms. Dorothy commented that these numbers have everything inclusive to the departments now (health insurance, utilities, etc.). Mr. Bartter agreed that all of those types of things have been split off.

Mr. Bartter showed a slide that showed that revenues were outpacing expenditures for 2017.

MOTION Mr. Troper made a motion to approve the October Monthly Financial Report as well as the Third Quarter Financial Report as presented. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

REPORTS OF COUNCIL MEMBERS

Mr. Norstrom shared that the Central Ohio Mayor Managers Association (COMMA) has forwarded his name to the Franklin County Convention Facilities Authority and he will be joining that Board in the very near future. He thanked Ms. Michael for helping make that happen.

Mr. Myers shared the following significant items from the MPC/ARB meeting last week:

- 1) Two houses were proposed to be demolished and rebuilt (both tabled for further discussion)
 - a. One in Kilbourne Village
 - b. One at the corner of Evening and Medick
- 2) Very cursory site plan only presentation by the Holiday Inn (tabled)
- 3) Mural on the back of the Candle Lab/House Wine building that was advanced by Representative Duffey (taken under consideration)

Mr. Myers added that the group hopes to hear from our law director on some issues surrounding the mural.

Mr. Norstrom complimented the ARB on approaching the Kilbourne Village and west SR-161 item. There are some major issues there and they recognized that. He sees some interesting discussions including potential amendments to the Master Plan in that corridor.

Mr. Myers reported there being a great deal of discussion about the fact that the tear down and rebuild may be a trend of houses of that era to make larger, more modern, and more expensive homes. It was brought up and discussed that there needs to be a lot of thought given before we start down that path.

Mr. Troper reminded members that the Sayama delegation is coming to town October 18th through October 24th and there is a City welcome for them on October 20th.

Mr. Greeson shared that Council had asked for updates/progress reports from City funded Community Groups. Those reports are at your places tonight. The only one that we do not yet have is from the Family Mentor Foundation. These are the groups that receive smaller amounts. The McConnell Arts Center, the Partnership and the Historical Society will be asked to make presentations. We want to give you these reports and then schedule some time to talk about how you want to handle the process for these groups.

Mr. Greeson reported that he and Ms. Stewart will be out of the office attending the International City County Manager's Association conference beginning Saturday, October 21st through Wednesday, October 25th. Lori Trego will be acting City Manager in his absence.

EXECUTIVE SESSION

ADJOURNMENT

MOTION Mr. Foust made a motion to adjourn. The motion was seconded by Mr. Norstrom.

The motion carried unanimously by a voice vote.

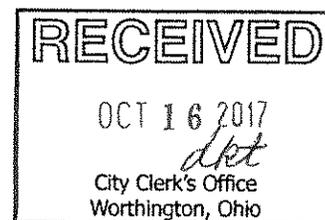
President Michael declared the meeting adjourned at 9:37 p.m.

/s/ D. Kay Thress
Clerk of Council

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

/s/ Bonnie D. Michael
Council President

Request for a Resolution by the Worthington City Council
October 16, 2017



Ron Sears
500 Park Overlook Dr.

To permanently protect the quality, safety and property values of the Colonial Hills, Rush Creek and Andover / New England communities, I ask that the City Council formally modify the Comprehensive Plan Update & 2005 Strategic Plan for Worthington to bring it into agreement with:

- A) Long-standing ARB/MDC rulings,
- B) The overwhelming sentiments of the residents of Colonial Hills, Rush Creek, and the Andover / New England area, and
- C) The publicly expressed intentions of Franklin Management Services / Boundless / Step by Step to not introduce any vehicle traffic into any of the surrounding neighborhoods.

History of Indianola / Park Overlook Dr Driveway / Gate

The accuracy of the following information was verified by David Foust in a comment to my presentation at the recent October 12, 2017 ARB/MPC meeting.

