



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**  
October 15, 2018

6550 N. High Street  
Worthington, Ohio 43085

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**CALL TO ORDER – Roll Call, Pledge of Allegiance**

Worthington City Council met in Regular Session on Monday, October 15, 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, David Robinson, and Bonnie D. Michael

**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 7 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.

**CONSENT AGENDA**

**Approval of Meeting Minutes**

- Meeting Minutes – October 1, 2018
- Meeting Minutes – October 8, 2018 (Special Meeting)
- Meeting Minutes – October 8, 2018

**Ordinance No. 45-2018** Amending, Adopting and Ratifying the Amended and Restated Central Ohio Health Care Consortium Joint Self Insurance Agreement and Approving Participation by the City of Worthington in the Central Ohio Health Care Consortium for the Three-Year Period Beginning January 1, 2019.

**Ordinance No. 46-2018** Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Downtown Worthington Municipal Public Improvement TIF Fund Unappropriated Balances.

**Resolution No. 56-2018** Approving an Agreement and Permit for and between Horizon Telecom, Inc., an Ohio Corporation, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

**Introduced by Mr. Robinson**

**Resolution No. 57-2018** Amending the Staffing Chart of the City of Worthington to Provide for Twenty-five (25) Firefighter EMT-P Positions in the Division of Fire for up to a One Year Period.

**Introduced by Mr. Myers**

**Resolution No. 58-2018** Amending the 2018 Capital Improvement Plan New and Replacement Equipment List.

**Introduced by Mr. Robinson**

**Resolution No. 59-2018** Re-appointing Members to Various City Boards and Commissions.

**Introduced by Mr. Foust**

*President Michael asked if there was anyone who wished to have any of the aforementioned pieces of legislation removed from the Consent Agenda.*

*Ms. Dorothy asked to remove Ordinance No. 46-2018 and Resolution No. 58-2018 from the Consent Agenda.*

**There being no additional comments, the clerk called the roll on the Consent Agenda (As Amended). The motion carried by the following vote:**

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

**No 0**

**The Consent Agenda (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.**

### **NEW LEGISLATION TO BE INTRODUCED**

**Resolution No. 58-2018** Amending the 2018 Capital Improvement Plan New and Replacement Equipment List.

**Introduced by Mr. Robinson**

**MOTION** Mr. Foust made a motion to adopt Resolution No. 58-2018. The motion was seconded by Mr. Smith.

*Ms. Dorothy noted that the included memo was well written and commented about on anticipated life expectancy of the new generator being 25-years. She stated she has been asking for a while about the life cycle of new equipment and buildings and wondered if we do projections into the future relating to the CIP because we have all of this data. Mr. Whited responded that Fleet Manager Rick Creps, Superintendent Steve Tennant, and the engineering group are taking a much heavier focus into strategically looking forward and anticipating replacement of vehicles and intended projects over the five-year period of the CIP. They are projecting beyond that, but it is not officially recorded in the CIP documents.*

**There being no additional comments, the motion to adopt Resolution No. 58-2018 passed unanimously by a voice vote.**

### **PUBLIC HEARINGS ON LEGISLATION**

**Ordinance No. 46-2018** Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Downtown Worthington Municipal Public Improvement TIF Fund Unappropriated Balances.

*Mr. Greeson explained that he welcomes the question of any Councilmembers, this ordinance is an additional appropriation related to overtime in the Division of Police and dollars that have to be paid to Franklin County associated with the Downtown Tax Increment Financing (TIF) district. Ms. Dorothy asked if the Downtown TIF funds are to*

*be used for public improvement in that district. Mr. Greeson said that was correct. This year the district which encompasses Old Worthington, did begin producing revenue and there are a couple items in this year's proposed CIP that we are proposing to finance using those tax increment dollars. Ms. Dorothy explained that she has had some residents ask if we could have electric vehicle charging stations placed in our public parking and she wanted to say that those TIF funds could be used for that purpose. Mr. Greeson replied that it could be possible to get those for free because AEP has some grant money available. Ms. Dorothy said that would be excellent.*

**There being no additional comments, the clerk called the roll on Ordinance No. 46-2018. The motion carried by the following vote:**

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

**Ordinance No. 46-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Continue with Agenda**

#### **PUBLIC HEARINGS ON LEGISLATION**

**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).

**The foregoing Ordinance Title was read.**

**MOTION** Ms. Kowalczyk moved, Mr. Robinson seconded a motion to remove Ordinance 42-2018 from the table.

**There being no additional comments, the motion to remove Ordinance 42-2018 from the table passed unanimously by a voice vote.**

*Mr. Brown started by explaining the timeline of the Wilson Bridge Corridor beginning in 2011 with Council looking river to rail at what to do with Wilson Bridge Road. They looked at streetscape, office redevelopment, multi-family and went before Council in 2011 for approval. Ten different districts were recommended for Council to look at. Four new zoning categories were ultimately established and approved two years ago. The new districts recommended medium density residential, professional office, mixed use, and office in the corridor. When this went before Council two years ago the deviations from what was recommended in 2011 was relating to the heights, setbacks, and uses found in the corridor. The recommendations in the 2011 plan called for higher buildings. Over the*

*six-month review process going from the Municipal Planning Commission (MPC) to City Council those height densities were revised downward.*

*The focus area that has been examined over the past few years looked at the south side of East Wilson Bridge Road that has deep lots, usually with approximately 100 feet in frontage and about an acre in size. Starting from Westview and going east towards the Community Center there are about 18 different parcels involved. This proposal includes two parcels that are on the western portion of the area recommended for medium density residential, everything to the east towards the Community Center is recommended for residential, and everything to the west is recommended for office.*

*In 2015 we also started the Wilson Bridge Corridor Enhancement Plan that looked at everything river to rail, streetscape improvements, multi-use paths, street lights and street trees. The consistent theme was for buffers from the residential to the south and the height limit of two and half stories.*

*The 2011 corridor study outlined what we should do and how to use the plan. It made recommendations to look at changing our zoning categories and creating new uses for that corridor that were previously explained. The original plan was adopted in 2011. We went through the corridor zoning which was heard by the MPC in September of 2015, followed by a six-month discussion with Council with adoption in April 2016. The plan went into effect on June 20, 2016 after the referendum period. Re-zoning for 181 East Wilson Bridge Road was recommended for approval to the City Council by the MPC in April 2017 and was approved by City Council in May 2017. The effective date for the rezoning of those parcels was July 3, 2017.*

*The proposal in front of Council tonight is for 181 East Wilson Bridge Road. The zoning is already in place. MPC approved a final plan that is now to the City Council for adoption. The two parcels in question are existing vacant lots. The proposal is for 32 units on the south side of East Wilson Bridge Road with two separate buildings that are two stories in height and a parking lot in the middle. We have approximately two acres in size which is the minimum size, there needs to be at least 200 feet of road frontage to have a development occur. Part of this proposal will also be combining the two parcels into one lot of record. The first level will have ingress and egress for out grade and the second story units will be accessible by stairs.*

*There was also discussion at the time with the multi-use path that will be required in the front in the future. The applicant is dedicating fifteen feet of additional right of way on the south side of East Wilson Bridge Road to be used for the future installation of a multiuse path connecting High Street with the Community Center. As part of this project there will be street trees, street lights, and lighting and development on their site.*

*There was a discussion at the last meeting about the egress and ingress to the site. There is a variance requested for the driveway width out at the curb. Existing trees will be preserved as part of the redevelopment along with new planting of trees along East Wilson Bridge Road and along neighboring properties. Additional vegetation to help screening*

*will be added. The applicant worked with the neighbors on Northigh Drive and there will be a six-foot cedar fence along the south side of the development. They are preserving 404 caliper inches of trees and removing approximately 1600 caliper inches of trees and then adding back about 343 caliper inches. The development text for the district does allow for up to 75% of impervious surface, they are only proposing 60%. They are also adding perennials, shrubs, and grasses as part of this redevelopment*

*The developer is asking for 16 units to the acre where code allows for a maximum of 14 units to the acre. So, they are asking for a variance to deviate from the requirement of 14 units permitted by code. Rents are expected to be in the \$800 - \$1250 range for 1, 2, and 3-bedroom units. Additionally, there will be decorative lights, bike racks, and benches on the site. The zoning category on the site is medium density residential and it has a list of permitted uses that includes multi-family dwellings. There is a maximum building height of two and a half stories.*

*There are four variances requested tonight: 1) One is from Section 903.10, to allow the driveway to exceed 45 feet in width at the curb line, 2) Section 1181.05a to allow buildings to be closer than 50 feet from residential districts. In the last presentation, it was explained when we rezoned those two parcels, the original intention was to rezone the entire corridor and if we had done that we would not need to grant variances to deviate from the setback requirements, 3) Section 1181.05c requires all healthy trees six-inch caliper or larger to be retained or replaced with a total trunk diameter of that removed, or a fee of \$150.00 per caliper inch. Again, from the previous discussion, that tree fee would exceed \$201,000 if we went with the intent of what is in the code, 4) Section 1181.06 has a maximum density of 14 units to the acre.*

*There was a healthy discussion at the last meeting about the entrance drive and how it narrows down to meet code requirements. We also discussed the variance request for the setback requirements when this went before MPC. There was additional landscaping added. Regarding the tree fees, he and Ms. Bitar have met with multiple developers who have wanted to put higher density on the property and the tree fee was a discussion with them. We worked with Mr. Kenney and Mr. Hodge to get a better product with better materials in supporting the waiver of the tree fee, which the City Council has the ultimate authority to do. Talking with other developers and the current developer, the strict interpretation of the tree fee pretty much makes that parcel impossible to develop with all the associated costs. These are the only two lots in the entire city that have that tree fee requirement. When accounting for what is being removed and added back, they would be required to pay a tree fee of \$201,750. The final variance is the maximum density of 14 units per acre and the applicant is requesting two additional units to the acre.*

*When asked by Mr. Smith what our parameters are in general for applying the TIF model to a development, Mr. Brown replied that TIFs are not typically applied to residential developments. This proposal has no TIF associated with it. Mr. Smith clarified his prior questioning and asking what the parameters are legally speaking. Mr. Greeson replied that TIFs are a tool used, specially in a case like this, to finance investment in public*

*improvements such as streetscaping, intersections, trails, and utilities. Mr. Smith asked if in theory this development could be TIF-ed. Mr. Greeson responded that yes, it could be.*

*Mr. Robinson asked Mr. Brown when he had prior discussions with other developers about the parcels where the tree issue came up. Mr. Brown replied that those discussions have been since 2014. Mr. Robinson questioned when the parcels were rezoned including the tree ordinance. Mr. Brown replied it was approved by City Council on May 1, 2017 and went into effect July 3, 2017. Mr. Robinson asked why if Mr. Brown was aware there was a problem with the tree ordinance as written, why was it rezoned with that provision in the zoning. Mr. Brown replied that it was viewed as a tool to get the product and development that we wanted. Mr. Robinson asked if Council intended for the tree fee to be used as a tool. President Michael said that the Council had concerns about someone coming in and clear cutting the parcels. When looking at other parcels in the corridor, these are the only two with this level of tree coverage. She said that we weren't thinking about what it would cost for the trees. She emphasized that we should have some sort of policy across the City about how we handle trees rather than just two parcels, but that is a discussion for a later time. Mr. Brown emphasized that they did not know how much the fee would be until they began working with the previous developer in 2016. During the Council discussion, the fee was worked down from \$450 per caliper inch to \$150 per caliper inch. We didn't know how many trees would actually meet the 6-caliper inch or larger requirement.*

*Ms. Dorothy reported being on Council at that time and she thought the ordinance was passed to help preserve or replace some trees, but it was not intended to be a money maker for the City. She has in the past and in the last budget cycle asked for an increase in our tree budget in the CIP and ongoing. But she did not intend for this zoning code to be a way to increase our budget, rather it would have the intention of saving or replacing some trees.*

*Mr. Smith explained he remembers those tree fee conversations and a specific instance came up where this was planned to be used all along as a negotiating mechanism, but it was not meant to be waived entirely. He wondered if it was possible for us as the city to mandate the developer as part of the conditions of the development to donate to our parks foundation over a period of time as a way to help replenish the street tree program. Ms. Dorothy explained this is not a complete waiver by any stretch of the imagination and they are keeping and replacing some trees and are replacing almost \$50,000 of them according to our code.*

*Mr. Brown noted that when they come in for the building permit, there is an open space requirement fee that is \$250 per unit and applied to each of the 32 proposed units. President Michael clarified that the tree fee would be in addition to the open space fee. Mr. Brown agreed with her understanding.*

*Mr. Robinson asked about the rationale provided for the increase in density. Mr. Brown said that the developer can speak to that point, but their justification to us was that those were the numbers they needed to make it work for the product and that layout of the buildings.*

**David Hodge, Underhill and Hodge – 8000 Walden Parkway Ste 260, New Albany**

*Mr. Hodge stated that he has made efforts to help change minds through discussions with various members of Council. In terms of the requested variances, the standard that any decision maker is to consider from the Duncan v. Middlefield, an Ohio Supreme Court Decision, that lays out seven criteria. It is incumbent upon an applicant to demonstrate to the decision-making body that they meet the criteria. An applicant does not have to meet all seven of the Duncan factors, but they are required to demonstrate they meet several and hopefully the decision-makers will decide the scale is tipped in favor of approval of a variance. He explained how this proposal meets the Duncan factors for each of the variances.*

**Whether the variance is substantial**

- *Mr. Hodge explained none of these variances are substantial at all. Somebody may say that the density variance is substantial, but it is not. We can park this site, we can meet all the height criteria, and we will not burden the public infrastructure by the addition of these four units to the project. Mr. Robinson asked what substantial is defined as. Mr. Hodge replied that it is in the eye of the beholder and he certainly does not believe four units across this development is substantial. If they were unable to adequately park this under code, if they were asking to exceed the height to get more units, that would be substantial. Four units across two acres, that does not burden adjacent properties nor the public infrastructure, is not substantial.*

**The essential character of the neighborhood is substantially altered or whether adjoining properties would sustain substantial detriment as a result of the variance**

- *Mr. Hodge stated that is not the case here. No adjoining property owners are suffering any detriment. Since they were here last time, an adjoining property owner wrote a letter to Council in support of this request. They have met with neighbors who are in support of this project and they have been active participants in the Wilson Bridge Corridor Plan and the Wilson Bridge Corridor Zoning adoption.*

**Whether the variance would adversely affect the delivery of governmental services**

- *Mr. Hodge said that none of these variances would make a foot of difference to the delivery of any governmental service to the property.*

**Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance**

- *Mr. Hodge explained that this is an important factor. It is important to look at this through the lens of the Wilson Bridge Corridor Plan which this Council adopted. That plan talks about how the property should develop, which is with multi-family*



*residential. It talks about the fact that as times and circumstances change it is important for the decision makers here to be flexible in their approach. In terms of the spirit and intent of the zoning requirement, it is embodied in the Wilson Bridge Corridor plan and they meet that plan, in his opinion, to the letter.*

*Mr. Hodge emphasized that is meeting four of the seven Duncan factors, and he believes that tips the scale in favor of approval of the plan in total and in the individual variances in the way they relate to the plan.*

*Mr. Robinson identified his basic issue with Mr. Hodge's reading of this is that it sounds like he is saying that the city is required to grant a variance if some of these criteria are met. He emphasized that it reads that the Council or BZA "may" grant a variance. He questioned if the city is compelled to grant a variance if these criteria, or any of them are met. Mr. Hodge responded that it is a great question that can be debated all day long, but zoning by the very essence of what it is, it is a one size fits all solution in a world that is not a one size fits all. The law by its very nature put this variance process in place because it recognizes that it would be unconstitutional to impose a one size fits all requirement to individual, unforeseeable circumstances. He does not know if the Council is compelled to approve these variances, but he believes he has ably demonstrated the Duncan factors for each of the four requested variances as a part of this plan. If this does not get approved, they are going away and are not going to fight with the City at all.*

*Mr. Smith asked if Mr. Hodge considers this to be single floor living. Mr. Hodge replied there are a number of units that are first floor living. Mr. Smith questioned if Mr. Hodge considers the development a single floor living development. Mr. Hodge responded that there are second story units in the development, so he would say no, but the code allows 2.5 stories. Mr. Smith queried if there were elevators proposed which Mr. Hodge responded there were not.*

*Mr. Greeson clarified his earlier statement this property could be used with Tax Increment Financing. After doing some research there is some complexity that would need to be additionally researched and considered, so the answer is a convoluted yes. Mr. Hodge said that multi-family residential is a wonderful thing to TIF. The question is if it is worth the exercise on 32 units because it is not likely to generate many TIF PILOTS (Payments In Lieu of Taxes).*

*Mr. Foust said that he is looking at the WBC-1 medium density residential definition and under density it reads that the maximum number of dwelling units allowed per acre shall be 14 with a desired between 10-14 units. The words "max" and "shall" are pretty clear to him. This reminds him of the conversations we had previously in regard to solar panels. He believes that Council has yet to define how flexible we want to be. The primary question is what this adds to the community to justify the exception. He detailed his recent experience going out for a drive and noticing the abundance of signs out for Issue 9 and Issue 10. He thinks that our primary responsibility is to the voters here and if this weren't the first time it is tested he would not have a problem with it. He does not have a problem with the other three variances. But, he continued that he drove and looked at all of the*

*apartments that have gone in here and one had a sign out from that said, “Top Notch Worthington Schools.” Here we are facing Issue 9 and Issue 10 and the school district has added 1000 new students in the past five years. It is due to add another 800-1000 in the next five years. He thinks we need to have a dialogue with the schools before we exacerbate this issue. Are four units going to make or break the world, no they are not.*

*To the argument that The Heights added a limited number of students to the Worthington School District, that is an outlier. He has two recent studies that the average new apartment complex is going to bring about 21% either young married couples with children or single parents. It troubles him that we are going to make our first review of an issue under the new underlay saying that we didn’t really mean it. We may have said we desire 10-14 units with a max of 14, but we really think 16 is fine. He has a problem with that. He would like to see Council be a little more judicious when identifying what the guardrails are before we go down that path with any project.*

*Mr. Myers observed that depending on which dates are used this is either three- or seven-years’ worth of work. We have gone through the Wilson Bridge Corridor study twice now. The latest incarnation which gave rise to this zoning classification was largely citizen driven. The steering committee that put this together was almost exclusively comprised of affected persons. Council then adopted it and against the better wishes of staff proactively rezoned these properties. There was a good reason for rezoning these properties, we were worried about single family creep. The entire plan for the past seven years as recommended by the citizens and adopted by this Council was to put multi-family dwellings on these two parcels and parcels further to the east. There was one person throughout this entire process who objected and in response the developer agreed to additional screening and made changes to further buffer his property. We had citizens who have expressed support for this. This is a citizen driven, citizen approved, Council adopted project.*

*Mr. Myers explained that the idea of zoning for density and aesthetics is a fairly new development. Zoning was originally meant to make residential and industrial zones. You did not want to have the smelting plant next to the house. There has always been the notion that when you get further away from the core concept of zoning, it becomes much more fluid and it becomes more of a negotiation. When he looks at what we are getting out of this property; we are getting an additional 15 feet of right-of-way for a future trail, bike racks, benches, and we are getting the one thing the citizens to the south wanted the most which is a 50-foot setback, and a fence with more screening. We are getting a 75-foot curb cut which was at the recommendation of the Division of Fire and EMS to get the ladder truck in. In the time he has been on MPC/ARB, density and variances are typically the last thing that comes up because if we get a quality product that will drive the other numbers. The first developer that came in and wanted to develop these parcels asked for much higher density and it was a low-quality product that included clear cutting and a 100% tax abatement. Here we are getting high quality materials and a quality product that costs money. When a developer comes in the beginning, he pretty much tells them that their product is going to cost twice as much and take twice as long if you are building it in Worthington because we get a better product here. We must be willing to give up something to get that product. This developer asked for two things: two additional units*

*and a waiver of the tree fee. He believes that is an insignificant give when looking at what we are being given in return on a project that has been fully supported by the citizens who are most directly affected. When it comes to the Duncan factors, one of the intriguing lines is, "...the standard for granting a zoning variance that relates solely to area requirements, should be a lesser standard than that applied to variances which relate to use." The courts have recognized that this is a more relaxed standard and he believes that this fits the standard for Duncan. All of this considered, he does not see where we are to object.*

*Mr. Foust commented in response to Mr. Myers point when density is the last thing we consider, gets to the heart of the matter. The question is who we serve, is it the builders, our own personal individual agendas, or is it the will of the people who elected us. Three years ago, the message was clear, Issue 38 which was about density and driven by a 400-unit apartment building got more votes than anybody in the past election. Mr. Myers responded that is comparing apples and oranges. Mr. Foust responded that it was a density driven issue. Density is what pulled people out of the woodwork and go them riled up. He does not want to see our first act on this be a variation on density.*

*President Michael remarked that four units is not a significant amount of density. Mr. Foust said that he does not disagree. President Michael further explained that four units will not significantly impact the Worthington schools. Mr. Foust agreed. President Michael detailed how this project is different than the Issue 38 project and it was driven by a completely different parcel of property and the neighbors around this particular Wilson Bridge Corridor have come out and have agreed and supported this project. Mr. Foust agreed that those were all good points and he would love to see the project move forward, but he would like to see it be within the density guidelines that have been laid out.*

*Mr. Robinson stated that his research tells him that density is at the very heart of the emergence of zoning laws in the United States. The first zoning conflict in legislation came out of Brooklyn where someone wanted to build a 40-story skyscraper in a brownstone neighborhood. That is where zoning first emerged in the United States, specifically about density. His issue with the passage of this and the variances, particularly the density variance, is the precedence this sets. He does not see how when a future developer comes before the MPC/ARB or Council asking for a variance, we can say no. It seems to establish a precedent that the code comes with a built-in variability. Secondly, the variance introduces issues between Councilmembers and staff. If staff comes in the future requesting a rezoning, are we to assume there will be a built-in need for variances. Should he assume that 10 really means 12 and so on. That is not a healthy dynamic. Lastly, it is problematic with our relationship with residents of the City. If they appear before MPC/ARB, asking for a variance and we deny it and then they claim financial hardship, which is how he interprets the request for 16 units instead of 14, it is essentially a financial argument because the deal cannot be done and does not make financial sense for the developer. So, it is a financial hardship argument. If we listen to that and grant a variance for a developer because of financial hardship, how do we deny that to a resident. He gave an example of a gentleman who bought a home and wanted to tear it down to put in a Schumaker home. He came before MPC/ARB and it was denied. He was told to come back with a custom-built home that would cost him 20% more. What if he said that he could not*

*afford that, and it was a financial hardship, asking for a variance. Why can we give such a variance to a developer but not a resident, to him that sounds backwards.*

*President Michael responded and said that her understanding is that the variances are project specific. There are variances that are approved and there are variances that are not approved.*

*Mr. Myers shared that MPC does not approve variances, Council and BZA approve variances. He addressed the comment about rezoning, there is no request for rezoning here. This was a Council initiated rezoning to multi-family units, so we knew what we were going to put in there. The property owner from Mr. Robinson's previous example was not denied, he left and now he is back with a new product that works much better. Nothing was ever denied there. Most of the variances that are "denied" we never see. It's the developer that wanted to put in 24 units that gets cut off at the staff level or by a member of the MPC. Most denials never get this far. He gave an example of someone on his block, that person cannot do anything on the front without a variance. He described when he put a porch on his home, he needed a variance. Every house on his blocks violates the setback as it sits, but they were grandfathered in when they were annexed. If you want to do anything to the front of your house, you will need a variance. The single biggest variance granted by BZA is for rear setbacks for sheds. They are fairly universally approved and it is pretty rare that a resident doesn't get it approved because the idea that you do not want to increase the cost to a resident if the neighbors think it is ok. If MPC is going to approve of something they want to hear if the neighbors are going to agree with it. On this project, the neighbors were okay with this. Neighbor approval carries a great deal of weight.*

*Mr. Smith said that something that is sticking with him is the Duncan factor about the intent and spirit of this zoning. We have identified a very prominent need in our community over the years and we are seeing that need more than ever. The need is single floor living space. Throughout this corridor, the intent of the rezoning was to have single floor living space. Whether that be a couple different enclaves of development, patio homes, or apartments with elevators. It was never the intent or spirit of the zoning to have apartments. He cannot get past that. Mr. Myers responded that is what we rezoned it for, 10-14 units, that is apartments. Mr. Smith reiterated that was with the intent for single floor living space. Mr. Myers replied that we get 16 units of single floor living space here.*

*Ms. Dorothy stated in regard to zoning, for the longest of time we didn't have zoning. We had many applications especially throughout older areas in history that we have multi-use mixed use zoning. Paris is the densest city in the world and people love it because it has mixed used areas all over with lots of different house and retail. Our zoning is a bit out of whack in the United States, we have so much single use zoning. It is great we are getting back to our downtown core and have mixed-use and looking for more mixed-use opportunities. Giving more people opportunities to come into or stay in Worthington and these different house scenarios are very important for the city. She believes that people of all ages should be able to live in Worthington and stay in Worthington. This is a wonderful application for what we want to have here. She wants to see more mixed use in a variety of manners and this is a great place to start.*

*President Michael explained that it sounds like we are beginning to go around in circles and she is going to try to bring us to a straight line here. She is hearing that no one has a problem with the driveway. The 50-foot setback does not have any issues. She asked if there were any issues with the tree fee. Mr. Smith suggested that we mandate as part of any development if it goes through some sort of fee or donation to the parks foundation over a period of years. President Michael clarified that we do not have a Worthington parks foundation. Individuals can however donate to the city and it is put in a separate fund. Mr. Smith stated that the mechanism talked about in the past was there was some way to get a tax deduction. President Michael explained they are already going to be paying an open space fee. She asked if other Councilmembers wants to put something like that as a requirement.*

*Mr. Myers stated he wanted to vote for the application. President Michael asked if Mr. Myers was calling for the question. Mr. Myers stated he is calling the question.*

**There being no additional comments, the clerk called the roll on Ordinance No. 42-2018. The motion carried by the following vote:**

<b>Yes</b>	<b>4</b>	Kowalczyk, Dorothy, Myers, and Michael
<b>No</b>	<b>3</b>	Robinson, Foust, Smith

