CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Tuesday, January 2, 2019, 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


Member(s) Absent:

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 Fire John Bailot, 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 comments.

APPROVAL OF THE MINUTES

- Regular Meeting – January 7, 2019
- Committee of the Whole Meeting – January 14, 2019

MOTION  Mr. Robinson moved, Mr. Foust seconded a motion to approve the aforementioned meeting minutes.
Mr. Foust asked for a correction to the meeting minutes from the January 14, 2019 Committee of the Whole Meeting. On page seven, the third paragraph should read, “Mr. Foust asked whether the Task Force discussed the likelihood of a direct relationship between the desirability of a particular location from the artist’s or advocate’s perspective, i.e. something centrally located or highly visible, and the potential for that location to be a lightning rod for public comment and possible discontent.”

MOTION

Mr. Foust moved, Mr. Smith seconded a motion to amend the minutes of the January 14, 2019 Committee of the Whole Meeting as discussed.

The motion to amend the minutes as discussed carried unanimously by a voice vote.

There being no further additions or corrections, the motion to approve both sets of minutes carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

Ordinance No. 01-2019  
Adopting a Plan of Operation and Governance for the Electric Aggregation Program

Mr. Greeson described how this is the critical next step in becoming certified by the Public Utilities Commission of Ohio (PUCO) to be an electric aggregator. Once that occurs, we can do the process that we have been seeking, which is to obtain bids and try to implement an electric aggregation program.

Mr. Lindsey explained how the ordinance before Council would approve the Plan of Operation. This Plan of Operation is a broad-based authority to implement electric aggregation. It is one that Mr. Surace from Energy Alliances has used in a number of different cities and counties that have gone through this process. It allows Council to implement a plan that the market and community allows. It complies with the general guidelines that PUCO mandates. This plan allows for the broadest authority so that this Council can implement a plan based on what the market and the community desires are. This same plan would allow for a future Council, should conditions or concerns change, to have the ability to do the full range of which the state law provides. This plan does not provide some of the specifics the Council will later see in the actual supplier contracts and agreements we enter into with those suppliers for the particular program that Council will endorse at that point, at a public meeting and with an opportunity for public input.

Because of a conversation after the introduction of this legislation, staff included the wording of “at least 21” days for the initial opt-out period which is the minimum that the state law requires. The original plan of operation had stated 21 days. Knowing there was an interest in possibly making that longer, we thought the “at least” language would clarify that. The other change is simply defining the initial opt-out period as at least 21 days, and then substitutes that language elsewhere in the document. The Plan of Operation that was available at the required statutory public hearings, included the revised language.
Rich Surace – Energy Alliances

Mr. Surace explained how this document is fairly broad and it checks all the boxes that are mandated by the State, which have to be completed to get us to the next step of being certified. The particulars that the Council will want to narrow down on will be addressed between the supplier and Council at that time. This is kept broad for both this Council and future Councils, to keep the broadest stroke of staying within the guidelines of the rules. Any material changes to this, we would have to start from scratch because they would need to be brought back to the public, to do the public meetings and so on and so forth. That’s why they have been kept fairly broad, whether that is for this Council or future ones, to stay within the limits of what has to be done to be certified as an aggregator.

Mr. Robinson stated that his only concern is regarding the 21 days. During the campaign it was stated in various forms that the opt-out period would be 30 days. He realizes that this is not the final plan that Council will vote on, but he would feel more comfortable if we put 30 days in this plan, or at a minimum that this Council discusses that and hopefully fully recalls that 30 days is what we told the public the opt-out period would be when a plan is implemented down the road.

Mr. Foust asked how under this aggregation scenario, in outages and emergencies, is there any reason this scenario would feel different to the public than it does now. He wondered if there is any reason there would be a diminished level of service in the case of an outage. Mr. Surace replied no. AEP only gets paid when those electrons are moving across the powerlines. So, if the power goes out at anybody’s home, the only way they make money is to make sure that gets brought back online. So, outages will continue to be handled by AEP and they have no way of knowing who the supplier is for each house.

Mr. Robinson asked if the proper terminology would be that AEP would continue to be termed the distributor. Mr. Surace confirmed that is correct, they are the distribution company.

