

**WORTHINGTON CITY COUNCIL
SPECIAL MEETING, MARCH 18, 2020**

The meeting was called to order at 3:30 p.m. in City Hall Council Chambers by Mayor Mike Kuhle with the following Council Members present: Alan Oberloh; Amy Ernst; Mike Harmon; Larry Janssen; Chad Cummings.

Staff present: Jason Brisson, Assistant City Administrator/Director of Economic Development, Steve Robinson, City Administrator, Dwayne Haffield, Director of Engineering, Todd Wietzema, Public Works Director, Mindy Eggers, City Clerk.

Others present: Ryan McGaughey, The Globe, Justine Wettschrek, Radio Works..

CITY OPERATIONS CONTINUITY PLAN

Steve Robinson, City Administrator stated that City Hall will be closed to the public starting Thursday, March 19th through Tuesday, March 31st and reevaluated at that time.

He explained staff has set up the option to hold meetings by conference call which under State Statute is permitted under a pandemic situation. After discussion it was decided to continue to hold Council meetings in the Council Chambers practicing social distancing and no more than 15 people will be allowed to attend.

CONCEPT FOR REALIGNMENT OF FLOWER LANE

Dwayne Haffield, Director of Engineering explained South Shore Acres LLC owns the larger tract of land lying north and west of the Lakeside Travel Plaza (at the corner of TH 59/60 and West Gateway Drive). Mr. Haffield explained the current long term plan for the property includes extending a street and related infrastructure westerly along the north side of the travel plaza to allow creation of multiple lots. He said given no other objectives, this street could cul-de-sac at its westerly end and provide for development of the tract owned by the LLC and as well as adjacent tracts.

Mr. Haffield explained Flower Lane from the rail crossing to West Gateway Drive, is former TH 59/60. This segment of roadway abuts and parallels the UP rail which in turn abuts and parallels South Shore Drive/1st Avenue SW. The route from the Flower Lane rail crossing to South Lake Street provides little change in the connectivity available via South Shore Drive/1st Avenue which, on a daily basis, is more reliable due to the grade separated rail crossing.

The turn back of the former TH 59/60 segment of Flower Lane included a lump sum payment for its reconstruction and upgrade. Such payment need not be used for reconstruction of that specific segment. Mr. Haffield explained a concept is being explored to integrate a relocation of Flower Lane into the development of the South Shore Acres LLC property. The concept is intended to reduce the long term financial obligation the public will have in perpetuating two streets by eliminating one that offers minimal benefit. It would also reduce the capital costs needed for the

development of the LLC property. He noted that property owners have been talked to and the reaction was not negative.

He said at this time staff is only asking for a concept approval as many things will have to be determined depending on what route is chosen.

A motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to move forward with the proposed concept.

RIGHT-OF-WAY OBSTRUCTIONS

Dwayne Haffield provided two sections of the City Code that address prohibiting persons from placing obstructions in rights-of-way. He explained several years ago, following the Tenth Street reconstruction/renovation project, the City Center Association requested and received approval (blanket permit) for stores and other business to place items such as clothes racks, A frame signs, and chairs on the sidewalks in the downtown area. The approval was limited to two feet abutting the place of business. He said in looking back at minutes they reveal no other detailed restrictions were placed on the approval except the time allowed being limited from 9:00 a.m. to 9:00 p.m., however it was discovered that it ended in 1999 but no records can be found if it happened to be extended.

Mr. Haffield explained the current request to allow chairs to be placed in the right-of-way as an extension of the premise licensed to serve alcohol and/or 3.2% beer was cause to investigate whether or not the previous blanket approval may apply. He said staff met with Assistant City Attorney, Jeff Flynn and the opinion received was Council does have authority to enact a "blanket authorization" allowing businesses to partially obstruct the right of way provided normal use by all is not prevented by the occupancy of the business or its patrons. The opinion also includes that such authorization would not violate ordinance 111.33, the regulation regarding liquor sales and consumption in public places.

He said staff is seeking direction from Council as to whether it would like to authorize the placement of obstructions in the right-of-way and if so, the manner it would like to do so. Council could grant permits followed by a list of conditions it may wish to have in any permits. A blanket approval in the downtown area with a single season limit to expose potential issues prior to developing a longer term plan or rewriting existing ordinances. He noted that strong consideration should be given to rewriting the City's right-of-way ordinance provisions, in part due to changes in telecommunication laws as it relates to utility permitting.

Council agreed that the following conditions should be added in the conditions of the permit:

- * Must maintain ADA compliance of walk, any other public facilities, and access to business placed items.

- * Must provide certificate of adequate insurance with City as additional insured. Adequate to be equal to that required for parade permit or otherwise recommended by Risk Management.
- * Must clean, as needed, to maintain the absence of litter, stains and spills.
- * Must remove all items when business is not open.
- * Must immediately remove all items as needed for repair, maintenance and installation of public infrastructure including private utilities upon the request of a city or utility company representative.
- * The area items are placed in must abut and be contiguous with business (business excludes any parking lot or area).
- * May not paint, stain, score, drill or otherwise alter walk surfaces or their appearance.

Mr. Haffield stated that these conditions would be sent to the City Attorney for changes/approval and then will be brought back to Council.

ADJOURNMENT

The motion was made by Council Member Oberloh, seconded by Council Member Cummings and unanimously carried to adjourn the meeting at 4:30 p.m.

Mindy L. Eggers MCMC
City Clerk