



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**

May 21, 2018

6550 N. High Street  
Worthington, Ohio 43085

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

Worthington City Council met in Regular Session on Monday, May 21, 2018, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

**ROLL CALL**

**Members Present:** Rachael R. Dorothy, Douglas Foust, Beth Kowalczyk, Scott Myers, 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 Bartter, 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, Clerk of Council D. Kay Thress

There were approximately thirty five visitors present.

**PLEDGE OF ALLEGIANCE**

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

**SPECIAL PRESENTATION(S)**

- Oath of Office – Assistant Fire Chief

*Mr. Greeson expressed how the Oath of Office ceremony is one of his favorite things to do as City Manager. It is a tradition that marks the beginning of employment with the City of Worthington for many and in the case of those whose ceremony is held in front of City Council, it marks the beginning of a significant leadership journey within the organization and the community. The words of the oath are embedded within the City's charter, which serves as the community's local constitution and each employee of the City of Worthington is required to adhere to them. They reflect the employee's obligation*

*to meet legal and ethical standards and they embody the commitment that a public servant makes to a higher calling. Mr. Greeson shared that Fire Chief Bailot will introduce the new Assistant Fire Chief, Mark Zambito whose leadership journey took him from Worthington, to Upper Arlington, and then back home to Worthington.*

*Chief Bailot shared that it is his privilege to recognize Assistant Fire Chief Mark Zambito. Chief Zambito began his career in 1996 with the Charleston West Virginia Fire Department, before coming to the City of Worthington in April 2001. While with Worthington he served as a firefighter paramedic before being promoted to Lieutenant in January of 2014. During his tenure here he served on the Engine Purchasing Committee, the Wellness Committee, and was a 2016 recipient of the Medical Director's Commendation. Chief Zambito was hired by Upper Arlington in September 2016 as their Deputy Fire Chief and serving as their interim Fire Chief for roughly four months shortly after arriving there. During his 17 months in Upper Arlington, he was instrumental in staff development and recruitment, served as the EMS Coordinator and implemented the Community Assistance and Referral and Education service. After an extensive hiring process, Chief Zambito was selected from a competitive applicant pool to fill the position of Assistant Fire Chief with the City of Worthington. In addition to his numerous certifications, he holds a Bachelor of Arts degree in Health Education and Emergency Medicine and a Master of Science degree in Fire and Emergency Administration. Chief Bailot expressed his appreciation having Chief Zambito back in Worthington where he belongs and looks forward to working side by side with him for many years.*

Mr. Greeson administered the Oath of Office

*Badge Presentation – Chief Zambito's wife and three children pinned his badge. Chief Bailot presented his new white helmet, which designates him as a chief officer at an incident scene.*

*Chief Zambito introduced his family, his wife Lori, his oldest son Collin, middle son Jared, and youngest son Gavin. His father, Michael, mother Joyce, and brother in-law Jonathan. Chief Zambito expressed how happy they are to be here and he promises that he will make everyone very proud. President Michael gave her appreciation and congratulations, expressing how happy she is that he is a part of the team.*

- Electric Aggregation

*Mr. Greeson explained that there have been several conversations and a detailed memorandum produced around the concept of electric aggregation. Council had earlier authorized staff to solicit proposals for consultants to assist the City with electric aggregation. Council then authorized staff to enter into a relationship with Energy Alliances. During the last conversation on this topic, Council requested a presentation to serve as an "Electric Aggregation 101" and Energy Alliances are prepared to give a presentation and answer any questions. At the end of the presentation, Mr. Greeson requested that Council give specific direction to staff in order to be adequately prepared*

for this issue to be on the ballot in November. If that is to happen preparation has to begin very soon. Mr. Greeson introduced Mr. Rich Surace from Energy Alliances.

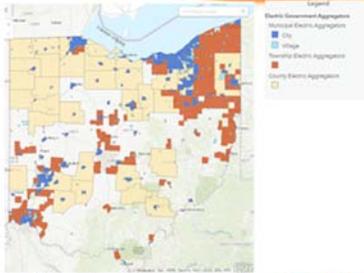
### Aggregation Overview

- **What is a Municipal Aggregation Program?**  
A Municipal Aggregation allows communities to form a buying group on behalf of their citizens with the intent that a larger buying group may acquire better pricing and more favorable terms and conditions for the citizens than if they shop on their own.
- **Who Governs a Municipal Aggregation Program?**  
The Public Utilities Commission of Ohio (PUCO) has developed strict guidelines for forming and running a Municipal Aggregation Program.
- **Who Can Create a Municipal Aggregation Program?**  
Townships, Villages, Cities and Counties.



### Communities Certified to Aggregate

More than 400 buying groups are certified to aggregate electric in Ohio



55% of residents with an electric retail supplier are part of an aggregation\*  
Source: PUCO



Mr. Surace thanked Council for having him back to speak about this topic. He explained that municipal energy aggregation allows communities to get together, combining residents and small businesses together to get better pricing, terms, and conditions than would otherwise be possible as an individual consumer. Suppliers appreciate this approach because it generates a large group of customers at one time. The process is governed from start to finish by the Public Utilities Commission of Ohio (PUCO), so there are strict rules that will need to be followed regarding eligibility and how programs are conducted. Any government entity in the state, including villages, cities, townships, and counties are able to aggregate. Currently, there are over 400 buying groups in Ohio that are certified to aggregate with many in the northern part of the state utilizing FirstEnergy. AEP has seen a slower adoption of aggregation, however it is increasing.

### Milestones of an Opt-Out Aggregation Program

- The City Council votes to place the issue on the ballot of a general, primary or special election. (see next slide)
- The ballot initiative must pass by a simple majority of voters.
- Once the ballot initiative has passed, Energy Alliances:
  - Develops a Plan of Operation and Governance
  - Holds public hearings to discuss/revise the Plan
  - The City Council Adopts the Plan of Operation and Governance
  - Aggregation application submitted to PUCO
    - Aggregation Certificate issued 30 days after application submission
  - Obtains competitive bids and the City chooses a supplier
  - The supplier notifies eligible residents about the program and gives them 21 days to decide if they want to participate
  - At the end of the 21-day notification period, the program goes into effect



### Ballot Issue Awareness

- Energy Alliances will work with the City of Worthington to prepare a comprehensive and customized plan to inform residents about the Electric Aggregation ballot issue
- Information may come in the form of, but not limited to...
  - Newsletters
  - Postcards sent directly to voters
  - Social Media Posts
  - Presentations (administered by Energy Alliances) to key Community Groups



There are several milestones that must be checked off before aggregating. The first is having City Council approval to place the issue on the ballot. After that, the ballot initiative must pass by a simple majority of voters. When the ballot initiative has been passed, the next step is to develop a Plan of Operation and Governance. There also must be two public hearings that give community members the chance to understand what the program entails and to decide how the program should be run. After the Plan of Operation and Governance has been adopted, Energy Alliances will file the application

*with the state that will then have 30 days to approve the application. Once the application is approved, Energy Alliances will go to AEP and get the list of customers to then bid for suppliers. After that is done, they will come back to present the options such as price and sustainability to decide what is a good fit for what is trying to be accomplished.*

*Ms. Dorothy asked how often competitive bids would be obtained, particularly if a favorable one was not received on the first try. Mr. Surace said that would depend on the market, if the market begins to move in a favorable direction then they would start the conversation to get pricing. The turnaround time would be quick and suppliers typically have their models ready to go.*

*Mr. Robinson asked if it would be the voters who are authorizing the council to enter into this type of agreement. Mr. Surace said that is correct. Mr. Robinson then asked what the typical length of the agreement would be such as 12, 24, or 36 months. Mr. Surace replied the length varies however they typically go out 36 months. Some states have rules that prohibit contracts going out for more than 36 months.*

*Mr. Myers asked for clarity about what is meant by favorable terms and conditions. Mr. Surace said that there is an end use agreement between the supplier and the resident that lays out the price and any termination fees. It lays out the responsibilities of the end-use customer and the supplier. Mr. Myers questioned if the servicing entity would still be AEP. Mr. Surace said that is correct, AEP will still make sure energy gets to the homes. Mr. Myers asked if it is an opt-out plan and what opportunities are available after an agreement is entered into to opt-out. Mr. Surace said that people can come and go as they want. Mr. Myers asked what about people who have already gone with an alternative supplier. Mr. Surace said typically after the opt-out window they would work with people wanting to opt-in. Mr. Myers asked how many of these agreements have Energy Alliances done. Mr. Surace replied they have almost 70 programs.*

*Mr. Surace described that they will work closely with the City to develop a plan so residents understand what is going to the ballot and what it means. This is a customized plan that includes things such as newsletters, social media, and other tactics to make sure residents know what the aggregation plan is and is not.*

*Mr. Robinson questioned that if Worthington has roughly 5000 households, how many of those could be estimated to participate. Mr. Surace said he would expect between 3500-4000. Statistically 25% of people have already made arrangements on their own and then approximately 90-95% for all others who receive an opt-out letter decides to participate.*

*Mr. Surace explained who are and are not eligible for this program during the initial run. This includes those who are currently not with another supplier are eligible. Those who are using the Percentage of Income Payment Plan which is set by the State are not eligible; however residents using budget billing are eligible. Those who have already opted out are not eligible. If it is a 36-month program those individuals should not see*

## Who is Eligible?

Only members of the community that meet a set criteria are eligible to receive letters during the 21 day "opt-out" window.

These Residents are **NOT** eligible...

- Those who are currently with another electric supplier
  - Since they chose to shop on their own they are not included as part of the buying group
- Those enrolled in the Percentage of Income Payment Plan (PIPP)
  - Residents that use "Budget Billing" can continue to use that service
- Those that have previously opted out of the program
  - They could have opted out in a previous "opt-out" window or through the "Do Not Aggregate" list that the PUCO maintains.



any communications during that length of time. When the program is renewed, that would reset the clock since it is a new agreement. President Michael asked if they can opt-in. Mr. Surace said yes they can opt-in if they choose to interact with the supplier to get in. However, if they decide they opt-out they will not receive any marketing materials. Mr. Myers questioned if someone decides that they made a bad decision, who handles the customer service for that person, Worthington or Energy Alliances.

Mr. Surace said that in most cases, Energy Alliances will work with the community for those questions to help a resident opt-in or opt-out. Ms. Kowalczyk asked if it was the default for someone with a question to call Energy Alliances. Mr. Surace said that it depends, during the initial opt-out time they may have the letter with an 800 number to call, however later on they would typically call the City starting the process. Ms. Dorothy asked about people who are already producing their own energy and are able to sell their excess energy, are they able to participate or decide to opt-out. Mr. Surace said in that situation it may be best for them to opt-out since this program might not be a fit for them. They typically are already incentivized to have their own agreements with energy utility to sell their energy. Ms. Dorothy asked if this information would be distributed in the information sent out to residents. Mr. Surace said that it would be included with frequently asked questions.

## What Changes, Or Does Not Change?

- AEP Ohio will continue to deliver electricity to homes or businesses, so they should be contacted for any questions or issues related to losing power or the "AEP Ohio Charges" portion of the bill.
- Residents will continue to receive one bill from AEP Ohio with only one section of the bill changing to reflect the new supplier charges (see next page for a sample bill image).
- Budget billing and/or other payment arrangements with AEP Ohio will continue in effect.



## Bill Copy (with an alternate supplier)

Sample of Page 3 of AEP Bill when customers is with a supplier (i.e. on an aggregation)

Supplier Account Number	
Service Delivery Identifier	
Energy Charge \$0.0543/kwh	\$ 124.51
Current Supplier Balance Due	\$ 124.51

- A single line item showing the aggregation price and charges for the supplier portion of the AEP Bill.



Mr. Surace explained what changes and what does not under this program. AEP Ohio is still who would need to be called if there is an outage. The only time a supplier would need to be contacted is if there were billing questions. The only difference an average customer is a single line item on the bill where it lists the supplier, the energy charge and what the rate is. The customer would continue to pay their bill to AEP Ohio, for a fairly seamless transition. Ms. Dorothy asked if AEP is still the distributor and anyone in the city could still enroll in their energy efficiency programs. Mr. Surace said that is correct.

## Shopping Can be Overwhelming

- Shopping can be overwhelming for residents to do on their own.
- 118 electric offers in AEP in May 2018 - up from just 17 offers in October 2012.
- Aggregations make the process of shopping simpler and transparent.



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## Aggregations: Beyond Price...

- Aggregation is about the entire value of the program
  - Gives residents a simpler energy solution including...
    - Price
    - Terms and Conditions
    - No Termination Fees
    - Enter or Leave the Program at anytime at no cost
    - Ability to provide additional Renewable Energy
- As market conditions and utility rates are always changing, aggregation brings price protection and stability to the residents

## Energy Aggregation IS...

- Value add to residents in Communities with programs
- Simplifies customer choice
- Option for residents to choose
  - Typically better prices than shopping alone
  - Better terms and conditions
  - Cheaper renewable energy
- Price certainty vs. utility rates on fixed priced programs

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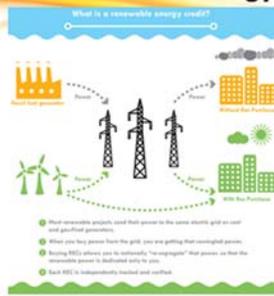
## Energy Aggregation IS NOT...

- Mandatory
  - Residents can opt out of program at no cost
- Best option for ALL residents
  - Residents should understand price and terms and conditions
- Always better than future market offers
  - Should be very competitive at start of program

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Mr. Surace said that a big part of aggregation is to try to get through the overwhelming nature of shopping around. In the past there were only a handful of suppliers and offers on the market, but now there over 40 suppliers and 100 offers. However, this goes beyond price and is more about the entire value of the program. This consists of price, terms and conditions, ability to leave and enter the program and the ability to provide additional renewable energy. The program is not mandatory and it is not always the best option for all residents. Aggregation is not always better than what the future market may offer. Mr. Myers asked if the price is locked in for the duration of that contract. Mr. Surace said that yes, the price is locked in for the length of the contract regardless of what the market does.

## How Renewable Energy Works



\*Graphic used from  
<https://www.terrasa.com/climate-change/climate-change-renewable-energy-credits>

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Mr. Surace described the story of renewable energy sources and how renewable projects send their power to the same electric grids as other power sources. Buying renewable energy credits to help offset what energy is coming from fossil fuels. Ms. Dorothy stated that the graphic shown is slightly misleading; however she agrees that if we invest renewable energy credits we are investing in renewable power, but it does not mean renewable power is being used. Mr. Surace said that was correct.

## Using Energy Alliances

Energy Alliances is a full-service consultant. Below are some of the services you will receive...

- Ballot Issue Awareness
- Drafting/Submitting PUCO certification materials
- Administer RFP process for receiving electric aggregation bids
- Work with suppliers on..
  - Opt-Out materials
  - Reporting (i.e. enrollments / drops, customer inquiries)
  - Customer service related issues
- Savings Reports



## Thoughts from Suppliers...

- Most attractive residential acquisition channel
- Cheap "Cost to Acquire" (CTA)
- Willing to take lower margins due to increased volumes and lower (CTA) compared to market offers
- Most suppliers willing to add renewable energy at an attractive rate
- Pricing is based on load profiles, not number of residents



## Final Thoughts

- Get certified!
  - Communities aren't "required" to offer program
  - Will be able to act quickly if market opportunity presents itself
- Reminder: City of Worthington controls the program
- Don't chase price alone
  - Commodity market always changing
  - Look for best value at start of program



*Mr. Surace said that suppliers like aggregation because they are able to get a lot of customers at one time, reducing their costs and they are able to provide lower costs. Energy Alliances is a full service consultant, doing everything from beginning to end. This includes ballot issue awareness, drafting and submitting PUCO certification materials, handling the bidding process, working with suppliers on opt-out materials, reporting, and customer service issues. They will also run individual savings*

*reports that show what is saved versus just receiving power from AEP Ohio. Mr. Myers asked who those reports would come to. Mr. Surace said they would likely go to Mr. Greeson's office for him to share. Ms. Dorothy stated that the savings reports would show that if you use more energy, you would save more money if they are using a lower rate. That is counter-intuitive of also trying to save energy and not use as much. It is a little misleading what the savings report is showing. Mr. Myers asked what the report would look like. Mr. Surace said that it would show the number of customers in the program and what the rate is now versus what the utility rate would have been. It is a good pulse on how the program is working.*

*Mr. Smith questioned if they were to urge staff to take this to the next step then who would provide the wording and the language for what goes on the ballot. Mr. Surace said that there have already been some brief conversations on the starting point and they are confident on their end that they could complete what is necessary for them to do in the next several weeks. Mr. Smith stated he would like to do what is appropriate to encourage staff to move forward.*

*Ms. Kowalczyk asked whether the November ballot would be the most advantageous for getting support for the measure, considering there are school levies on the ballot. Mr. Surace said that they have good experience with November ballots. They make sure that this does not muddy the issue with other things. Mr. Myers stated that education is critical since this is a down ballot, local item. In his experience down ballot items are more likely to receive a "NO" vote because people know less about it. Mr. Robinson*

*asked what Energy Alliances success rate has been in elections. Mr. Surace said that for ballots they have run or helped others to run, their record is 70-2.*

*Ms. Kowalczyk asked if there were instances where communities were successful at the ballot but have not pursued a contract. Mr. Surace said that there are several, including Dublin and communities in the Dayton area. Ms. Kowalczyk asked if there was any blowback from the community that voted on the measure but didn't implement it. Mr. Surace said that he was not aware of any. Mr. Smith asked if up until they enter into a program, the City is not charged for their services. Mr. Surace said that is correct.*

*Mr. Foust questioned staff if the series of steps that needs to occur allows for the break of council in the summertime and if there will be any obstacles. Mr. Greeson said that the legislation would need to be adopted in July to get it to the Board of Elections by their deadline in early August. Ms. Dorothy asked how much the City of Worthington should be expected to do in regards to the volume of calls and what amount of time would Energy Alliances be doing in the beginning. Mr. Surace said that is up to the City. Some cities delegate everything to them; others like to be more involved. Their intention is to make this process easy.*

**MOTION** Mr. Smith moved and Mr. Robinson seconded a motion to direct staff to work with Energy Alliances to bring a ballot language proposal to Council by the last council meeting in June.

**The motion to direct staff to work with Energy Alliances to bring a ballot language proposal to Council by the last council meeting in June carried unanimously by a voice vote.**

#### **APPROVAL OF THE MINUTES**

- Joint Meeting – May 7, 2018
- Regular Meeting – May 7, 2018

**MOTION** Mr. Foust moved and Mr. Myers 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.**

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

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

**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.

**The foregoing Ordinance Title was read.**

*Mr. Greeson explained that one of the City's firefighters is a member of Task Force One, which is a Federal Emergency Management Agency (FEMA) emergency response asset from the State of Ohio. He and his dog participated on behalf of the City of Worthington in a FEMA response. The City is being reimbursed by FEMA for the associated expenses of that response.*

**There being no additional comments, the clerk called the roll on Ordinance No. 20-2018. The motion carried by the following vote:**

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

**Ordinance No. 20-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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)

**The foregoing Ordinance Title was read.**

*Mr. Greeson said that part of the annual street program which has already been approved by Council authorized staff to put out a bid for portions that can be purchased off of a state contract. Mr. Whited explained this is a part of the Street Improvement Program and the crack sealing program is a preventative maintenance approach that allows for the protection of pavement by sealing those cracks, reducing maintenance costs, prolonging pavement life, and mitigating adverse weather effects.*

**There being no additional comments, the clerk called the roll on Ordinance No. 21-2018. The motion carried by the following vote:**

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

**Ordinance No. 21-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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)

**The foregoing Ordinance Title was read.**

*Mr. Whited said that this is a similar pavement preservation approach that allows us to maintain pavement through a chemical process that rejuvenates the pavement and extends its useful life. Ms. Dorothy asked if this is part of a new program that will hopefully improve the entire lifecycle costs of the roads and how is that being kept track of. Mr. Whited responded that is correct and they are keeping track of it through the use of a database program that tracks the pavement condition and life during the period of time the rejuvenator is down. It will take a number of years to fully get a handle of the results.*

**There being no additional comments, the clerk called the roll on Ordinance No. 22-2018. The motion carried by the following vote:**

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

**No 0**

**Ordinance No. 22-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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)

**The foregoing Ordinance Title was read.**

*President Michael explained that this ordinance would require a motion to insert the dollar figure \$1,066,425 as well as “Columbus Asphalt Paving” being added to amend this ordinance.*

**MOTION** Mr. Myers moved, Ms. Dorothy seconded a motion to amend Section 1. to insert the sum of One Million Sixty Six Thousand Four Hundred Twenty Five Dollars (\$1,066,425) and insert in Section 2. the firm of Columbus Asphalt Paving, Inc.

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

*Mr. Greeson explained that this is the more expensive portion of the annual street program. Previously the annual street program had been submitted, including the streets that would have various works bid in a competitive process. The most responsive and responsible bidder was Columbus Asphalt Paving. Mr. Whited said that this is actually four items of the Capital Improvements Program, the Street Improvement Program, the Granby Street Improvements, repaving of the Community Center Parking lot in areas that will not be touched in the future McCord Park improvements, and \$80,000 of work as part of Bike and Ped recommendations.*

*Ms. Dorothy asked where is this money coming from, she understands some is coming from Bike and Ped, but where else are funds coming from. Mr. Whited replied the Street Improvement Program and the various funds that support that program as well as Bike and Ped. Additionally there was a CIP project for improvements on Granby and for improvements to the Community Center parking lot. Ms. Dorothy asked if the Street Improvement Funds are general funds or funds dedicated from license fees. Mr. Bartter replied that all CIP funds are income tax revenue except for \$150,000 that comes from the Motor Vehicle License tax that is transferred at the end of the year.*

**There being no additional comments, the clerk called the roll on Ordinance No. 23-2018 (As Amended). The motion carried by the following vote:**

<b>Yes</b>	<b>7</b>	Dorothy, Smith, Myers, Robinson, Kowalczyk, Foust, and Michael
<b>No</b>	<b>0</b>	

**Ordinance No. 23-2018 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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.

**The foregoing Ordinance Title was read.**

*Mr. Greeson explained that there have been presentations since as early as last fall on this subject. He said that he would like to welcome Ethan Barnhardt, the City’s*

*exceptional intern, who did much of the research and work on this topic to answer any questions Council may have.*

*Mr. Barnhardt explained that many of the details have already been discussed at this point. He said that this was one of the first projects Mr. Greeson gave him when he started with the City as an intern last May. It is extremely fulfilling to see something that began as a research project come to this point where it is pending legislation. He said there are several speakers that have invited, including a group from Youth to Youth that would like to make comments. Additionally, representatives from Columbus Public Health, and Mr. Lindsey and himself are available to answer any questions.*

*President Michael said that she has three speaker slips from people who would like to speak on this topic.*

Rob Crane, 8600 Dublin Road

*Dr. Crane explained that he is a family doctor and a Professor of Family Medicine at Ohio State. He said that he was at this council nearly 15 years ago to ask Worthington to lead Columbus and become one of the first smoke free communities in the state. Worthington did that. He said that since then it has culturally changed from walking into a restaurant or bar that has a smoking section and you helped change that. Tonight you are doing that again. Since then, he has spoken at hundreds of city council meetings across the country working to encourage raising the age to purchase tobacco products to better protect kids. He wanted to be here tonight to congratulate you on what you've done, but not only that, but on how you have done it. City staff has crafted a wonderful enforcement mechanism to do this the right way. The other suburbs in the region have no enforcement at all. By following the Columbus Health Department, you are doing this in the best possible way to protect kid's brains and to save them from this terrible addiction.*

Jaila Dorsey and Chakiya Christmas, Youth to Youth International

*Ms. Dorsey said they are teens from Youth to Youth International which is a youth drug and alcohol prevention program based out of Columbus since 1982. Over the past three years, they have worked on tobacco prevention activities throughout Franklin County and have the pleasure of advocating for Tobacco 21. Ms. Christmas said that statistics show that 90% of adult smokers started before they were the age of eighteen. It is also known that many teens get their first cigarettes from people who can legally buy them. When an eighteen year old friend can easily buy cigarettes, cigars, or vapes, this increases the chance of a young person trying their first tobacco product. Tobacco 21 removes the possibility of a teen legally buying tobacco that they can share with other teens. This reduces the chance that someone will try tobacco under the age of 18 and reduces the likelihood of becoming a lifetime smoker. Ms. Dorsey said in the early 2000s, when smoke free indoor laws were being passed throughout Ohio, it happened similar to Tobacco 21 with each city passing its own laws until the state passed theirs. People could smoke in restaurants and bars until their City passed a ban. If a neighboring city had no ban, it was easy for smokers to drive down the street to a*

restaurant not covered by the law and keep smoking. As more cities passed the law, it became harder and harder to smoke in public and smoking became less of a norm. Ms. Christmas said that since cities like Upper Arlington, Bexley, and Columbus passed Tobacco 21, teens have had to go farther and farther from home to buy tobacco, making it less likely that they will. Today Worthington has a chance to join cities like these and pass Tobacco 21. They would like to congratulate you on considering this law and hope that you pass the law today.

Nancy Zajano, 6696 Markwood Street

Ms. Zajano said she is happy to be here tonight to congratulate you on behalf of Drug Safe Worthington. They are so happy about this step to prevent addiction to tobacco among our young people. In the Worthington Schools there has been an increase in the use of tobacco, especially through vaping of e-cigarettes. Lori Povosil, the Chair of Drug Safe Worthington notes that students are moving from vaping to traditional cigarettes and the rate of smoking which has been at a low point is beginning to come up again. She expressed her happiness that this ordinance is being considered tonight because it will make it more difficult for young people to access tobacco from their older friends. As the research has shown, if we can prevent students from starting tobacco until after 21 they are less likely to begin using later on in life. Our Chair Lori Povosil is not able to be here tonight, she is meeting at the Insight Program with students and parents of those who have been caught with infractions to the alcohol, tobacco, and drug policy of the Worthington Schools. Many of those students are there for tobacco infractions. Drug Safe Worthington is very encouraged by your actions and do hope that you pass this ordinance tonight.

Ms. Kowalczyk said that this is an important topic to her since she lost a parent to lung cancer. She is proud to be able to support this legislation and have it pass through City Council. The statistic about kids if they do not try cigarettes until age 21, they will not smoke is staggering to her. This is a great step forward and she is fully in support of it.

Mr. Myers asked Mr. Lindsey if they vote tonight for this, would they be the first to delegate authority to the City of Columbus. Mr. Lindsey replied that in terms of Tobacco 21 legislation, that is correct. The City already delegates enforcement authority to Columbus Public Health in other areas. He would also note that Dublin is moving forward with Franklin County Public Health to do some enforcement for them; however he is not familiar with the details of their ordinance. Mr. Myers mentioned that in his experience as a prosecutor, he is always leery of delegating authority to someone else. Mr. Lindsey said that the City delegates authority for health code enforcement. Under this, there is also the possibility for criminal charges for serious offenders that would go to the Environmental Court where the Columbus City Prosecutor already handles cases for the City of Worthington.

Ms. Dorothy wanted to thank Drug Safe Worthington, Ethan Barnhardt, and everyone else who has brought this forward. She thinks this is going to be a really life changing program for those people living and working in Worthington and the kids who go to

*school here. She appreciates the City of Columbus’s partnership and the supporters who have come out tonight. She looks forward to passing this legislation.*

*President Michael also wanted to thank the coordinated efforts of Ethan, the City of Columbus who has done a lot presenting information on this topic, and Drug Safe Worthington. She has not received one negative comment about moving forward with this.*

**There being no additional comments, the clerk called the roll on Ordinance No. 24-2018. The motion carried by the following vote:**

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

**Ordinance No. 24-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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)

**The foregoing Ordinance Title was read.**

*Mr. Whited explained that this is a follow-up to a previous discussion around the right of way acquisition appraisal services for the Northeast Gateway Project. This is to approve the contracts, scopes and fees that have already been negotiated. The work was reviewed by a group from Worthington and the Ohio Department of Transportation. This includes contract one for Right-of-Way Acquisitions and Relocation Appraisals, contract two for Appraisal Review, and contract three for Relocation Review. Those firms selected are Transystems out of Columbus for contract one, Martin and Wood for contract two, and Heritage Land Services in Westerville for contract three.*

*Ms. Dorothy asked where we are getting the money for this project. Mr. Bartter replied that it is from the CIP fund, which is funded through the municipal income tax. A portion of this will be reimbursed through Ohio Public Works Commission (OPWC) funding.*

**There being no additional comments, the clerk called the roll on Ordinance No. 25-2018. The motion carried by the following vote:**

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

**Ordinance No. 25-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

## **NEW LEGISLATION TO BE INTRODUCED**

*Mr. Greeson explained that this discussion was separated last week with an in depth presentation from Mr. Hurley and the Parks Commission regarding the process, followed by extensive testimony regarding the various options. As promised, a resolution has been brought to Council. In the absence of a specific consensus around one particular option at the prior meeting, there are essentially three options. The resolution references a conceptual master plan, when you adopt that resolution we need reference to the version of the conceptual plan that should be attached to the resolution. In addition to the picture which serves as the conceptual plan that would guide more detailed design, it is possible through your conversion that you may want to add additional criteria or elements to the resolution if that is Council's prerogative.*

*Mr. Hurley said he would get right to the point this evening regarding the three different options that were framed at the previous week's meeting. The three designs, A, B, and C will all be the same except for the outlined area. Option A is the Parks and Recreation Commission's recommended version; containing a small demonstration garden and containing the full size PlayTrail from one end to the other. Option B has the full garden at its current size and location. The play area would exist on either side of the garden. Option C would have about 80% of the existing garden, removing six plots from the east end of the garden. The play area would be on one or both sides, however there is some question as to whether the PlayTrail would fit to the south of the garden and that would need to be figured out during design. He explained that the way the resolution is written, Council would approve the overall concept plan, amending it to note either option A, B, or C.*

*Mr. Robinson explained that he had made his viewpoints about the garden clear and he wanted to speak specifically about the options presented. His overall support is for retaining the garden in the compromising option C. His problem with options one and three is that both are ambiguous about the eventual elimination of the garden. He believes that after the extensive community process and debate, if the garden is retained, Council should be clear about its position that it views the Community Garden as a positive asset and that it should be expected to find a permanent home in the park. That is why he forwarded councilmembers option four, which not only clarifies the desired outcome of the garden, but also requires the garden group to do some things to elevate the operation of the garden. Namely, the garden group formalizes its organizational structure to facilitate accountability and expansion of its programs, whether that is educational or additional plots. Additionally, the garden group commits to the removal of the temporary fencing by the end of the year 2018 and works with staff and the Parks and Recreation Commission to design and implement perimeter aesthetic improvements as soon as possible. Next, the garden group work with staff and the PRC to work on establishing an additional garden as feasibility and funding are determined. Lastly, the*

*garden and its operations remain in the current location without the diminishment or removal until further action by the City Council. He believes that this option clarifies many issues and establishes the principle that the garden is a positive asset and should not face eventual removal as part of the resolution.*

*Ms. Dorothy asked for clarification about whether options B and C call for the eventual removal of the gardens. Mr. Hurley said that he was not sure, but Mr. Robinson may be referring to the options listed in the Parks and Recreation Commission minutes that served as a starting point for their discussion and debate. Nothing approved in the resolution under options A, B, or C would give any stipulation as to the future of the garden. Mr. Robinson said that there is a little bit of confusion around the term option being used to reference both the design choices as well as the language that stipulates the requirements or elements of the plan. So the options A, B, or C are static design elements that do not address the issue of organization, additional plots, or eventual elimination of the gardens. In the text that was provided to Council, options one, two, and three have descriptions of what might be expected. Mr. Hurley stated that the only thing in the Council's packet containing options one, two, and three were the minutes of the Parks and Recreation Commission meeting, in which he gave them a sheet before they had their discussion containing some potential motions to get them started knowing that there would be debate amongst them around the conditions of what their motion might be. He has not provided anything tonight that would attach any conditions to these options. If the Council in deliberation decided to attach conditions, then that is certainly their prerogative. Mr. Robinson replied that be that as it may, he would like to propose conditions. By not having conditions, that leaves things very ambiguous and uncertain. If a design is simply approved, what does that have to say about additional plots, the aesthetic issue of the garden, and the future of the garden. He comes back to his language under option four which proposes the adoption of the option C design, with four criteria regarding group organization, aesthetic improvements, additional gardens, and that the garden will not be diminished or removed unless there is further, formal City Council action.*

*Mr. Foust stated that he is struggling with the idea of compromise on this subject. Compromise sounds attractive, and seems like the responsible and mature thing to do. The challenge here is to build an optimal park. We have heard from three dozen people in a campaign that they have mounted, but we have not heard from the tens of thousands of people a year who will use this park for its more conventional purposes. The numbers over the next decade, we are talking about a half a million or more visits to this park. The consultant did their job. The individuals appointed to the Commission did their job coming to a recommendation. He views this somewhat like the instructions given when there was an appeal to an Architectural Review Board decision. With an ARB decision, there are City guidelines about architecture review standards. With that said, Mr. Myers who advised them at the time, if the ARB has done its job then the sole role of Council is to determine if policy or procedure was not followed or a standard overlooked. Otherwise it is the duty of Council to honor the decision of the ARB. He holds that same standard in this situation and he is troubled at this discussion of a compromise.*

*Mr. