



CITY OF WORTHINGTON
Worthington City Council Minutes

July 16, 2018

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, July 16, 2018, 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 p.m.

ROLL CALL

Members Present: Rachael R. Dorothy, Douglas Foust, Beth Kowalczyk, Scott Myers, David Robinson, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent:

Also present: Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Chief of Police Jerry Strait, Chief of Fire John Bailot, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 8 visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS

There were no Visitor Comments

APPROVAL OF THE MINUTES

- Regular Meeting – July 2, 2018
- Committee of the Whole Meeting – July 9, 2018

MOTION

Mr. Robinson moved, Mr. Foust seconded a motion to approve the aforementioned meeting minutes as presented.

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. 39-2018

Amending Chapter 1501 of the Codified Ordinances of the City of Worthington Concerning the Enforcement of the Ohio Fire Code; and to Repeal or Amend Sections of the Codified Ordinances in Conflict Therewith.

The foregoing Ordinance Title was read.

Ms. Stewart explained that City staff have been working on updating the Codified Ordinances as they pertain to the Fire Code, bringing it in alignment with the current State of Ohio Fire Code.

Mr. Lindsey reported that the State of Ohio adopts a statewide Building Code and Fire Code that is applied to all properties in the state. Previously, the code was to be adopted on a regular basis when there were major changes. There is no requirement that we adopt the Code because it is the code for the state that we must follow regardless. The proposed changes to our code indicate that we are administering and enforcing the Ohio Fire Code, avoiding the need to amend our code whenever the Ohio Fire Code is revised. Additionally, Mr. Lindsey detailed how the City has retained a Fire Appeals Board that has not met in more than ten years and has little value under state law because it cannot make variances to the state code. This ordinance proposes the repeal of that board.

Chief Bailot explained that the State of Ohio has a minimum code for both building and fire code items. Under the state rules, every Chief has a responsibility to enforce the current Fire Code. This ordinance keeps us in line with the state requirements, including housekeeping items making us compliant with state law and a mechanism to keep us current.

Lieutenant Dunn shared that he had recently been tasked with the Division's public education and fire inspection programs. These two programs form the core of the Divisions' prevention effort and each serve to advance the mission of life safety and property conservation in our city. Education is the primary element in an effective fire inspection program and strong relationships are key to creating an environment where lasting educational activities can take place. A significant portion of his work effort over the past several months has been devoted to the development and cultivation of working relationships between various community partners and stakeholders that depend on the Division of Fire and EMS for quality fire prevention services. Those partners and stakeholders must believe that the Division is professional, educated, relevant, and

trustworthy. He reported that relationships in the community are growing stronger with every passing week. He added that they have worked closely with the Worthington Schools relating to new fire code requirements that call for carbon monoxide detection in schools.

There being no additional comments, the clerk called the roll on Ordinance No. 39-2018. The motion carried by the following vote:

Yes 7 Robinson, Kowalczyk, Foust, Dorothy, Smith, Myers, and Michael
No 0

Ordinance No. 39-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 40-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Surveying for the East Wilson Bridge Road Shared-Use Path and to Proceed with said Project.

The foregoing Ordinance Title was read.

Ms. Stewart reported that the 2015 Wilson Bridge Road streetscape program recommended a multi-use trail along East Wilson Bridge Road connecting High Street with the Community Center and eventually the trail connections that will be built as part of the Northeast Gateway Project. In 2018 as part of the Capital Improvements Program, funding was included for design work on that trail. This appropriation relates to survey work for those design services.

President Michael asked if this is something that must be done before seeking any kind of grants or other funding from the State. Ms. Stewart responded that it would make us more competitive and know more about the ask to make in any kind of grant process. President Michael reported this as being prime for the Ohio Department of Natural Resources funding for connecting trails.

Ms. Dorothy asked if we have any people who are going to develop the property themselves, would we already have a plan in place about what they would be required to do, or what we would ask them to do. Mr. Brown replied that it would help with those projects. It helps us to know the right-of-way dedication that may be needed and what is in that existing right-of-way.

There being no additional comments, the clerk called the roll on Ordinance No. 40-2018. The motion carried by the following vote:

Yes 7 Kowalczyk, Foust, Dorothy, Smith, Myers, Robinson, and Michael

No 0

Ordinance No. 40-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 41-2018 Adjusting Annual Budget for TIF Appropriations

The foregoing Ordinance Title was read.

Ms. Stewart shared that we have a couple Tax Increment Financing (TIF) agreements that have received funds and we need to make payments according to those agreements. This appropriation will allow us to make those payments.

