



CITY OF WORTHINGTON
Worthington City Council Minutes

April 9, 2018

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, April 9, 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 PM.

ROLL CALL

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

Member(s) Absent: Douglas Foust

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire John Bailot, and Clerk of Council D. Kay Thress

There were twenty nine visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS – No Comments

SPECIAL PRESENTATION

- SwimInc – Rob Schmidt

Mr. Greeson reported that recently Council requested that he extend an invitation to Rob Schmidt, President of the SwimInc Board to provide an update on the status of their facilities planning and other organizational efforts. Mr. Schmidt has graciously agreed to provide that update and is here this evening.

Mr. Schmidt thanked Council for the invitation as it provides a great opportunity to get together and talk about SwimInc. The City and SwimInc have a very special long term relationship. He speaks for himself and many members of his Board who are present in that they are working very hard to maintain and protect that relationship and to ensure the long term success of the Worthington pools. The SwimInc Board appreciates all of the support they have received from the City. He doesn't have many formal statements to make about where they are but he can provide an update. Since 2016 when this Council graciously forgave the balance of the loan that they had with the City (balance was \$100,000) SwimInc. retained Carrie Millard, a consultant who specializes in the support of relatively small non-profit organizations in central Ohio. Ms. Millard spent the last half of 2016 and 2017 working with SwimInc. perform a basic assessment of our capacity. The assessment was completed in the early part of 2017. The report showed us that we were not prepared to move forward with a large capital campaign because we did not have the internal capacity necessary to manage the types of donor management as well as the internal controls necessary for that type of capital campaign. While we were not surprised by the findings, it helps to have an external source provide that feedback in written form. She also provided us with some insight into the various constituencies who have a vested interest in the long term success of SwimInc. Parties include our summer membership, those who use our lessons and aerobics program, our competitive swimming teams as well as supporting the high school swim teams and water polo teams. Carrie was able to get a feel of all the constituencies and their ideas of long-term success and how to get there, then providing that information to the board.

Since receiving that information we have made several internal changes. We first began by completely rebuilding the SwimInc. Board. The Board is now a ten member Board that have a vested interest in the success of the Worthington Pools. It is a unique blend of individuals that bring with them a whole new set of talents and an unbelievable dedication to the organization. There has also been turnover in the management of the Pools; Rachel Smith is now serving as our General Manager. She has one job and that is to get the pools opened. Staff is focused on getting everything sort of pointed in the direction of a capital campaign. We are now doing the following things:

- We have undertaken a facility assessment which includes hiring an expert in aquatics facilities to provide us with insight into the expected long-term and mid-term physical needs of the three outdoor pools and the indoor natatorium. We have a draft report that is currently being reviewed internally.*
- We are also in the process of working on a request for proposals from local consultants to take this particular facility assessment report and work with our stakeholders/constituents/city/schools to develop it into a comprehensive plan for the facility. That comprehensive plan must have real numbers associated with it.*

In 2016 he shared with Council a conceptual plan. It had pretty pictures with a conceptual business model behind it. The conceptual model is for aquatics programming at SwimInc. We need to change the dynamics from September to May. We need more capability to run programs that generate fees during the winter season. The idea behind

the conceptual pictures showing big garage doors on the outside of the building over the north pool was to provide us with water for more lessons and other non-competitive type programs. The idea behind this was to change the existing dynamic because we need to change how the facility operates to ensure its long term financial success. He pays taxes in Worthington and doesn't want to come back and ask for large sums of money from governmental entities for capital needs.

They are also in the process of reorganizing SwimInc. While they have unbelievably great people running the pool, the Board is likely to take up a proposal in April to create an executive director position. This person would be dedicated solely to the operation of SwimInc. as a non-profit. They need a dedicated executive who can raise money and everything that entails to get the central organization to the next step.

The next step is to take the plan, with real numbers, and present it to all of their stakeholders clearly laying out the resources needed to pull this off. The stakeholders will include the City, the school district, as well as all of the people that take advantage of their facilities. They are in the process of combining all of the complicated moving parts of the facilities assessment, developing a facilities plan, and getting an executive director to point the ship in the right direction to keep it running. Best case is that they will have a plan with real numbers sometimes later this summer. At that point they will have to make decisions about what types of resources they are able to muster and the timeline for the improvements.

Mr. Myers commented that it sounds like they are taking a step back and from the conceptual plan and looking more at just basics right now. Mr. Schmidt thinks it is fair to characterize it as maybe taking a half step back. One of the issues with the presentation of the plan they made to the State with the help of Representative Duffey is that the plan was built around the economic model discussed earlier. That plan did not include a full blown facility assessment. The plan again was to change how they use winter pool time or add pool time for winter use while ensuring the attractiveness of the outdoor pool for their vital summertime members. They knew previously that there was a bad leak in the north pool but in the intervening 2½ years they have come to understand that there are other parts of the facility that have not been looked at in any detail. It would be unwise for the Board to move forward with a capital investment without fully understanding what the actual long term needs of any particular element of the pool are. It would be unfortunate to start a capital campaign and not address the immediate operational needs for all of these pools. So they have taken the half step back to get a facility assessment. We have coupled that with the fact that when we were making the presentation to Council in 2016 the estimates were based upon square footage. Typical construction costs for pools of this type are based upon a certain number of dollars per square foot. In an ideal world we would have done some of this planning before we made our initial presentations.

Mr. Myers commented that the vision that they sent out a couple of years ago is still their vision, but they just have to take care of the bones first. Mr. Schmidt agreed. What is important to understand is that the vision is finding a way to change the operation of the

indoor natatorium while ensuring the long term attractiveness of the outdoor pools to their members. They can't afford to lose a significant number of outdoor memberships since it subsidizes the operations of the rest of the facility. This requires attractive facilities, which is contrast to the current outdated 1950s vintage locker rooms. They have to take into account the actual physical health of the facility, which is what the assessment accomplishes and to have everybody on board when they move forward, which was something that they did not do particularly well.

At Ms. Michael's offer, Mr. Schmidt introduced members of his team who were present.

Ms. Michael acknowledged Rep. Mike Duffey who was in the audience. She thanked Mr. Schmidt for the update.

Ms. Michael shared that she attended a meeting earlier today that included Mr. Schmidt, Ms. Dorothy, Mr. Greeson, Ms. Hudson (Worthington School Board), Mr. Shaddock (City of Columbus) and Mr. Hurley, Mr. Collins (Columbus Parks and Recreation) to see if there are ways to expand some buy-in and see how we can all work a little bit closer to make this project a reality.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance 14-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the PACE Fund appropriated Balance to Provide Funds for the Payment of a Special Assessment to the Columbus-Franklin County Finance Authority

The foregoing Ordinance Title was read.

Mr. Bartter reported that in 2016 Council entered into an agreement between Trivium Development (developer of 350 W. Wilson Bridge Rd.), the Franklin County Finance Authority and the City of Worthington for energy improvements to that building. The City serves as a pass through where a special assessment is made against a property. We received the first half of the distribution of that assessment and now need to pay it to the Franklin County Finance Authority.

Mr. Robinson asked if his understanding is correct in that after this first payment there should not be a need for further ordinances as such. Mr. Bartter agreed with his understanding. He explained that because this is the first year it was not appropriated during the budget cycle but it will be included in future years.

There being no additional comments, the clerk called the roll on Ordinance No. 14-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 14-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Tobacco 21

Mr. Greeson shared that unfortunately Ethan Barnhardt, our very able intern, has his Capstone presentation tonight and couldn't be with us but he did quite a bit of work developing background and information on Tobacco 21 that he presented last fall. One of the follow-up research items that he was tasked with by this Council was to look at the success or experience of a number of communities that adopted that legislation. He conducted that research which is reflected in a memorandum enclosed in your agenda package and presented for Council's review. He invited Mr. Lindsey to recap Tobacco 21 and introduce some partners in the audience who are going to address Council this evening. Tonight we want to refresh your memory about the Tobacco 21 public health initiative and go over the research to the degree that you desire, listen to testimony both on the health benefits of this kind of effort as well as from the city of Columbus about their experience in running their program.

Mr. Lindsey confirmed that Mr. Barnhardt has done a great deal of work on this item. When this item was presented to City Council in September it also happened to be his first meeting and it was ironic that the City of Upper Arlington where he came from had passed Tobacco 21 legislation. It is a different model than what Columbus proposed as it has a licensing component. Through Columbus Public Health, retailers who sell any tobacco products are required to obtain a Columbus license. The failure to have that license is a first degree misdemeanor offense punishable by six months in jail and/or \$1,000 fine. The sale of tobacco products to someone under 21 by an establishment is also a misdemeanor offense with the first offense being an M-4 (thirty days and/or \$250 fine). Subsequent violations come with a higher offense. The City of Upper Arlington did not hold any jail time, only financial penalties. Both models look to the seller of the tobacco products and not the underage user of the product. Part of that is based on the fact there is not a statewide age limit of 21 and it would be very difficult to enforce a possession of tobacco products not knowing what jurisdiction someone may have purchased them in. Staying away from enforcement against the user is also consistent with the public health interest of educating those under 21. The experts in the room will tell you more about the reason why and how that works.

Mr. Lindsey reported that he and Mr. Barnhardt met with Lory Winland from the American Heart Association/American Stroke Association earlier this spring. She introduced them to Mr. Jeff Stephens with the Cancer Action Network of the American Cancer Society to present more information. As a Worthington resident, Ms. Winland thought that Mr. Stephens would be the appropriate person to address Council. He will explain the alliance of various health entities that are concerned about this issue and will be able to present more as to those rationales. Also with us tonight is Melissa McArthur, the program manager for Tobacco 21 with Columbus Public Health. She will be able to comment on their implementation. As you may or may not recall, Columbus had a very lengthy roll out of this legislation to make sure businesses were aware of what was going on and to give people plenty of time to be aware of the policy and then an extended period of time for licensing. They have now moved into the enforcement phase that includes doing underage buys tracking whether or not the businesses are doing the appropriate identification checks before making sales.

Another consider moving forward with any potential legislation is that the Columbus ordinance established a dedicated fund for any fines that would go towards education. He will leave it to our finance director as to whether that is something he would prefer or not prefer to see. Those sort of special funds sometimes present challenges from an accounting standpoint.

He then invited Mr. Stephens to share.

Jeff Stephens, 202 Sinsbury Dr.

Mr. Stephens shared that when the American Cancer Society came calling six years ago he didn't know he would be working on tobacco issues because he thought the war on tobacco was already done. He is the Government Relations Director in Ohio for the American Cancer Society Cancer Action Network. He is blown away by the research he saw from Mr. Barnhardt in the memo, it was fabulous work and concise with all of the surrounding communities. He noted Ms. Winland and the Heart Association have been fabulous frontrunners on this issue. He is not an expert in Tobacco 21 but he knows the basics. He is speaking to members tonight as part of an active coalition formed around the passage of this ordinance in Columbus that expresses their support for Tobacco 21 legislation that would make it unlawful to sell or distribute tobacco products to anyone under the age of 21. Tobacco 21 legislation may reduce the number of young people who use and become addicted to tobacco products, ultimately reducing the diseases and premature death that these products cause. The toll of tobacco in Ohio is staggering. Ohio has the 6th highest tobacco use rate in the country. We are part of this tobacco nation that goes down Michigan through Ohio, Kentucky, and the Ohio River Valley and it is challenging. All of the states say they know there is a problem but they don't really agree on the solution.

A new study from the American Cancer Society indicates that cigarette smoking was responsible for about 1/3 of all cancer related deaths in the country. That study provides state level estimates for the number of adult deaths from smoking, with the latest data from 2014 ranking Ohio as the 8th worst. Tobacco products remain the leading

preventable cause of death in Ohio and the United States, responsible for over \$5.6B in health care cost in Ohio each year. Tobacco use almost always begins during adolescence and young adulthood. About 95% of adult smokers began smoking before they turned 21. In Ohio alone the tobacco industry spends over \$1M a day marketing its products and securing its next generation of customers. That is tough to combat.

The good news is that we know what works in tobacco use prevention and sensation. Over 50 years public education and policy efforts have paid off. Nearly all Americans know that smoking poses significant health risks. Recent significant increases in cigarette taxes, the funding for prevention and cessation control programs, and smoke free indoor environments have had an impact on reducing tobacco use. Tobacco 21 efforts are not yet conclusive but they wouldn't be behind it if trends weren't pointing that way.

There are over 300 jurisdictions across the country that have passed Tobacco 21 sales restrictions, including five states. It is a wave that is growing and they are working with local jurisdictions to build momentum. They have even had some state lawmakers want to push this but it is not quite time yet. They need other local jurisdictions and good history behind them first.

Raising the minimum age for the sale of tobacco products to 21 with strong retail compliance and active enforcement can be one part of a comprehensive strategy to reduce youth initiation. Some of the materials that Mr. Lindsey handed out were about the importance of the enforcement. Retail licensing is one of those components that give you the leverage to help with enforcement. You can't just cross out 18 and insert 21. Cleveland tried that and they are not having success. The law in Columbus is the model that they are seeing across the country now. Many jurisdictions and states are modeling what has been done in the City of Columbus.

Increasing the sale of tobacco products to the age of 21 will counter the tobacco industry's effort to target young people at a critical age when many move from experimenting with tobacco to regularly smoking. We need to keep tobacco out of high schools where younger teens often obtain tobacco products from older students. The use of emerging tobacco products such as e-cigarettes amongst teenagers is growing at an exponential rate. Make no mistake; e-cigarettes are a tobacco product and the FDA has deemed those products as tobacco products.

Mr. Stephens, on behalf of central Ohio's most credible and respected health advocates and stakeholders, asked Council to support efforts that would prohibit the sale of all tobacco products to those under the age of 21. We must reduce the number of young people who start on the path of tobacco use that too often leads to addiction, disease and premature death. He thanked Council for its interest in entertaining this ordinance. They spend a great deal of time talking about prevention but this is something that could cut off the supply at the beginning of the life cycle. He would be happy to answer any questions.

Mr. Myers reported it not being a difficult decision for him. How we implement it, whether we want to license, whether we want criminalize, the details can be debated but the actual concept is not difficult. But Mr. Stephens seemed to indicate that there is not a real appetite at the statehouse on this issue. Mr. Stephens replied that in general they have been fighting this fight for many years. We take in \$1M of tobacco tax revenue yet we pay out \$1.7B a year in Medicaid costs to cover the cost associated with tobacco use. Every household in Ohio pays over \$1,000 a year in health care costs that are used directly for treating tobacco related diseases. So we are all subsidizing the use of tobacco. In the last several years they have increased the funding that goes to prevention and cessation. We have the best smoke free law in the country but that was done by ballot initiative and not by legislative action and we shouldn't have to do that. Then the third thing that is proven to keep kids off tobacco products is to increase the unit price of tobacco. That is done through a tax that has proven to reduce tobacco usage. In the last three biannual budgets Governor Kasich's administration has presented a wonderful package for tobacco control including a \$1.00 a pack increase. Ohio has not touched the other tobacco products tax in over 30 years showing the big tobacco industry's influence. Sometimes all we have is the science, the truth and a grassroots army, but as much as we go through that process, sometimes it doesn't stick. We have made incremental progress but not the big progress we would like. Some of our state lawmakers are very interested in Tobacco 21 believing that it is the thing that will curb tobacco use.

Mr. Myers asked how many of the legislators they are talking to appreciate the fact that we mortgaged our tobacco settlement money that was supposed to go for exactly what we are doing right now. Mr. Stephens acknowledged Mr. Myers comments as being exactly correct and he wishes this message were more public. We have this master settlement agreement that is now almost twenty five plus years old and all of that money has been frittered away. If he were to show you that chart, when they started that process at the beginning of 2000, our smoking rate was up in the 28% and it dropped almost ten percentage points through the course of investing and prevention, increasing taxes, and the smoke-free Ohio law. But when that foundation was decimated, raided, etc. the smoking rate has gone back up.

Mr. Robinson agrees with it being a no brainer for him personally. He asked how many establishments in Worthington sell tobacco. Mr. Stephens replied four or five.

Mr. Lindsey reported that staff sent out letters last week to all of those identified establishments that sell tobacco products so that they would be aware both of tonight's meeting and the possibility of future legislation coming before Council.

Mr. Robinson asked what the current laws are regarding possession here in Worthington for minors. Mr. Stephens reported not to know the specifics for Worthington although he thinks that under an old law minors can possess under the supervision of adults. Reducing access to youth is sort of the lowest proven effective method of reducing tobacco control. He thinks all of the organizations are excited to try to capture the data showing conclusive evidence that this will reduce tobacco use. Youth initiation is down. He thinks we are at 15% in Ohio but the ones that are using other tobacco products

(snuff, e-cigarettes, etc.) are growing rapidly and is a gateway into the use of combustible tobacco.

Ms. Michael stated that if this is something that Council would like to see move forward, she would entertain a motion to direct staff to at least draft an ordinance for discussion.

Mr. Myers thinks there are some things that members need to discuss before getting to that point.

Mr. Greeson reported that Columbus Public Health is also here in case members have any questions about the mechanics of their ordinance and how it has been implemented in Columbus.

Mr. Myers shared that he doesn't know if that would be beneficial or not. Some of his questions go to how the mechanics of our ordinance might fit with the mechanics of the Columbus ordinance. He asked if we are on our own with enforcement and implementation or is this something we can just piggyback onto with the City of Columbus. What kind of help can we get? He knows we have sanitarians in the field that can provide tips for us. Is it our police that will be enforcing this? Those are the kinds of things that he is wondering about.

Mr. Greeson thinks we are prepared to answer many of those questions this evening, which is why we put it on the agenda. We can of course talk about it again in a public hearing but we wanted to workshop it tonight. He believes Mr. Lindsey and the representative from Columbus Public Health can talk about it.

Mr. Lindsey invited Ms. McArthur to address Council. While she is coming, Mr. Lindsey noted there is a prohibition in the Worthington ordinances about possession by someone under 18 to consume or possess unless accompanied by a parent or guardian. The second thing is that the general model has been framed towards having Columbus Public Health, who does our health enforcement, be a partner for this. We would model our regulations after Columbus so there is consistency. It also helps in that we have adjacent borders.

Mr. Myers walked through the following scenario: Let's assume one of your sanitarians is at one of our establishments that sell tobacco and witnesses an illegal sale. Let's assume that Worthington passes an ordinance that mirrors Columbus'. He asked that she take him through the process of what happens next. Ms. McArthur reported there being two forms to enforcement for the Columbus program. One is a sign inspection that is done by their sanitarians. Signs are required to be posted at point of sale as well as on display cases. Sanitarians go out to verify that those signs are in place and then assist the operators if they are missing to correct the issue. The other piece of enforcement is an underage buy attempt by their secret shoppers. They work with a team of college kids who go out in pairs with one being under 21 and the other over 21. They go out to the facilities at random and attempt to purchase product at the facilities. Then they have a

process to bring that back and notify the operators if they bought product and that triggers the enforcement.

Mr. Myers understands that Columbus Public Health would be the ones to notify the operators and it would not come as a report to our police department or our safety director. Ms. McArthur confirmed that as being correct. She added that Columbus has two components with that, a civil piece that Columbus enforces and a criminal penalty. The civil process including that notification is all generated by their department.

Ms. McArthur shared that education was really important as they rolled this out as it was a very big change in culture for the facilities to move from 18 to 21. She then walked them through the process that they used.

As they have moved through this first year, the one thing that they built in as they started with the sign inspections and the underage buy attempts is advisory letters. So for the first year it was very important to them to build a relationship with their retailers to change the culture. They began with an advisory letter for both the signs as well as the underage buy attempts. All of the sign inspections so far have gone very well. They have only had to send out one advisory letter so far but it is still early in terms of numbers. They have completed their first round of underage buy attempts, 821 of those revealed a compliance rating of about 66%. They have had a lot of operators who have reached out to them after the advisory letter to get more information and feedback overall has been very positive. Retailers want to be in compliance with the law. They also offer an optional monthly educational session as well that has been very well attended. They are getting ready to begin their second round of underage buy attempts, which would carry a \$500 fine. Their hope moving forward is that the compliance rate would increase.

The four corporate facilities that are located in Worthington are already familiar with them in terms of licensing as well as requirements from working with them in the city of Columbus. The cigar facility on Huntley, have another facility in the city of Columbus that they own as well so all five facilities are familiar with the requirements as well as the licensing requirements.

Mr. Myers in thinking of the Dram Shop Laws for servers asked if there is a component that they can assist these operators in educating their employees. Ms. McArthur replied yes. Knowledge and education are the foundation of any great enforcement program. By having that educational foundation any enforcement that needs done is built on that education. The introductory letter was the original “reach out”. They then did over 900 on-site visits for all of these different facilities where we worked with the operators and employees on ID checks, the new requirement, and using the signs to assist. We have the FAQ that we distributed as well. Through the educational sessions we do follow-up as well where we can distribute the PowerPoint that was used in the educational session so that operators can use that with their staff. That has been very helpful especially for facilities that have a large number of clerks or a large amount of turnover.

Mr. Myers thinks this seems too easy but maybe that is by design. But it sounds like, at least on the civil side, maybe the criminal side is a little bit different, but for licensure and civil enforcement once we pass this ordinance he assumes that we have to put our own licensure mechanism in place where they pay us but after that, he can hand everything off to Columbus and they will take care of it. Ms. McArthur confirmed that as being correct. Mr. Myers sees it as being even more of a no brainer now. Ms. McArthur reported it being great because their staff has really embraced it and are very familiar with the procedures at this point. They continue to regularly tweak it based off what does and doesn't work. But they have had a lot of success this year.

Ms. Kowalczyk in addressing the criminal penalties reported that it looks like the other municipalities that have adopted an ordinance have varying penalties. She is not sure when exactly those penalties kick in. She asked if the municipalities have the responsibility to enforce the criminal side of it. Ms. McArthur replied that the enforcement has been tweaked throughout the year. She explained that they did an advisory letter this year that wasn't codified but it was a good way to introduce retailers to the new law before going out and fining them. That created a communications avenue for back and forth to build a relationship. The next step in the enforcement process would be if there was a successful buy attempt or a failed sign inspection, then they would go back out either to look at the signs or attempt another underage buy. If that is positive at that time it is a \$500 civil fine and they generate the notice for that. If they sell again to someone underage, then the fine would be \$1,000 and law enforcement would be notified. Language is included in their notice that informs the retailer of the criminal component (a fine and misdemeanor penalty). They would have to get to the third positive buy before law enforcement is asked to assist. They also have a mechanism included if they sell three times they can actually lose their license to sell tobacco up to five years. She has told them many times to not sell between the ages of 18 and 21 is a much easier thing to do than to lose their license for five years. The last thing Columbus wants to have happen is for a retailer to lose their license for five years. The retailers and Columbus Public Health are pretty much all in agreement with that.

When asked by Ms. Kowalczyk if they have had to refer anyone to law enforcement yet, Ms. McArthur replied no. Ms. Kowalczyk stated that when they do, does the notice say what the penalties are for each municipality? How does that work because they look like they are different? Mr. Greeson reported that Worthington is the only other municipality that contracts with the City of Columbus. Others are working with Franklin County Board of Health or are on their own.

Ms. Kowalczyk concluded that they have a different process for enforcing the civil and the criminal. Mr. Lindsey agreed there are minor differences among the different jurisdictions as to what degree of offense they have made these. Whether it is a civil only or whether it is a civil and criminal. If it is criminal whether it is a fine only and no jail time. His initial recommendation is that we mirror what Columbus has done from a penalty standpoint which makes it easier for merchants to consistently know what they are being told. Columbus has chosen penalties that are significant enough that they will get the attention of the businesses, both from the civil side as well as the criminal. He

believes, while it might seem severe on the front end to have a jailable offense for something like this, he thinks Columbus making it a misdemeanor of the fourth degree gets people's attention and businesses do not think this is just a business proposition. They will gladly pay \$250 once or twice a year if they can keep selling because the potential of jail time is not worth it.

Mr. Smith asked for a point of clarification on what we are currently doing. It is his understanding that in the City of Worthington those five establishments are not required to have 21 and under signs. He asked if that was correct. Ms. McArthur agreed. She added that the basis for the Columbus program is really hinged off of that license. Once they are licensed then they can hold them to those requirements, the placement of the signs as well as the sale.

Mr. Smith commented that House of Cigars has the 21 under signs and they said they were required to by the enforcement of Columbus Public Health. His concern is not that somebody on her team is going out of their way to enforce that but that maybe some on her team don't know what establishments are in Worthington and which ones are in Columbus. He asked how we differentiate that. Ms. McArthur guesses that it is from having another one of their facilities in the city of Columbus where they have distributed signs. Their process is to run all of their facilities through the county auditors website so they can verify the jurisdiction and enforce retailers in the city of Columbus. So even if the signs are there in Worthington they are not being enforced. For Worthington they would just verify jurisdiction through the county auditor to make sure it falls within the jurisdiction. Mr. Smith stated that helps.

Mr. Smith reported that the Worthington branch of House of Cigars runs a lot of operations as far as warehousing and selling and distributing. He asked what the legalities are if they sell wholesale to a corporation whose owner is under 21. Ms. McArthur reported that everything for them is point of sale. Their code is written so that if the owner was under 21 they can't receive it at point of sale. Mr. Smith concluded that in theory if a tobacco owner of some shop in Columbus or wherever came to the Worthington branch and we had this law they would not be able to purchase that tobacco. Ms. McArthur agreed if they were under 21.

On the topic of license revocation, Mr. Myers asked if there are appeal rights. Ms. McArthur explained that there are appeal rights for every notice they do and those are stipulated in every letter. The advisory letter is the only notice that is not appealable.

Mr. Myers wanted to know how swift a license revocation is because he is struggling as to whether we need to criminalize or is a license revocation sufficient. If the license revocation process is more of a typical administrative process that could drag on through appeals that may not be as savory a remedy as some other. Mr. Lindsey explained that appealable due process rights in the administrative context would have its own course of proceeding. That would be as to the business entity itself. One of the challenges is to determine who the person was who violated and can you tie that to the business for purposes of the license revocation if it was the rouge employee. They might fire that

employee but still take action on the criminal side. He thinks having both options makes some sense attacking those sorts of problems. So having the layers of both the civil enforcement process gives us that capability. Bear in mind that at every level of criminal enforcement, members have discretion as to whether or not the charging entity law enforcement does or doesn't file it. You also have the prosecution of that case as to whether, based on the facts presented, the case is resolved short of an actual criminal sanction. Mr. Myers stated you also have the issues in administrative setting; you have more of a strict liability, an offense whereas in a criminal setting you have to prove intent. So your rogue employee would not get you criminal charges more than likely but it would get you a license revocation because it doesn't matter. Mr. Lindsey agreed as to the business but not as to the individual.

Mr. Lindsey shared that it was staff's goal to have Council pass a motion or give some direction so that we know if the desire of Council is to proceed with drafting legislation to bring back to you. The suggestion and approach in the memo was to pursue the Columbus approach, using Columbus Public Health both for the signs and also to be involved in the buy process. He also suggested mirroring penalties. Staff would bring that sort of legislation back to Council. If members heard something tonight you didn't like, then we would draft the legislation differently to try to meet that. But the initial thought would be to bring back to you legislation that mirrored Columbus's approach if Council was inclined.

MOTION

Ms. Kowalczyk moved, Mr. Robinson seconded a motion to have staff prepare legislation that mirrors the City of Columbus with Columbus enforcement.

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

Members thanked Mr. Stephens and Ms. McArthur for their presentations and good information.

- City Council Retreat

Mr. Greeson remarked that the consultant prepared a report that summarized the Council Retreat. We wanted to couple that with some of the attachments and documents that were distributed at that event and come back to members and provide that for adoption to essentially document what Council did and making sure that the report itself reflects what members believe they accomplished. We think this is an important step because it is foundational work ensuring that both your work and the staff's work going forward is rooted in the agreed upon outcomes of the retreat. He has looked at this document a number of times and the only thing that he thinks he missed is that Council took one thing off the plate that wasn't reflected in the document and that was an urgent and rigorous review of Market Day.

Ms. Dorothy thinks members added water and sanitary too what was on the plate. Just the ongoing update that wasn't captured. Mr. Greeson agreed.

Mr. Robinson commented that on Page 3, at the bottom regarding UMCH, in parentheses it says the site is currently zoned for commercial. He thought it would be more accurate to say commercial and institutional.

MOTION Mr. Myers moved, Ms. Dorothy seconded a motion to accept the City Council Retreat Report as amended.

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

- Financial Report – March 2018

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

- *The Fund balances for all funds increased from \$26,697,378 on January 1, 2018 to \$28,148,218 as of March 31, 2018.*
- *The General Fund balance increased from \$13,491,664 as of January 1, 2018 to \$13,933,742 as of March 31, 2018.*
- *Year to date income tax collections are below 2017 year to date collections by \$-446,592 or -6.87%.*

Mr. Bartter requested a motion by Council to accept the Financial Report.

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

Mr. Robinson asked for an explanation as to why year to date revenues are below 2017 levels by \$3,604,261 but above estimates by \$227,957. Mr. Bartter explained that the primary reason we are down from 2017 is because of the \$3.9M received in January 2017 from bond proceeds.

The motion carried unanimously by a voice vote.

Discussion Item(s)

- Community Visioning and Strategic Planning

Mr. Greeson commented that early in the year a motion was made and Council directed staff to begin working to prepare a process to conduct Community Visioning and Strategic Planning. We conducted a variety of research that included meeting with each Council member, interviewing a number of cities across the country who had undertaken

similar processes, we did research on this general topic, and attempted to summarize that in a memorandum he wrote to members on April 2nd and in an attachment that briefly summarizes some of the conversations we had with other communities. In this research we are trying to better define the goals of the process. Try to explore with each council member and senior staff members why we want to do this and determine what we hope to achieve. We want to explore the purpose and the desired outcome and seek clarity on that. We want to find relevant examples and in doing so determine the range of costs and the estimated amount of time it would take to successfully complete what we interpreted as a really strong visioning strategic planning process that was focused on robust community engagement.

We took the feedback we received and tried to synthesize it in the memorandum he wrote on April 2nd. There were themes that emerged from each of our conversations and we tried to write those into positive statements that would articulate to both the community and perspective consultants what we were trying to accomplish. We drafted those in theme statements. We categorized those themes into:

- 1) Externalities – Things we see around us in the market place and society in our region that will affect the future of the community and our reason why we should plan or opportunities we should plan for in order to achieve our vision.
- 2) Engagement – Aspirations like using this process to build community, engage new participants, build trust and ownership, and accomplish civic education and matters like that.
- 3) Outcomes – After a strong engagement process that would take into consideration all of the things affecting this community in the future we would achieve a plan that gave us a long term vision that is “not limited in creativity but also not divorced from reality” (quote from Mr. Oliver). Really produce something that is a guiding document that influenced the daily, weekly, monthly, and yearly actions of the City.

Mr. Greeson reported that what he wanted to accomplish with this Memo was to prompt this next level of conversation about this effort. He asked if this is reflective of why we are doing this. He asked if this is reflective of what members want to achieve with this process. If it isn't then he thinks we need to modify it further. If it is, then he thinks we need to start shaping it into a Request for Proposals where we would seek consultants to assist us.

Mr. Robinson admitted that he approached this process with personal trepidation. This means a great deal to him and he finds that he has strong feelings about all of this and therefore it is difficult for him to think clearly and find the right words. Some of his thoughts include:

- It is really important that members get this right. He is sure members don't want to spend a year of our time and significant resources and money and produce a plan that isn't productive of what we want it to do.

Mr. Robinson shared that his wife was participating in the school board's online communication vehicle and she remarked to him that there were some comments of people saying to other people, why are you taking time doing this because those decisions have already been made. He knows members don't want that to happen.

- He pledges to his fellow Council members that he will approach this process in a heartfelt effort to be humble, to listen, to understand, to not seek to convert but really open himself up and be forthright about what he thinks and why.
- He would hope this process would help members ferret out misconceptions that we might have of one another.
- He knows that varying folks in our community think other members in our community might be opposed to development or wanting to cling to the past or anti-garden or anti-park or whatever. He thinks many of those things just aren't true. He hopes that members can really have discussions so that we understand one another better so that all of the conversation, debates and discussion that follow from that are done with that sort of the air being cleared.
- He hopes that members really dig down deep and avoid the use of buzz words that mean many different things to different people whether it is walkability or responsible development or new urbanism. He hopes members press for specificity and concrete descriptions so that we really understand what we are talking about and don't go through a process like we did with UMCH. The plan itself looked good and sounded good but when we actually saw the concrete reality and the visuals is when many protested.

Mr. Robinson said he hopes members dig deep and are really forthright and honest and trust one another enough to be real with each other.

Mr. Smith commented as far as the document goes, that members are discussing it is a great first step. To be clear and in a very abstract comprehensive kind of way to then chisel down, filter down into what it is that is members want. He has held all along that the most important component of the visioning plan is going to be making sure that we as a Council, and we as a staff get the right questions to then put into the visioning process and not rely on our consultants to pick a basic format that they have used in ten other different cities. With that, he appreciates the nod on the first page of the attachment but he would like to make sure that he keeps stressing and that is a word he has been stressing all along for months and months now is a consensus style outreach. Be very comprehensive and he doesn't see that. All of these other attachments, he sees 300 participants, 400 participants, etc., etc., but he has said from the beginning that if members don't reach in one way or another 80% of the residents in the city of Worthington we will have failed. He would like to make sure that we continue to stress a consensus style approach.

Mr. Myers shared that he wants to make certain that we do not do this on the cheap. He thinks the \$30,000/\$40,000 estimates are too low. He would gladly appropriate \$200,000 for this project. He wants to make sure that we get the absolutely best facilitator in the country and not just someone who is close and convenient because he

agrees that this is our one shot and there is a lot riding on this. For him, the most important reason for doing this is that it is a trust building exercise more than anything and not just amongst Council but amongst Council and the community. He wants to make certain that we have a facilitator that understands that.

A couple of specifics as to Mr. Smith's point, he agrees with him to start with some sort of a survey mechanism. He disagrees to the extent that he doesn't know if we ought to be posing the questions. He thinks members should be asking the people what the questions ought to be. He wants to know what they think members ought to be doing. Just flip the suggestion.

