



CITY OF WORTHINGTON
Worthington City Council Minutes

May 7, 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, May 7, 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 7:51 PM.

ROLL CALL

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

Member(s) Absent: 0

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Barter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS John Bailot, Chief of Police Jerry Strait

There were approximately 60 visitors present.

PLEDGE OF ALLEGIANCE

President Michael declined to call for the Pledge of Allegiance since it had just been done for the Joint Meeting with Sharon Township.

President Michael provided introductory comments about how the City Council meetings typically run. She stated she will move item 8B, which seems to be the item of most interest tonight, up earlier on the agenda. If someone wants to speak, she asked them to please give a yellow speaker slip to Ms. Stewart, who was serving as Temporary Clerk of Council. Ms. Michael explained that City Council has items that don't fall under ordinances or resolutions. They're called policy items, discussion items and information items. Item 8B falls in this category of items. It is a discussion item. Council can hear staff reports, take public comments, have discussion and decide whether to make a motion and vote, or they can let it drop. She asked the people to keep their remarks to five minutes so everyone has a reasonable amount of time to speak. If someone has already made a point you want to make, you can simply state you agree with the point

that was already made. She asked that people not repeat the previous points. After public testimony, Council will deliberate and decide what action, if any, to make.

REPORTS OF CITY OFFICIALS

Discussion Items(s)

- Gun Control Legislative Positions

Mr. Greeson stated that City Council, at a previous meeting, asked to place on the agenda tonight a discussion of a letter addressed to State Representative Duffey and State Senator Kunze asking the State Legislature to enact additional gun control measures. The letter was placed in the agenda packet and was available for the public to review in the printed agenda packet and online. It is presented this evening for public comments and action, if desired. Staff is prepared to answer questions.

President Michael stated the item at hand is a letter to send to our state legislators asking the state legislature to take action. As a city, we cannot take gun action because it is something state law has removed from home rule powers. She asked speakers to come to the microphone when she calls on them, using the speaker slips.

Kristen LaMacchia, 347 E. Dublin Granville Road

Ms. LaMacchia stated she has been a Worthington resident since the mid-1990s. On April 16th, a letter authored by Mr. Myers was brought for discussion. Most citizens don't know about it; she was alerted to it by the Buckeye Firearms Association. She expressed surprise that she hadn't seen anything from residents urging this action. In the minutes of the February 20th meeting, Mr. Myers "got on his soapbox" about an issue important to him which involves schools shootings and bomb threats and his personal views on gun legislation. He stated he "would love to ban all guns in Worthington and he doesn't understand the purpose of the AR-15" and "it is not needed to kill a deer or for home protection". His comments were the only ones found in the minutes. There was nothing from Worthington residents. His comments included references to speaking on behalf of citizens of Worthington; however this letter doesn't speak for her. There is no record showing this represents the citizens' views. This represents one person's view and a council member is elected to represent residents. Since he doesn't understand the purpose of an AR-15, how does he know what she needs for home protection? Mr. Myers stated he is not using staff time on this, but Council is spending time on it. This letter should be immediately withdrawn. Mr. Myers should address his personal opinions directly, not on behalf of Worthington residents, and he owes an apology to her and the citizens of Worthington.

Ron Sears, 500 Park Overlook Drive

Mr. Sears stated he has been a Worthington resident for 35 to 40 years. He complimented the City Council for bringing this issue forward. This is an issue that is important to the citizens of Worthington; it is in the news every night. Every one of us sees these events and cries. Regarding the Second Amendment, our Founding Fathers

used the words “well regulated” to refer to more than just marching drills and the tailoring of militia uniforms. At one time the NRA represented hunters and gun safety advocates. The NRA has been taken over by gun manufacturers. They distort the political system and try to maximize profits despite danger to students in schools and police officers. This is not a natural condition of our society and does not happen in other countries. The vast majority of NRA members hold rational opinions on gun safety. He doesn’t believe most of the NRA members are bad guys. The gun industry spreads fear and bribes politicians to put assault rifles on our streets to make money. The freedoms of our democracy are threatened. He stated that 90% of Americans are in favor of rational gun control. He loves antique firearms; this is about the damage that modern ammunition and bullets do to humans. He strongly urged City Council to fearlessly confront this issue. He suggested City Council could ask first responders and trauma surgeons about what they experience. He agreed with and supported everything in the letter and suggested that so do the vast majority of Worthington residents if they represent the country.