When asked by Mr. Robinson who the payments would be made to, Mr. Bartter answered that they would be made to Worthington Square Ventures and the developer for the old Segna site.

There being no additional comments, the clerk called the roll on Ordinance No. 41-2018. The motion carried by the following vote:

Yes 7 Foust, Dorothy, Smith, Myers, Robinson, Kowalczyk, and Michael

No 0

Ordinance No. 41-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 41-2018 Authorizing an Amendment to the Final Development Plan and Authorizing Variances for 890 & 910 High Street (MK & K Realty, Inc.)

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to adopt Resolution No. 41-2018. The motion was seconded by Ms. Dorothy.

Mr. Brown explained that the next two resolutions go hand-in-hand and he will be presenting them together, however they will require a separate vote. Both resolutions went to the Architectural Review Board and the Municipal Planning Commission and after review were recommended to go before the City Council. He discussed how the resolutions pertain to the two new buildings immediately south of the CVS on High Street. The 910 facility currently has PetPeople housed in it. The 890 building is going to have Central Ohio Primary Care (COPC) Worthington Pediatrics bringing 14 jobs and the Porch Growler which will be going into the first floor of one of the units. What went before the

MPC that needed to come to City Council for approval were variances associated with things being built in the setback. This district has a setback requirement of fifty feet, however the buildings are closer to the road. For the PetPeople building, there were some handrails that were installed to help with grade elevation change. The 890 building where the Porch Growler and COPC is going to be, handrails were also installed for pedestrian safety. Porch Growler is going to be installing a patio with tables and chairs for about twenty-two people that will be fenced in. It was reviewed by the ARB/MPC and recommended for approval, but that is in the setback, so City Council is required to approve a variance for anything being placed in the setback. As part of this there is also signage included for both buildings.

Mr. Brown noted that the Porch Growler is permitted one wall sign, however most of the parking is to the rear of the building with rear entrances to the building. One entrance will open to an elevator leading to the second-floor office space and the other entrance to the left will lead to the Porch Growler. Porch Growler will have two entrances, one on High Street and one from the rear exit where parking is located. Since they are having two wall signs where one is permitted by code, a variance is requested that Council needs to review. Staff did not have any issues or concerns and felt that identification on the rear of the building was appropriate. Along with COPC and a future tenant upstairs in the remaining square footage, front signage was recommended for approval. The rear entrance will most likely be the primary entrance and they have a second wall sign with the two tenants that would be upstairs.

Mr. Robinson asked what the proposed height of the lettering on the front signage is relative to the PetPeople sign. Mr. Brown reported the design as being compatible with the rest of the development. Mr. Kessler from MKK Realty noted that the individual lettering of the PetPeople signage is actually larger than what will go on front of 890's storefront. When PetPeople originally proposed signage, it included a backboard like what is proposed for the 890 building. They ultimately wanted larger letters for visibility from High Street, so they did away with the rear board to have larger letters.

Mr. Foust asked whether there is another building in Worthington with signage above a second story window. Mr. Brown reported there being a couple of locations with second story signage. He added that the CoHatch location on High Street in the former hardware building comes to mind.

Ms. Dorothy asked about the number of new businesses in this building. Mr. Kessler replied that currently only COPC has signed a lease for the second floor. There is about 1300 square foot remainder space that they have been in negotiations with a prospective tenant, however there is nothing in writing at this point. On the first floor, Porch Growler is going to occupy one third of the space. The remaining two thirds could be split between two additional tenants. Ms. Dorothy asked how soon the signs would go up. Mr. Kessler replied that he hoped they would go up as soon as possible.

Mr. Robinson asked if there were any other options than what was proposed for the second-floor signage. Mr. Kessler said other signage was looked at and they worked with Bruce

from SignCom who does a fair amount of signage in Worthington along with Ms. Bitar and Mr. Brown from the City. An alternative would have been individual lettering; however, the addition of the blue background accents the first-floor store front. Mr. Brown added that gooseneck lighting on the side of the building was also part of this approval. Another tenant sign could be added in the future to make it more balanced.

There being no additional comments, the motion to adopt Resolution No. 41-2018 passed by a voice vote with Mr. Robinson abstaining.

Resolution No. 42-2018 Authorizing an Amendment to the Final Development Plan for 890 High Street and Authorizing Variances (William S. Adams)

Introduced by Ms. Kowalczyk.

MOTION Mr. Robinson made a motion to adopt Resolution No. 42-2018. The motion was seconded by Mr. Foust.

There being no additional comments, the motion to adopt Resolution No. 42-2018 passed unanimously by a voice vote.

Resolution No. 43-2018 Amending the Staffing Chart of the City of Worthington to Provide for Twenty-seven (27) Police Officer Positions in the Division of Police.

Introduced by Mr. Smith

MOTION Mr. Myers made a motion to adopt Resolution No. 43-2018. The motion was seconded by Ms. Dorothy.

Ms. Stewart described how the City is facing a flood of police officer retirements and thus have been hiring new officers. The training time for new police officers can be quite long, especially if they are not already certified. We currently have a new police officer that is set to graduate from the Columbus Police Academy in December and another who is attending the Ohio State Patrol Academy who will graduate in January. Both of those individuals after their six months of training will then be trained locally with our police officers for another three to four months. We are facing even more retirements, so we are asking for a temporary increase in the staffing chart for one year to hire two more police officers and train them, so they can be in place to fill the spots from impending retirements. If we do not do that and we end up running short for an extended period, there are certain staffing requirements that we need to have officers on the street twenty-four hours a day, creating a lot of overtime when our existing officers are trying to fill for those vacancies.

Chief Strait remarked that the turnaround time for training is difficult. It is also a struggle to find individuals who are already certified and willing to come to a new department. With the cycle between someone who must go to an academy for six months and then be

trained an additional three months locally, if anything happens at the academy then we are further behind the 8-ball. We also have to time this with the academies since they run from June-July or December-January depending on the academy. Additionally, with Mayor Ginther's new safety initiatives, accessibility to classes are a concern. He has hired fifty new officers which could potentially limit available spots in the local academies.

When President Michael asked if we do this, would there then be savings from overtime, Chief Strait replied that it would if certified officers are hired because they can be on the street within two to three months. If not, then we must pay forward and get those individuals through the academy which takes a long period of time. We will not know until we do full backgrounds to see if they even meet Worthington standards.

There being no additional comments, the motion to adopt Resolution No. 43-2018 passed unanimously by a voice vote.

Resolution No. 44-2018 Amending the Position Description for Fire Captain.

Introduced by Ms. Kowalczyk

MOTION Mr. Robinson made a motion to adopt Resolution No. 44-2018. The motion was seconded by Mr. Foust.

Ms. Stewart detailed how the City is anticipating the retirement of a Fire Captain. The position description has not been updated since 2000. It needed to be examined and updated with new certification and education requirements.

There being no additional comments, the motion to adopt Resolution No. 44-2018 passed unanimously by a voice vote.

Resolution No. 45-2018 Authorizing the City to Enter into an Agreement with Plug Smart to Facilitate the Creation of the Property Assessed Clean Energy (PACE) Assistance Program to Provide Property Owners with Technical Assessments and Administrative Services to Encourage Investment in Commercial Buildings within the City

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to adopt Resolution No. 45-2018. The motion was seconded by Ms. Dorothy.

Mr. McCorkle expressed his excitement to bring forward this initiative to Council. He said that he will be happy to answer any questions about the program and that we have Dave Zehala, the President of Plug Smart who will be able to answer any technical questions. This resolution would create Property Assessed Clean Energy program and to enter into

an agreement with Plug Smart to provide the assessment services. We would contract with Plug Smart and they would go in with the property owner to provide an assessment, which is an energy efficiency audit, which gives them a list of savings and the payback period for those savings. That is the incentive that the City would be providing to help overcome the barrier for entry for property owners to use PACE financing.

PACE is a way of financing energy efficiency improvements such as envelope lighting, windows, HVAC, water efficiency, solar, and others. The program works by having property owners pay for the improvements themselves, financed with PACE financing, and then the debt is paid from an assessment on their property taxes. This is shown by a line item on their property tax bills. An example of this is Trivium Development at 350 E Wilson Bridge. They used PACE financing to implement roughly \$450,000 of improvements with a repayment period of 15 years and a lifecycle of the improvements of 20 years. Plug Smart did the assessment for that building and said that they would be able to save \$37,000 per year if they did energy efficiency improvements. The assessment on their property taxes is approximately \$40,000, so upfront they are almost breaking even. This has allowed them to implement improvements that otherwise they would not have had the capital to pay for up front.

The City of Worthington has approximately 5.3 million square feet of office space including office, industrial, and flex properties. The average vacancy rate in Worthington is 8.5% versus 6.5% in Central Ohio. Our average lease rate is on the lower end of the range as well. The average age of our office property is 35.8 years. Our inventory is older and being a built-out community, we have limited opportunities to construct new office space. This mechanism allows us to reinvest into our existing office product. Since 2009 there have been 5.6 million square feet of newly constructed office space in Central Ohio and Worthington only makes up 100,000 square feet of that which is 1.7% of the market.

Staff has engaged two reputable PACE contractors, soliciting proposals and taking them to the CIC and they recommended Plug Smart for this project. What we are looking at doing is 250,000 square feet of assessment at a cost of \$18,750. One of the properties we are looking to do this for is the Anthem building owned by Lawyers Development Corporation. That building itself is almost 200,000 square feet. If they move forward with this project, that will use 200,000 of our 250,000 square feet rate. So, we do have an option to use an additional 250,000 square feet at that same fixed rate.

Mr. Robinson asked why we would be helping with Anthem when the owners are already proceeding with redevelopment, is this not a program primarily designed to incentivize redevelopment. Mr. McCorkle replied that the owner is proceeding with the redevelopment of the property, but PACE is one of the key tools they are using to do the project. Lawyers Development is using a multitude of different tools to update the facility, that will include JobsOhio Revitalization dollars as well as PACE. This is an incentive for them to do some of this work. If you look at the way this deal is structured, if the owner uses Plug Smart for the implementation of the work, we get that square footage back. Plug Smart cares about landing the project and wants to actually do the implementation. The assessment is not their bread and butter, the implementation is where they make their money. If the

Anthem project is moving forward, and they choose to use Plug Smart, we will get that square footage back. Mr. Robinson asked if there was a time frame in which they would need to move forward with Plug Smart for the City to get reimbursed for the square footage. Mr. McCorkle reported there being no deadline. Plug Smart did receive a grant from the Ohio Development Services Agency for some of the implementation of the work, and they have to move forward on the design and engineering work to have access to that grant. That is a supplemental pot of money that Plug Smart is offering to some of their potential clients to drive business. Mr. Robinson asked if there has been an Amcor Holdings facility targeted. Mr. McCorkle replied that this would be one of the tools we would go after them with to help them pay for some of their assessment work to make an investment back into one of their properties. There are several buildings on East Wilson Bridge Road they own that would be more ready because the vacancy rate is higher than what they own of West Wilson Bridge Road. Mr. Robinson asked if Amcor was the prior owner of 350 West Wilson Bridge Road. Mr. McCorkle replied that was correct and they sold it from their portfolio and PACE financing helped immensely with the renovation of that property. This is a tool that will help us stay competitive. He emphasized that this is a targeted program and he will have to go out and explain the cost savings for the program and how it works. This is one tool, that will have to be layered with other methods, to target large properties in Worthington and push for an update of the property.

Ms. Kowalczyk asked about the contract with Plug Smart and the obstacles to engaging with the PACE program. Mr. McCorkle explained that there are costs associated with having Plug Smart go in and do an analysis of the cost savings. The bill to the property owner will cost tens of thousands to have these assessments done. Property owners do not want to incur that cost and invest in their buildings, especially if they have low vacancy rates. Ms. Kowalczyk asked if the assessment is required. Mr. McCorkle replied that was correct. There is a specific set of guidelines that have to be met to receive PACE financing. The audit that Plug Smart provides fulfills those guidelines. Ms. Kowalczyk inquired about other municipalities that are doing similar incentive programs. Mr. McCorkle reported that Dublin is one that has partnered with Plug Smart on a similar project. In speaking with the staff in Dublin, it has been a process over several years getting property owners to move forward with improvements. He said that he does not necessarily care if they use PACE financing, but rather he wants to see these improvements being made. Ms. Kowalczyk asked if there are any other measurements of success for the program? Mr. McCorkle shared that several specific property owners would be targeted immediately. Numerous measures will be tracked that includes items such as building expenses, standard vacancy asking rate, and others.

Ms. Dorothy said that we are winding down ReCap which seemed to be successful. She then asked about the percentage we had participate in ReCAP. Mr. McCorkle replied there were 16 businesses that participated. The dollars for the PACE program are coming from the same Building Improvement Fund as ReCAP. In 2018, we have \$75,000 set aside for ReCap, but there has been no applications to date although there are two who are interested. The thought is that we can take some of these existing dollars and repurpose them for other improvement endeavors. Ms. Dorothy asked if we are still tracking the occupancy and rental rates in the corridor. Mr. McCorkle responded that was correct.

Ms. Dorothy then mentioned this initiative dovetails economic development and sustainability together. This new pilot project is very innovative and gets results. She expressed her excitement to see how the new program is implemented. This is an example of government trying pilot projects and she is excited that Mr. McCorkle brought this forward to Council.