**Ordinance No. 42-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

## **REPORTS OF CITY OFFICIALS**

### Policy Item(s)

- Financial Report – September 2018

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

- *The Fund balances for all funds increased from \$26,697,378 on January 1, 2018 to \$32,525,931 as of September 30, 2018.*
- *The General Fund balance increased from \$13,491,664 as of January 1, 2018 to \$15,786,187 as of September 30, 2018.*

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

**The motion carried unanimously by a voice vote.**

- Proposed 2019-2023 Capital Improvements Program

*Ms. Stewart explained that the CIP began development in July with the City Council discussing priorities and objectives that they wanted staff to keep in mind. In August, staff worked with that information to develop requests for funding in the capital plan. This also included looking at the current CIP for updates and other adopted plans to see if there are projects that could be included for consideration. Additionally, we listened to various advisory boards and commissions that staff interacts with, so those thoughts and ideas were brought forth for consideration. There was also an evaluation of existing infrastructure and equipment to see what might need new investment and/or replacement. That information is then boiled down into submittals that each department developed for the areas in which they provide services. Those requests were then evaluated and prioritized in September, balancing them with projected revenue. In October the proposed plan is presented to and then workshopped with Council. In November any follow-up discussion can occur before adoption in December.*

*There are several trends in the CIP. First, the vast majority of the proposed plan invests in the existing infrastructure and equipment as we try to maintain and keep up with what we already have and utilize. Included are the final three years of the debt associated with the Community Center expansion and the renovation of the Police Station. The last payment on that will be made in 2021. However, there is new debt from a number of new projects that the City has identified. While some debt payments drop off, additional debt is taken on. There are a number of building projects associated with the age of the City's buildings.*

*We like to look at how much we can leverage our dollars to get access to other funding. In 2019 the City share of expenditures in the CIP is low due to the Northeast Gateway Project. We are going to pursue a grant for the Self-Contained Breathing Apparatus (SCBA). In 2020 we anticipate looking for funding from grant sources, perhaps state sources, for McCord Park. In 2021, License Tax revenue is making some difference for the arterial project on Schrock and a portion of Huntley. Years 2022 and 2023 do not show many external sources, although staff will continue to monitor for any opportunities.*

*Looking at revenue compared to expenditures, it can be seen that when taking out bond information, revenue and expenditures are well aligned.*

*Trendlines show that projects and equipment are the primary categories, however there are payments on debt service and then administrative expenses pertaining to the cost to collect income tax revenues and any other insurance or legal services relating to the Capital Fund.*

*Ms. Dorothy explained that she knows the City has a 5-year CIP but asked if we know how long debt service on the bonds goes on and when they sunset. Mr. Bartter replied we know when all of the debt sunsets. Ms. Dorothy stated that maybe we can look at other things for the CIP longer than 5 years out.*

*Ms. Stewart explained when pulling out the bond proceeds and leases, in terms of the cash flowing in and out of the CIP fund, you can see the investment in the various categories. Projects continue to be the largest expenditure. Debt payments are the second largest across the five years. Those are followed by equipment and administrative expenses.*

*Mr. Smith referenced an earlier comment from Ms. Dorothy that mentioned forecasting further out for the CIP. He asked if we ever set aside funds year to year for bigger expenditures. Ms. Stewart explained that we have not done that in recent years. However, when we have a higher fund balance, essentially it is funds that have not been spent and could be utilized for that. On the flipside, we have used bonding or leases to try and level out some of those expenditures, so we pay for them for several years but its after the purchase where you have financing costs as opposed to diverting the funds in advance. Sometimes if we have projects that can be spread across several years and pay cash for them, we will. We have done that with the Community Center parking lot, doing part of the parking lot one year and another part the next year, which helps avoid a bigger spike in one year.*

*Mr. Robinson asked if Ms. Stewart could explain the relationship between numbers representing total cost that differ from each other. Ms. Stewart said the difference is one includes all expenditures and the other number excludes bonded expenditures. Mr. Robinson stated he was confused about how the un-bonded amount is larger than the bonded expenditures. Ms. Stewart said one number only includes projects and equipment expenditures and the other also includes debt service and administration costs.*

*Ms. Stewart detailed a list of priorities identified by Council in the previous year's CIP. However, we did try to point out where there are investments in the proposed CIP related to those priorities that were mentioned last year.*

*President Michael asked if these were things that come from the Parks Master Plan. Ms. Stewart said there were several recommendations in the plan. These were the items that the Parks and Recreation staff proposed. Mr. Hurley added that there was a highest priority list of items that were included.*

*Ms. Stewart detailed how there are a number of uncertainties pertaining to the five-year program. There are items that we do not have full information and so they are not fully taken into account for this proposed plan. This includes short term financing costs associated with the Northeast Gateway project. Construction is slated to begin sooner than the availability of the federal funds. There may be the need for short term loans, potentially from the State Infrastructure Bank. There is not full clarity on the timeline for this and the interest costs are not shown in this CIP.*

*Additionally, there has been talk about the possibility of providing funding for SwimInc, however there is not a specific funding request yet. We have also begun looking into the possibility of consolidating the City's public safety dispatching and 911 answering center with the Northwest Regional Emergency Communication Center operated by the City of Dublin. We are still in the process of that evaluation but depending on the result there*

*could be impacts on the CIP. There is also the anticipation of a grant for the Fire Division's self-contained breathing apparatuses. If we do not receive that grant, we will have to proceed with another way to fund the acquisition of the SCBA apparatus. McCord Park Funding is also shown for significant external funding and we will need to see if we are successful in that process. We have in the proposed 2019 Operating Budget some funding for evaluations and assessments of our water lines and traffic signals. Depending on the results of that assessment we may need to incorporate investments into that infrastructure. In the CIP we do have some proposed funding for waterlines, however the assessment will inform us on whether that is sufficient or not.*

*Ms. Stewart explained that requests significantly exceeded available revenues and there were a number of things needed to be done to balance. Some items were moved from cash to bonding and leasing. The scope of some projects was reduced. Some items were delayed from the year that they were originally requested, particularly items requesting funding in 2019 that could be delayed to later years. Individual requests submitted as standalone projects were incorporated into ongoing programs where the City provides funding every year. Some items moved to the proposed operating budget and then other items were deleted entirely.*

*She detailed several 2019 projects that are more official within the CIP, because each of the other four years will be updated. Funding for projects and equipment in 2019 will not receive much more discussion after it is adopted. There are several recurring projects and equipment throughout the CIP that show up every year or every other year. In 2019 there are several projects being funded including construction of the Kenyonbrook Trunk Sewer which has been in the works for a number of years. There are also arterial improvements for East Wilson Bridge Road, tackling the waterline replacement and followed by overlaying that stretch of road. We are starting an arterial micro surfacing program in 2019 that will address the surface of some of our better conditioned streets. If we invest in them now we can extend their life before needing an overlay. It is a less expensive approach to stretch out the timing for the overlay. Mr. Whited specified how we are working to provide proactive versus reactive maintenance to save money long term. Ms. Stewart noted the Rush Run stream restoration Phase I was tied together with the Northeast Gateway project. We also have expensive equipment, such as radios, the emergency medic vehicle and SCBA devices.*

*Mr. Myers asked about Wilson Bridge Road and the \$800,000 per year allocated for streetscape enhancements. Ms. Stewart explained that the \$800,000 included in the current CIP was dropped from the CIP because it was not sufficient and helped to balance the numbers. It is still out there and needing another strategy brainstormed on how to approach it. Mr. Myers said that we have a \$1,225,000-line item for McCord Park that is unfunded, and we are hoping that maybe someone will come forward with money. He asked if we contacted Mr. Duffey to champion that in the last State Capital Budget. Mr. Greeson replied that we previously submitted a capital bill and we still think it's a good candidate for that in the future. Mr. Myers asked if there is a placeholder for SwimInc because we don't have a number. Ms. Stewart replied that is correct because we do not have an ask from SwimInc. Mr. Myers asked if we had allocated anything for the dispatch*



*transition and do we expect that to be a capital outlay or an operating outlay. Ms. Stewart responded it could possibly be a combination of both. If we do or do not work to consolidate dispatching operations, there would be different investments depending on what is selected. Mr. Greeson added that we are still evaluating, and we have not put in a placeholder for those costs. Mr. Myers noted in the budget text there is mention of future assessments for sidewalks. Ms. Stewart explained we have listed \$25,000 a year assessment as part of the Street Improvement Program for the sidewalks, when we go into overlay the streets and inspect the sidewalks to indicate to residents they need to pay to replace those sidewalks. If they utilize our contractor that is assessed back to them. Any references to sidewalk assessments refer to our existing programs for sidewalk maintenance.*

*Mr. Myers recalled Mr. Norstrom's sentiments that this is an expression of our priorities and our governance more than any other document we have. This is where our priorities are expressed. Priorities are set at the Council Retreat every year. He does not see this budget put together based off of those priorities. He wants to hear up front that the top priority for the past five years has been to fund the Wilson Bridge Corridor and we cannot do it this year. He had to find that. He wants to see that kind of budget presentation. He appreciates the numbers but that means less than whether his priorities are being expressed in the budget and they are not because we do not have the money. It is Council's job to set priorities and staff is supposed to execute on those priorities and report back whether they can or cannot. He would like to see upfront what of Council's priorities cannot be accomplished and why.*

### **Michael Bates – 6560 Evening Street**

Mr. Bates explained that Mr. Myers took his thunder regarding priorities and how they synchronize with the retreat at the beginning of the year. However, when he looked at the schedule of the budget presentation over the next couple months he does not see anything about outreach to the community to get additional community input. He sees that activity was with the commissions and the advisory boards, but he cannot see where there was outreach on the budget prior to acceptance at the end of the year. He would like to know when we are going to do that. Previously he has asked where we were at on the advisory board and President Michael said that would be delayed to next year, but he thinks there is still an opportunity to do some workshop sessions with the community about what the budget is and how it synchronizes priorities that were set at the beginning of the year.

*Mr. Myers responded that since this idea came up a couple months ago, he has had a lot of thought on the topic and it dovetails with what he had previously said. This budget actually began 15 years ago when Council made a decision to explore the Northeast Gateway improvements. It finally came to fruition in the past couple years. The operating budget has little discretionary spending and there is not much control over that. The CIP budget is really an expression of priorities and the priorities don't get set during the budget cycle. They are set during the Council Retreat and during discussions throughout the year. For the next cycle of budgets, it is going to be set by the long range planning we are about*

*to embark on and he is hopeful that will be where the citizens can come in and express what their priorities are which can be expressed down the road in a budget.*

*Mr. Bates replied that elected officials would want that reassurance that the community was involved in the process. Mr. Myers said it is more about priority setting. He hates to get bogged down in a budget when that really is not the significant discussion. The significant discussion is priorities and that is what we want to do with the long-range planning. That will have significant impact on CIP budgets in the future.*

*President Michael shared we did not get as far on the long-range visioning plan as we wanted to this year. That needs to be moved up as a much higher priority next year. This community has changed over time and we really need to get out and listen to what the people are thinking and where their priorities are. We need to do a well thought out strategic planning that answers the question of where we want Worthington to be tomorrow. The visioning process will get everyone together and it is crucially important.*

*Mr. Bates shared that at the citizen level there does not appear to be a cohesiveness of the priorities of the City. Understanding the operating budget is mostly payroll and administrative overhead, so the only thing that the citizens can have an impact on is the CIP based on priorities, and that is where the confusion sets in. Why are we prioritizing one thing over another?*

*Mr. Myers commented that hopefully the long-range visioning will incorporate some budget discussions and we will be asking questions about choices that have to be made.*

## **REPORT OF COUNCIL MEMBERS**

*Mr. Greeson said that he had previously distributed a couple memos that he wanted to touch on. He gave kudos to the Division of Police and the Division of Fire & EMS who did an open house a couple weeks ago with over 400 people attending. We had our first dog event at McCord Park that was successful despite the weather. This week we are doing outreach on the Electric Aggregation proposal in the community. Our consultant and staff are speaking to a Chamber Coffee & Conversation event, there is a presentation scheduled with the AM Rotary, and also with some seniors at the Griswold Center.*

*As far as the memos that were distributed, one related to the Community Relations Commission non-discrimination ordinance. He had a conversation with Jack Miner who is ready to work with staff and other CRC members to start the process outlined in the memo.*

*The second memo was regarding the process laid out by Dr. Herb Marlowe about issues surrounding UMCH. He crafted some ideas about community visioning and how to manage a new conversation on that issue with the hope of developing consensus. There was a strong dose of community visioning. He proposed scheduling Mr. Marlowe to return and meet again with stakeholders, going over his process ideas, getting more input and revising them. After the second round of meetings, we would cost the process and bring it*

*before Council to determine whether or not to move forward. Without objection he hopes to have him back to begin that process.*

*Mr. Robinson asked when Dr. Marlowe would return and when it would be brought to Council to move forward. Mr. Greeson would like to have the go, no go decision made by the end of the year. He is going to contact Mr. Marlowe and workout schedule issues this week. Preferably we would like to have him back at the end of October or early November. Mr. Robinson asked if there would be a proposal before Council by the year end where there would be a vote on whether to proceed with Herb Marlowe or not. Mr. Greeson said that would be his goal. Mr. Myers asked if there would be a formal presentation for public hearing by Mr. Marlowe. Mr. Greeson replied ultimately if we are going to undertake any type of process, it is one that the key stakeholders and the Council need to agree on, so yes. Mr. Myers said it would be beneficial when it is introduced or discussed if Mr. Marlowe were here to present it and it were a well-publicized meeting.*

*Mr. Foust commented on the LimeBike report and he questioned the first statistic regarding CO2. He wondered if it is under the assumption that every ride is replacing miles in a car. Mr. Hurley said yes. Mr. Foust questioned that logic and that many of those people may have been walking and decided to ride a bike. He appreciates the intent to justify the LimeBike experiment but still, lets be reasonable. Mr. Hurley stated that it is information provided by LimeBike.*

*Mr. Smith said that he noticed the street signs in the historic district and they look great He gave kudos to the team on that. His second thought relates to economic development. Over the last several years we has toyed with the idea of adding funds to the budget to send staff to site selection events in places like Chicago or New York. It might make some sense to do that with a couple choice properties that may cater to some specific types of needs. Third, he is speaking at several events by invite regarding Issue 39 Electric Aggregation. If anyone wants Yes on Issue 39 signs, to please let him know.*

*Ms. Kowalczyk shared that everyone should have received an electronic copy of the Mural Task Force's final report. It raises many interesting ideas worth discussing on how to proceed. She hopes they can be discussed at an upcoming Council meeting. SwimInc has an online survey out to gather information. They were also at the Farmers Market getting information from people as they passed by. They are working on a master plan for improvements. If members have any suggestions she recommends they visit their website and offer feedback. Finally, she went to Paws in the Park and her dog had a blast. She hopes we can do it again because it was a success.*

*President Michael mentioned the Kemper House opening. Mr. Myers did an excellent job speaking on behalf of the City. She and Ms. Kowalczyk were there. It is a wonderful project. The gentleman in charge, Mr. Cini, has so much passion for Alzheimer's patients and the need for having a high-quality care facility. He based much of it on the experiences of his grandmother who had Alzheimer's and there was not an appropriate facility for her. It was a really good event with a warmly emotional presentation that really sets the stage*

*for us having a high-quality facility coming into our community. One statistic brought up was the largest number of deaths in the country now are due to Alzheimer's.*

**ADJOURNMENT**

**MOTION** Ms. Kowalczyk moved, and Ms. Dorothy seconded a motion to adjourn.

**The motion carried unanimously by a voice vote.**

President Michael declared the meeting adjourned at 9:31 P.M.

/s/ Ethan C. Barnhardt  
Assistant City Clerk

*APPROVED by the City Council, this  
5<sup>th</sup> day of November, 2018.*

/s/ Bonnie D. Michael  
Council President