In no way should the following history of problems place the current owners of the old Harding Property, Franklin Management Services / Boundless / Step by Step in a bad light. Their responsible actions working with their neighbors has been and promises to be an outstanding example of being responsive to all the key stakeholders long before formulating any specific development plans.

In addition, based on numerous meetings and conversations with Patrick Maynard, Executive Director of FMS, and a just-published update on Step by Step Academy's plans in the Colonial Hills Courier by Suzy Davis, "I am

Boundless" Executive Director, they are firmly committed to avoiding the introduction of any vehicle traffic into neighborhoods surrounding their property, maintaining the long-established park-like environment of the old Harding Property, and sharing this environment with their neighbors.

(I ask that this article by Suzy Davis be incorporated into the notes for tonight's City Council meeting and have provided Lynda Bitar with a copy.)

Around 1980, Harding Hospital asked the ARB/MDC for permission to build a temporary driveway at the corner of Indianola and Park Overlook Dr. while they completed repairs to a bridge on their normal driveway. The submitted plan included extensive landscaping and a two-lane road, completely inconsistent with their stated claim this was a temporary driveway. This entrance was then illegally left open for ~8 years. Only when Harding proposed building a parking lot on Park Overlook Dr. did the neighborhood learn of the illegal status of the gate and ask the City to close it.

This threat of a parking lot and the illegal driveway remained over our heads for a period of ~1.5 years. After presenting more misleading information to the neighborhood, Harding then resubmitting the same parking lot proposal. Meantime we conducted a 24 hour videotaped traffic survey, sought advice from a lawyer and a member of City Council, and eventually presented our case to the City. Harding was told to permanently shut this illegal driveway with a break-a-way gate to be used only by emergency vehicles.

Our traffic study revealed that:

“For the 12 hour period between 6:45 AM and 6:45 PM, traffic into and out of the gate averaged 27.9 vehicles per hour or about one vehicle every two minutes.”

We also witnessed a tractor trailer, numerous step vans, and buses. During a few hours of the 24 hours we recorded, Harding stationed an observer at the gate, and we recorded several individuals “chicken out” and turn around when they saw the Harding guard.

(I ask that the report on this traffic study be incorporated into the notes for tonight's City Council meeting and have provided Lynda Bitar with a copy.)

Problems did not end. Repeated attempts were made by Harding and later by OSU to reopen the gate. Each time, after appeals to the City Management and multiple reminders to the current owner, the gate was eventually closed once more. One OSU manager of the property wrote a letter to the City of Worthington promising OSU would abide by the ARB/MPC ruling. The next OSU administrator removed the gate entirely, claiming it was broken beyond repair and then tried to get by with never replacing it. This time the gate was open for about a month.

One other historical note to better appreciate the efforts made to add completely unnecessary traffic into our neighborhoods that we have had to fend off. Around 1989, hidden in part of some innocuous sounding internal driveway changes, Harding proposed yet another driveway, this time connecting to Andover and New England. Harding immediately withdrew their proposal when they discovered a copy of the proposal had been shared with all the residents on these two streets just before the scheduled ARB meeting.

All of this nonsense ended with the purchase of the property by Step by Step and later by Franklin Management Services.

Contradictions in Comprehensive Plan

Unfortunately, the current 2005 Worthington City Comprehensive Plan, on pages 97 and 107, explicitly contradicts the long established ARB/MPC resolution of this threat to Colonial Hills and now other surrounding neighborhoods by stating:

“Finally, multiple street connections are a requirement for this site. At a minimum, a public connection to Indianola Avenue is critical. These streets should not promote cut-through traffic, but they should be connected to the site.” and,

“In addition, it is very important that neighborhoods be reconnected with pedestrian paths to Old Worthington and street connections opened to Indianola Avenue.”