Jared Gates, 267 Greenglade Avenue

Mr. Gates began his statement by saying violent crime is certainly a problem and we need to solve it. He very much disagreed with the measures put forth. He disagreed because it is a violation of citizens’ rights and it won’t solve the issue. Scalia’s decision in the Heller case referenced in the letter needs to be considered in conjunction with another case, U.S. v. Miller. In this decision, McReynolds states the Court was not convinced the firearm in question had a reasonable relation to the preservation or efficiency of a well-regulated militia and therefore cannot say the Second Amendment guarantees the citizens the right to keep this weapon. The Court held that the Second Amendment specifically protects weapons with a military application. The writings by James Madison, author of the Second Amendment, in the Federalist Papers provide his definition of firearms. This indicates the purpose of the Second Amendment allows citizens to keep and utilize military style weapons for defense. The 1939 Miller case was decided at a time when handguns, rifles, shotguns and machine guns were already in use by the military, thus the Court’s ruling would include semiautomatic weapons under the Second Amendment. Regarding effectiveness, there was a study by Claude Fisher at UC Berkeley that violent crime is on a decline in our country. We’re less likely to be victims of violent crime now than 100 or 200 years ago. According to a survey, law enforcement doesn’t think a ban on assault weapons would have any impact on violent crimes. This is supported by a study by the CDC. We should listen to law enforcement. The AR-15 is the most popular rifle and is used for hunting, recreation and defense. As a gun owner, sport shooter, hunter, and recreational shooter, he asked not to be impacted. The gun show loophole is not as it is portrayed. This is probably referring to a straw purchase. A gun show is not immune from the laws in the state in which it takes place.

Paul Dorothy, 179 Kenbrook Drive

Mr. Dorothy stated the letter claims to speak on behalf of the citizens of Worthington, but it doesn’t. He asked City Council to stay focused on the priorities Council themselves outlined for the community. Council doesn’t speak for him or the people that came out this evening to support him and our rights. He previously pointed out to Mr. Myers that

the facts cited in the letter are false. Mr. Myers cites a group, Gun Violence Archive, but their stated methodology doesn't use verified sources and does not meet the standard of care associated with the scientific method. The number of uniformed officers killed in the line of duty in 2018 cited in the letter is false. There have been 27 officers killed by gunfire and he gave them the list. Criminals committed 24, one was a friendly fire incident; two were a lunchtime ambush by a man who committed suicide. Criminals are dangerous, law abiding citizens are not. Criminals won't follow the law. The statistic of 58 mass shootings in 2018 is based on a changed definition. Mother Jones states there were four mass shootings in 2018, one of which occurred after this letter was drafted. He stated that Mr. Myers knows these facts are inaccurate but he's using them anyway which makes them lies. He stated Mr. Myers believes this is the first step toward a gun control ordinance. A gun control ordinance will result in a lawsuit from the Buckeye Firearms Association. This is not only a letter; it is a direct attack on constitutional rights. He and his supporters will remember who supports the letter.

Jack Lundberg, 28 W. Stafford Avenue

Mr. Lundberg explained that he has no prepared remarks as he just became aware of the letter. He is a gun owner and has possessed them his entire life. Not once have they acted independently; they're inanimate objects. It's the actor that causes the damage. This topic is particularly relevant to him as his wife codified RC 9.68. She wrote the majority opinion for the Supreme Court of the State of Ohio the purpose of which was to assert to all of the cities across the state that there should be uniform law related to firearms. With respect to the letter itself, he has a number of concerns. Regarding the Miller case, Scalia, in his opinion, referenced a sawed off shotgun which was not deemed suitable for military use so was not protected. The Heller case dealt with handguns, specifically a special-duty police officer that was denied a permit to have a handgun in the District of Columbia. It demonstrated clearly and repetitively that handguns are a protected class of weapons. Mr. Lundberg presented FBI homicide data from 2012 to 2016 about causes of murders which are largely firearm-related but also involve other instruments. For 2016, there were 11,004 murders, 64% were attributed to handguns; 14% to knives and cutting instruments; 6% to hands, fists and feet; 4.3% to blunt objects; 3.4% to rifles; 2.4% to shotguns; 1.7% to other guns which include the AR-15. This letter is clearly emotionally-based. The letter proposes to put forward a number of things already in existence such as universal background checks, which is already in 2923.15 of the Ohio Revised Code. Transactions are covered by 2325.20. He urged City Council to rescind the letter as soon as possible. Existing statutes already address most of the points.

Jackson Schiefelbein, 2467 Roe Drive, Lewis Center;

Melat Eskender, 5150 Port Haven Court;

Maxim Estevez-Curtis, 7753 Hathaway Park Court, Dublin

Ms. Eskender stated she is a junior at Olentangy High School and Ms. Estevez-Curtis stated she goes to Worthington Kilbourne High School. Ms. Eskender stated they are here to urge sending the letter for common sense gun legislation. Students shouldn't have to worry about gun violence. The threat of a school shooting has hung over their heads for years. After the shooting at Stoneman Douglas High School, they decided to

take action. Along with students from 15 plus high schools, they formed State of Ohio Youth Activists (SOYA) as a way for high school students to organize and provide themselves higher political efficacy in a country where the voices of youth are often ignored. Students from this area, including Thomas Worthington and Worthington Kilbourne High Schools, led the formation of this organization and led the walkouts on March 14. Over 1,000 students walked out over this issue of gun violence in schools.

Mr. Schiefelbein commented that they may be young and not know everything about government, but they have grown up with this issue and understand the effects of gun violence. They're fortunate to have not experienced it directly but they live with these images and can't remain idle.

Ms. Estevez-Curtis stated she believed the letter could have a lasting impact and inspire others. This issue needs to be addressed. She refuses to go to school every day wondering if she will make it home. Guns were made to kill and that's what they're doing. We can't push this aside. This issue is much bigger than the right to an inanimate object. She urged Council to send this letter; to do it for their children and the safety of their constituents.

Dave Noice, 29059 Barton Road, Logan

Mr. Noice stated he is not a Worthington resident. He gave kudos to the young students who just spoke. He thinks their comments needed to be said. Mr. Noice explained he is the compliance coordinator for Ohioans for Concealed Carry. This is America; it's Ohio and Worthington. We have freedom. He stated he doesn't stand in the way of sending the letter. He applauded the Council for it. We have choices and freedom to contact our legislators. The problem comes in the content of the letter and the results if Ohio's concealed carry law is changed and it legislatively overturns Clyde. In 2004, HB12 was passed and gave us Ohio's Concealed Carry law. The Ohio law was passed at a time when there were cities that had ordinances in place. The State law pre-empted those local laws. Shortly after that was enacted, the City of Clyde enacted a ban on licensed concealed carry handguns in their parks. Ohioans for Concealed Carry filed a lawsuit against Clyde which went to the Ohio Supreme Court, which found HB12 was constitutional so individuals have the ability to concealed carry wherever there are open areas, including in parks. A couple years later, Section 9 of HB 12 was codified as Revised Code 9.68 which gave a little more teeth to the law, including a total pre-emption regarding local action on firearms, short of zoning or usage. If the Clyde case is overturned, we will have a mismatch of laws from one jurisdiction to the next. Dublin was one of those places. Worthington residents with legal concealed carry permit could be arrested in cities that have a prohibition. We need consistent, state-wide laws. If you send the letter, ask for stronger laws but strike the specific reference to overturning Clyde.

Tom Hamer, 160 Longfellow

Mr. Hamer stated he has been a resident of Worthington for 38 years. He commended Councilman Myers for his concern about gun safety and taking the initiative on the letter. He commented on the memo from Buckeye Firearms Association titled "Alert:

Worthington Gun Ban Possible” which stated this letter is just the first step and if successful, Mr. Myers will move on to enacting local laws to do as much as was stated in the letter as possible. However, the letter doesn’t call for such a ban. He highlighted a few sentences from the letter acknowledging the rights of citizens to keep and bear arms and noted it concludes with “therefore we ask for your support for rational and reasonable gun legislation”. The letter doesn’t ask for a ban. In the February 20th Council meeting minutes, Mr. Myers asked for Council support for staff to explore all options for making a statement. This is not a call for a ban. Mr. Myers stated the City cannot regulate guns; Congress and the General Assembly prohibit it. The BFA memo also states Columbus and Bexley are considering their own initiatives. Mr. Hamer asked if people sense that the ground is shifting on the gun safety issue? He stated he was impressed by student rallies and people who participated in the March for Life, the numbers for which far outweighed the number of people that showed up for a pro-gun rally. He urged Council to not let perfect be the enemy of good. Not everyone will agree with Council’s actions 100% of the time. By sending the letter, they can speak for the majority of the citizens of Worthington. The BFA threatens a lawsuit. He urged Council to act with deliberation and not be intimidated by aggressive language or threats of legal action.

James Seals, 123 E. New England Avenue

Mr. Seals stated he hoped we could solve the issue of gun control tonight. Our country needs that. He grew up in Texas and had a BB gun that he used to shoot lizards and a pellet gun that he used to shoot birds. He had a .22 and shot rats, shot cans and bottles with a .32 caliber semi-automatic pistol and shot rattlesnakes with a 12 gauge shotgun. Everyone had guns and they loved them in Texas. He went into Marine Officer Training, learned about real guns and killing, and he has a concealed carry permit. Guns are fun, are tools, are beautiful, and are weapons. We have a problem here. We need to be intelligent. He stated the NRA does not speak for him. No firearms association speaks for him; he speaks for himself. He appreciates very much what Mr. Myers has done. He rarely agrees with Mr. Myers, but he thinks the letter is wonderful. He encouraged City Council to go ahead as we desperately need reasonable gun control.

Rachel Kraut, 6812 Bowerman Street W.

Ms. Kraut stated she came with Worthington mom friends and sent an email to City Council. She is getting more and more educated on gun violence issues and state legislation in Ohio. About 15 years ago, she moved here; her husband was raised here. She has a five year old daughter and a son who turns three tomorrow. She loves calling Worthington home and is proud of it. Gun violence is a national problem and our community is not immune from mass shootings to accidental shootings from unsecured guns in homes. She stated she thinks the City should send the letter. State government won’t make moves without being pushed. This letter speaks for her.

Cindy Findley, 6682 Berend Street

Ms. Findley stated she didn’t have a lot of prepared statements or data. We’ve all heard the data and arguments. She is one of many Worthingtonians who, when she heard about the draft letter, aid thank goodness the City is taking a stand. She heard that from all of

her neighbors. She knows tons of gun owners and supporters of the Second Amendment. We need common sense legislation to take a step to making us safer and change the thought that more guns will make us safer. She speaks on behalf of many people that couldn't come tonight. She thanked City Council for the letter and she said she thinks the majority of Worthington is behind it.

Christian Hodges, 272 Bluejay Drive

Mr. Hodges stated that many of his points have been addressed. His son attends Worthington Schools and his wife got an email from the staff of the middle school his son attends. The school prevented children from going outside because of a suspicious man in a car in the parking lot. The principal went out and saw what he thought was a handgun, but was actually a paperweight shaped like a handgun. Why not spend time discussing how to harden the schools instead? That would be a better use of time. Take positive steps to secure our schools. It is an exercise in folly to pursue banning the AR-15, the most popular rifle in this country. The statistics regarding mass shootings and FBI homicide data have been cited. Regarding the proposal to ban high capacity magazines, who defines the capacity and did anyone research the Parkland shooter? He used ten round magazines. A ban like this wouldn't have addressed that. In the real world, it won't have any impact. The gun show loophole is false; there is no such thing. It probably relates to person-to-person private sales. There are no ties to a single mass shooter. The letter uses fabricated statistics about levels of agreement with stricter background checks. Reasonable, rational, fair gun control legislation would result in a net zero outcome on violent crime as seen after the 1994 assault weapon ban. Don't infringe on these rights.

Nathaniel Biederman, 298 Highland Avenue

Mr. Biederman's comments referred to the assault weapons ban in the letter. He stated the Parkland shooter used ten round magazines. The worst school massacre in U.S. history was not a shooting but an explosion of dynamite in Michigan. The Columbine shooting occurred after the assault weapons ban of 1994 and was committed with only one assault weapon. The majority of firearms used were two 9 mm pistols and a double barreled, sawed off shotgun. Many shooters pass background checks because they don't have any incidents, law enforcement doesn't pass along dangerous details about their past or the FBI fails to halt a gun purchase because of those details. History shows it doesn't actually work out. Gun control hasn't helped other cities such as Chicago and St. Louis. The UK has already moved towards banning knives because their assault weapon ban, handgun ban, and other bans have done little to solve the problem. After a ban on assault weapons has no effect, the bans will expand to other firearms. If you ban, people will find other means. Since the 1934 National Firearms Act, there've been continual pushes for more gun control. It placed a fee and background check system for purchases of deadly weapons and machine guns. In 1968, further gun control was enacted that instituted the FFL system; in 1986 there was a full machine gun ban except for grandfathered ones. Guns are simply tools for defending ourselves. They shouldn't be banned because mad men use them, they'll just find other means.

Jim Sauer

Mr. Sauer stated that we have a problem in this country – too many people are being killed and there are too many guns. We have more guns per capita than other countries and more killings per capita. There must be a connection. We're intelligent; we should be able to find a way to address this. The letter is a step in the right direction and it speaks for him. Please send it.

Sophia Decker, 17 W. 3rd Avenue, Columbus

Ms. Decker stated she heard about this topic earlier today. She didn't prepare remarks, but wanted to share her opinion. It is terrifying that people's right to have a gun is what they think is justified in Worthington. She stated she is a senior at Thomas Worthington High School and she has experienced three serious gun-related threats at the high school. She has stayed home over fear for her life. She urged Council to send this letter because students living in fear and their potential loss of life are not worth someone hunting or their assault rifle.

Melissa Skilliter, 355 Greenglade Avenue

Ms. Skilliter stated she wanted to express strong support for the letter. It speaks for her and her husband and kids. There are terrible things in the news. She has heard a lot of reasons why any individual measure wouldn't solve all the situations, but we need to make it harder to kill people. Guns are an amplifier of violence. Enough is enough; please forge ahead.

David Norstrom, 210 Hardy Way

Mr. Norstrom stated this is not an issue of facts. People can find facts on both sides. In Australia between 1991 and 2001, the number of firearm-related deaths declined by 47%. In 1996, they had a mass shooting that resulted in a virtual ban of guns. He cited statistics that 96 Americans are killed by guns every day; for every one person killed with guns, two more are injured. He stated audience members talked about the idea that high capacity guns don't kill many people. One person is too much. The letter being discussed should be modified to reflect the discussion tonight. Like the whole country, the citizens of Worthington have different opinions on this issue. What do the leaders of Worthington think? Mr. Myers has stated before that you can simply sit here and represent the voters or you can hear everything and decide the best way to go. Don't allow the threat of a lawsuit affect your decision. This is heading in the right direction. There are multiple sides. What we do here will have little impact on the national issue, but it will be a stick in the sand for where we stand in Worthington.