Ms. Dorothy asked Mr. Zehala from Plug Smart how long the assessment for a 55,000 square foot property would take. Mr. Zehala replied that an assessment could take between 3-7 weeks to log the performance of the primary energy hogs in those facilities and to get a feel of what is going on in the building. This enables them to dial in on what the energy savings are going to be when the assessment period is complete, and they are examining what PACE eligible measures might look like. One of the things he likes about PACE is that it is not a free lunch program as there is a great deal of underwriting that is done to get approval. There needs to be enough energy savings reeducation to make sure that the costs are covered for the cost of the increase in the special assessment dollar for dollar including the cost of interest for the program to be developed and approved. It prevents a building owner from coming in and piling on a bunch of facilities projects and there is not enough energy savings to cover that cost. Improvements must cash flow or be budget neutral, so building owners may not get all the improvements that they want. There are built in checks and balances to make sure it is responsible for the tenants.

Mr. Smith inquired if there are situations where clients would like to integrate renewable energy sources including solar. Mr. Zehala said there is some use of solar across the state. In addition, geothermal, wind, and other renewables are eligible as part of this program.

There being no additional comments, the motion to adopt Resolution No. 45-2018 passed unanimously by a voice vote.

Resolution No. 46-2018

Approving an Agreement and Permit for and between American Cell, LLC, an Ohio Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington

Introduced by Ms. Kowalczyk

MOTION

Mr. Robinson made a motion to adopt Resolution No. 46-2018. The motion was seconded by Mr. Foust

Ms. Stewart explained that this is a new permit being issued for American Cell to install small cell facilities in Worthington that will then be leased to Verizon. They are looking at three or four locations and the first step is to obtain a Telecommunications and Utilities permit under the City's right-of-way (ROW) chapter. Once they receive this permit they will need to apply for small cell approval.

Mr. Robinson asked what the purpose of us giving them a permit is since we are required to allow the installation of their facilities. Ms. Stewart reported there being certain requirements they must comply with under the permit such as insurance and use of the ROW. Mr. Lindsey explained that we have an existing right-of-way ordinance with the bonding and removal requirements that protects our right-of-way for all facilities. The state legislation regarding small cells only required us to allow them to be in the ROW and limiting the amount of fees we could charge for that usage. Ms. Stewart added that they must comply with all the requirements of our ROW ordinance.

Mr. Myers posed the thought of whether there is any way through the permitting agreement that we could require certain things that we might not be able to require under the law. Something may not be legislated, but it could be achieved through compliance.

Mr. Robinson asked if there is a way for the City to redefine or qualify what is a ROW as another way of constraining the placement of towers where we want them to be. Ms. Stewart reported that the State has defined the ROW in their legislation. President Michael said that easement agreements give us the extra bonding and insurance as a method to work forward on a resolution in the event of an issue.

There being no additional comments, the motion to adopt Resolution No. 46-2018 passed unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Financial Report – June 2018

Mr. Bartter provided the following highlights for the City's financial report for June:

- *The Fund balances for all funds increased from \$26,697,378 on January 1, 2018 to \$28,835,665 as of June 30, 2018.*
- *The General Fund balance increased from \$13,491,664 as of January 1, 2018 to \$15,009,283 as of June 30, 2018.*
- *Year to date income tax collections are below 2017 year to date collections by \$-133,929 or -0.99%.*

MOTION Mr. Smith moved, Mr. Myers seconded a motion to accept the Financial Report as presented.

The aforementioned motion carried unanimously by a voice vote.

- August Recess

MOTION Mr. Myers moved, Ms. Dorothy seconded a motion for Council to recess for the month of August.

The motion carried unanimously by a voice vote.

REPORT OF COUNCIL MEMBERS

Ms. Kowalczyk said that the Community Relations Commission along with the Division of Police is sponsoring a citizen focused active shooter training at the Griswold Center on July 24.

President Michael mentioned that the Citizens Academy is another opportunity for citizens to join in. Information is in the community newsletter as well as on the City's website. She mentioned that several representatives from the City went and heard the gubernatorial candidates talk about transportation and infrastructure issues. She found it very interesting.

Mr. Smith said that he is doing some outreach for the aggregation program that is coming up on the ballot. He has some ongoing results on that if anyone is interested.

Ms. Stewart detailed that City email is moving to Office 365 for email and Council should have received a message from the IT director about this transition. If there are any challenges or issues reach out to IT staff. Email addresses are changing for Council and staff. She also explained that she sent out info on the Central Ohio Transit Authority advisory meeting and for Councilmembers to let her know who would like to go.

ADJOURNMENT

MOTION Ms. Kowalczyk moved, Mr. Robinson seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:36 p.m.

/s/ Ethan C. Barnhardt
Assistant City Clerk

*APPROVED by the City Council, this
4th day of September, 2018.*

/s/ Bonnie D. Michael
Council President