Consider the words “multiple street connections” and “At a minimum, a public connection to Indianola Avenue is critical.” The only available additional “multiple connections” to this property besides the currently closed gate at Indianola / Park Overlook Dr, are South Street through Rush Creek and Andover / New England Avenue. Furthermore, the words “should not promote cut through traffic” avoid any commitment to prevent cut through traffic. We already have clear evidence of what cut-through traffic will look like from our traffic survey when the Indianola / Park Overlook Dr. entry was illegally opened for 8 years back in the 1980’s.

No one living on Indianola or Park Overlook Dr or anywhere else in Colonial Hills was asked for their opinion on this threatening road development goal for this property, and until a few years ago, very few if any residents in Colonial Hills even realized these recommendations had been placed in the Comprehensive Plan.

These elements of the currently active 2005 Comprehensive Plan are not just some loosely worded suggestions. They are directives on how the City of Worthington wants to see this site developed. They are direct suggestions to the property owners to do what is described in the Comprehensive Plan, and they create specific restrictions on all ARB/MPC City approvals for development. Section 6.03 of the City Charter now requires the Municipal Planning Commission to justify all of their decisions:

“...in writing, by reference to the relationship that decision or recommendation has to the overall comprehensive planning goals of the City, which may be found in the Master Plan, the zoning map, a course of zoning or subdivision practices by the City, or any other acknowledged comprehensive strategy or goals previously established at the time of the decision or recommendations.”

Additional Considerations

For the short term, the FMS management team has assured all of us that they have no intentions of adding any vehicle traffic into our neighborhoods. As stated earlier, these folks seem to be the best neighbors one could imagine.

Unfortunately, in the long term, based on 30 years of negative experience, and our long term obligations to protect the quality, safety and financial investments in surrounding communities, we need to be cautious.

In the last 20 years, this property has had four owners. Also, ~60% of FMS revenue comes from Medicaid, and there are now ongoing political efforts to drastically cut back Medicaid funding. Just as Harding Hospital and the original Step by Step owners before them, FMS may someday be placed in the position of choosing between their mission and profits from commercial development.

I greatly appreciate the City Council members who are also residents of Colonial Hills, as well as several new candidates for City Council, who have personally promised they would never allow such roadways to be opened into our neighborhoods, as long as they are in office. Unfortunately, just like FMS, they may not always be there.

An issue like this that impacts the very nature of our communities should not even be available for use in repeated elections as a reason to vote for one candidate or another. It should be solved once and for all and never be an issue again. I have heard current City Council members express their irritation that this issue keeps coming up in elections. So, fix it! I think 35+ years is long enough.

And now to kick the proverbial “elephant in the room.” Given the strong support for development in the current City Council, I am willing to predict with considerable confidence that if a commercial development proposal for this property, with say 100 associated jobs, were to come Worthington’s way, given the current wording in the Comprehensive Plan, new driveways and roads on the property would immediately become a bargaining chip. The impact of traffic on the surrounding communities would be simply

rationalized as the “cost of progress.” If my prediction here is wrong, then correct the wording in the Comprehensive Plan.

It does not take a political savant to predict what the reaction would be in Colonial Hills, Rush Creek, or Andover / New England would be to finding the quality, safety and financial investments in their houses “traded off.”

Given the continued threats our communities have weathered for the last 35+ years, to once and for all end this nonsense and permanently protect the quality, safety and property values of the Colonial Hills, Rush Creek and Andover / New England communities, I ask that the City Council formally modify the Comprehensive Plan Update & 2005 Strategic Plan for Worthington to bring it into agreement with:

A) Long-standing ARB/MDC rulings,

B) The overwhelming sentiments of the residents of Colonial Hills, Rush Creek, and the Andover / New England area, and

C) The publicly expressed intentions of Franklin Management Services / Boundless / Step by Step to not introduce any vehicle traffic into any of the surrounding neighborhoods.

I ask that the City Council completely reverse the language in the Comprehensive Plan and state explicitly that no new driveways or roads be opened up into any of the surrounding communities.

The time to do this is now when everyone is in strong agreement, not later with the suspicion of deals being made behind the scenes, poisoning the discussion.

Thank-you, Ron Sears