Jennifer Valley, 502 Oxford Court

Ms. Valley stated she did not prepare remarks because she didn't plan to speak. She is a Worthington resident, NRA member, CCW holder, Second Amendment right supporter and she proposes not sending the letter as it is. It perpetuates the misconception that the answer to school violence is to ban guns. Instead, ask the legislature to study the issue of violence in schools. It is a multi-factor problem. We must have some regulation of guns. Revise the letter to ask them to study all of the causes of the problem and the impacts of

gun control. What is the effect of CCW on violent crime? More Guns, Less Crime is a good book by John Lott Jr. He is an economist who studied policies to see what led to less loss of life. Taking guns away from law abiding citizens doesn't keep them out of the hands of the criminals. The statement about the rate of guns in the U.S. and killings in the U.S. doesn't mean those two things are connected; it's a complicated thing.

Katie Weyrauch, 308 Loveman Avenue

Ms. Weyrauch stated she has been a Worthington resident for four years and has two kids in elementary school. She is tired of worrying about the safety of kids. She sees the faces of her kids in the faces of the kids in the news. She stated she is proud of City Council for writing this letter and urged sending it. Common sense gun laws will protect kids and Worthington students.

David Nadolny, 175 Kenbrook Drive

Mr. Nadolny stated we've heard both sides. This letter will have only one effect. It will pit neighbor against neighbor. Do we need that? Keep Worthington Beautiful a few years ago made a lot of people mad at each other; it pitted neighbor against neighbor. The letter doesn't speak for him. He urged Council to not send it on behalf of the residents since it doesn't speak for everyone.

Geoff Hatcher, 1013 Clubview Blvd.

Mr. Hatcher stated he lives in Perry Township and his daughter goes to Worthington Schools. He has been a gun owner since he was nine to ten years old. He has never shot anyone. It is his right to protect his family and property; that is protected in the Second Amendment. Criminals don't abide by the law. He showed a video a friend sent; it shows the brother of a student that goes to McCord Middle School. In the video, it shows threats to a student with a gun. It was provided to a School Board member who then forwarded it to the superintendent and principal and it was to be provided to the police. The police were not contacted for ten days. He asked why the City is not addressing issues in the schools rather than taking away rights from law abiding citizens.

Vincent Gazzara, 1099 Beechview Drive

Mr. Gazzara stated this issue is so emotional for many people. It is not emotional for him. He wanted to make a few points. The first issue is uniformity of law. He voted for some of the Council members and the City runs smooth; they are taking care of City business. None of them ran on the issue of gun control. He doesn't really like dogs and sees lots of people with pit bulls who could kill some people. However, the issue of pit bulls, like guns, shouldn't be handled city by city. It's a state issue and need uniformity. The second issue is lawsuits are inevitable. He stated the Council shouldn't cost the City money over this issue. The third issue is enforcement. If someone can legally buy at Cabella's and come into Worthington, now they've violated the law. How will the City enforce it? Finally, he is not a big gun guy. Addressing one gun or the other is not going to stop anything; people can use a variety of guns. Regarding high capacity clips, people can just keep pulling out clips.

In response to Mr. Gazzara's comments, President Michael clarified this letter is addressed to the State. The City doesn't have the authority to pass gun legislation.

President Michael asked for any Council comments on the issue.

Mr. Myers stated if anyone here thinks that any gun legislation will solve the problem, they're minimizing the issue. He commented that whatever we do on this issue, it will need to take a multifaceted approach. We have a mental health care crisis in the country. We need to get over the stigma and fund it. For years, the City has provided grants to health care providers that offer services to Worthington citizens. He somewhat disagrees that Council shouldn't bring this up because it will make everyone mad. We need to talk. We've lost the ability to talk. We can't draw a line in the sand and insist that we're right. We need to compromise and we need to talk in order to find a solution. Maybe people from both sides can shake hands. This is not a side issue. It's a public health issue. The letter is not a panacea. The letter references things that the courts have previously said were constitutional. Every day in his day job he defends the rights of Ohio citizens. He understands the import of the Second Amendment and what the courts have done. The references to assault weapons and high capacity magazines came from the Violent Crime Control Act of 1994 that expired in 2004. The definition of assault weapon was approved by the courts after that. He wants to dispel the misconception that Council will pass gun control legislation in Worthington. The City can't do that; 9.68 prohibits that. However, the City can encourage the General Assembly to study the issue. This is an emotional issue. He saw news coverage of students in Parkland with his daughter and she said this could happen in Worthington. Most school shootings happen in the suburbs. Maybe the solution can start there. He let over a month pass between his initial comments and bringing the letter back. He tried to research it and not offend the Second Amendment rights. He wants discussions like tonight and he hopes we can walk out with a better understand of how the other side thinks. He wants to throw it to the General Assembly and ask them to find something that works. The letter includes things tried in past. They may not be the way forward. The discussion tonight was what he was seeking. Of gun control, mental health and talking, he thinks talking is the most important. The letter can be changed and Council members can individually sign the letter. They can eliminate reference to constituents even though it sounded like five to one were in support. Something must be done.

Mr. Robinson commented that one of his motivations in seeking a seat on City Council related to a prior experience with Council on an issue he cared strongly about. He didn't like that Council members didn't explain their vote. He promised himself he would do his best to explain himself and people can hold him accountable. The issue tonight on the surface is about a letter about guns. It's about how we see ourselves and one another and how we choose to decide things among ourselves, which rights and whose rights matter. He begins with the belief that the individual is the touchstone of value in our western tradition – we are dedicated to the dignity, freedom and rights of the individual. The rights of the individual should be expansive until the point where my rights bump into and threaten to diminish the rights of another. He sees it as his responsibility as an elected official to take into account the rights of all members of the community. In the

present case, it means the rights of those who want to own guns, but also rights of all to not lose life to gun violence. There is a right of preservation of life and to live in safety in schools, parks, places of worship and other public spaces. The letter calls for these basic rights to be acknowledged and acted upon at the state level. If not possible, then he asks the State to restore to local government the right to act on this issue. He refuses to accept the mindset that there is nothing we can do, thus he supports sending the letter.

Mr. Foust stated it is true they didn't run on issues of gun rights and gun control; they didn't know at the time they ran about all the issues they would face. He stated he supports the letter and supports fine tuning to have it signed as individuals.

Mr. Smith commented that he agreed with the comments made by Mr. Foust and he agrees with Mr. Norstrom. He suggested they include the minutes of this meeting so all the voices are heard by the General Assembly.

Ms. Dorothy stated she appreciated the civilized manner of the discussion. She believes she was elected to have a sustainable, vibrant, cohesive, secure and friendly community. She wants to reduce gun violence and all violence. She doesn't think this letter does that and doesn't think it speaks for all citizens of Worthington. She supports sending something to ask the legislature to look into the issue of safety, but she doesn't support the proposals in this letter. She expressed appreciation for the dialog tonight.

Ms. Kowalczyk stated she appreciated everyone here tonight and those who took time to speak. She commented it is Council's responsibility to consider the safety of our citizens. This is an issue of public safety and public health. She is asking the state legislature to consider common sense measures for gun violence prevention. She supports the letter and would be happy to put her name on it.

President Michael thanked everyone for coming. She mentioned other cities, Bexley and Upper Arlington, who have passed legislation asking for similar measures as contained in this letter. The state legislature is the only one that can really make any changes. She agreed with Mr. Myers that we need to get a dialog going. It is important to not say we're speaking on behalf of the residents of Worthington in the letter because it is clear not everyone agrees with it. We've heard opinions on both side of the issue and no matter the decision, some people will be unhappy. When an issue is this emotional, some people will be upset. She agreed with revisions to the letter to have it signed by the individual Council members.

Mr. Robinson suggested the letter be revised to say "respectfully with the undersigned as elected officials of the City of Worthington".

MOTION

Mr. Myers moved and Mr. Robinson seconded the motion to approve the draft letter to be issued to Representative Duffey and Senator Kunze with the following amendments: (a) in the first full paragraph of the second page, delete "at the urging of our constituents", (b) on page three, delete beginning with the sentence

that starts “citizens of Worthington” and the next sentence ending with “law currently allows”, (c) delete the signature line “on behalf of the citizens of Worthington by Bonnie Michael” and add signature lines for each member voting in the affirmative. The motion included Mr. Smith’s suggestion to include the include minutes of the discussion this evening.

The motion carried by a vote of 6 yea to 1 nay (Dorothy).

Mr. Myers made a point of clarification that there will be six signatures on the letter.

APPROVAL OF THE MINUTES

- Committee of the Whole Meeting – April 9, 2018
- Regular Meeting – April 16, 2018

MOTION Mr. Robinson moved and Mr. Foust seconded a motion to approve the aforementioned meeting minutes as presented.

The motion to approve the minutes as presented carried unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Policy Items(s)

- Consultant selection for Electric Aggregation Program

Mr. Greeson stated that previously City Council asked for Electric Aggregation to be brought forward. Information was provided in a March 8 memorandum and discussed at a subsequent City Council meeting. The deregulation of the energy markets allow for consumer choice programs. Voters can also authorize electric aggregation programs. This is a program for communities to offer electric aggregation in which they become certified with the Public Utilities Commission of Ohio (PUCO) and allow citizens and small businesses to be included as long as they don’t opt out. Staff has considered consultants to help us with this and look for ways to save money and pursue sustainability initiatives, specifically renewable energy. They reviewed the qualifications of consultants who offer assistance to communities. Staff interviewed four consultants utilizing a committee that included staff members Tom Lindsay, Steve Gandee, Rob Chandler and Anne Brown in addition to himself. The committee narrowed the consultants through interviews and talked with references. They are recommending Energy Alliances, who have helped a number of communities. Representatives from Energy Alliances are in attendance. They will help the City to shape the program, help develop the public information, help with the legislation to place it on the ballot which would have to be authorized by the end of July to make the November ballot, and help

with a specific public information effort prior to the ballot issue. Assuming it is approved by voters, they would help us with the plan that must be submitted to the PUCO to be certified as an aggregator, and then help us with the solicitation of bids from suppliers and the selection. Mr. Greeson introduced the representatives from Energy Alliances, Rich Surace and Dan Deters, and Greg Bechert with Scioto Energy who has been the City's broker for a number of years for its own purchase of energy. Mr. Greeson said he is looking for authorization to enter into a contract with Energy Alliances. The next step is getting into any questions City Council has about electric aggregation, defining the program and getting the legislation prepared.

Mr. Smith commented that thanks to the newspaper article, he has heard feedback from residents. He received a confusion response about opt out versus opt in, but otherwise the rest were positive. He thinks it would be a benefit if we stick to the messaging of the two goals and if we don't achieve those, we won't proceed even if we get all the way to bidding.

Mr. Robinson commented his thinking about this issue isn't unlike that of gun safety. It's a very complicated and big problem. We can always present confusing reasons to not do anything. His view is that this is an important and meaningful step to have an impact and send a message to our constituents and foster a dialog about an immensely important topic. He hoped we could move forward with Energy Alliances. If we end up seeing problems with the proposal, there are "off ramps". The City would be asking voters to give us the authority to enter into a satisfactory aggregation program. Once we have the authority, then we can pursue the details. We don't have to move forward after we know the details. Cincinnati has been able to save residents \$100 a year and has a program that is invested 100% in clean energy.

Mr. Myers stated he didn't have a problem with moving forward with the consultant. He has heard mixed comments. He isn't very knowledgeable about this. He's already opted out of AEP at his house and he doesn't know how this program would impact him. Can he participate in this? Must he participate? Will it save him money? Are there cities that haven't saved money? If hired, he suggests having the consultant come back and provide education on this topic. He stated he supports going forward and giving authorization to contract with the consultant.

Ms. Dorothy stated she agrees this is complicated in regards to what is most sustainable. It could help Worthington be more sustainable depending on how it's structured and promoted. Investing in renewable energy sources is a very good thing to do. Her take away from the article was the primary focus should be renewable energy and demand reduction. She wants to reduce the amount of energy used. There is definitely a place for the City to collectively bargain on behalf of the citizens to help foster investment in renewable energy. She is concerned about the cost of the contract since it appears it could generate about \$125,000 per year.

Mr. Surace replied that is not the correct amount. The staff report was missing a zero. It should be .0005 cents per KWH. That cost would be included in the price and neither the

City nor residents would individually pay it. It is negotiated with the supplier. They won't know the price until they bid it. The bidding can't happen until the City is certified as an aggregator. His company doesn't get paid until the City has a supplier. They won't get paid at all if the City doesn't award a bid. Timing is important to consider. If it's not this November, then it would be next year.

Ms. Kowalczyk stated she agrees with Mr. Myers about not knowing much about this and how it will be a benefit so she would like more information as we move forward. She supported the contract with the consultant. She stated she wants to understand what's in this for the resident and what's in it for the City. Is there going to be savings? It appears we're subsidizing renewable energy, not buying it directly.

MOTION Mr. Smith moved and Mr. Robinson seconded the motion to authorize the City Manager to negotiate and enter into a contract with Energy Alliances for consultant and brokerage services related to an electric aggregation program

Mr. Foust commented that we have the ability to confuse this issue. This is electric aggregation. He doesn't believe this is about energy use reduction; this is about purchase.

Ms. Dorothy disagreed and stated if we're purchasing the renewable credits, we're doing it for sustainability purchases. We need to recognize that the best approach is to reduce energy usage. It doesn't have to be a prominent part in the communication with the public, but it needs to be a part.

Mr. Foust said he thinks it shouldn't be any part of this and should be a separate issue.

The motion carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 19-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18)

The foregoing Ordinance Title was read.

Mr. Greeson stated this item involves the additional \$25,821 needed to complete the full scope of the Bike & Pedestrian Master Plan. Mr. Hurley and a representative from Planning NEXT are available for questions.

There being no additional comments, the clerk called the roll on Ordinance No. 19-2018. The Ordinance was approved by the following vote:

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

No 0

Ordinance No. 19-2018 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 18-2018 Authorizing the Use of Commercial Purchase Cards and Authorizing the Finance Director to execute a Card Agreement with The Huntington National Bank.

The foregoing Ordinance Title was read.