To Mr. Robinson, he is not naive enough to think that we are not going to be talking a lot about UMCH and Harding Hospital in this process but he wants to make certain members are not thinking that small. He would approach UMCH from a much more global perspective. He doesn't think this really has much to do with him and Worthington. He looks at this more like Columbus 2050. What sort of a city does he want to leave his children? Where are we going to be in thirty years, not in five?

To that extent some things popped into his head like do we want to be an inclusive City. Is that one of our goals? What does that look like because right now we are not a very inclusive City? Are we talking about race, religion, age and what is that going to look like? Let's say we want to be inclusive and therefore would have to provide moderate income housing. What is that going to look like? Is that acceptable to the people that live here and then maybe that matures into what we put on the United Methodist Children's Home property. He thinks we start with what is that goal of the City. If the City comes back and says no we really like being around people just like us and if that is truly what people in Worthington wants he will accept that. He may move but he will accept that. He thinks that is the way he wants to see this thing driven. Do we want entrepreneurs or would we rather have a headquarter campus? How do we want to develop our infrastructure and our tax base? What is important to us? Do we like small business or do we like large businesses? Big fundamental questions like that and then when we get those out, that will form the context for drilling down to things like the Harding property and the UMCH property. He doesn't want this all to boil down to or get bogged down too much into a discussion on land use even though he knows it is going to have to be part of this eventually. He just wants to make sure we can do it in a broader context because he thinks that is where we will build more consensus when we find out what we want to be as a City. What are our core values as a City? Are schools important to us? If so, how do we support them? Is a swimming pool important to us and if yes, how do we support that? Are we willing to put money into it? Core issues like that is where he wants to start on this process and then go from there. He thinks it will take a pretty skilled facilitator. He is not a member of the digital age so it is really important for him to sit in a room with somebody and look at them when he talks. He likes the Gahanna model although he would come up with some different criteria. He thinks one of those has to be land use. He thinks that they need to educate the community on how we go about land use decisions. What is in our land use tool kit? He thinks economic development has to be one of those things. What are our incentives? We

should have a workshop on that. That was his point in putting the educational component into the motion. We need to educate people as to why we are doing the things we do. Maybe that will help them to understand why we make the decisions. He thinks that has to be a big part of the workshop component. He thinks that we need to look to the people as to where do they see the City. What do you want members to ask and then involve absolutely as many people as we possibly can?

Mr. Robinson's point about the decision already being made is a good one. He wants to make sure we avoid that which is why he wants to ask people what they want and make sure members keep a long range vision. He thinks five years is just too narrow. We have to be able to implement every year. It has to form the basis for our budget but he thinks we have to look long term. He asked if there is any input from Gahanna as to why they were so focused on their school in their plan. They have two of their six workshops focused on students (youth and student engagement and student council at Gahanna Lincoln High School). He knows that the Gahanna school district is very unique and have opposed a second high school for years. So he understands the Gahanna Schools and City of Gahanna are a little different than Worthington. Mr. Greeson thinks they just made a conscious effort to include youth as a segment of the population that often does not get an opportunity to participate in these types of long term processes. He noted that Ms. Stewart and Mr. Brown actually interviewed them.

Mr. Myers thinks youth is very important to us too. As he ages he is concerned about how we attract the next generation of Worthington residents and how we engage the younger people in Worthington because there is a difference in thinking between a thirty year old with two infant children and a sixty year old looking towards retirement. We just have a very different focus in life and he wants to make sure both of those are represented, which is why we need to try and cast a really broad net.

The other thought he had and he and Mr. Greeson had talked about this, is the concept of the steering committee. He asked if members want to go out and have a mix of stakeholders, non-stakeholders, staff, Council and whoever but a fairly broad range of maybe as many as twenty people to function as the guiding committee through all of this so that we don't have to go to a group of 300 people every time we want to take the next step with the facilitator.

Mr. Greeson commented that he doesn't intend to answer that question tonight but what he has envisioned with this process is that all of the input that members have given serves as a basis to go out and solicit consultant assistance. Having watched these processes over the years, there is an art to developing the right architecture for this process. What he would envision is that we would have assistance in somebody taking this work and members' comments, interviewing Council members and other stakeholders again and maybe even broadening that and then shaping that process architecture for Council's review. That is when you would answer the question of, do we establish a steering committee and what is the role of it. Our research indicates that it is not uncommon but the role of it is different in each process.

Mr. Myers thinks it is probably not a bad model but he wants to make certain that there are appropriate transparencies, checks and balances if you will on any steering committee because if we don't then we are jumping out of the frying pan into the fire. We've just taken it from seven people to twenty and we are still hiding the ball. That defeats the whole purpose of this effort.

He also is inclined to support the notion that you send the RFP out and you go ahead and make the executive decision to whittle that down to an appropriate number and then allow either Council or a subcommittee of Council to actually interview finalists so that Council has some ownership on who gets picks. He thinks that is also critical.

Ms. Dorothy thinks that it would be a great thing to have a process that we could get as many people involved as possible to discuss what their vision of Worthington is in an effort to make everyone feel that they have a part in that decision and the decision is not already decided. She thinks those are all goals that Council should definitely be aiming for. She is not quite sure how to get to there but they are definitely goals that members need to consider when framing this process. She wants this visioning process to be as thoughtful as possible for as long term as possible and to include as many people as possible. It is overwhelming to her how that will be accomplished but she is willing to spend a significant amount of money. She would like to have the best and brightest working on this but she doesn't have many solid ideas on how to go about that. She thinks it is a very worthy goal.

Ms. Kowalczyk thinks the document captures everything that she would want to see as far as goals and themes. Moving forward she thinks it is really important, particularly for her as a new Council member to have an idea of what the vision is and what our long term strategy plan is for the City to ensure that we are sustainable and viable in the future. She agrees with everything that has been said about community engagement, ensuring we get the range of feedback. She would go even younger. She would like for teenagers, considering that she has one, to be involved because there are many things that they can add to the discussion. She thinks there are gaps in what we do now that can be served by hearing from them. She thinks it is important to look at different ways to reach people. You may not do a standard survey for a teenager or a senior. You may have to go out and do other types of engagement. She is actually looking forward to seeing if we can explore some creative ways of engaging people. She knows there are really some interesting models, pop up meetings that other communities have done. She is really looking forward to seeing if we can try some of those.

The other piece of this, if it is done correctly, we will be able to simply review it and update it instead of having to go through this process again to the extent that we are going to do it now. It will become a living document and a living vision. She thinks as we finalize it, we must avoid what she has been through in other organizations where they come up with a strategic plan and then nothing happens. She thinks it is incredibly important that Council is held accountable for what comes out of this. That we actually have action steps, detailing who is going to do what, and a way to monitor/measure the outcomes. She thinks that is really important to have as this process develops.

Ms. Michael also agrees with much that has been said. She thinks that the population of Worthington is continuously changing and we need to reach out as far as possible to get as much input as we can. But it is also important to determine what Worthington wants to be when it grows up. This needs to be a vision so if something is going to come; we should go back to the strategic plan to find the direction that the community wanted. This is the vision that the community wants to see and then how do we implement our programs, our strategies, our capital improvements, etc. to line up with the visions. She is not sure what the visions are and she goes into this with a completely open mind. By getting enough input out there, there is going to have to be some way to reach a consensus to what the majority of the community wants. We will never have a consensus that everybody will agree on but we will have to have a majority of consensus on what the community feels and these are our guidelines as we look at economic development, land use, policy, procedures, etc. She agrees that we need the best and brightest and somebody who really focuses a great deal on listening to the community. One of the most important things is to listen. Many times people try to tell people what they want them to hear as opposed to asking the question and then really listening to the answer. She hopes we have a lot of community listening.

Mr. Greeson considers this a qualifications based process. We would pick somebody and probably look at the range of costs they've charged other clients because we don't know exactly what the process looks like and they don't either until they've done more community dialog. We would look at their rates and experience with other communities to be instructional in terms of costs. But we are looking for a partner with the qualifications to do "this" kind of job, so it is an RFQ as opposed to an RFP probably. He doesn't think it has to be overly complex. He thinks the words that were shared tonight and the documents he has developed are constructive in terms of what we are trying to achieve and we could get it out relatively soon. We will want to spend some time making sure that we have a long list of qualified consultants that we send it to since we are not just looking in the region. So that may take a little time to make sure we are putting it in the right hands and the right places.

Mr. Greeson thinks in addition to the RFQ piece it is a question of what role the Council as a whole wants to play in that process. He agrees with Mr. Myers that it is important to have Council buy in to the process. He doesn't know if there are any thoughts on how to structure that or who you as a Council want to be involved in that. Ms. Michael suggested waiting to see what kind of numbers we are talking about. Mr. Greeson agreed. He added that most RFQ processes we are running staff committees. He would think in this instance Council would want to have at least a couple or more Council member involved and maybe even some community members.

Mr. Myers shared that his thinking was that staff narrow down to three or some arbitrary number and he would certainly feel comfortable if we had three members of Council that would serve as a screening committee that would bring a recommendation back to Council on their choice of a consultant in consultation with Mr. Greeson. He would have

no problems with that. If we get to that then he probably has three names he could throw out right now but he will wait.

Mr. Greeson commented that staff will put some initial documents together for the RFQ process, start to shape essentially a vendor list, and if Council members have any firms that you are familiar with in your professional experience that you would want to add to that then please let him know. The more the merrier in his opinion. Members can authorize him tonight by motion to go ahead and prepare that and issue it or you can ask for him to come back with that document already written.

Mr. Myers reported feeling comfortable proposing a motion.

MOTION Mr. Myers moved, Mr. Robinson seconded, a motion instructing the City Manager to prepare an RFQ for the selection of consultants to be presented to Council in whatever fashion members deem appropriate at a later date based on the comments provided tonight. Bring the RFQ back to Council and then members will vote to issue.

The aforementioned motion carried unanimously by a voice vote.

REPORT OF COUNCIL MEMBERS

Ms. Kowalczyk shared that she attended the Community Relations Commission meeting last week to talk about her age friendly ideas. They are very interested in it. She inquired as to when we might get to hear from Katie White. Mr. Greeson replied that he doesn't know but will call her. Staff will maybe bring back her available schedule and also maybe a list of some of the other Committee of the Whole topics and members can pick which ones they want to do first. Ms. Kowalczyk stated the CRC are very interested in helping out with it.

Ms. Dorothy believes all Council members received an e-mail from some residents on South St. She took the opportunity to go out and see some of the erosion happening along Rush Run. She plans to talk to Mr. Whited more about it but there is significant erosion. There is also still erosion in the cemetery. She just wanted to bring it up again although she knows it is on Mr. Whited's plate but there are residents who have some immediate concerns about it. Ms. Michael understands that the City response will be going out soon. Mr. Greeson agreed that staff is working on that item although we are not ready to issue one quickly because it is not an easy topic so we need to spend some time with Mr. Whited and probably Mr. Lindsey as well to make sure that we are crafting an appropriate response.

Mr. Myers reported having something that he wants to give Council members before they leave for their consideration for next week. He will also give a copy to Ms. Thress and asked that it be included on that agenda for next week for discussion.

EXECUTIVE SESSION

ADJOURNMENT

MOTION Mr. Smith moved, Ms. Dorothy seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:26 p.m.

/s/ D. Kay Thress
Clerk of Council

*APPROVED by the City Council, this
7th day of May, 2018.*

/s/ Bonnie D. Michael
Council President