Ms. Kowalczyk brought up the termination fee and how there is at least one opportunity to opt-out without a fee. We had discussed being able to opt-in and opt-out at any time. She wants to understand why we are submitting a document that is broader than what we would like to see in an RFP or contract. Mr. Surace responded that some of the language about a termination fee and some questions about the three-year, thirty-six-month window, is a legacy of how aggregations have been run. Many of them did have termination fees originally. He explained that they do not run things with them. But that is not to say we would not or could not though. He used an example of someone with a fantastic price, but the termination fee was one dollar to get out. It is meant to keep flexibility. Initially many programs were extending past three years and there were termination fees. Going back to that thirty-six-month piece, that was because initially many programs were extending beyond three years and because there were termination fees, PUCO said that you must give somebody a chance every three years to get out without a termination fee. Ms. Kowalczyk asked if this plan gives us the opportunity to be broader or have different terms that are still within the scope. Mr. Surace said that is correct. All those pieces will be
defined and will be much narrower in the final MSA that the City would sign with the supplier.

Mr. Robinson pressed that he cannot imagine supporting a program where there would be a fee for opting out or where we did not offer 30 days initial opt-out. He asked if Council is comfortable with having broader authority than was discussed in the campaign. Maybe a Council in the future will vote on a plan that a resident heard us talking might say that was not the original understanding when Council sold this plan to us. He wondered if we should not have the terms here be what was spoken about the campaign despite the fact that it may restrict us to some degree.

Mr. Myers remarked about how he is always concerned about being too specific. He wants to give his clients the broadest possible authority by crafting language that is as broad as possible. Because this is just the first round and it is sort of the bylaws, as opposed to a contract, we will have a second contract that is more specific. He does not know what will happen to the market or Council 25 years down the road and this plan is hopefully going to last that long. Many of the issues that have been raised can be addressed when that contract comes, and we will not vote on something that is not consistent with what has been told to people.

President Michael asked if the 21 versus 30 days is something that needs to be changed now with this document.

Ms. Dorothy stated she thinks there is the proposed amended version that includes the language of at least 21 days. She expressed that she is more comfortable with the inclusion of at least 21 days and then making sure when we bring something forward to Council, the actual contract with that includes language of 30 days or more and no termination fees.

Mr. Myers asked if it is capped at 30 days or could we go beyond that. Mr. Lindsey said it could go longer than 30 days. Mr. Myers asked where 21 days comes from. Mr. Surace explained that 21 days is the typical opt-out period. Where there may have been some talk of the 30 days is that once we file the certification, there is a 30-day window that the PUCO has to approve or not approve the application. He wondered if the 30 days for the City’s application and the 21 day opt-out window may have been crossed. Mr. Myers asked if there would be any issues with a governing document that said not less than 30 days. Mr. Surace said that he is not sure that nine days makes much of a difference. Mr. Myers proposed amending this to read not less than 30 days instead of 21 days.

MOTION

Mr. Myers moved, Mr. Robinson seconded a motion to amend from not less than 21 days to not less than 30 days.

Mr. Smith clarified whether people could opt-out at any time. Mr. Surace responded they can come and go as they like, someone would have 30 days to opt-out during that initial letter window.
The motion to amend Ordinance 01-2019 carried unanimously by a voice vote.

There being no additional comments, the clerk called the roll on Ordinance No. 01-2019 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 01-2019 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 04-2019

Authorizing an Amendment to the Final Development Plan for 160 West Wilson Bridge Road and Authorizing Variances (The Heights at Worthington Place).

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 04-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Brown described how this is an amendment to development plan that is requesting variances. When a development plan includes variances, it goes beyond the Municipal Planning Commission (MPC) to the City Council for approval. The requested variances are associated with the signage for The Heights. The building was originally constructed by Crawford Hoying between 2012 and 2015, including 193 apartments and 23,000 square feet of office space. The current owner has owned the property since March of 2015, and we have worked with the applicant over the past several years on proposals related to signage for the site.

160 W. Wilson Bridge Rd.
It is sometimes confusing to tell where you are and how to get to the apartment rental place. The applicant is proposing directional signage to get people to the leasing office and the sign for the actual building. The sign is 108 square feet in size and 4 feet by 27 feet in height. There are two directional signages on Corporate Hill Drive. The original proposal was for three directional signs; however, one directional sign was in the public right-of-way and was removed from the application.

The proposed signage on the building was approved by the MPC with some modifications of the signage itself with raised lettering. The Wilson Bridge Road Corridor Plan references no cabinet signs, however the MPC/ARB did approve a cabinet sign related to the redevelopment of the Holiday Inn, so the MPC and staff felt it was appropriate to extend it across the street.

The variances requested today relate to number of wall signs, they will have with this proposal three wall signs. They have two existing and code permits one. For sign area, directional signs are permitted 20 square feet, they are 32 square feet. Then a variance to have the cabinet sign.

In January 2015 when Crawford Hoying still owned the property, Council approved a variance for the large wall sign that faces the mall and the previous wall sign above the garage entrance. A previous application from the Ohio State University Medical Center received a variance to have two signs, one on the eastern and one on the western side of the building.

When asked by Ms. Dorothy who occupies the offices currently, Mr. Brown replied that all 23,000 square feet were occupied by OSU. Ms. Dorothy asked if the space has new tenants, would we expect the signs to be changed. Mr. Brown responded we would probably receive a request, but not knowing how it would be divvied up we would need to see that at that time. Ms. Dorothy asked what the occupancy of the apartments is currently. Mr. Brown replied that the rental rates have had to be adjusted to get people in and sits at over 90%.
Phillip Philippou – 160 West Wilson Bridge Road

Mr. Philippou introduced himself as representing Worthington Square Acquisition, current owner of The Heights. He explained why he is here applying for the variance. The building has been under a visibility and identification deficit. The curb appeal is confusing to the general public, you need to know where and what the building is to understand it. It is very common for people to wander around, which is a serious problem. The way the building was positioned may have been somewhat ill conceived. There was a vision of a pedestrian crosspollination from the Mall, with the apartment component. The front entrance is in the back of the building which is confusing to everyone. The directional signage is imperative just to get them there.

In terms of their leasing efforts, they constantly have to do rental discounts and concessions above and beyond normal market conditions because they are hampered by the visibility issue. When asked why people rent at a specific place, driving by is the number one reason someone is initially attracted to rent an apartment. In their case, people keep driving by because they do not know what it is. They do not know what it is because there is no identification except the monument sign which you have to look for.

He described how he tried to think of a low impact way that respects the aesthetic of the area, the building and the graphics. They came up with the concept of the vertical sign being high above, against the brick so that traffic heading westward would be able to see and understand what the building is. It is step one in what he calls Business Plan 2.0. They have filled the place up, but they only did it through heavy discounts, 30-40% sometimes. A $1400 apartment can be going for $999. It is critical that they do whatever they can to increase their organic traffic, maintain occupancy, and to not allow rental rates to deteriorate further, changing the complexion of the building and neighborhood.

Mr. Brown added that when The Heights originally opened there were temporary banners across the front. When the applicant came for permanent ones, they were not approved by the MPC who asked them to come back with different alternatives. MPC and Staff felt better about this proposed alternative that complimented the OSU signs on the building.

Mr. Robinson expressed how he sympathized with Mr. Philippou’s visibility challenges. He asked Mr. Philippou if he has proposed something that is fully adequate to the task at hand. Mr. Philippou responded this is what he thought was workable within the restraints. He would prefer to have a series of blade signs across the front which he believes are very aesthetic. He is very conscious about staying within the look and feel of the area. Only time will tell if this is adequate. He does not think it is adequate, but it is his best shot. Mr. Robinson thanked him for the effort and said to come back if is not.

Tom Carter – 2178 Castle Crest Drive

Mr. Carter echoed Mr. Phillipou’s concerns about how people do have difficulty. They get a lot of feedback operating the mall that people do not know where the OSU hospital component is and where to get to it. People come into the mall wanting to know where the
leasing office is. It is important to be thoughtful about doing this. It is a reflection on our community if the real estate and investment community hear we have a hard time leasing apartments. That it is a black eye. If the medical center does not do well, it can affect other physicians. Thoughtful implementation of this would be a good idea. He is not sure if this solution is adequate, he defers to the owner, but he supports it. He explained that Mr. Philippou has done a good job staying within the bounds of a tasteful corridor.

There being no additional comments, the motion to adopt Resolution No. 04-2019 passed unanimously by a voice vote.

Resolution No. 05-2019

Revising the Policies and Procedures of the City’s Re-emergent Corridor Assistance Program and Renaming it the Façade Assistance and Corridor Enhancement Program.

Introduced by Mr. Robinson.

MOTION

Mr. Foust made a motion to adopt Resolution No. 05-2019. The motion was seconded by Mr. Smith.

Mr. McCorkle explained how he would summarize the Re-emergent Corridor Assistance Program (ReCAP) and the success that it has seen so far, but also to recommend changes moving forward in order to keep our commercial office stock competitive.

From 2014-2018 there have been 16 projects, ten on Huntley, three on Proprietors, two on Worthington-Galena, and one on Schrock. The total amount of ReCAP funds awarded is $280,296. The program has recently seen a decrease in applications, despite great promotion efforts of the program. There was only one application in 2018 which has led to the recommended changes to the program.

Mr. McCorkle summarized the highlights of the program. He described how vacancy rates have gone from 7.1% in 2014 when this program and declined to 3.9% in the 4th quarter of 2018.
Mr. McCorkle showed slides for each of the ReCAP properties showcasing a before and after view of the projects. He specifically mentioned 966 Proprietors Road and how this building has been sold to a new company that we were trying to attract. They reached out in 2018 before the program closed and indicated they wanted to apply for funding again for this building. The CIC said that if new improvements were made to the building, they would consider an application. Mr. McCorkle explained that he proactively encumbered funds from 2018 before the end of the fiscal year, so if they do come back with an application that the CIC supports, he will submit to Council that one final ReCAP request. If they do not move forward those funds will be disencumbered and go back into the General Fund.

He described the proposed program updates. ReCAP was successful over the past five years, but interest has begun to wane. There has been quite a bit of promotion done to get as many applicants interested as possible in the program over the past two years. The CIC is recommending that we keep most of the program guidelines intact but open it up to all of Worthington. The industrial corridor would still be eligible for the new program under
the Façade Assistance and Corridor Enhancement Program (FACE) and will remain at $75,000 in funding for the first year, but that can be reevaluated after that. Included on top of that is $10,000 to partner with the Neighborhood Design Center to provide renderings and no-cost administrative support to applicants. Non-retail commercial properties are eligible, but we will not be incentivizing retail. Let’s put these dollars where we will get the best benefit out of them. Scoring would be slightly shifted to being more heavily weighted towards economic development projects. There will be a continued emphasis on non-deferred maintenance. We do not want to pay people to power wash their building, we want to see transformational projects.

Ms. Dorothy said she is excited about this evolving program, especially economic development. When ReCAP first started, we did not keep track of all the numbers, such as vacancy rates. She requested we keep tracking those numbers, it would be appreciated.

Ms. Kowalczyk asked if there is reason to expect businesses outside of the industrial corridor would be interested in this program. Mr. McCorkle explained that there have been discussions with several property owners who have voiced interest in this program.

There being no additional comments, the motion to adopt Resolution No. 05-2019 passed unanimously by a voice vote.

**Ordinance No. 02-2019**

Subdivision of Property, Authorizing Variances and Amending Section 1177.02 of the Codified Ordinances of the City of Worthington (Worthington Square Venture, LLC)

*Introduced by Mr. Myers.*

**Ordinance No. 03-2019**

Directing the Deposit of Certain Receipts into the Convention and Visitors’ Bureau Fund and Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the Convention and Visitors’ Bureau Fund Unappropriated Balances.

*Introduced by Ms. Dorothy.*

**Ordinance No. 04-2019**

Amending Ordinance No. 52-2018 (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 East Wilson Bridge Road Waterline and all Related Expenses and Determining to Proceed with said Project. (Project No. 678-18)

*Introduced by Ms. Kowalczyk.*
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

Mr. Greeson thanked the staff members who worked this past weekend to ensure our public were safe in the winter storm. Chief Bailot led a pre-planning effort along with our township partners this past week. The Service Department and Parks Maintenance Snow Warriors worked around the clock Saturday evening into Sunday morning. Our Fire folks responded to numerous EMS runs, fortunately none of them were related to the storm specifically. The Community Center maintained regular hours with heightened crowds due to other closures in the region.

President Michael thanked the small businesses and individuals who went out and took care of their own streets, helping to make the community safer for everyone to get around.

Mr. Greeson described the successful Martin Luther King Day celebration event. He thanked the Community Relations Commission volunteers and Personnel Director Lori Trego who worked on this effort.

He reminded Councilmembers that this upcoming Friday is the annual Worthington International Friendship Association (WIFA) dinner.

Last Friday, he and President Michael met with Congressman Troy Balderson and his staff. The City of Powell hosted a roundtable with multiple municipal representatives from that congressional district. He explained his pleasure that Representative Balderson is keeping his office in Worthington and some of his staff worked with Congressman Tiberi.

There are a few issues on MPC/ARB/BZA agendas that could be of interest to Council. The Orange Johnson House is before the ARB over some improvements they are making to the wall around their facility. George’s Linworth Diner is applying to go into Linworth Plaza, so we will have another restaurant there. Highline Coffee is proposing to expand into the area that is now occupied by Pure Cottage.

There is going to be what is known as a pre-application meeting about how the process works for amendment to development plan, architectural review, conditional use, and subdivision with the Goddard School which is a preschool, early childhood facility that wants to build in what is now the northern lot at Schoedinge Funeral Home. There is a small lot there that they are interested in developing.

The owner of 410 Tucker Drive has applied to BZA to extend the duration of their building permit and has already begun work on their roof.

On the Parks and Recreation front, it was challenging, but the caboose was delivered on a flatbed trailer, detached from its wheel assembly. The soft ground challenged the movers who had to employ tow trucks to wrangle the rest of the equipment from Upper Arlington.
It is now re-attached to its wheel assembly and sitting in our parking lot. President Michael asked when the caboose would be ready to be visited. Mr. Hurley responded that within the CIP, Council has approved funding for both the repaving of the Community Center Parking Lot and design and phase one of the McCord Park renovation, so we are at the drawing table trying to figure out the best timing for that. It will likely be late summer or early fall. Mr. Greeson noted that we have also received delivery of the Olentangy Parklands bathrooms. They are currently sitting in the Olentangy Parklands parking lot. There is the need to wait for hard ground before it can be installed in its final location.

Mr. Greeson described how he distributed a document that has been worked on over the past few months. It is an exploratory working paper for the cost to serve various development scenarios for the United Methodist Children’s Home (UMCH). He described how Ms. Stewart led the effort to do the analysis and he thanked her for her work on this.

Additionally, he described how Council members recently spoke with Dr. Herb Marlowe of Analytica who will be facilitating the Council Retreat and has been assessing a couple of issues for us relating to community visioning and UMCH. He has placed before Council, and will be distributing to stakeholders, a revised draft of his work. Dr. Marlow is anticipating being here for the retreat and being a part of a robust conversation on that effort.

He asked for executive session to discuss Pending and Imminent Litigation, Land Acquisition, Economic Development Assistance, and a Personnel Matter.

REPORT OF COUNCIL MEMBERS

Ms. Kowalczyk echoed Mr. Greeson’s thank you and appreciation for everything that everyone did to respond to the storm and kept us safe. She acknowledges that many property owners did step up and clear their sidewalks, but she has found that many property owners have not done that. There are also parking lots that have been cleared, creating huge mounds of snow blocking walkways. She asked to understand the responsibilities of property owners and what can residents and pedestrians do to deal with those situations. Mr. Whited described how there is a requirement for business owners to clear their sidewalks and the Service and Engineering Department will notify them to clear their sidewalks. Mr. Greeson described how it is all our obligations to try to clear it within 24 hours after a storm. We send out reminders via social media and the internet to reinforce that it is all our obligation to take care of our property. If someone complains we will notify the property owner of the complaint and remind them of their obligations. It is rare people do not cooperate. Ms. Kowalczyk asked where complaints go. Mr. Whited replied that they are directed to his office.

Ms. Dorothy commented it was awesome Ms. Kowalczyk brought this topic up. She typically receives quite a few complaints. It would be awesome to put out notices to remind everyone of their responsibilities. She detailed how she went to Cemetery Board meeting and consultants for the Ozem Gardner House master planning have been selected. They are moving in the right direction.
Mr. Smith remembered how at one point in the history of the City, there was a certain temperature that the brine or salt would not work. He knows that we are using a new product and he asked about the working temperature of the new product. Mr. Whited responded that at 10-15 degrees typical salt doesn’t work, but we have used other materials such as a solution called Aqua Salina that works in lower temperatures. It is not perfect when temperatures are too low. Mr. Smith updated Council that he would not be at the next meeting. Sometime in February he wants to bring up Orange Johnson House and the Bicentennial Fund to see what we can do to help with their bicentennial programming.

President Michael mentioned that there was a nice meeting tonight at the Harding Hospital property with Boundless. It was very well attended. They presented several options, giving residents and neighbors a chance to understand and explore different modifications/changes they felt were important.

EXECUTIVE SESSION

MOTION 
Mr. Foust moved, Mr. Smith seconded a motion to meet in Executive Session to discuss Pending and Imminent Litigation, Land Acquisition, Economic Development Assistance, and a Personnel Matter.

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

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<td>Robinson, Kowalczyk, Dorothy, Myers, Foust, Smith, and Michael</td>
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Council recessed at 8:39 P.M. from the Regular meeting session

MOTION 
Mr. Foust moved, and Ms. Kowalczyk seconded a motion to return to open session at 9:37 P.M.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION 
Mr. Myers moved, and Mr. Robinson seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:37 P.M.

/ s / Ethan C. Barnhardt
Assistant City Clerk

APPROVED by the City Council, this 4th day of February, 2019.

/ s / Bonnie D. Michael
Council President