Mr. Bartter stated this legislation authorizes the use of purchase cards and authorizes him to enter into an agreement with Huntington Bank for them. They are similar to credit cards but can't carry a balance and thus have no interest rate. They will reduce the number of paper checks and the costs for issuing those. They can be used with vendors who only accept payment by card, thus more easily using those vendors and reducing the need for reimbursement of employees. They'll have the ability to obtain cash back and there will be no fees as long as the City spends at least \$10,000 a month. He has identified two monthly bills that will meet that threshold. If the threshold is not met, which he doesn't anticipate, the fee is \$50. The City will have the ability to adjust limits, cancel or re-issue cards, restrict certain types of purchases, and will have complete control over use and vendors. The bank issues one aggregate limit for the City and staff can control the limit amongst the cards issued. Initially, we'll just dip our toe into water. Eventually we can get to the point of electronic payment. Other cities do this and can realize significant benefits.

Mr. Myers stated he assumed these will come under normal audit procedures and will be reviewed when we're audited. Mr. Bartter replied in the affirmative.

Mr. Robinson asked who will manage it. Mr. Bartter replied that initially, it will probably be the City's Finance Analyst, Sarah Brickner. He wants someone who doesn't have a card.

Mr. Robinson asked about award points. Mr. Bartter replied it has a rebate, which will be initially small but is expected to ramp up with more use.

There being no additional comments, the clerk called the roll on Ordinance No. 18-2018. The Ordinance was approved by the following vote:

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

Ordinance No. 18-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 30-2018 Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds

Introduced by Mr. Foust.

MOTION Mr. Smith made a motion to adopt Resolution No. 30-2018. The motion was seconded by Mr. Myers.

Mr. Bartter stated this Resolution authorizes a transfer of previously appropriated funds with no increase in appropriations.

There being no additional comments, the motion to adopt Resolution No. 30-2018 carried unanimously by a voice vote.

Resolution No. 31-2018 Appointing Members to the Worthington Bicycle and Pedestrian Advisory Board

Introduced by Ms. Dorothy.

MOTION Ms. Kowalczyk made a motion to adopt Resolution No. 31-2018. The motion was seconded by Mr. Robinson.

President Michael stated this would re-appoint Emma Lindholm and Eugenia Martin for new three year terms.

There being no additional comments, the motion to adopt Resolution No. 31-2018 carried unanimously by a voice vote.

Resolution No. 32-2018 Re-appointing Members to the Worthington Community Relations Commission

Introduced by Mr. Foust.

MOTION Mr. Smith made a motion to adopt Resolution No. 32-2018. The motion was seconded by Mr. Myers.

President Michael stated this would re-appoint Tom Burns, Nick Linkenhoker, Eddie Pauline and Glennon Sweeney for new three year terms.

There being no additional comments, the motion to adopt Resolution No. 32-2018 carried unanimously by a voice vote.

Ordinance No. 20-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the FEMA Fund Unappropriated Balance.

Introduced by Ms. Dorothy.

Ordinance No. 21-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2018 Street Crack Sealing Program (State of Ohio Contract 101G-19 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Introduced by Ms. Kowalczyk.

Ordinance No. 22-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2018 Street Rejuvenator Program (State of Ohio Contract 101L-18 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Introduced by Mr. Robinson.

Ordinance No. 23-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the 2018 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Introduced by Mr. Smith.

Ordinance No. 24-2018

To Enact New Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington to Require a License for the Sale of Tobacco and Prohibiting Tobacco Sales to Persons Under Twenty-One.

Introduced by Mr. Myers.

Ordinance No. 25-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for the Real Estate Acquisition Services for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

Introduced by Ms. Dorothy.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Permission to Bid - 2018 Street Program

MOTION

Mr. Myers moved and Mr. Foust seconded the motion to authorize the advertisement for bids

The motion carried unanimously by a voice vote.

Mr. Greeson thanked Dr. Harry Pukay-Martin for sitting through this long meeting. He was probably waiting to see that the City Council introduced the Tobacco 21 legislation.

REPORT OF COUNCIL MEMBERS

Mr. Smith reminded people to vote tomorrow.

Ms. Dorothy reported she attended a McConnell Arts Center (MAC) Board meeting. There have been many new programs and they are filling up fast for events. They are still operating in the red, using a line of credit. They have building maintenance items and will be talking with the City about the building. The WIFA reception will be at the MAC. Delegates from Sayama, Japan are coming October 1-5. There is a City event on October 4th and a farewell event on October 5th. WIN is partnering with WIFA again on

a community picnic on August 25th. More information will be coming. She indicated she was interested in Mr. Lindsay's notes about Council meeting. She would like to see a category for new business on the agenda. She stated she is happy to see the Bike & Pedestrian Plan moving on and appreciated the tour of the streets.

Ms. Michael asked for more flexibility for scheduling the date for next year's street tour so that she can attend.

ADJOURNMENT

MOTION Mr. Myers made a motion, seconded by Mr. Smith, to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:21 p.m.

/s/ Robyn M. Stewart
Temporary Clerk of Council

*APPROVED by the City Council, this
21nd day of May, 2018.*

/s/ Bonnie D. Michael
Council President