Worthington City Council Agenda

Louis J.R. Goorey Municipal Building
John P. Coleman Council Chamber

Monday September 17, 2018 ~ 7:30 PM

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Approval of the Minutes
   5.A. Meeting Minutes - September 4, 2018
   5.B. Meeting Minutes - September 10, 2018

   Recommendation: Introduce and Approve as Presented

6. Public Hearings on Legislation
   6.A. Ordinance No. 42-2018 Final Plan and Variances for 181 East Wilson Bridge Road

       Authorizing the Final Plan to the Wilson Bridge Corridor for 181 East Wilson Bridge Road and Authorizing Variances (Oxford Circle, LLC c/o David Hodge).
Executive Summary: This Ordinance approves a Final Plan for 181 East Wilson Bridge Road with Variances to permit the entrance drive to exceed forty-five (45) feet in width, permit buildings to be closer than fifty (50) feet from the side property line, waive the tree replacement fee and increase the density by two units/acre.

Recommendation: Approve as Presented

Legislative History: Introduced September 4, 2018

6.B. **Ordinance No. 43-2018** Accept Amounts and Rates from the Franklin County Budget Commission

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

Executive Summary: This Ordinance accepts the tax rates and amounts as determined by the Franklin County Budget Commission. The property tax rate remains unchanged at 5 mills for collection year 2019.

Recommendation: Motion to Amend to insert the amounts; Approve as Amended

Legislative History: Introduced September 4, 2018

6.C. **Ordinance No. 44-2018** Tobacco 21 Amendments

To Amend Various Sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington.

Executive Summary: This Ordinance amends various sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one.

Recommendation: Approve as Presented

Legislative History: Introduced September 4, 2018

7. New Legislation to Be Introduced

7.A. **Resolution No. 49-2018** Support - State and United States Bike Routes

Support of the Ohio Department of Transportation (ODOT) State and United States Bike Routes.

Executive Summary: The Resolution expresses approval and support for the
development of State and United States Bike Routes, and requests that the route be officially designated by the American Association of State Highway and Transportation Officials.

**Recommendation:** Introduce and Approve as Presented

**7.B. Resolution No. 50-2018** Support for the Northeast Gateway Project and Funding

Authorizing the City Manager to Seek Financial Assistance from Federal Attributable Funds for the Project at Worthington Galena Road, Huntley Road and Wilson Bridge Road.

**Executive Summary:** This resolution, which will be provided to the Mid Ohio Regional Planning Commission as part of the federal funding process, expresses City Council's support and commitment for the project.

**Recommendation:** Introduce and Approve as Presented

**7.C. Resolution No. 51-2018** Transfer of Funds

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

**Executive Summary:** This Resolution authorizes the transfer of previously appropriated funds in the amount of $45,000 to cover expenses as anticipated in the appropriate accounts.

**Recommendation:** Introduce and Approve as Presented

**8. Reports of City Officials**

**8.A. Policy Item**

8.A.I. Permission to Bid - Northeast Gateway Project Railroad Crossing Improvements

**Executive Summary:** Staff is requesting permission to bid curb improvements at Wilson Bridge Road and the Railroad Crossing for the Northeast Gateway Intersection Improvement Project.

**Recommendation:** Motion to authorize the advertisement for bids

8.A.II. Opposition to Proposed Small Cell Regulations
Executive Summary: The agenda item will consider whether to submit a letter of opposition to proposed regulations under consideration by the Federal Communications Commission related to the deployment of small cell technology.

Recommendation: Motion authorizing the City Council President to submit a letter of opposition on behalf of the City of Worthington.

9. Reports of Council Members

10. Other

11. Executive Session

12. Adjournment
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Tuesday, September 4, 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, and Bonnie D. Michael

Member(s) Absent: Douglas K. Smith

Also present: City Manager Matt Greeson, 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, Director of Parks & Recreation Darren Hurley, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 5 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 16, 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.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 47-2018  
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. 47-2018. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson explained that transfer resolutions are when funds are transferred from one account that is underspent to another account needing additional funding. These transfers do not increase the total operating budget and are only a movement of dollars between lines.

Mr. Bartter described the first transfer as being from the Communications Technician Salary Line to overtime since there is a shortage of Communication Technicians causing the current Communication Technicians to work overtime. The other transfers are in the Parks and Recreation department to properly account for expenses in the appropriate line.

There being no additional comments, the motion to adopt Resolution No. 47-2018 passed unanimously by a voice vote.

Resolution No. 48-2018  
Accepting the Recommendations of the 2018 Worthington Tax Incentive Review Council Concerning Parcels of Commercial Real Property in the City of Worthington Receiving Tax Exemptions for Purposes of Economic Development.

Introduced by Mr. Robinson.

MOTION  
Mr. Foust made a motion to adopt Resolution No. 48-2018. The motion was seconded by Mr. Myers.
Mr. McCorkle stated that this presentation is to go over the recommendations that the Tax Incentive Review Council (TIRC) gave in their July 24th, 2018 meeting. The TIRC meets annually to overview the City’s Community Reinvestment Area (CRA) and Tax Increment Financing (TIF) programs. They can make recommendations to the City Council for these programs to either be continued, discontinued, or continued with modifications. This body is a nine-member council made up of a variety of community stakeholders.

He described how Community Reinvestment Area abatements work as a tax incentive by exempting a percentage of real property on the assessed value of the improvements. The Auditor does a base valuation for a property and when a project creates improvements, the increased valuation of the property is then abated. Whatever taxes were being paid when the project was approved continues to be paid in the same manner. The duration and the percentage of the abatement can change based upon the project.

CRAs were originally created in the 1960s for the purpose of alleviating blight with communities choosing the eligible properties that are either commercial or industrial. CRAs for more than 50% or over 10 years require school board approval and less than 50% or under 10 years still require notice to the schools. The City must also submit an annual report to the Ohio Development Services Agency by the end of each March.

Mr. Robinson inquired if school board approval was needed for 50% or 10 years or both. Mr. McCorkle replied that it was for either. If it is more than 50% or longer than 10 years it requires school board approval.

Mr. McCorkle explained that Worthington’s CRAs are focused on our commercial and industrial corridors: Huntley, Wilson Bridge, and High Street. Some communities look at residential for CRAs, however Worthington’s criteria focuses on commercial and industrial with a minimum of $1 million in investment, 25 new jobs created, and $1 million in annual payroll.
He detailed how the TIF program works by exempting the increased valuation above a baseline value, and instead of property taxes, payments in lieu of taxes (PILOTs) go into a separate fund that funds public infrastructure improvements in support of the project. After a TIF burns off, the full amount of taxes will then go to the appropriate jurisdictions. A TIF can go up to 100% for up to 30 years versus 15 years for a CRA. Greater than 75% or more than 10 years requires school board approval. For a TIF there is also an annual report required.

Mr. McCorkle explained that there are 4 active CRAs and 7 active TIFs in Worthington that the TIRC reviewed. Ms. Dorothy asked if he would go over when these were started and when they would burn off. Mr. McCorkle replied that he would. Ms. Dorothy stated that the City previously did more CRAs, but mostly does TIFs now. Mr. McCorkle replied that was correct.

Mr. McCorkle noted that the Worthington Station CRA at the former Worthington Foods site on the corner of Proprietors and 161 is a 75%, 10-year CRA that is in its final year. This particular site is unique because it combined the CRA with a 25% TIF. There are eight abated parcels and all but one, BCR Worthington, burns off in 2017 and will not be seen next year.

Ms. Dorothy asked if the businesses in this CRA would see their property taxes go up this year. Mr. McCorkle said that is correct, they will see a 100% tax bill, except for BCR which began construction in 2013.

Mr. McCorkle described how this CRA was supposed to meet 44 fulltime jobs and $2.6 million in payroll. They created 45 fulltime jobs and far exceeded the payroll requirement with almost $4.1 million in payroll. The TIRC recommended no action because the CRA is concluding with the exception of BCR.

Road Runner is a 75%, 10-year CRA and 2018 is the final year of this abatement ending on December 31, 2018. The TIRC could take punitive action next year if they chose to do so. Ms. Kowalczyk asked if it was correct that Roadrunner is leaving Worthington. Mr.
McCorkle said that is correct. He reported that Roadrunner relocated to Hilliard at the end of August. He has been in communication with the property owner and they are actively trying to fill the space. Ms. Dorothy asked if this is a reason why CRAs are not being utilized as much. Mr. McCorkle replied that is a contributing factor because an abatement is a competitive advantage. You will see business tend to relocate after the end of the abatement.

Mr. Myers asked if Roadrunner was given incentives by Hilliard and if Hilliard is part of the anti-poaching agreement. Mr. McCorkle said he was unsure if incentives were given and that the anti-poaching agreement was never fully executed, existing more as a gentleman’s agreement. Overall it is going well, but there are some projects where not all municipalities are as forthright as desired. Worthington is very transparent about how we do business and if we are talking to another municipality’s business, we are on the phone with that municipality letting them know that communication is happening.

Mr. McCorkle stated that Roadrunner’s commitment was to be 50 jobs and they met 40 jobs. The employment number was calculated based upon 34 fulltime employees and an additional 29 part-time employees. The TIRC did recommend continuing throughout the end of the year based upon their payroll which was 110% of their commitment.

President Michael inquired about what happens if they do not come up with the 50 jobs. Mr. McCorkle replied that punitive action could be taken against the property owner, not Roadrunner. He explained that there was discussion in the TIRC if it should be terminated now or if keeping the CRA in place could go towards recruiting a new tenant.

Mr. Myers clarified that the benefit is going to the property owner who is paying the property taxes, which the benefits can then be passed on to the tenant in the form of lower lease rates. Mr. McCorkle responded that is a possibility. If it is a Triple Net Lease, meaning the property owner charges utilities, taxes, and insurance after the fact, the benefits would be passed through as savings to the tenant. If it is a Gross Lease with a final amount charged with the taxes, insurance, and utilities baked into the rate, then the savings may be lost.

Mr. Robinson asked if Roadrunner was Triple Net or not. Mr. McCorkle replied he was unsure, however he guesses they are Triple Net. Usually when working with spaces this large, they are Triple Net leases because the expenses fluctuate so much. Mr. Robinson then inquired if the CRA was a factor before Roadrunner moved. Mr. McCorkle said that the CRA did not come up in those discussions.
Mr. McCorkle reported that the third CRA is for the Worthington Professional Park. This was approved in 2007 as a 75%, 10-year for six parcels with all of them burning off at the end of last year. He noted that Healthy Children Holdings at this location is now moving above the Porch Growler on High Street, next to the CVS Pharmacy. This is a possible example of an abatement burning off and the business opening up their options. There is not an abatement on their new property. This project did very well and greatly exceeded the commitment of fulltime jobs and total payroll.

The last CRA to be discussed is for FC Bank which is in their first-year reporting, it is a 50%, 10-year abatement. They are slightly below on their job commitment; however, their payroll is over 100% of their commitments. The TIRC recommended that they are in compliance.

The TIFs were all deemed to be in compliance and continued as is by the TIRC. It is the final year of reporting for Worthington Station approved in 2007. That TIF was for the sound wall associated with that development which cost $150,000 and the TIF generated $201,000. As of December 31, 2017, three of the TIFs were generating revenue and as of July 2018, six of the seven are generating revenue.

Mr. Myers asked what the reappraisal cycle for commercial properties was, specifically noting Worthington Square’s Auditor appraised value. Mr. McCorkle said that when a
Ms. Kowalczyk noted that there were three delinquent properties downtown and she inquired about the process to follow-up on those delinquencies. Mr. McCorkle stated that the Country Treasurer sends letters to them, however the TIRC recommended the City send letters as an extra measure to try and get those businesses to pay their delinquent taxes. There are slightly more than 100 parcels in the downtown TIF, so the TIRC’s thinking was that four or five delinquent parcels should not stop this TIF from moving forward.

Mr. Myers asked when the 350 Wilson Bridge Road property would be appraised. Mr. McCorkle said that he imagines it would be picked up next year. After the announcement of the new group going into that location there will be another $1 to $1.5 million in renovations going into that space. Somehow the valuation decreased from the baseline value according to the Auditor. The developer was comfortable with the devaluation when he had 17,000 square feet of empty space in the building because those are costs he would have to pass along to the tenants. This makes it difficult to market the building when the expenses are that high.

There being no additional comments, the motion to adopt Resolution No. 48-2018 passed unanimously by a voice vote.

Ordinance No. 42-2018  
Authorizing the Final Plan to the Wilson Bridge Corridor for 181 East Wilson Bridge Road and Authorizing Variances.

Introduced by Ms. Dorothy.

Ordinance No. 43-2018  
Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

Introduced by Ms. Kowalczyk.

Ordinance No. 44-2018  
To Amend Various Sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington.

Introduced by Mr. Robinson.

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)

- Designation of Public Records Representative

Mr. Greeson detailed under state law, local elected officials have to attend 3 hours of training for public records law. However, state law does allow the designation of a representative to attend that training on behalf of the elected officials. It has been the City of Worthington’s practice to appoint the Clerk of Council to attend that training. It is also being recommended that the Assistant City Clerk be appointed as the alternate designee of the City Council.

MOTION

Mr. Foust moved, Mr. Myers seconded a motion to designate the Clerk of Council to attend Ohio Public Records Law on behalf of each member of City Council and appoint the Assistant City Clerk as the alternate designee.

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

- Update on City Initiatives and Activities

Mr. Greeson updated City Council on what community outreach efforts have been made by City Staff during the August Recess to enhance the quality of life and add value for Worthington citizens.

For many years we have had a partnership with the American Legion where they would recognize both the Fire Fighter of the Year and Police Officer of the Year. In addition to the American Legion Ceremony, we partnered with the Worthington Area Relators, Police Academy Alumni Association and City departments to fund a bench and paver patio in front of the police station that has bricks engraved with the names of past Police Officers of the Year. In partnership with the Worthington Schools, Sean Ord was selected as the Thomas Worthington School Resource Officer and he is doing a great job, adding value to the high school. Also, both divisions provided safety training before the beginning of school with teachers and school personnel.

Mr. Greeson highlighted the collaboration of the Worthington International Friendship Association, Worthington Interfaith Neighbors and Community Relations Commission to sponsor the International Picnic at Selby Park.

He mentioned that the Concerts on the Green were extremely successful, presenting fourteen concerts with over twelve thousand attendees. Two shows in particular headlined the OSU Alumni Band and the Motown Sounds of Touch drawing over 2700 to the Village Green. This year the Concerts had a title sponsor in FC bank. There was also a Griswold Senior Center Alumni tailgate, the Presbyterian Church had an ice cream social, and FC Bank awarded ten Fantastic Charity donations to local charities.
The Parks and Recreation department has served 12,500 children this summer with a variety of camp programs. There has also been engagement in community meetings and stakeholder outreach for the Bicycle and Pedestrian Master Plan. The Division of Police and other community organizations participated in the National Night Out. There was also a public forum held regarding Electric Aggregation that was attended by 30-40 Worthington residents with additional presentations scheduled later this year.

Ms. Kowalczyk asked if there was a commitment from FC bank for next year. Mr. Hurley replied that other than positive verbal comments from them regarding their experience this year, there is nothing in writing yet. Ms. Kowalczyk inquired how long people have to submit information for the Bicycle and Pedestrian Master Plan. Mr. Hurley said that they are trying to keep things open for another couple of weeks. Comments can be emailed to him or the Geo-Wiki Maps website page can be used for feedback and ideas.

REPORT OF COUNCIL MEMBERS

Ms. Dorothy stated that she appreciates Mr. Greeson sending out a brief overview of anti-trafficking ordinances that we may be reviewing in light of the massage parlor that was recently shut down in the City. She explained that Colonial Hills always has water issues and she looks forward to appropriating funding to go towards upgrading waterlines. WIFA is working hard to have a great plan outlined for the delegation that is coming, and she looks forward to receiving our visitors from Japan.

Ms. Kowalczyk seconded Ms. Dorothy’s comments regarding the waterlines and she hopes that we can invest more in waterline replacement next year. She has had several exchanges with residents about what was going on and she appreciates the City’s quick response back to her and for posting information online. She mentioned that the Community Relations Commission is holding their public meeting on age friendly communities and that there was a strong turnout. She looks forward to working with the Commission on this project. One thing they are looking at doing for Market Day is having a board where people could identify what things are important to them to have a livable or age-friendly community.

EXECUTIVE SESSION

MOTION

Mr. Robinson moved, Mr. Foust seconded a motion to meet in Executive Session to discuss Appointments to Boards and Commissions, Collective Bargaining Negotiations, and Negotiations Related to Economic Development Assistance.

The clerk called the roll on Executive Session. The motion carried by the following vote

Yes 6 Dorothy, Myers, Kowalczyk, Foust, Robinson, and Michael
Council recessed at 8:11 P.M. from the Regular meeting session.

President Michael declared the City Council back in open session at 9:21 P.M.

**ADJOURNMENT**

**MOTION**

Ms. Dorothy moved, Mr. Foust seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:21 P.M.

___________________________________
Assistant City Clerk

*APPROVED by the City Council, this
17th day of September, 2018.*

___________________________________
Council President
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, September 10, 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, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent: David Robinson

Also present: City Manager Matthew Greeson, 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, Director of Parks and Recreation Darren Hurley, Chief of Police Jerry Strait, Chief of Fire John Bailot, Clerk of Council D. Kay Thress, and Assistant City Clerk Ethan Barnhardt

There were 4 visitors present.

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 36-2018

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 Costs of the Municipal Building Roof Project (680-18) and the Fire Station Roof Project (648-17) and all related
Expenses and Determining to Proceed with said Projects

The foregoing Ordinance Title was read.

Mr. Greeson noted that this Ordinance has been brought back to Council because the roof projects had to be re-bid since there were originally no bids submitted.

Mr. Whited explained that this is a result of re-bidding the roofing project at the Municipal Building and the Fire Station. Recognizing that some of the siding on the Municipal Building is in poor shape, the replacement of that was added to this bid. The total bid for the Fire Station was approximately $238,000 and the Municipal Building was $200,880. The selected contractor was E. Lee Construction and he would like to recommend hiring them. We do not know when this project will begin but, depending upon the weather it may be early in the springtime. Generally speaking the roof should have a 30-year life cycle and the cement board siding should have a life cycle upwards of 50 years.

Ms. Dorothy asked if this will prevent the leaking and water that is currently coming into the building. Mr. Whited replied that is correct. When asked by Ms. Dorothy if there would be any insulation in the roof installed as part of this project, Mr. Whited responded that insulation is not included in this project.

Mr. Foust asked what the duration of the project would be. Mr. Whited replied approximately 3 months to complete both projects. Mr. Foust referenced the work being done at the Worthington Recreation Center and questioned whether that project had taken longer than expected. Mr. Whited confirmed the project has taken longer than expected.

MOTION

Mr. Foust moved, Mr. Smith seconded a motion to remove Ordinance No. 36-2018 from the table.

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

MOTION

Mr. Myers moved, Ms. Dorothy seconded a motion to amend Ordinance No. 36-2018 to have the appropriation in the amount of $483,000 and awarding it to E. Lee Construction.

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

There being no additional comments, the clerk called the roll on Ordinance No. 36-2018. The motion carried by the following vote:

Yes  6   Kowalczyk, Dorothy, Foust, Smith, Myers, and Michael

No   0
Ordinance No. 36-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

REPORTS OF CITY OFFICIALS

Discussion Item(s)

- Regulation of Massage Establishments

Mr. Greeson detailed how the two discussion items tonight are policy issues that have been researched by staff. The first discussion item regards the regulation of massage establishments. This is an area of concern not only for our community, but others in central Ohio.

Mr. Lindsey identified the ordinances included in the packet as being from the City of Westerville, the City of Hilliard and the City of Columbus. The principal difference between the Westerville and Columbus ordinances is that the City of Westerville made the decision to prohibit “relaxation” massages that are not therapeutic massages and are not otherwise licensed by the State of Ohio. Licensed massages include medical massages, massages in connection with cosmetology, and others to be licensed and registered under state law. Westerville imposed a moratorium for a period of time while investigating the topic due to concerns about massage establishments involved in the human trafficking trade. After their study was completed, the Westerville City Council made the decision to prohibit all forms of relaxation massage.

The Columbus model does not prohibit relaxation massages, but rather licenses and regulates them. The ordinance in Columbus and Hilliard provide an exception for any of the massage establishments and therapists who are licensed by the state – the focus is on those that are unlicensed by the state. Those who are unlicensed by the state are required to register and obtain a license from the City of Columbus, providing information on the persons employed by the establishment.

The principal policy question for the Worthington City Council is to decide if there is interest in adopting regulations on massage parlors and to decide whether to prohibit or permit relaxation massages with regulations through a licensing system.

President Michael asked if there is a definition of relaxation massage. Mr. Lindsey said there is not a definition of a relaxation massage. The state has a definition for therapeutic massage for purposes of state licensing, but all of the ordinances define massage in generic terms of rubbing, touching, pressure, and other criteria. President Michael said a company like Massage Envy offers a relaxation massage. She is confused because that is a company where everybody has to be licensed. Mr. Lindsey said it is more a difference between state licensed massages and non-state licensed massages.

Mr. Lindsey discussed how there are other tools available. The City of Columbus does pursue nuisance actions when there is sufficient evidence that prostitution is occurring in
an establishment. That requires undercover officers to go in to obtain that evidence and
determine what is going on. That is a civil nuisance action in Franklin County
Environmental Court. Under state law that action allows for the closure of a business for up to a year. Working with the Columbus City Attorney’s office we can follow that approach assuming we would have the necessary evidence to make that case. The Franklin County Sheriff’s office has provided their officers as the undercover agents in those instances.

Ms. Dorothy questioned how this addresses human trafficking. Mr. Lindsey responded that the attempt to provide regulation of the establishment and the requirement of photos and information as to who works in those establishments provides the basis to determine whether there are people there who are not registered. For the most part, trafficking activity is more often found in unlicensed establishments. Those who go through the trouble of getting licensed may be doing so for legitimate massage business activities and not for prostitution or other illegal sexual activities. For the traffickers, it limits the locations that it can occur. In and of itself this does not address trafficking, but it makes it harder for trafficking to occur in the City of Worthington. As more surrounding cities implement similar ordinances, these businesses look to go elsewhere. Having an ordinance would at least even the playing field. Ms. Dorothy observed that on paper we may have licenses, but otherwise we do not know what services are being provided unless our people are going into the establishments to see who is providing services. Mr. Lindsey responded that this is true for both licensed and unlicensed facilities. Until receiving tips or having undercover in place, it is not known what is going on in these establishments, but it is easier to identify and establish activity.

Mr. Lindsey noted that while this is set-up as a regulatory, licensing ordinance, there is also a zoning component where this activity could be located. The City of Gahanna exclusively deals with the issue through conditional use zoning of massage establishments only as to licensed massage therapists. They do not have a separate licensing ordinance.

Chief Strait detailed how on the enforcement side, the Police Department receives constituent phone calls about these types of issues taking place and asking what will be done about it. He described how the Police send investigators in and utilize outside resources including the Central Ohio Task Force and the FBI. We are in a competition with these individuals at a national level who are rotating and not staying in an area for a length of time. They bring young ladies in and they are housed in a location where they are bathing, eating, and are essentially slaves at that location. Without a licensing process it is difficult to know who is in there which is compounded by their rotating through places. It’s a difficult operation to deal with. This most recent event has been looked at since June and we had some great partners with us. We are not going after the ladies who are being victimized, so we try to backtrack to the johns or the individuals who are housing these women. It is a cash only business and they are not reporting taxes so there is not really a tracking system for our white-collar investigators. By having a licensing ordinance, it is possible to have some idea of who is working in these businesses. Chief Strait explained that they would still need to be going out and doing inspections to establish who is working in these facilities. There are still ongoing cases and in the most recent one we quickly got
the two victims out, passing them to the Salvation Army and interpreters were brought in by some federal agencies to communicate with these individuals. We have not charged the primary two individuals, and he hopes that we can do that.

Ms. Kowalczyk asked if there have been other incidents other than the two previously mentioned. Chief Strait replied there are locations in the City and around Central Ohio, but there are no other events that they are aware of. There have been some additional startups since this investigation began, but these are the only two for Worthington that we have actually made charges or entry on. Ms. Kowalczyk followed-up by asking how many businesses may be affected by this licensure change. Mr. Lindsey responded that we do not know how many may be affected because the City does not have a business registration requirement that would identify every location. Other than using a phonebook or drive by looking at signs, we do not have the ability to know unless they had to come in for some sort of zoning approval in which they indicated the nature of their business. Mr. Brown added that there is a change of occupancy permit. If a tenant moves out and another moves in then they are required to work with the Planning and Building Department for that permit. Typically, in the commercial district we do allow for licensed massages. If you are not licensed by the state, we do ask it to be a conditional use that goes before Municipal Planning Commission for approval. Some of the changes in occupancy do not happen until the annual fire inspection.

Mr. Foust observed that the Columbus and Hilliard ordinances include the requirement for multiple pieces of identifying information and asked if we had a similar process in place, would it have been enough to preempt the human trafficking component. Chief Strait said that his personal belief is that these individuals do not want to be known and these individuals are kept remote. He believes that something like that would have benefited the agency and long term would have benefited these ladies by not having to be subjected to this.

President Michael asked if this could possibly shift the problem from one location to another location without this type of regulation. Chief Strait responded that is a possibility. It would be ideal if there were a broader effort at the state or national level so that we can be on the same page tracking these individuals. President Michael asked if there should be something in the ordinance to keep the City’s opportunities open to collaborate with other state and local agencies. Chief Strait replied that he supported anything we could do to help on that level.

Mr. Myers inquired if any of the local ordinances have been tested in the courts yet. Mr. Lindsey stated that he is unaware of any challenge to the ordinances. Mr. Myers asked if we know how day spas, such as Massage Envy, operate and if the services are always performed by licensed therapists. Mr. Lindsey replied he does not know. Mr. Myers said that his understanding is that a person does not need a massage license to open a massage franchise. This ordinance in Worthington would shut that business down. Mr. Lindsey said that the situation in Westerville where the business owner was not licensed but the workers were, the owner stopped personally providing services. Mr. Myers said that if he were someone that had invested in a franchise and this ordinance comes along, he could
see it being challenged. He wants to make sure our net is not so wide that we put legitimate businesses out of business. He cannot make an informed decision until he knows more about how these businesses operate. We are painting all non-therapeutic massage parlors with the same brush if we are too broad in our regulation. Mr. Lindsey replied that he understands the concern there and would inquire further into challenges of these ordinances. Mr. Myers asked if we could also call these big chain day spas to find out how they operate.

Ms. Dorothy questioned whether individuals working towards getting a license must go through a probationary period or apprenticeship. Mr. Myers said that he assumes that Columbus got the Medical Board’s feedback and these people are already regulated by the Medical Board. Mr. Lindsey stressed that is why most of these ordinances are written to regulate only the unlicensed businesses. We are requiring a license and leveling the playing field because all people who do massages must either have a state license or a local license. Mr. Myers explained that he wants to make sure we are not running afoul of the Medical Board’s regulatory scheme because we would then be granting a lesser license to a lesser individual and that sounds like a matter of statewide concern. This is very similar to other statewide pieces of legislation that begin at the municipal level until it reaches critical mass and the General Assembly acts.

President Michael asked if we would be requiring all the businesses to provide copies of licenses or a form saying all of their employees are licensed and how do we know who is licensed. She asked if the ordinance will require everyone who does massages in our community to report. Mr. Lindsey replied that it could be informational reporting to verify that they are licensed under state licensing. By definition we would be only requiring for those who are not licensed and the enforcement of the licensed activities would fall under state law. He stated that staff will do additional research into the industry because there are legitimate businesses we do not want to put out of business. In Westerville, they did not have any except for the one individual who was not licensed and they were comfortable with the complete prohibition of unlicensed massages in the community.

Mr. Myers clarified that persons without a state license could administer non-therapeutic massages if they had a Columbus license and Westerville does not offer a local license. If we allow a local license where we require pictures and a background check it is different than a license in the regulatory sense. Mr. Lindsey said that it would not be based upon skills, but rather upon the individual and standards of cleanliness. Mr. Myers concluded that it would be less of a license and more a registration.

President Michael asked if there was a consensus of Council to move forward on type of ordinance on this topic. Ms. Dorothy stated yes in light of two situations of human trafficking that have been caught.

Mr. Foust said that if there was some kind of national board or some way of looking outside of Columbus or Ohio it may be helpful to look at trends across the county and in other states. Ms. Dorothy agreed, and she wanted to see if there was anything else that had been used that would be useful and works.
Transmittal of Proposed Carryover Fund Balance Policy and Investment Policy

Mr. Greeson explained that the Finance Department staff has been conducting updates of the City’s financial policies. These policies are important to the life of the city. The Investment Policy has traditionally been issued as an administrative regulation, but we wanted to move it to a Council adopted policy that goes through a review. Our General Fund Carryover Fund Balance is always a topic of discussion and our policy requires it to be reviewed and updated every five years. Given the recent discussion of the fund balance, we decided to update it this budget cycle. This puts it out to Council and into the public domain to start a discussion.

Mr. Bartter explained that the Investment Policy is cookie cutter Investment Policy and not a significant change from the policy last adopted in 1997. The major change is that we are now referring to the Ohio Revised Code Section 135 as opposed to copying and pasting the language into the policy. This creates an evergreen effect, if they change the Ohio Revised Code then our policy is automatically updated.

The Carryover Fund Balance policy has some substantial changes. We benchmarked what other AAA rated cities were doing. We also looked at what would be sustainable given our revenue sources and their fluctuations. What is being presented is a policy that has a range of between 35-50% for the general fund balance. There is a transfer mechanism where the amount over 50%, 50% of that is transferred to the CIP. There are also actions included if the fund balance fell between different thresholds if need be. Finally, we are moving from using the cash balance to the unencumbered balance. It would be ideal not to use dollars that are encumbered for a use.

President Michael asked what the current percentage for the fund balance is. Mr. Bartter replied we are at approximately 56% of prior year expenditures. He explained it is difficult to look at the balance on a month to month basis. It is currently spiked due to an August property tax distribution and once that runs out throughout the rest of the year, it will end up being a little lower.

Mr. Myers asked if this determination would be made at the end of the fiscal year. Mr. Bartter said that is correct, if we ended up over 50% we would come back with an appropriation transfer for the 50% over 50% to the CIP. Mr. Myers asked if there was anything in the policy that would prevent us from working on a deficit operating budget. Mr. Bartter replied that was correct. Mr. Myers asked if deficit spending would be projected out. Mr. Bartter responded that the forecasts would identify forthcoming issues, but one of the real reasons for doing this is we do not know what will happen year to year with our income tax revenue which makes up 74% of our general fund revenue and three businesses make up 13% of our general fund revenue. Mr. Myers posed a hypothetical scenario where there are several years we are 50% and transferring funds to the CIP with some goal in the future. He asked if there would be a way to take that extra money and segregate it for a purpose even if it is not spent that year. Mr. Bartter said that there would be a way to do that. He replied that as an example, there is an upcoming 27th pay that will spike our payroll which happens every 11 years. He is proposing in this policy to establish
a subfund of the general fund to pay for that additional pay. Theoretically we can create a separate subfund for any designated purpose that the Council decides. Mr. Myers expressed that he likes the concept of saving for a specific purpose. It would be nice to have that flexibility to save for a specific purpose, particularly one-time expenditures.

President Michael expressed her thoughts as someone who has been through everything with the fund balance, she is on the cautious side of what we do and wants to protect the fund balance. With our funding sources being so volatile from being income tax based, it is very scary from time to time.

Mr. Myers asked when was the last time that we reviewed fees. Mr. Greeson replied that has been discussed as part of this budget process and will be tackled. He explained that it is becoming more critical and we need to develop a more systematic way to calculate fees and consciously determine the amount we want to subsidize things. Given the increased reliance on income taxes and the loss of other funding sources, we should consider some approaches to financing capital improvements that don’t involve the 20% of income taxes. Additionally, in upcoming legislative cycles talking about advocating for things such as permissive license tax flexibility.

Ms. Dorothy wanted to recap that one of the reasons we are doing this is because there have been ups and downs in our general fund and revenue. We have raised the property tax once and income taxes twice since 2004. Our policy is that we are in a good place if the general fund balance is between 35-50%, but we are still good between 25-35%. Mr. Bartter replied that the financial action plan begins when funding falls under 35%. In the draft policy there are steps that may be taken if we fall below the 35%. Ms. Dorothy detailed the action plan steps.

President Michael said to keep in mind with regards to fund balance is our bond rating. She watched our bond rating go down when the fund balance was too low, and we worked hard to bring the fund balance back up to improve our bond rating. It went to AA to AAA which made it more economical for us to borrow. Part of this is how low to go without adversely impacting our bond rating.

Michael Bates – 6560 Evening Street

Mr. Bates brought up how he proposed the creation of a citizen’s budget advisory panel in October last year. To the best of his knowledge, no action was ever taken on that suggestion. He was asked by President Michael to do research into other municipalities in Ohio doing something similar and he responded to President Michael via email also in October of last year. His point, as Council has discussed tonight, is that there is a lot of asks in terms of what to do with tax dollars and it would be good to have a broad discussion with the citizenry on this item. He did speak with Mr. Bartter, acknowledging that he has done his homework and is very knowledgeable. However, his question after speaking with Mr. Bartter is whether 50% is the right number and should the citizens have some discussion about this and what they want to do with these dollars. He appreciates Council’s desire to be frugal, but there are lot of things that need to be done in this city. If we continue
to neglect infrastructure, those issues will compound over time creating future costly maintenance issues. There are also social services that need to be supported in addition to ongoing government operations. His point is that he wanted to bring back up the idea of putting a citizen advisory board together, which does not have to be a standing board, it could be biannually, or during the budget process.

**John Rist – 285 Bryant Avenue**

Mr. Rist wanted to make a couple points and ask several questions tonight. He is curious whether there is a concern here about moving the policy because of concern about where the economy is going to move, or if there has been any discussion with the major employers in the City about their overall financial picture. What are they looking at in their outlook.

*Mr. Greeson replied that Mr. McCorkle and Mr. Bartter are meeting with employers and talking to them as part of the five-year forecasting process. That will be presented in early October. The policy document is rooted in what we think is long term best practice for the City.*

Mr. Rist said that income taxes appear to have grown 24% since 2011 and in 2017 you spent 92% of the budgeted amount. The trend is showing that same pattern for the current fiscal year that is halfway through. There is another factor that has not been discussed as part of this policy and that is the deferred maintenance that is being incurred. There is a cost to deferring maintenance every year that is being incurred through increased labor and material costs. By deferring that it adds costs that the Council needs to be aware of and should be factored into the budget process and when thinking about fund balances and transfers to the CIP.

He would like to propose a change to this policy because he believes the threshold that has been articulated is very high for a transfer to the CIP. He proposes that at the 35% level, 50% is transferred to CIP and 100% is transferred at 50%. When looking at the 2017 fund balance, if you implemented that kind of change you would be transferring $2.2 million to the CIP. At the 50% it would be $500,000. Under the proposal being considered, you would transfer only $250,000 at the 50% fund balance level. The threshold is extremely high before transferring any dollars into the CIP and maybe you could adjust that downwards to a level that gives more money to the CIP.

*Ms. Kowalczyk requested more information on the citizen action panel and citizen involvement into the budget discussions. She stated that she believes it is a good discussion to have about how the budgets are made up and how to prioritize the budget. President Michael replied that by fall most of the budget is already in place. She believes if we are going to have discussions like what has been proposed, it should be done at the beginning of the year. Ms. Kowalczyk commented that it could be something we could pursue for next year’s budget process and could be done early in the year.*
Information Item(s) – Financial Report – July and August 2018

Mr. Bartter provided the following highlights for the City’s financial report for August:

- The Fund balances for all funds increased from $26,697,378 on January 1, 2018 to $29,413,909 as of August 31, 2018.

- The Fund balances for the General Fund increased from $13,491,664 on January 1, 2018 to $16,036,017 as of August 31, 2018.

MOTION

Mr. Myers moved, Ms. Dorothy seconded a motion to accept the Financial Report.

The motion carried unanimously by a voice vote.

Mr. Bartter said that the 2016 and 2017 audit is complete and if there are no objections from Council, he will notify the auditors that we are going to waive the post audit conference.

MOTION

Ms. Kowalczyk moved, Mr. Foust seconded a motion to forego a post audit conference

The motion carried unanimously by a voice vote.

REPORT OF COUNCIL MEMBERS

Ms. Thress shared that she attended a very good open meetings and records training earlier in the day and that Council is covered for that training. President Michael expressed her thanks.

Mr. Foust asked about getting an update into the status of Lime Bike in Worthington because he noticed they have vanished in places that they used to be. Mr. Hurley replied that we are halfway through the six-month pilot and he receives a monthly report that is shared with the Bicycle and Pedestrian Board. He can forward that information to Mr. Foust.

Mr. Smith followed up on the idea of a citizen’s budget advisory board and how there should be some sort of community engagement starting that process now for the 2020 budget. City government is slow, and it would allow there to be greater familiarity with the 2019 budget. He additionally asked for there to be research into Brecksville who would be a comparable city to Worthington adding it to comparison cities in the general fund policy revision. National Church Residences sent an email out with a community report on Stafford Village and he hopes everyone is reading that and taking it in.

President Michael reported that the Central Ohio Mayors and Managers Association meeting took place last Friday with one topic discussing how it was 80 years ago that the
The legislature took away the ability for municipalities to levy sales tax to finance things and for 70 years there had always been the Local Government Fund (LGF). It is only in the past 10 years that we didn’t have an LGF. There is an election year coming forward and, on both sides, there is a question to be asked regarding LGF funding and Home Rule issues. There was a really good presentation from COTA. There is a meeting coming up in October with the Age Friendly Communities. They are trying to expand Age Friendly throughout Franklin County. Worthington has been invited and we plan to be at the meeting.

EXECUTIVE SESSION

MOTION

Mr. Foust moved, Mr. Smith seconded a motion to meet in Executive Session to discuss Appointments to Boards and Commissions.

The clerk called the roll on Executive Session. The motion carried by the following vote

Yes 6 Kowalczyk, Dorothy, Myers, Foust, Smith, and Michael

No 0

Council recessed at 8:48 P.M. from the Regular meeting session

President Michael declared the City Council back in open session at 8:54 P.M.

ADJOURNMENT

MOTION

Mr. Myers moved, Mr. Smith seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:54 P.M.

___________________________________
Assistant City Clerk

APPROVED by the City Council, this 17th day of September, 2018.

____________________________
Council President
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: September 11, 2018
To: Matthew H. Greeson
From: R. Lee Brown
Subject: Ordinance 042-2018 Final Plan and Variances for 181 East Wilson Bridge Road – Updated Memo

EXECUTIVE SUMMARY
This Ordinance approves a Final Plan for 181 East Wilson Bridge Road with Variances to permit the entrance drive to exceed forty-five (45) feet in width, permit buildings to be closer than fifty (50) feet from the side property line, waive the tree replacement fee and increase the density by two units/acre.

RECOMMENDATION
Approve as Presented

LEGISLATIVE HISTORY
Introduced September 4, 2018

BACKGROUND/DESCRIPTION
Wilson Bridge Corridor – Final Plan
Multi-family Residential – 181 E. Wilson Bridge Rd. (Oxford Circle LLC) WBC 01-18

Findings of Fact & Conclusions

Background & Request:
City Council adopted Wilson Bridge Road Corridor (WBC) zoning in 2016 to reflect the planning working that was done for the corridor. Last year approval was granted to rezone this property as WBC-1 – Medium Density Residential to match the zoning district created and recommended for this property as part of the corridor planning. Single family residential properties are located east, west and south of the property. The property to the west was designated for professional office and the parcel to the east was to be medium density
residential per the WBC zoning. Commercial property is on the north side of E. Wilson Bridge Rd.

The property consists of two parcels totaling approximately +/- 2.05 acres on the south side of E. Wilson Bridge Rd. just east of the center of the block. The vacant properties are lots 16 & 17 of the Northigh Acres subdivision, which was created in 1923. The parcels are identified by numbers 100-002477 (Lot #16) & 100-002478 (Lot #17). Lot #16 is also known as 181 E. Wilson Bridge Rd. as there was a house on the lot from about 1995 – 2011. Lot #17 has always been vacant. The parcels will be combined as part of this request to develop multi-family residential.

A Preliminary Plan to develop the property was approved at the MPC’s June 28th meeting. The Final Plan was approved at the MPC’s July 26th meeting.

Project Details:
1. Site Layout.
   - Two buildings are proposed for the site at the north and south ends with parking between.
   - The northern structure (Building 1) would be located ~32-feet from the street, and parallel to the street. The existing right-of-way line is 10.1-feet from the back of curb, and the city is requesting an additional 15-feet of right-of-way for future location of a recreational path. The setback of Building 1 from the new property line would be about 7-feet. Sidewalk and steps are proposed along the front of the building to provide access to the individual units. Building 1 is proposed about 40-feet from the west property line and 25-feet from the east property line. Variances are needed for the building to be closer than 50-feet from an “R” District for the proximity to the side property lines. If the corridor had all been rezoned to match the WBC districts, variances would not be needed.
   - The southern structure (Building 2) is proposed 50-feet from the south property line, and ~14-feet from the east and west property lines. A sidewalk is proposed around the entire building, with walkways to each unit entrance. Variances are needed for the building to be closer than 50-feet from an “R” District for the proximity to the side property lines. If the corridor had all been rezoned to match the WBC districts, variances would not be needed. The rear setback meets the requirement.
   - West of Building 1 would be a 26-feet wide drive entrance that is wider than the 30-feet at the curb line allowed by City Code in residential districts, and the 45-feet width allowed in all other districts. A variance is needed. The drive would continue to form a rectangular loop between the buildings that allows 22-feet wide two-way access to 58 parking spaces. The proposed parking is adjacent to the buildings’ sidewalks; 30-feet from the west property line; and on both sides of the northern and eastern parts of the drive. The access drive is 2’ wider on the east side of the development near the garages, this is needed for the ladder truck to be able to maneuver the site. This will provide additional walking area near the garages and dumpster location to keep you out of the traffic flow. A 7-car garage is proposed about 25-feet from the east property line.
Sidewalks would connect from the southern building along the west side of the parking to the front property line. The area inside the open area would also have sidewalks and house the mail boxes for the units.

Bicycle racks are proposed at the northeast corner of Building 1, and the northwest corner of Building 2.

Two benches are proposed in front of and centered on Building 1.

Screening for the "R" properties to the south is proposed with existing and proposed landscape material. A combination of Spruce trees 6-feet to 7-feet tall at planting and grasses are proposed to be added near the property line, and 6 healthy trees would remain south of the building. A 6-foot high solid cedar privacy fence is proposed along the south property line.

The applicants met with the southern property owners prior to making application to discuss the screening and landscaping of this area, and have agreed to what was approved by MPC.

Trees to be preserved on the site total 404 caliper inches. In addition to the trees on the south side, trees would be retained in the parking lot island, and along the east and west property lines. Many of the trees slated for removal (±1,688 caliper inches) are in poor condition, scrub trees and honeysuckle, however there are several trees that are healthy that are being incorporated into the development, and/or removed as part of this development. New trees (343 caliper inches) are proposed for planting along the east property line, in parking lot islands, and in the tree lawn. A variance is requested to deviate from the provision requiring $150 payment for each caliper inch of tree lost and not replaced. Staff walked the site with the City Arborist to determine if there were any significant trees that needed to be preserved, and/or incorporated into the development. The project will be saving trees along the southern property line, and throughout the development that will help buffer the development from the neighboring properties, and will add greenery and shade for those in the development to enjoy. Staff was able to work with the developer to get a better product and layout on the site while incorporating existing trees into the development. City Code permits up to 75% of the lot to be impervious, however the project is only covering approximately 60% of the site.

Strict adherence to the $150 per caliper inch fee, or complete replacement would make development on the site financially impossible.

Shrubs, perennials and grasses are also proposed in planting beds adjacent to the buildings, parking lot, and drive entrance.

A trash dumpster enclosure is proposed south of the garage. Residents of both buildings will be able to access the dumpster by utilizing the sidewalks, and/or walking along the access drive by the garages to the dumpster enclosure. The access drive is also 2’ wider along the garages, this will provide additional walking area near the garages and dumpster location to keep you out of the traffic flow.

Coverage with impervious surface would be on 1.157-acres of the 2-acre property, which is 60% of the site. City Code permits 75% of the site to be impervious.

Utilities are available to the site from main lines in Wilson Bridge Rd.

The Fire Department has reviewed an exhibit demonstrating access to the site with the ladder truck, and a fire flow test shows adequate water flow for the hydrants.
2. **Buildings.**
   - The buildings would have 16-dwelling units each, or 16-units per acre. A variance is needed to exceed the number of units by 2 per acre.
   - Floor plans show Building 1 would have 4 two-bedroom units at the ends and 4 one-bedroom units in the middle of each floor. For Building 2, the end units would have three bedrooms and the center units would have two bedrooms.
     - Rents are expected to be in the range of $800-$1,250 based on the number of bedrooms.
   - Renderings of the buildings and garage have been presented and approved by MPC. Both residential buildings are proposed to be 2 stories in height, with all units being a single level. All units would have a separate entry door, with 8-units on each side of the buildings.
   - Both buildings would have a gabled roof, with various gabled elements to break up the facades. Some units are proposed with patios or balconies, all of which would have matching railings.
   - Materials would consist of Hardiplank board and batten and lap siding, cement board shake siding, brick and asphalt shingles. The windows appear to be double-hung in a 6 over 6 pattern, and would have shutters. Six-panel entry doors and divided light patio doors are proposed.
   - The garage structure would be a one-story building with a gabled roof. The rendering indicates 7 matching garage doors and an additional wider door at the south end, likely for storage of equipment. The garage is proposed with Hardiplank lap siding and a brick water table. The proposed dumpster enclosure south of the garage is brick with metal doors.

3. **Lighting.**
   - Four pole lights are shown on the north side of Building 1. The poles and Maxim Lighting 3008 fixtures would be black, with the poles being 5’ in height. The same style of pole and lights are proposed south of Building 2 and near the front drive entrance.
   - The other proposed fixtures would be Delmar Star Power Optical System mounted on 12’ poles. Location of the lights would be mainly between the buildings.

4. **Sign.**
   - A 16’8” wide by 4’5” tall brick wall is proposed in front of Building 1 at the west end. The wall would have a limestone cap with a rock faced edge, and the brick would be painted to match the lap siding color on the buildings.
   - Halo lit cast aluminum 1’6” and 1’ high capital letters would identify “Granby Place”.

5. **Public Spaces.**
   - The applicant shows total building area of ±36,275 square feet, thus requiring 8 Public Space Amenities. The following Public Space Amenities have been identified:
     - 3 Bicycle racks
     - 4 Decorative light poles
     - 2 Benches
Land Use Plans:
**Chapter 1181 - Wilson Bridge Corridor Districts**

**Final Plan Requirements.**

A. Upon determination by the Municipal Planning Commission that the proposed WBC application as shown by the preliminary plan conforms to the requirements of this Chapter and all applicable requirements of this Zoning Ordinance, the proponents shall prepare and submit a Final Plan, which plan shall incorporate any changes or modifications required or suggested by the Commission. At the time of filing the Final Plan for review by the Municipal Planning Commission, the applicant shall pay a fee of $200, no part of which shall be refundable.

B. The Final Plan submittal shall include the following:

1. An updated construction schedule;
2. All items required in the Preliminary Plan, revised as necessary to meet the approval;
3. Proposed final design and location of Structures, Accessory Structures, streets, drives, Sidewalks or Recreation Paths, parking, entry features, site lighting, landscaping, screening and other features as required by the City;
4. Evidence that the applicant has sufficient control over the land to undertake the proposed development; and
5. Covenants and other restrictions which will be imposed upon the use of the land, Buildings, and Structures, and a copy of any bylaws.

C. For any development involving the extension of utilities, the owner shall also submit conceptual utility drawings containing the following information:

1. The pipe size, slope, manholes and location of the sanitary sewer system;
2. The size, shape and slope for all pipes, channels and basins of the storm sewer system with accompanying storm drainage calculations;
3. The size and location of water lines and fire hydrants; and
4. Street or drive grades, cross sections, elevations and contours at two foot intervals.
5. If a conceptual utility plan is required, the applicant shall pay a fee of $100.00 per acre for each acre in the development; however, such fee shall not be less than $300.00 for the purposes of reviewing such utility plans.

D. If the final plan is found to comply with requirements set forth in this Chapter and other applicable provisions of this Zoning Ordinance, the Commission shall submit such plan with its report and recommendations to the City Council which shall hold a public hearing on the WBC plan.

E. Following a public hearing, the Council may approve by Ordinance the final plan as submitted by the Commission or may approve modification of the plan if the modification is consistent with the intent and meaning of this Chapter and is in substantial conformity with the Final Plan as approved by the Commission.

**Preliminary Plan Requirements:**

a. A legal description and vicinity map showing the property lines, streets, existing Zoning, and land uses within 300’ of the area proposed for development; Included
b. Names and addresses of owners, developers and the registered land surveyor, engineer or architect who made the plan; Included
c. Date, north arrow and total acreage of the site; Included
d. A topographical survey of all land included in the application and such other land adjoining the subject property as may be reasonably required by the City. The topographical survey shall show two foot contours or contours at an interval as may
be required by the Municipal Planning Commission to delineate the character of the land included in the application and such adjoining land as may be affected by the application. Elevations shall be based on North American Vertical Datum of 1988 (NAVD88). Included

e. Existing Structures, parking and traffic facilities, Easements and public Rights-of-Way on the subject property as well as within 300' of the proposed area; Included

f. Existing sanitary and storm sewers, water mains, culverts and other underground facilities within the tract and in the vicinity, indicating pipe size, grades and exact locations; Included

g. The location of Natural Features and provisions necessary to preserve and/or restore and maintain them to maintain the character of the surrounding neighborhood and community. Included

h. A tree preservation plan showing all existing trees 6" caliper or larger; Included

i. A preliminary grading plan; Included

j. Preliminary design and location of Structures, Accessory Structures, streets, drives, traffic patterns, Sidewalks or Recreation Paths, parking, entry features, site lighting, landscaping, screening, Public Space Amenities and other features as required by the City; Included

k. The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness of such facilities; Included

l. Parcels of land intended to be dedicated or temporarily reserved for public use, or reserved by deed covenant, and the condition proposed for such covenants and for the dedications; Not applicable

m. Proposed Easements; Not applicable

n. Proposed number of Dwelling Units per acre; Included

o. Proposed uses, including area of land devoted to each use; Included

p. Proposed phasing of development of the site, including a schedule for construction of each phase; Needed

q. Homeowners or commercial owners' association materials; Not applicable

r. A written narrative describing the project; Included

s. Any additional information as required by the Municipal Planning Commission and the City Council.

1181.05 WBC Development Standards:

(a) Site Layout

(1) Setbacks. Buildings and parking should be set back to provide a buffer between the sidewalk and building, with some variations in the Building Setback Line encouraged throughout the WBC.

A. Buildings 50,000 square feet in area or less shall be located between 5' and 20' from adjacent Right-of-Way Lines. Buildings greater than 50,000 square feet in area shall be located at least 20' from adjacent Right-of-Way lines.

B. Buildings located along High Street north of Wilson Bridge Road shall be located at least 50' from the adjacent Right-of-Way lines.

C. Buildings on properties abutting properties in "R" districts shall not be located closer than 50' to the property line. Parking facilities and access drives on properties abutting properties in "R" districts shall not be located closer than 25' to the property line.
D. Setback areas in front of retail uses shall be primarily hardscaped, and may be used for outdoor dining and other commercial activities. Residential units with individual entries may include landscaping, walkways, porches, raised planters, walls and fences.

E. As building height increases, the buildings should consider the relationship between the setback, the street corridor, and the building height. A variety of techniques will be implemented to mitigate any potential "canyon/tunneling" effect along the corridor, such as the use of floor terracing, changes in building massing, insertion of a green commons, recessed seating and dining areas, and lush landscaping.

(2) Right-of-Way Dedication. Dedication of Right-of-Way may be required to accommodate public improvements.

(3) Screening. All development on parcels abutting properties in "R" districts shall be permanently screened in the setback area with the combination of a solid screen and landscape screening. The solid screen shall consist of a wall or fence at least 6' in height and maintained in good condition without any advertising thereon. Supporting members for walls or fences shall be installed so as not to be visible from any other property which adjoins or faces the fences or walls. This shall not apply to walls or fences with vertical supporting members designed to be identical in appearance on both sides.

Landscape screening shall consist of one of the following options at a minimum:

A. One large evergreen tree with an ultimate height of 40' or greater for every 20 linear feet, plus one medium evergreen tree with an ultimate height of 20' to 40' for every 10 linear feet. Evergreen trees shall be at least 6' in height at the time of planting. Shrubs and ornamental grasses shall be incorporated into the setback area as to complement the tree plantings. A minimum of one shrub or ornamental grass, at least 24" in height, shall be provided for every 5 linear feet. Shrubs and grasses may be planted in clusters and do not need to be evenly spaced.

B. One large deciduous tree with an ultimate height of 50' or greater for every 25 linear feet, plus one medium deciduous tree with an ultimate height of 20' to 40' for every 15 linear feet. Shrubs and ornamental grasses shall be incorporated into the setback area as to complement the tree plantings. A minimum of one shrub or ornamental grass, at least 24" in height, shall be provided for every 5 linear feet. Shrubs and grasses may be planted in clusters and do not need to be evenly spaced.

(4) Equipment. Exterior service, utility, trash, and mechanical equipment shall be located to the rear of buildings if possible and screened from view with a wall, fence or landscaping. Such equipment shall be completely screened from view. Materials shall be consistent with those used in the building and/or site. Equipment located on buildings shall match the color of the building.

(5) Tract Coverage. A maximum of 75% of the property shall be covered with impervious surfaces.

(6) Pedestrian Access. Sidewalks with a minimum width of 5', Recreation Paths with a minimum width of 10', or a combination of both shall be provided along all Rights-of-Way. Pedestrian connections from Sidewalks, Recreation Paths and parking lots to building entrances shall be provided.
(b) Buildings. Building design should enhance the character of the WBC. A diversity of architectural styles is encouraged to provide visual interest and add to the overall appeal of the corridor.

(1) Design.

A. A principal building shall be oriented parallel to Wilson Bridge Road, or as parallel as the site permits, and should have an operational entry facing the street.

B. The height of a building shall be a minimum of 18’ for flat roof buildings measured to the top of the parapet, or 12’ for pitched roof buildings measured to the eave. Maximum building height shall be per Section 1181.06 of the Code. Building Frontage that exceeds a width of 50’ shall incorporate articulation and offset of the wall plane to prevent a large span of blank wall and add interest to the facade. To avoid a potential "canyon/tunneling" effect along the corridor, the use of floor terracing, changes in building massing, insertion of a green commons, recessed seating and dining areas, and lush landscaping will be required.

C. Extensive blank walls that detract from the experience and appearance of an active streetscape should be avoided.

D. Details and materials shall be varied horizontally to provide scale and three-dimensional qualities to the building.

E. Entrances shall be well-marked to cue access and use, with public entrances to a building enhanced through compatible architectural or graphic treatment.

F. When designing for different uses, an identifiable break between the building's ground floors and upper floors shall be provided. This break may include a change in material, change in fenestration pattern or similar means.

G. Where appropriate, shade and shadow created by reveals, surface changes, overhangs and sunshades to provide sustainable benefits and visual interest should be used.

H. Roof-mounted mechanical equipment shall be screened from view on all four sides to the height of the equipment. The materials used in screening must be architecturally compatible with the rooftop and the aesthetic character of the building.

(2) Materials.

A. Any new building or redevelopment of a building façade should include, at a minimum, 75% of materials consisting of full set clay bricks, stone, cultured stone, wood or fiber cement board siding. Samples must be provided.

B. Vinyl siding and other less durable materials should not be used.

C. Long-lived and sustainable materials should be used.

D. The material palette should provide variety and reinforce massing and changes in the horizontal or vertical plane.

E. Especially durable materials on ground floor façades should be used.

F. Generally, exterior insulation finishing systems (EIFS), are not preferred material types.

G. A variety of textures that bear a direct relationship to the building's massing and structural elements to provide visual variety and depth should be provided.

H. The color palette shall be designed to reinforce building identity and complement changes in the horizontal or vertical plane.
(3) **Windows and Doors.**

A. Ground-floor window and door glazing shall be transparent and non-reflective. Above the ground floor, both curtain wall and window/door glazing shall have the minimum reflectivity needed to achieve energy efficiency standards. Non-reflective coating or tints are preferred.

B. Walls adjacent to the primary building frontage, shall have the pattern of window glass continued from the primary building frontage a minimum distance of 10'.

C. Windows and doors shall be recessed from the exterior building wall, except where inappropriate to the building's architectural style.

D. For a primary building frontage of a commercial use, a minimum of 30% of the area between the height of 2' and 10' above grade shall be in clear window glass that permits a full, unobstructed view of the interior to a depth of at least 4'.

(c) **Landscaping.** There shall be landscaping that complements other site features and creates relief from buildings, parking areas and other man-made elements.

1. **Natural Features:** Natural Features shall not be removed, damaged, altered or destroyed without approval per the procedures in Section 1181.07. All healthy trees 6" caliper or larger shall be retained, or replaced with total tree trunk equal in diameter to the removed tree, and this shall be documented as part of an approved Natural Features preservation plan and/or landscape plan. In the event the Municipal Planning Commission determines that full replacement would result in the unreasonable crowding of trees upon the Lot, or that such replacement is not feasible given site conditions, a fee of $150.00 per caliper inch of trees lost and not replaced on such property shall be paid in cash to the City for deposit in the Special Parks Fund. Such deposits shall be used for reforestation on public property.

2. Drought tolerant, salt tolerant, non-invasive, low maintenance trees and shrubs should be utilized.

3. Deciduous trees shall be a minimum of 2" caliper at the time of installation; evergreen trees shall be a minimum of 6' in height at the time of installation; and shrubs shall be a minimum of 24" in height at the time of installation.

4. Street trees shall be provided.

5. Parking lot landscaping shall be required per the provisions in Chapter 1171.

6. Seasonal plantings should be incorporated into the landscape plan.

7. The approved landscape plan must be maintained across the life of the development.

(d) **Lighting.** All exterior lighting shall be integrated with the building design and site and shall contribute to the night-time experience, including façade lighting, sign and display window illumination, landscape, parking lot, and streetscape lighting.

1. The average illumination level shall not exceed 3 footcandles. The light level along a property line shall not exceed 0 footcandles.

2. The height of parking lot lighting shall not exceed 15' above grade and shall direct light downward. Parking lot lighting shall be accomplished from poles within the lot, and not building-mounted lights.

3. For pedestrian walkways, decorative low light level fixtures shall be used and the height of the fixture shall not exceed 12' above grade.

4. Security lighting shall be full cut-off type fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
(e) Signs.

(1) General.
A. All new signs, including sign face replacement, shall be subject to the provisions herein.
B. The provisions in Chapter 1170 shall apply to all signs in the WBC unless otherwise stated in this section.
C. Exterior lighting fixtures are the preferred source of illumination.

(2) Freestanding Signs
A. There shall be no more than one freestanding sign on parcels less than 2 acres in size, and no more than two freestanding signs on parcels 2 acres in size or greater.
B. Freestanding signs shall be monument style and no part of any freestanding sign shall exceed an above-grade height of 10'. Sign area shall not exceed 50 square feet per side, excluding the sign base. The sign base shall be integral to the overall sign design and complement the design of the building and landscape.
C. Freestanding signs may include the names of up to eight tenants of that parcel.
D. Light sources shall be screened from motorist view.

(f) Parking.

(1) Design. Surface parking shall be located to the rear or side of the buildings on the site. If parking is located on the side of the building, parking shall not exceed 2 rows of parking with a drive aisle between, shall not exceed 60' of street frontage, shall be located no closer to the Right-of-Way than the building, and shall be screened from view from the Right-of-Way.
(2) Non-residential Uses. Parking shall be adequate to serve the proposed uses, but shall in no case exceed 125% of the parking requirement in Section 1171.01.
(3) Residential Uses. There shall not be less than one parking space per Dwelling Unit.
(4) Bicycle Parking. Bicycle parking should be provided and adequate to serve the proposed uses.
(5) Structured Parking. Structured parking shall be permitted and encouraged within the WBC, and shall meet all other standards as outlined in this chapter.

(g) Public Spaces. A minimum of one Public Space Amenity as approved by the Municipal Planning Commission shall be required for every 5,000 square feet of gross floor area of multi-family dwellings, commercial or industrial space that is new in the WBC. Public Space Amenities are elements that directly affect the quality and character of the public domain such as:
(1) An accessible plaza or courtyard designed for public use with a minimum area of 250 square feet;
(2) Sitting space (e.g. dining area, benches, or ledges) which is a minimum of 16 inches in height and 48 inches in width;
(3) Public art;
(4) Decorative planters;
(5) Bicycle racks;
(6) Permanent fountains or other Water Features;
(7) Decorative waste receptacles;
(8) Decorative pedestrian lighting; and
(9) Other items approved by the Municipal Planning Commission.
WBC-1 – Medium Density Residential:
An area along the WBC that allows for medium density residential housing, offering a variety of housing styles and pricing options that complement the residential and architectural patterns and styles in the City.

(1) Permitted Uses: Multi-family dwellings, Home Occupations, Public uses, Essential services and Accessory uses.
(2) Maximum Building Height: Three stories except buildings on the south side of Wilson Bridge Road between Westview Drive and McCord Park should be limited to 2 ½ stories and 30’.
(3) Density: The maximum number of dwelling units allowed per acre for development within the WBD-1 shall be 14, with a desired number between 10 and 14 dwelling units.

Variances Required:
- Section 903.10 to allow a driveway to exceed forty-five (45) feet in width at the curb line.
- Section 1181.05(a)(1)(C) to permit buildings to be closer than fifty (50) feet in “R” districts to the property line.
- Section 1181.05(c)(1) requires all healthy trees 6-inch caliper or larger to be retained, or replaced with a total tree trunk diameter to the removed tree, or a fee of $150.00 per caliper inch of trees lost and not replaced.
- Section 1181.06(a)(3) requires a maximum density of 14-dwelling units/acre.

Staff Analysis:
- **Section 903.10 to allow a driveway to exceed forty-five (45) feet in width at the curb line.**
  - The entrance drive will be between twenty-six (26) feet and thirty (30) feet in width at the location of the sidewalk and recreational path. The radius returns are twenty-six (26) feet at the entrance, and the resulting curb cut width is 76-feet at the street.
  - City Code requires a minimum of twenty-two (22) feet for access drives with 2-way traffic once on the site.
  - The width of the driveway is appropriate for the Division of Fire and EMS access to the site.
  - The width increase is needed for access to the site for the 100’ ladder truck to access the multi-family units in the front and rear of the site if needed. There are similar access drives throughout the City with a similar width at the curb. Page #10 of the attached Application & Materials demonstrates the ability for the 100’ ladder truck to be able to enter and maneuver the site, thus assuring access for Division of Fire and EMS. The width increase is measured at the curb, the driveway then reduces down to twenty-six (26) feet.
  - Fire Department Comments:
    - Anytime a “report of fire” or natural gas leak in a building is received the Fire Department automatically dispatches 3 engines, 2 ladders trucks, Rescue unit, 2 medic units and our on-duty Captain. This is the same for residential and commercial alike. They send this cadre of
equipment to meet the needs on the fire ground and to satisfy the requirements of NFPA and ISO. If the first arriving units finds no fire after investigating, they disregard the equipment not needed.

- On a report of Carbon Monoxide (CO) in a structure with illness, they send an engine, ladder truck, medic unit and Captain.
- The Fire Department’s 100’ aerial platform truck can be used for victim rescue as well as for flowing large amounts of water, and ventilation using large cfm fans and could be used for any two-story building, but actually it is more likely to be used on a multi-family building such as this proposed project.
- The ladder truck has a pump, water, hose, and firefighters, it can be sent to other types of calls, such as a car fire by the back building if the engine was on another call.
- The City of Worthington has automatic and mutual aid with all surrounding agencies, which is how we put the requisite amount of people of the scene. The equipment is all similar in size that would needed to access the site.
- Since Chief Bailot took over the Chief’s seat, the Division of Fire & EMS has been consistent with ensuring access (as required by Code) for our largest apparatus to ensure it can get to where it might be needed on a site.

- **Section 1181.05(a)(1)(C) to permit buildings to be closer than fifty (50) feet in “R” districts to the property line.**
  - As the Wilson Bridge Corridor Districts chapter of the Code was planned and adopted, it was anticipated the entire corridor would be rezoned at the same time. The adjacent properties to the east and west were purchased with full knowledge of the plan for the corridor, so this developer should not have to meet setback and screening requirements for being adjacent to “R” districts on those sides.

- **Section 1181.05(c)(1) requires all healthy trees 6-inch caliper or larger to be retained, or replaced with a total tree trunk diameter to the removed tree, or a fee of $150.00 per caliper inch of trees lost and not replaced.**
  - A variance to waive the tree replacement fee is reasonable given the quality of the trees and the amount of pervious surface proposed for the development. The proposed retention of some existing trees and the planting of new trees compliments the overall development. Staff and the City Arborist visited the site several times to verify what trees should be preserved.
    - The tree replacement fee, or saving all the trees would make the site impossible to develop. This fee deterred several other developers from even trying to develop the site. The developer has stated that the tree replacement fee would make any development financially impossible.
  - Trees to be preserved on the site total 404 caliper inches. In addition to the trees on the south side, trees would be retained in the parking lot island, and along the east and west property lines.
  - Many of the trees slated for removal (±1,688 caliper inches) are in poor condition, scrub trees and honeysuckle, however there are several trees that
are healthy that are being incorporated into the development, and/or removed as part of this development.

- Many of the trees slated for removal are considered scrub trees according to the City Arborist. The site is also heavily vegetated with honeysuckle. New trees (343 caliper inches) are proposed for planting along the east property line, in parking lot islands, and in the tree lawn.

- A variance is requested to deviate from the provision requiring $150 payment for each caliper inch of tree lost and not replaced. Staff walked the site with the City Arborist to determine if there were any significant trees that needed to be preserved, and/or incorporated into the development. The project will be saving trees along the southern property line, and throughout the development that will help buffer the development from the neighboring properties, and will add greenery and shade for those in the development to enjoy.

- Removing 1,688 caliper inches, while adding back an additional 343 caliper inches for a total loss of 1,345 caliper inches. The tree replacement fee would be $253,200.00 (1,688 caliper inches) or $201,750.00 (1,345 caliper inches).
  - The tree replacement fee would make development of this site nearly impossible. The developer has stated that the tree replacement fee would make any development financially impossible.

- Staff was able to work with the developer to get a better product and layout on the site while incorporating existing trees into the development. City Code permits up to 75% of the lot to be impervious, however the project is only covering approximately 60% of the site.

- Strict adherence to the $150 per caliper inch would fee, or complete replacement would make development on the site financially impossible.

- **Section 1181.06(a)(3) requires a maximum density of 14-dwelling units/acre.**
  - The request for a variance to exceed the allowable number of dwelling units by 2 units/acre is not substantial. Previous proposals from other developers were for a much higher density per acre than proposed. The adopted Code references a range of density from 10 and 12 dwelling units/acre.
  - The density range was referenced in the Wilson Bridge Road Corridor Study that was adopted in 2011. The density range was referenced to reflect the goals for medium-density residential in the corridor.
  - Floor plans show Building 1 would have 4 two-bedroom units at the ends and 4 one-bedroom units in the middle of each floor. For Building 2, the end units would have three bedrooms and the center units would have two bedrooms.
  - Rents are expected to be in the range of $800-$1,250 based on the number of bedrooms.
Development History:
- April 13, 2017 – MPC recommend approval to City Council to rezone the property from the R-10 District to the WBC-1 District.
- May 1, 2017 – City Council approved the rezoning.
- July 3, 2017 – Effective date of the new zoning after the 60-day moratorium period.
- June 14, 2018 – MPC tabled the Preliminary Plan to incorporate recommended changes.
- June 28, 2018 – MPC approved the Preliminary Plan.
- July 26, 2018 – MPC recommend approval of the Final Plan to City Council.

Recommendations:
Staff is recommending *approval* of the Final Plan for the Wilson Bridge Corridor based on the planning goals of the City, as referenced in the Land Use Plans.

On July 26, 2017 the Municipal Planning Commission recommended *approval* to City Council on the Final Plan with Variances.

*The Municipal Planning Commission meeting minutes for July 26, 2018 were not available at the time of this report.*

FINANCIAL IMPLICATIONS/FUNDING SOURCES
N/A

ATTACHMENTS
- Ordinance
- Exhibit “A”
- Application & Materials
ORDINANCE NO. 42-2018

Authorizing the Final Plan to the Wilson Bridge Corridor for 181 East Wilson Bridge Road and Authorizing Variances (Oxford Circle, LLC. c/o David Hodge).

WHEREAS, Oxford Circle, LLC. c/o David Hodge has submitted a request for the Final Plan for 181 East Wilson Bridge Road; and,

WHEREAS, Sections 1181.07(b)(3) and 1107.01 of the Codified Ordinances of the City of Worthington provides that when an applicant wishes to make improvements such as construction of a new building; expansion of a building’s gross floor area; construction, alteration or expansion of parking facilities; and construction/installation of freestanding signs in compliance with an approved Preliminary Plan, and variances are included, the Final Plan must be approved by City Council; and,

WHEREAS, the proposal has received a complete and thorough review by the Municipal Planning Commission on July 26, 2018 and approval has been recommended by the Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Final Plan at 181 East Wilson Bridge Road as per Case No. WBC 01-18, Drawings No. WBC 01-18 dated July 26, 2018 attached hereto as Exhibit “A” be approved.

SECTION 2. That there be and hereby is granted variances from Code Section 903.10, Section 1181.05(a)(1)(C), Section 1181.05(c)(1) and Section 1181.06(a)(3) to permit the entrance drive to exceed forty-five (45) feet in width, permit buildings to be closer than fifty (50) feet from the side property line, waive the tree replacement fee and increase the density by 2-units/acre.

SECTION 3. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Passed ___________________

___________________________________
President of Council

Attest:

________________________________
Clerk of Council
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road

ILUSTRATIVE PLAN
GRANBY PLACE
PREPARED FOR KENNEY COMPANIES
DATE 11.16.18

APPROVED
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 12.18.18
CLERK OF COMMISSION
DATE 1.18.18

SITE DATA
- TOTAL ACRES
- TOTAL UNITS
- ENSUITE SPACES
- GARAGE SPACES
- TOTAL PARKING SPACES
- PARKING DENSITY

EXHIBIT "A"
GENERAL PLANTING NOTES:
1. All plans shall meet or exceed standards set in the ADA guidelines for new brick.
2. All planting operations shall adhere to the American Association of Nurserymen’s guidelines.
3. Plant locations and rates shall be located by contractor and approved by landscape architect prior to installation.
4. All planting beds shall have a minimum of 18" between beds, and all planting beds shall be at least 18" deep.
5. All planting beds shall be mulched with a minimum of 4".
6. All planting beds shall be irrigated with a minimum of 15 gallons per planting bed.
7. Sodding and sedum by landscape contractor.
8. The location of the existing underground utilities are shown in an approximate manner only and are not to be used for reference purposes. Utilities are subject to change due to existing utilities prior to construction. Utilities may be required to be relocated or changed by the developer.
9. All areas designated for construction are to be restored to original grade and any disturbed areas.
10. All existing plant material, shown on the plans, is to be preserved except specifically noted otherwise.

CONSTRUCTION NOTES:
1. All areas shall be properly drained to prevent erosion.
2. All landscape area, sidewalks, and driveways shall be properly maintained.
3. All columns and walls shall be built to the standards specified.
4. All shrubs and trees shall be properly trimmed and pruned.
5. All plants shall be properly staked, watered, and protected from wind and weather.
6. All plants shall be properly labeled with species and location.
7. All plants shall be properly fertilized and mulched.
8. All plants shall be properly irrigated.
9. All plants shall be properly protected from pests and diseases.
10. All plants shall be properly maintained.

PLANT LIST

<table>
<thead>
<tr>
<th>#</th>
<th>Code</th>
<th>Description</th>
<th>Location</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A5F1</td>
<td>Arborvitae, White Cedar</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>2</td>
<td>A5F2</td>
<td>Arborvitae, White Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>A5F3</td>
<td>Arborvitae, Hemlock</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>4</td>
<td>A5F4</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>5</td>
<td>A5F5</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>A5F6</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>7</td>
<td>A5F7</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>8</td>
<td>A5F8</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>9</td>
<td>A5F9</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>10</td>
<td>A5F10</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>A5F11</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>12</td>
<td>A5F12</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>13</td>
<td>A5F13</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>14</td>
<td>A5F14</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>15</td>
<td>A5F15</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>16</td>
<td>A5F16</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>17</td>
<td>A5F17</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>18</td>
<td>A5F18</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>19</td>
<td>A5F19</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>A5F20</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>21</td>
<td>A5F21</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>22</td>
<td>A5F22</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>23</td>
<td>A5F23</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>24</td>
<td>A5F24</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>25</td>
<td>A5F25</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>26</td>
<td>A5F26</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>27</td>
<td>A5F27</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>28</td>
<td>A5F28</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>29</td>
<td>A5F29</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>30</td>
<td>A5F30</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>31</td>
<td>A5F31</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>32</td>
<td>A5F32</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>33</td>
<td>A5F33</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>34</td>
<td>A5F34</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>35</td>
<td>A5F35</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>36</td>
<td>A5F36</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>37</td>
<td>A5F37</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>38</td>
<td>A5F38</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>39</td>
<td>A5F39</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>40</td>
<td>A5F40</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>41</td>
<td>A5F41</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>42</td>
<td>A5F42</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>43</td>
<td>A5F43</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>44</td>
<td>A5F44</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>45</td>
<td>A5F45</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>46</td>
<td>A5F46</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>47</td>
<td>A5F47</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>48</td>
<td>A5F48</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>49</td>
<td>A5F49</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>50</td>
<td>A5F50</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>51</td>
<td>A5F51</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>52</td>
<td>A5F52</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>53</td>
<td>A5F53</td>
<td>Arborvitae, Fir</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>54</td>
<td>A5F54</td>
<td>Arborvitae, Larch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>55</td>
<td>A5F55</td>
<td>Arborvitae, Willow</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>56</td>
<td>A5F56</td>
<td>Arborvitae, Alder</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>57</td>
<td>A5F57</td>
<td>Arborvitae, Birch</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>58</td>
<td>A5F58</td>
<td>Arborvitae, Aspen</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>59</td>
<td>A5F59</td>
<td>Arborvitae, Spruce</td>
<td>Roof</td>
<td>20</td>
</tr>
<tr>
<td>60</td>
<td>A5F60</td>
<td>Arborvitae, Pine</td>
<td>Roof</td>
<td>20</td>
</tr>
</tbody>
</table>

NOTE: All trees are to be planted by contractor.

LANDSCAPE REQUIREMENTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Requirement</th>
<th>Area</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.11</td>
<td>20% Landscape of Parking Areas - Provide a 75% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.12</td>
<td>Sidewalks - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.13</td>
<td>Signage - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.14</td>
<td>mmc (as) - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.15</td>
<td>Street Trees - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.16</td>
<td>Signage - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.17</td>
<td>mmc (as) - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.18</td>
<td>Street Trees - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.19</td>
<td>Signage - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
<tr>
<td>1.20</td>
<td>mmc (as) - Provide a 25% space of planting spaces</td>
<td>15%</td>
<td>150</td>
</tr>
</tbody>
</table>

CITY OF WORTHINGTON

DRAWING No. NWC 01-18

DATE 07/13/18
GENERAL PLANTING NOTES:
1. All plants shall meet or exceed standards set in the American Standard for Nursery Stock.
2. All planting operations shall adhere to the American Association of Nurserymen Standards.
3. Plant locations and spacing shall be located by the contractor and approved by the landscape architect prior to installation.
4. Planting beds shall have a minimum depth of 12".
5. All planting beds to be backfilled to a minimum depth of 12".
6. All planting beds to be fertilized with 10-10-10 or approved equal.
7. Soils / Seeding by Landscape Contractor.
8. The location of all existing underground utilities are shown on the plans and are not to be disturbed. Any damage to existing utilities shall be repaired by the contractor or their representative. The contractor shall be responsible for any and all damages to existing utilities that are caused by the contractor or their representatives.
9. All areas defined by construction are to be graded and seeded sodded.
10. All existing plant materials shown on the plans shall be preserved unless otherwise noted otherwise.

CONSTRUCTION NOTES:

NOT USED

DECORATIVE LIGHTING - NA (LIGHTING 3000 - SEE DETAIL 1)

DECORATIVE LIGHTING - DELMAR (FOR POWER OFFICIAL SYSTEM)

CITY OF WORTHINGTON
DRAWING NO. WBLC 11-18
DATE 07/13/18
APPROVED
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 07/13/18
CLERK OF COMMISSION

EXHIBIT "A"
EXHIBIT "A" - Final Plan and Variances for 181 East Wilson Bridge Road
Wilson Bridge Corridor
Final Plan Application

1. Property Location 181 Wilson Bridge Road

2. Present Use & Proposed Use Vacant/Medium Density Residential

3. Present & Proposed Zoning WBC-1 - Medium Density Residential

4. Applicant Oxford Circle LLC
   Address 470 Olde Worthington Road, Suite 101, Westerville, Ohio 43081
   Phone 614.540.2404

5. Property Owner PV Wilson Bridge LLC
   Address 433 Grandview Avenue, Columbus, Ohio 43212
   Phone

6. Project Description Medium Density Residential, please see attached Development Plan
   and Text.

7. Variances Requested Please see attached Development Text.

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature) 7/18/18

Property Owner (Signature) 7/18/18

MPC Approval Date: 7/26/18

APPROVED
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 7/26/18

CLERK OF COMMISSION
<table>
<thead>
<tr>
<th>Worthington City School District</th>
<th>Worthington, OH 43085</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Peer</td>
<td>200 E. Wilson Bridge Rd.</td>
</tr>
<tr>
<td>Galen &amp; Suekane Frizzie</td>
<td>199 E. Wilson Bridge Rd.</td>
</tr>
<tr>
<td>Graham &amp; Stacy Cochran</td>
<td>164 Northigh Dr.</td>
</tr>
<tr>
<td>George &amp; Kathryn Bleimes</td>
<td>160 Northigh Dr.</td>
</tr>
<tr>
<td>Christopher &amp; Lindsay Selinsky</td>
<td>158 Northigh Dr.</td>
</tr>
<tr>
<td>Harold Careins &amp; Megumi Otaki</td>
<td>156 Northigh Dr.</td>
</tr>
<tr>
<td>PV Wilson Bridge LLC</td>
<td>PO Box 3672</td>
</tr>
<tr>
<td></td>
<td>1433 Grandview Ave.</td>
</tr>
</tbody>
</table>
181 E. Wilson Bridge Rd.
GRANBY PLACE

FINAL PLAN – DEVELOPMENT TEXT

ADDRESS: 181 Wilson Bridge Road
PARCELS: 100-002477, 100-002478
CURRENT ZONING: Wilson Bridge Corridor District
Wilson Bridge Corridor - 1
APPLICANT: Oxford Circle LLC
470 Olde Worthington Road, Suite 101
Westerville, Ohio 43082
DATE: 7/13/2018
APPLICATION:

I. INTRODUCTION:

Oxford Circle LLC, (the “Applicant”) proposes development of a +/- 2.0 acre property located at 181 Wilson Bridge Road (the “Property”), which is targeted by the City of Worthington as a development location appropriate for medium density residential. The Property is situated within the Wilson Bridge Corridor – 1 District of the Wilson Bridge Corridor District which provides for medium density residential uses. The Applicant proposes development of the Property in accordance with Wilson Bridge Corridor plans with two multi-family structures providing 32 total dwelling units with a mixture of unit types including 1-bedroom, 2-bedroom, and 3-bedroom units at varying market rates to provide for maximum absorption of the units and maximum occupancy. The development provides for the preservation of existing landscaping where possible, including a 50-foot enhanced landscaping buffer along the south side of the Property within which trees will be maintained and preserved whenever feasible, 33 new trees will be installed consisting of a mixture of shade trees and evergreen trees, and a 6-foot board on board fence will be installed along the southern perimeter. This request also provides for the dedication of 15 feet of its Wilson Bridge Road frontage to accommodate Worthington’s objective of incorporating a shared-use path for residents.
II. DEVELOPMENT STANDARDS:

The proposed development provides the following development standards.

(a) Property Layout.

(1) Setbacks.

A. The Property shall be laid out in accordance with the submitted series of Site Plans. Building One, the northern building, is less than 50,000 square feet in area and its building setback shall be 7 feet from the Wilson Bridge Road right-of-way, post dedication.

B. The Property abuts properties in an “R” district. Therefore, the Applicant respectfully requests a waiver from City Code Section 1181.05(a)(1)(C) to allow the buildings to be situated as indicated on the Site Plans with Building Two being 14 +/- feet from the western property line.

C. The Property abuts properties in an “R” district. Therefore, the Applicant respectfully requests a waiver from City Code Section 1181.05(a)(3) to allow the perimeter screening to be as reflected on the Landscape Plans, which reflect perimeter screening done be a combination of landscaping, fencing, and building.

(2) Right-of-Way Dedication.

A. The Applicant shall dedicate 15 feet of right-of-way along its frontage in furtherance of the City’s objective to create a shared use path along Wilson Bridge Road.

(3) Screening.

A. The development shall be screened in accordance with the submitted Landscape Plans, which indicate significant new plantings as well as preservation of as many existing trees as feasible. Screening shall be accomplished by a combination of tree preservation, newly installed landscaping, fencing, and structure.

(4) Equipment.

A. Exterior service, utility, trash, and mechanical equipment shall be located as provided on the submitted Site Plans.
B. Exterior service, utility, trash, and mechanical equipment shall be located to the rear of buildings if possible and screened from view with a wall, fence, or landscaping. Screening materials shall consist of landscaping, or with materials and colors used for the buildings for consistency and compatibility.

(5) **Tract Coverage.**

A. 58% of the property shall be covered with impervious surfaces, where a maximum of 60% is permitted.

(6) **Pedestrian Access.**

A. Sidewalks with a minimum width of 5 feet shall be provided as shown on the submitted Site Plans. These sidewalks provide connectivity through the entire Property and provide pedestrian access along both sides of both buildings.

(7) **Drive-in Commercial Uses.**

A. N/A

(b) **Buildings.**

(1) **Design.**

A. The buildings shall be oriented as provided on the Site Plans. Building One shall be parallel to Wilson Bridge Road, consistent with recommendations of the Wilson Bridge Corridor Plan. The proposed buildings provide visual interest and add to the overall appeal of the corridor by use of building articulation, a mixture of natural building materials, as well as significant landscaping.

B. Building height shall not exceed 30 feet as provided in City Code 1181.06(a)(2).

C. The frontage of Building One exceeds a width of 50 feet, it shall incorporate articulation, all natural materials, brick and hardi-plank with a variety of shake, board and batten, and lap as shown on the submitted Site Plan and Elevations.

D. The entrance shall be well-marked as shown on the Site Details Plan.
(2) **Materials.**

A. Building materials shall include brick, hardi-plank in varying forms including lap, board and batten, and shake. Roofing shall be of dimensional asphalt shingles.

(3) **Windows and Doors.**

A. Windows and doors shall be provided as shown on the submitted Elevations.

(c) **Landscaping.**

(1) **Natural Features.**

A. Landscaping shall be provided as shown on the submitted Landscape Plans.

B. Natural Features shall be preserved as shown on the submitted Preservation Plan.

C. Tree Inventory and Preservation Plan. The submitted Tree Preservation Plan shows that the development shall preserve 320 caliper inches of the existing trees at or above 6 inch caliper. The Landscaping Plan shows that the development shall plant an additional 343 caliper inches of trees. Further, the Applicant commits to maintaining 6 mature trees within the 50 foot landscape buffer along the southern perimeter of the Property, and proposes a significant replanting along that perimeter. The Applicant has worked with the Department of Planning to determine that the submitted Landscaping Plan and Tree Preservation Plan are an appropriate accommodation for Natural Features. Full replacement would result in unreasonable overcrowding of trees, and a fee-in-lieu to the Special Parks Fund is unnecessary where, as here, the Applicant is making appropriate Natural Feature and screening commitments throughout the Property.

D. Along the eastern perimeter a significant number of trees are being preserved, this area will be further augmented by new tree plantings. Trees are also being preserved along the western perimeter, which is augmented by decorative columns and arborvitae to screen the new residence to the west.

(d) **Lighting.**

A. Lights shall comply with City Code 1181.05(d), as indicated on the Lighting Plan which reflects location and specification. These lights are decorative, providing low lighting around perimeters and focusing parking lot lighting on the interior of the Property between buildings and away from single-family residential neighbors.
(e) **Signs.**

A. Decorative entry feature signage shall be provided along the east side of the entrance, located as detailed on the Overall Landscape Plan, and as depicted on the Site Details Plan. The entry feature signage will be enhanced aesthetically by a low wall along the west side of the entrance. The sign and wall will be comprised of brick, set in various patterns, and painted the same rich color as the siding. The sign wall will be 4.5 feet in height maximum at its decorative ends, overlaid with a limestone cap with rock faced edge.

(f) **Parking.**

1. The development requires 32 parking spaces for 32 dwelling units. The development shall provide 57 parking spaces.

2. Vehicle and bicycle parking shall be as depicted on the submitted Site Plans and Landscape Plans.

(g) **Public Spaces.**

1. The development shall provide Public Space Amenities including, but not limited to: courtyard for public use, benches, bicycle racks, and decorative pedestrian lighting, further the Applicant will be dedicating 15 feet of right-of-way along its frontage to accommodate the long-term City objective of incorporation of a shared use path along the frontage.

2. Public Space Amenities shall be provided as shown on the Landscape Plans.

III. **REQUESTED WAIVERS.**

(a) The Property abuts properties in an “R” district. Therefore, the Applicant respectfully requests a waiver from City Code Section 1181.05(a)(1)(C) to allow development of the property in accordance with submitted plans. This waiver includes a reduction of building setbacks from the east and west, and to allow the entrance drive to be within 25 feet of the western property line, as depicted on Site Plan.

(b) The Property abuts properties in an “R” district. Therefore, Applicant respectfully requests a waiver from City Code Section 1181.05(a)(3) to allow development without solid fence screening along the east and west property lines, which will be screened in accordance with the submitted Landscape Plans by a combination of tree preservation, landscaping, hardscape, fencing, and structures.
(c) A waiver from City Code Section 903.10 is necessary to allow the width of the access point to exceed 30 feet at the curb line. It is understood by the Applicant, that the Worthington City Engineer prefers, for this use, additional width at the access point.

(d) A waiver is requested to City Code Section 1185.01(c)(1) to allow the trees retained, and those replaced as indicated on the Landscape Plans, be deemed compliant with the spirit and intent of the Natural Features preservation requirements outlined therein.

Respectfully Submitted,

[Signature]

David Hodge
Attorney for Applicant
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road

---

**E-ONE HP100 Aerial - WORTHINGTON**

<table>
<thead>
<tr>
<th>Specification</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Length</td>
<td>46’-7”</td>
</tr>
<tr>
<td>Overall Width</td>
<td>8’-4”</td>
</tr>
<tr>
<td>Overall Body Height</td>
<td>11’</td>
</tr>
<tr>
<td>Min Body Ground Clearance</td>
<td>1.393ft</td>
</tr>
<tr>
<td>Track Width</td>
<td>8’-4”</td>
</tr>
<tr>
<td>Lock-to-lock time</td>
<td>6.00s</td>
</tr>
<tr>
<td>Wall to Wall Turning Radius</td>
<td>42’-11”</td>
</tr>
</tbody>
</table>

---

APPROVED
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 7/12/18

CLERK OF COMMISSION

CITY OF WORTHINGTON
DRAWING NO. WBC 01-18
DATE 07/13/18
Columbus Division of Water Fire Flow Test

FLOW TEST ID 2370  NO. OF TEST RUN 1  ATLAS PAGE 743  0
FLOW HYDRANT 2W OF EASTVIEW DR ON E WILSON BRIDGE RD
FLOW HYDRANT NONE
PRESSURE HYDRANT 3W OF EASTVIEW DR ON E WILSON BRIDGE RD
PRESSURE HYDRANT ID 0743E04

DATE 11/6/2015  PIPE SIZE 8"
TIME 12:45:00 PM  ELEVATION 910'
STATIC PRESSURE 40 psi  HYDRANT OWNER WORTHINGTON
RESIDUAL PRESSURE 34 psi  COEFFICIENT 0.9
PITOT 1 15 psi
PITOT 2 NONE psi
OUTLET 4" DIFF
FLOW (GPM) 1670
FLOW@20 PSI 3200
WATER DISTRICT CLEVELAND

Please remember when reviewing the results of the flow test that varying factors could change the results, i.e., hourly fluctuations in water levels at the City of Columbus water tanks, changes in consumer demands in the area of the flow test, and seasonal changes in water plant discharge pressures. The net effect of these changes will normally shift static pressures by no more than five (5) to fifteen (15) psi.

CITY OF WORTHINGTON
DRAWING NO. WBC 01-18
DATE 07/13/18

APPROVED
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 7/16/18

CLERK OF COMMISSION
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road

CITY OF WORTHINGTON

DRAWING NO. WBC 01-18

DATE 07/13/18
GENERAL PLANTING NOTES:
1. ALL PLANTS SHALL MEET OR EXCEED STANDARDS SET IN THE USDA
   STANDARD FOR HARDINESS ZONE.
2. ALL PLATING SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE AMERICAN
   ASSOCIATION OF HARDINESS ZONES.
3. PLANT LOCATIONS AND SETS SHALL BE LOCATED BY CONSTRUCTION
   AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. PLANTING BENCH SHALL BE MOUNTED AT DEPTH SHOWN.
   HARDWOOD BENCH SHOWN, WHICH MEANS IN A CONTINUOUS BED.
5. ALL PLANTING MULCH TO BE TIGHTED TO A MINIMUM DEPTH OF 2".
6. ALL PLANTING MULCH TO BE PILED 3" 30'-3" 0' AS APPROVED.
7. STORAGE / SEEDING BY LANDSCAPE CONTRACTOR.
8. THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES ARE
   MARKED ON THE DRAWING. ANY NEW OR ADDITIONAL UTILITIES
   MANDATORY TO BE LOCATED AND/OR DETERMINED BY THE
   CONSTRUCTION CONTRACTOR. THE OWNER IS RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH
   MAY BE INCURRED DURING THE INSTALLATION OF ALL UNDERGROUND UTILITIES.
9. ALL AREAS DEFINED BY CONSTRUCTION ARE TO BE PERCENTILE TO GRADE AND SEEDED.
10. ALL SEEDING AND PLANT MATERIAL SHOWN ON THIS PLAN TO BE
    PLANTED UNLESS OTHERWISE NOTED.

CONSTRUCTION NOTES:
1. NOT USED
2. NOT USED
3. NOT USED
4. NOT USED
5. NOT USED
6. NOT USED
7. DECORATIVE LIGHTING - MAX. 360° DEG. DEG. 1/4
8. DECORATIVE LIGHTING - DECORATIVE LIGHTING - SCALE: N.T.A.
9. DECORATIVE LIGHTING - DECORATIVE LIGHTING - SCALE: N.T.A.
10. DECORATIVE LIGHTING - DECORATIVE LIGHTING - SCALE: N.T.A.

CITY OF WORTHINGTON
DRAWING NO. WBC-016-18
DATE 07/13/18
PROJECT 17140
SHEET D-6

WORTHINGTON MUNICIPAL PLANNING COMMISSION
CLERK OF COMMISSION
APPROVED
DATE 07/13/18

REVISIONS

LIGHTING PLAN

D-6

Packet Page # 75

Item 6.A. Page 50 of 60
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road
6.A. - Final Plan and Variances for 181 East Wilson Bridge Road
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: 08/29/2018
To: Matthew H. Greeson, City Manager
From: Scott F. Bartter, Finance Director
Subject: Ordinance No. 43-2018 Accept Amounts and Rates

EXECUTIVE SUMMARY
This Ordinance accepts the tax rates and amounts as determined by the Franklin County Budget Commission. The property tax rate remains unchanged at 5.0 mills for collection year 2019.

RECOMMENDATION
Motion to Amend to insert the amounts; Approval as Amended

BACKGROUND/DESCRIPTION
This Ordinance is an annual housekeeping item required by each taxing authority within the State of Ohio for the purpose of Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor. This legislation is requested for passage as required by Ohio Revised Code Section 5705.34. In accordance with O.R.C. 5705.34, this legislation must be adopted and submitted annually to the Franklin County Budget Commission by October 1. Please note that prior to 2017 this legislation was passed as an emergency in order to have an effective date prior to the October 1st deadline. With the 2016 changes to Section 2.19 of the City of Worthington Charter, this ordinance shall be effective upon passage and publication and no longer needs to be passed as emergency legislation.

The property tax rate for the City of Worthington remains unchanged for 2018 (collection year 2019) in the amount of 5.0 mills, which consists of 2.5 mills of inside millage and 2.5 mills of charter millage.

FINANCIAL IMPLICATIONS/FUNDING SOURCES
The total amount of property tax anticipated to be collected in 2019 is $3,227,034.

ATTACHMENTS
Ordinance No. 43-2018

6.B. - Accept Amounts and Rates from the Franklin County Budget Commission
ORDINANCE NO. 43-2018
(As Amended)

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year beginning January 1, 2019; and,

WHEREAS, the Budget Commission of Franklin County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio, six-sevenths of the members elected thereto herein concurring that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further ordained that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2018 (collection year 2019) as follows:

SCHEDULE A

SECTION 1. Summary of amounts required from General Property Tax approved by the Budget Commission and County Auditor’s estimated tax rates.

<table>
<thead>
<tr>
<th></th>
<th>Amount to be Derived from Levies Outside 10 Mill Limitation</th>
<th>Amount Approved by Budget Commission Inside 10 Mill Limitation</th>
<th>County Auditor’s Estimate of Full Tax Rate to be Levied Inside 10 Mill Limitation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Charter</td>
<td>$1,612,517.33</td>
<td>$1,311,133.12</td>
<td>2.03</td>
<td>2.50</td>
<td></td>
</tr>
<tr>
<td>Bond Retirement</td>
<td>109,734.49</td>
<td></td>
<td>0.17</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Pension</td>
<td>193,649.09</td>
<td></td>
<td>0.30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,612,517.33</td>
<td>$1,614,516.70</td>
<td>2.50</td>
<td>2.50</td>
<td></td>
</tr>
</tbody>
</table>

Item 6.B. Page 3 of 6
ORDINANCE NO. 43-2018

AND BE IT FURTHER ORDAINED:

SECTION 2. That the Clerk of Council be and hereby is directed to certify a copy of this ordinance to the County Auditor of Franklin County.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ____________________

_______________________________________
President of Council

Attest:

______________________________ P.H. September 17, 2018
Clerk of Council
ORDINANCE NO. 43-2018

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year beginning January 1, 2019; and,

WHEREAS, the Budget Commission of Franklin County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio, six-sevenths of the members elected thereto herein concurring that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further ordained that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2018 (collection year 2019) as follows:

SCHEDULE A

SECTION 1. Summary of amounts required from General Property Tax approved by the Budget Commission and County Auditor’s estimated tax rates.

<table>
<thead>
<tr>
<th>Amount to be Derived from Derivatives</th>
<th>Amount Approved by Budget Commission</th>
<th>County Auditor’s Estimate of Full Tax</th>
<th>Rate to be Levied</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Mill Inside Limitation Limitation</td>
<td>10 Mill Inside Limitation Limitation</td>
<td>inside outside inside outside</td>
<td></td>
</tr>
<tr>
<td>General Fund $</td>
<td>$</td>
<td>2.03</td>
<td>2.50</td>
</tr>
<tr>
<td>General Fund Charter Bond Retirement Police Pension</td>
<td></td>
<td>0.17</td>
<td>0.30</td>
</tr>
</tbody>
</table>

TOTAL 2.50 2.50
ORDINANCE NO. 43-2018

AND BE IT FURTHER ORDAINED:

SECTION 2. That the Clerk of Council be and hereby is directed to certify a copy of this ordinance to the County Auditor of Franklin County.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ________________

_____________________________________
President of Council

Attest:

_____________________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: August 30, 2018
To: Matthew H. Greeson, City Manager
From: Tom Lindsey, Law Director
Subject: Ordinance No. 44-2018 - Tobacco 21 Amendments

EXECUTIVE SUMMARY
This Ordinance amends various sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one.

RECOMMENDATION
Approve as Presented

BACKGROUND/DESCRIPTION
Earlier this year City Council adopted Ordinance 24-2018 which enacted new Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one. The Columbus Board of Health, pursuant to contract with the City of Worthington, administers the licensing and civil enforcement provisions of Chapter 765. After the adoption of Chapter 765, the Columbus Board of Health requested certain amendments of Chapter 765 so that it will be consistent with the current provisions of the Columbus City Health Code.

A requirement was added that a retail seller of cigarettes submit a valid Retail Cigarette Dealer’s License as part of the application process. The length of a temporary license was increased from five days to thirty consecutive days. A requirement for at least one inspection of a temporary license event was added. The remainder of the amendments are the result of non-substantive changes in defined terms used throughout Chapter 765.

ATTACHMENTS
Resolution No. 44-2018
Resolution No. 44-2018 (redline version noting changes)
ORDINANCE NO. 44-2018

To Amend Various Sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington.

WHEREAS, earlier this year City Council adopted Ordinance 24-2018 which enacted new Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one; and,

WHEREAS, the Columbus Board of Health, pursuant to contract with the City of Worthington, administers the licensing and civil enforcement provisions of Chapter 765; and,

WHEREAS, the Columbus Board of Health has requested certain amendments of Chapter 765 so that it will be consistent with the current provisions of the Columbus City Health Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 765.01 “Definitions” is hereby amended to read as follows:

765.01 DEFINITIONS

As used in this chapter:

(A) “Department” means the Columbus City Health Department and its authorized employees and agents.

(B) “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(C) “Licensee” means a person that applied for and was issued a retail tobacco and paraphernalia sales license or temporary retail tobacco product and paraphernalia sales license.
ORDINANCE NO. 44-2018

(D) “Product Paraphernalia” means any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of nicotine to include, but not limited to pipes, and rolling papers.

(E) “Retail Paraphernalia Sales” means the act of giving, selling or otherwise distributing product paraphernalia in a retail setting, including but not limited to, gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, vape shops and hookah bars.

(F) “Retail Tobacco Sales” means the act of giving, selling or otherwise distributing tobacco products in a retail setting, including but not limited to gas stations, convenience stores, carry out markets, groceries, supermarkets, drug stores, vape shops and hookah bars.

(G) “ Temporary Retail Tobacco Product and Paraphernalia Sales” means the act of giving, selling or otherwise distributing tobacco products and/or product paraphernalia at an event for not more than thirty consecutive days.

(H) “Tobacco Product” means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes, but is not limited to, an electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(I) "Underage Buy Attempt" means a person, authorized by the Department, under the age of 21, who requests purchase of tobacco products or product paraphernalia from a retailer or a person under age 30 who requests purchase of tobacco products or product paraphernalia from a retailer without presenting identification.

SECTION 2. That Section 765.02 “License Application” is hereby amended to read as follows:

765.02 LICENSE APPLICATION

(A) All retailers of tobacco products and/or product paraphernalia shall apply for a valid retail tobacco and paraphernalia sales license or a temporary retail tobacco and paraphernalia sales license. For the purposes of this Chapter, retailers shall include any person performing retail tobacco sales, retail paraphernalia sales, or temporary retail tobacco and paraphernalia sales. Retail tobacco and paraphernalia sales licenses shall be
ORDINANCE NO. 44-2018

issued by the department annually. Temporary retail tobacco and paraphernalia sales licenses shall be valid for not longer than thirty consecutive days. A license shall be required for each location where retail tobacco sales or retail paraphernalia sales are conducted and is non-transferable.

(B) Any retailer applying for a retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license shall submit a current and valid vendor’s license as required by the Ohio Department of Taxation to the Department. Any retailer who distributes, stores, or sells cigarettes shall submit a current and valid Retail Cigarette Dealer’s License as required by Ohio Revised Code Chapter 5743 to the Department prior to approval for licensing.

(C) The annual retail tobacco and paraphernalia sales license fee shall be $150. The license shall be valid beginning on the first day of October through the last day of September of the following year. A license issued to a new licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(D) The temporary retail tobacco and paraphernalia sales license fee shall be $50. The license shall be valid for no longer than thirty consecutive days and limited to a single event. The application shall be made at least ten days prior to the event.

(E) License fees are due at the time of application and are not refundable.

SECTION 3. That Section 765.03 “License Application Denial, Renewal Denial, Suspension, and Revocation” is hereby amended to read as follows:

765.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION

(A) Applications for retail tobacco and paraphernalia sales licenses and temporary tobacco and paraphernalia sales licenses may be denied, and such licenses may be suspended or revoked for any of the following:

(1) Observation by the Department or its authorized agent that the licensee or any agent, employee, or representative of said licensee has violated Section 765.07(A)(1) or (A)(3) of the Codified Ordinances.

(2) Failure by the licensee to post signage as required by Section 765.04 of the Codified Ordinances.
ORDINANCE NO. 44-2018

(3) The applicant or licensee having a conviction for violating Sections 765.06 or 765.07 of the Codified Ordinances or Sections 2329.13 or 2329.14 of the Columbus City Code. In the case of licensees, convictions for violations of Sections 765.06 or Section 765.07 of the Codified Ordinances or Section 2329.13 or 2329.14 of the Columbus City Code shall be a sufficient basis for denying a license renewal, for license suspension, or license revocation if the date of conviction is within two years of the issuance of the current retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license.

(4) An order by a court of competent jurisdiction that a retail tobacco and paraphernalia sales location or temporary retail tobacco and paraphernalia sales location owned and/or operated by the licensee constitutes a public nuisance.

(5) Information contained in the application is misleading, inaccurate, or false.

(6) The licensee fails to comply with applicable federal, Ohio, and city codes including, but not limited to, building, health and fire.

(7) The licensee has outstanding fines, pursuant to Section 765.05(B) of the Codified Ordinances.

(B) Any person whose retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.10.

(C) Any person whose application for a retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.08.

SECTION 4. That Section 765.04 “Sign Distribution and Posting” is hereby amended to read as follows:

765.04 SIGN DISTRIBUTION AND POSTING

(A) The Department shall make signs available to all retail tobacco and paraphernalia sales licensees and temporary retail tobacco and paraphernalia sales licensees. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.
ORDINANCE NO. 44-2018

(B) The licensee shall post the signs provided by the department at the point of transaction, which may include but are not limited to, cash registers, sales counters or on any display cases of tobacco products and tobacco product paraphernalia. Signage shall be prominently displayed and not obscured.

SECTION 5. That Section 765.05 “Civil Enforcement” is hereby amended to read as follows:

765.05 CIVIL ENFORCEMENT

(A) The Department shall conduct an inspection, which shall include an underage buy attempt, at least once per licensing period for all licenses.

(B) The Department shall conduct an inspection at least once during the event for all temporary retail tobacco and paraphernalia sales licenses.

(C) If the Department observes violation(s) of this Chapter at a retail tobacco and paraphernalia sales location or at a temporary retail tobacco and paraphernalia sales location, the following schedule of civil penalties shall be imposed on the licensee, in addition to the sanctions specified in Section 765.03(A):

(1) For a first violation, $500.00.

(2) Second and additional violations within two years of the first violation, $1,000 per violation.

(3) Violations of this Chapter which occur more than two years after a prior violation shall not be considered a second or additional violation of this Chapter if there has been no violation during the intervening time period.

(4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code 203.08.

(D) The Department of Public Safety, Division of Police, retains full authority to enforce Sections 765.06 and 765.07 of the Codified Ordinances.
ORDINANCE NO. 44-2018

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ______________

____________________________________
President of Council

Attest:

___________________________
Clerk of Council
ORDINANCE NO. 44-2018

To Amend Various Sections of Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington.

WHEREAS, earlier this year City Council adopted Ordinance 24-2018 which enacted new Chapter 765 “Tobacco Sales” of the Codified Ordinances regarding the sale of tobacco to individuals under the age of twenty-one; and,

WHEREAS, the Columbus Board of Health, pursuant to contract with the City of Worthington, administers the licensing and civil enforcement provisions of Chapter 765; and,

WHEREAS, the Columbus Board of Health has requested certain amendments of Chapter 765 so that it will be consistent with the current provisions of the Columbus City Health Code;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Section 765.01 “Definitions” is hereby amended to read as follows:

765.01 DEFINITIONS

As used in this chapter:

(A) “Department” means the Columbus City Health Department and its authorized employees and agents.

(B) “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(C) “Licensee” means a person that applied for and was issued a retail tobacco and paraphernalia sales license or temporary retail tobacco product and paraphernalia sales license.

(D) “Product Paraphernalia” means any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of nicotine to
include, but not limited to pipes, and rolling papers, and electronic cigarette cases.

(E) “Retail Paraphernalia Sales” means the act of giving, selling or otherwise distributing product paraphernalia in a retail setting, including but not limited to, gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, vape shops and hookah bars.

(F)(E) “Retail Tobacco Sales” means the act of giving, selling or otherwise distributing tobacco products in a retail setting, including but not limited to gas stations, convenience stores, carry out markets, groceries, supermarkets, drug stores, vape shops and hookah bars.

(G)(F) “Temporary Retail Tobacco Product and Paraphernalia Sales” means the act of giving, selling or otherwise distributing tobacco products and/or product paraphernalia at an event for not more than five thirty consecutive days.

(H)(G) “Tobacco Product” means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes, but is product tobacco product paraphernalia, including but not limited to, an electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(I)(H) "Underage Buy Attempt" means a person, authorized by the Department, under the age of 21, who requests purchase of tobacco products or product paraphernalia from a retailer or a person under age 30 who requests purchase of tobacco products or product paraphernalia from a retailer without presenting identification.

SECTION 2. That Section 765.02 “License Application” is hereby amended to read as follows:

765.02 LICENSE APPLICATION

(A) All retailers of tobacco products and/or tobacco product paraphernalia shall apply for a valid retail tobacco and paraphernalia sales license or a temporary retail tobacco product and paraphernalia sales license. For the purposes of this Chapter, retailers shall include any person performing retail tobacco sales, retail paraphernalia sales, or temporary retail tobacco product and paraphernalia sales. Retail tobacco and paraphernalia sales licenses shall be issued by the department annually. Temporary retail
ORDINANCE NO. 44-2018

Tobacco product and paraphernalia sales licenses shall be valid for not longer than **five thirty consecutive** days. A license shall be required for each location where retail tobacco product sales or retail tobacco product paraphernalia sales are conducted and is non-transferable.

(B) Any retailer applying for a retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license shall submit a current and valid vendor’s license issued as required by the Ohio Department of Taxation to the Department, if required by law. Any retailer who distributes, stores, or sells cigarettes shall submit a current and valid Retail Cigarette Dealer’s License as required by Ohio Revised Code Chapter 5743 to the Department prior to approval for licensing.

(C) The annual retail tobacco and paraphernalia sales license fee shall be $150. The license shall be valid beginning on the first day of October through the last day of September of the following year. A license issued to a new licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(D) The temporary retail tobacco product and paraphernalia sales license fee shall be $50. The license shall be valid for no longer than **five thirty consecutive** days and limited to a single event. The application shall be made at least ten days prior to the event.

(E) License fees are due at the time of application and are not refundable.

SECTION 3. That Section 765.03 “License Application Denial, Renewal Denial, Suspension, and Revocation” is hereby amended to read as follows:

765.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION

(A) Applications for retail tobacco and paraphernalia sales licenses and temporary tobacco product and paraphernalia sales licenses may be denied, and such licenses may be suspended or revoked for any of the following:

1. Observation by the Department or its authorized agent that the licensee or any agent, employee, or representative of said licensee has violated Section 765.07(A)(1) or (A)(3) of the Codified Ordinances.

2. Failure by the licensee to post signage as required by Section 765.04 of the Codified Ordinances.
ORDINANCE NO. 44-2018

(3) The applicant or licensee having a conviction for violating Sections 765.06 or 765.07 of the Codified Ordinances or Sections 2329.13 or 2329.14 of the Columbus City Code. In the case of licensees, convictions for violations of Sections 765.06 or Section 765.07 of the Codified Ordinances or Section 2329.13 or 2329.14 of the Columbus City Code shall be a sufficient basis for denying a license renewal, for license suspension, or license revocation if the date of conviction is within two years of the issuance of the current retail tobacco and paraphernalia sales license or temporary product and paraphernalia retail tobacco and paraphernalia sales license.

(4) An order by a court of competent jurisdiction that a retail tobacco and paraphernalia sales location or temporary retail tobacco product and paraphernalia sales location owned and/or operated by the licensee constitutes a public nuisance.

(5) Information contained in the application is misleading, inaccurate, or false.

(6) The licensee fails to comply with applicable federal, Ohio, and city codes including, but not limited to, building, health and fire.

(7) The licensee has outstanding fines, pursuant to Section 765.05(B) of the Codified Ordinances.

(B) Any person whose retail tobacco and paraphernalia sales license or temporary retail tobacco product and paraphernalia sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.10.

(C) Any person whose application for a retail tobacco and paraphernalia sales license or temporary retail tobacco product and paraphernalia sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.08.

SECTION 4. That Section 765.04 “Sign Distribution and Posting” is hereby amended to read as follows:

765.04 SIGN DISTRIBUTION AND POSTING

(A) The Department shall make signs available to licensees of all retail tobacco and paraphernalia sales licensees and temporary retail tobacco product and paraphernalia sales licensees. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.
ORDINANCE NO. 44-2018

(B) The licensee shall post the signs provided by the department at the point of transaction, which may include but are not limited to, cash registers, sales counters or on any display cases of tobacco products and tobacco product paraphernalia. Signage shall be prominently displayed and not obscured.

SECTION 5. That Section 765.05 “Civil Enforcement” is hereby amended to read as follows:

765.05 CIVIL ENFORCEMENT

(A) The Department shall conduct an inspection, which shall include an underage buy attempt, at least once per licensing period for all licenses.

(B) The Department shall conduct an inspection at least once during the event for all temporary retail tobacco and paraphernalia sales licenses.

(C) If the Department observes violation(s) of this Chapter at a retail tobacco and paraphernalia sales location or at a temporary retail tobacco and paraphernalia sales event, the following schedule of civil penalties shall be imposed on the licensee, in addition to the sanctions specified in Section 765.03(A):

(1) For a first violation, $500.00.

(2) Second and subsequent additional violations within two years of the first violation, $1,000 per violation.

(3) Violations of this Chapter which occur more than two years after a previous violation shall not be considered a second or subsequent additional violation of this Chapter if there has been no finding of a violation during the intervening time period.

(4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code 203.08.

(D) The Department of Public Safety, Division of Police, retains full authority to enforce Sections 765.06 and 765.07 of the Codified Ordinances.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.
ORDINANCE NO. 44-2018

Passed ______________

____________________________________
President of Council

Attest:

___________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: September 12, 2018
To: Matthew H. Greeson, City Manager
From: Darren Hurley, Parks & Recreation Director
Subject: Resolution Supporting ODOT’s State and U.S. Bike Routes Designation

EXECUTIVE SUMMARY
The Resolution expresses approval and support for the development of various State and United States Bike Routes, and requests that the appropriate officials see to it that the route is officially designated by the American Association of State Highway and Transportation Officials.

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND
The State Coordinator for the State and United States Bike Route System in Ohio, Caraline Griffith, is requesting resolutions of support from jurisdictions in order to designate bike routes around the state. The goal of this effort is to designate bike routes in each state and to therefore make connections across the United States. The project was initiated by the American Association of State Highway and Transportation Officials (AASHTO) and will serve as another planning tool for communities to show connections and viability for grant funding. The request is for a resolution of support only, passage of this Resolution does not commit the City of Worthington to any construction projects or other specific projects or investments.

The request was shared with the Bike and Pedestrian Advisory Board at their August meeting. They reviewed the proposal and recommended by unanimous motion that City Council approve the Resolution in support of the designation of the routes to include SBR 47, which is the route that passes through Worthington. You can view the online map where you can zoom in and out of the routes through the City of Worthington here:
https://gis.dot.state.oh.us/tims/map?center=-81.26971199799775,40.84458453075427&level=10&visiblelayers=odot-osip-1:0,1%7Cdot-osip-2:0,3%7CAssets:-1%7CBoundaries:-1%7CEnvironmental:-
7.A. - Support - State and United States Bike Routes

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
None
RESOLUTION NO. 49-2018

Support of the Ohio Department of Transportation (ODOT) State and United States Bike Routes.

WHEREAS, bicycle tourism is a growing industry in North America, contributing $198 billion a year to the economies of communities that provide facilities for such tourists; and,

WHEREAS, the American Association of State Highway and Transportation Officials (AASHTO) has designated a series of corridors crossing Ohio to be developed as various US Bicycle Routes; and,

WHEREAS, the Ohio Department of Transportation has designated a series of corridors crossing Ohio to be developed as various State Bicycle Routes; and,

WHEREAS, the Ohio Department of Transportation is supportive of AASHTO designated bicycle routes through Ohio, subject to ongoing collaboration with affected jurisdictions to inventory, analyze, and designate specific facilities the routes will traverse; and,

WHEREAS, the Adventure Cycling Association, with the cooperation of the Ohio Department of Transportation and other stakeholders, have proposed specific routes to be designated as various US and State Bike Routes, a map of which is herein incorporated into this resolution by reference; and,

WHEREAS, we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area; and,

WHEREAS, we acknowledge the route may change over time because new facilities are being constructed that are more suitable for bicyclists;

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the City of Worthington hereby expresses its approval and support for the development of various State and United States Bike Routes, and requests that the appropriate officials see to it that the route is officially designated by AASHTO. Once the Route is approved by AASHTO, there may be efforts to publicize the route via internet maps, incorporating the Route on local maps, etc. Tourism agencies may be involved in these efforts.

SECTION 2. That the Clerk be and hereby is instructed to record this Resolution in the appropriate resolution book.

Adopted ______________

President of Council

Attest:

______________________________
Clerk of Council
Date: September 12, 2018

To: Matthew H. Greeson, City Manager

From: Daniel Whited, Director of Service & Engineering

Subject: Resolution No. 50-2018 – Support for the Northeast Gateway Project and Funding

EXECUTIVE SUMMARY
This resolution, which will be provided to the Mid Ohio Regional Planning Commission for the federal funding process, expresses the City’s support and commitment for the project.

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION
In 2012 the City of Worthington applied for grant funding through the Mid-Ohio Regional Planning Commission’s (MORPC) Attributable Funds process. These funds are made available by the Federal Government, managed by ODOT and administered through MORPC for major transportation projects throughout the region. The City was awarded significant funds towards the intersection project at Worthington Galena Road, Wilson Bridge Road and Huntley Road (also known as the Northeast Gateway Project). As the project development has moved forward, staff has identified the need for adjustment to the original funding amounts. These numbers reflect better estimates of cost such as right of way acquisition, major utility relocation, possible corporation limit adjustment, and storm water redesign as well as the actual construction of the intersection.

MORPC policy states we must report anticipated cost increases for the project and apply for an update. The application has been completed and submitted, however MORPC also requires an updated Resolution of Support for the project from Worthington City Council. The City will also participate in quarterly progress meetings between the City and MORPC. A copy of the Partnering Agreement is attached. Staff is requesting City Council approve this resolution to demonstrate continued support for this project.

ATTACHMENTS
Resolution No. 50-2018
RESOLUTION NO. 50-2018

Authorizing the City Manager to Seek Financial Assistance from Federal Attributable Funds for the Project at Worthington Galena Road, Huntley Road and Wilson Bridge Road.

WHEREAS, the Ohio Department of Transportation receives federal transportation funding through the Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, and Transportation Alternatives Program and in turn sub-allocates this funding via the Metropolitan Planning Organizations and Large Cities Capital Program to the Mid Ohio Regional Planning Commission (MORPC); and,

WHEREAS, public agencies can apply to MORPC for these funds; and,

WHEREAS, under the oversight of the Attributable Funds Committee and with final approval by the Transportation Policy Committee, MORPC conducts a process every two years to solicit applications for funding, evaluate the proposed projects, and commit funds to those selected; and,

WHEREAS, in 2012, the City submitted an application to address the congestion at and near the intersection of Worthington Galena Road, Huntley Road and Wilson Bridge Road; and,

WHEREAS, the City received notification in early 2013 that it was approved for Federal Attributable Funding for the project; and,

WHEREAS, since 2013, the City’s consultant, EMH&T, has completed preliminary engineering and a feasibility study that determined the preferred alternative for the project and City Council approved the alternative and proceeded to detailed design; and,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. The City Council expresses support for the project at and near the intersection of Worthington Galena Road, Huntley Road and Wilson Bridge Road.

SECTION 2. The City Manager is hereby authorized to apply to MORPC for updated Federal Attributable Funds for the project at and near the intersection of Worthington Galena Road, Huntley Road and Wilson Bridge Road.

SECTION 3. The City Manager is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.
RESOLUTION NO. 50-2018

SECTION 4. That the Clerk be and hereby is authorized to record this Resolution in the appropriate record book.

Adopted ____________________

___________________________________
President of Council

Attest

___________________________________
Clerk of Council
Date: 09/14/2018
To: Matthew H. Greeson, City Manager
From: Scott F. Bartter, Finance Director
Subject: Resolution No. 51-2018 - Transfer of Funds

EXECUTIVE SUMMARY
This Resolution authorizes the transfer of previously appropriated funds in the amount of $45,000 to cover expenses as anticipated in the appropriate accounts. Approval of this Resolution will not result in increased total appropriations.

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION
The following transfer is requested within the Police Department accounts. This transfer is necessary in order to capture overtime expenditures in the appropriate account. The Police Department has experienced staffing shortages, specifically with Communication Technicians, which has increased the demand for overtime staffing.

From: 101.2030.512207 Police Support Services – Health Insurance
To: 101.2030.511151 Police Support Services – Overtime $35,000.00

The City has utilized consultants to advise on technical issues such as small cell technology in the right of way and Ohio State University airport planning. Additional funding is needed for these consulting services and a transfer is recommended to utilize the salary savings associated with the vacancy earlier this year in the Assistant City Clerk position.

From: 101.1030.511011 Administration – Assistant City Clerk
To: 101.1010.540570 Legislative – Consultants $10,000.00

ATTACHMENTS
Resolution No. 51-2018
RESOLUTION NO. 51-2018

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

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Legislation, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is made the following transfer of previously appropriated funds:

<table>
<thead>
<tr>
<th>From Account No.</th>
<th>To Account No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>101.1030.511011</td>
<td>101.1010.540570</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>101.2030.512207</td>
<td>101.2030.511151</td>
<td>$ 35,000.00</td>
</tr>
</tbody>
</table>

Total Transfers $ 45,000.00

SECTION 2. That the Clerk be and hereby is instructed to record this Resolution in full in the appropriate resolution book.

Adopted _____________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: September 12, 2018
To: Matthew H. Greeson
From: Daniel Whited, P.E. Director of Service and Engineering
Subject: Permission to Bid - Northeast Gateway Project Railroad Crossing Improvements

EXECUTIVE SUMMARY
Staff is requesting permission to bid curb improvements at Wilson Bridge Road and the Railroad Crossing for the Northeast Gateway Intersection Improvement Project.

RECOMMENDATION
Motion to authorize the advertisement for bids

BACKGROUND/DESCRIPTION
The Ohio Rail Development Commission (ORDC) has approved the preliminary engineering plans for City-related construction to take place at the rail crossing on E. Wilson Bridge Road. These improvements will construct new curb and gutter, in addition to concrete traffic islands, which will eliminate the ability for vehicles to circumvent the gates and risk a train-car collision. The improvements will work in conjunction with new signals, gates and detection systems being installed by ORDC, and CSX and Norfolk Southern Railroads.

In late 2016 staff from the Service and Engineering Department met with design engineers from EMH&T, Norfolk Southern, CSX Corporation, and the Ohio Rail Development Commission. It was determined that the current signalized crossing and related safety devices (lighting, automatic gates, etc.) were grossly outdated and in need of major upgrade. The ORDC will fund the cost, as well as the two railroads. It was also determined that significant roadway improvements need to be made to work in conjunction with new safety improvements being installed, namely, curb and gutter will be installed along with concrete traffic islands and striping. These improvements will prevent the ability for vehicles to drive around the gates when down, and risk a car-train collision. The design of these improvements have been approved by both railroads, and by the ORDC. The cost is 100% reimbursable to the City by the ORDC, but requires the City to pay for the work up front. We are seeking permission to advertise the project for bid.
STAFF MEMORANDUM
City Council Meeting – September 17, 2018

Date: September 14, 2018
To: Matthew H. Greeson, City Manager
From: Robyn Stewart, Assistant City Manager
Subject: Opposition to Proposed Small Cell Regulations

EXECUTIVE SUMMARY
The agenda item will consider whether to submit a letter of opposition to proposed regulations under consideration by the Federal Communications Commission related to the deployment small cell technology.

RECOMMENDATION
Motion authorizing the City Council President to submit a letter of opposition on behalf of the City of Worthington

BACKGROUND/DESCRIPTION
The Federal Communications Commission ("FCC") recently released proposed rules regarding local management of small cell wireless facilities. The proposed rules can be found at https://docs.fcc.gov/public/attachments/DOR-353962A1.pdf. The FCC will be voting on the proposed rules at its September 26, 2018 meeting. The City has the opportunity to submit written comments for or against the proposed rules prior to the September 18, 2018 deadline.

Earlier this year City Council adopted Ordinance No. 38-2018 and Resolution No. 40-2018 following the enactment of H.B. 478 by the Ohio General Assembly. H.B. 478 was a compromise bill negotiated between representatives of the wireless industry and municipalities after several coalitions of municipalities had successfully challenged S.B. 331. The rules proposed by the FCC differ from the agreed upon provisions of H.B. 478 and will further impact the City’s ability to control its public right of way.

The National League of Cities ("NLC") has provided the following explanation concerning the impact of the proposed rules.

"The declaratory ruling and report and order:

Packet Page # 114 Item 8.A.II. Page 1 of 3
Establishes or affirms definitions of two key terms:

- "Small wireless facilities" are defined as including an antenna of no more than three cubic feet and equipment totaling no more than 28 cubic feet, placed on a structure that is either no more than 50 feet in height, no more than 10 percent taller than adjacent structures, or no more than 10 percent taller than the structure’s preexisting height after the new antenna is placed.

- "Collocation" is defined as placing an antenna on any existing structure, regardless of whether that structure already has wireless equipment on it, or whether it has been zoned for placing that equipment.

Creates two new categories of shot clocks for small cell wireless facility review. Local governments would have 60 days to complete review of applications for collocated small cells, and 90 days for small cells on new structures. These shot clocks include “all aspects of and steps in the siting process,” including mandatory pre-application procedures, license/franchise agreements for rights-of-way access, public notice and meeting periods, lease negotiations, building/encroachment/electric/road closure permits, and other approvals. The shot clock begins upon submission of an application, regardless of completion. They may only be paused if a local government notifies the applicant within 30 days of receipt that the application is incomplete, or through mutual agreement between the locality and the applicant.

Limits application fees for all small wireless facilities to $500 for up to five sites, and $100 per site for each site thereafter.

Limits recurring fees for small cells in the rights-of-way, such as rights-of-way access fees or lease fees, to a “reasonable approximation” of the locality’s “objectively reasonable costs” for maintaining the rights-of-way or a structure within the rights-of-way, which must be no higher than fees for similar actors. The FCC finds a presumptively reasonable recurring fee to be $270 per site, per year. Local governments are expressly prohibited from recovering any cost not directly related to rights-of-way maintenance, charging fees above cost recovery, or recovering “unreasonable” costs, such as excessive contractor or consultant fees. The FCC also finds gross revenue fees to be presumptively unreasonable. Existing agreements are not grandfathered.

Limits allowable local aesthetic requirements, including minimum spacing requirements, to those that are “(1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) published in advance.” The FCC notes that undergrounding requirements for all wireless facilities would constitute an illegal prohibition of service by a local government, but it does not clarify whether local governments may require auxiliary equipment for small cell sites, such as equipment cabinets and fiber backhaul, to be undergrounded.

Determines that shot clock overruns are “prohibition on the provision of services,” allowing wireless site applicants to seek expedited injunctive relief in court within 30 days of a local government missing a shot clock deadline. More restrictive state laws will remain in effect and will not be replaced by this order.
There are some small possible wins for local government in this ruling. The FCC considered, but declined to enact, a “deemed granted” remedy for shot clock overruns, in which any application not decided by the shot clock deadline would be automatically granted. However, it states that it retains the option to do so in future. The ruling also allows aesthetic requirements, with some restrictions.”

If approved by a majority of the Commissioners, the proposed rules will become effective 30 days after publication in the Federal Register. The NLC has provided a brochure that helps to explain small cell technology, which to this memo.

Staff wants to determine Council's interest in the City submitting written comments to the FCC opposing the proposed rules. If interested, then a motion directing staff to prepare a letter and authorizing the City Council President to sign the letter would be appropriate. The pending rules just came to staff’s attention and staff is still working to prepare a draft letter, which will be provided at the meeting on Monday evening for consideration.

**ATTACHMENTS**

NLC Brochure on Small Cells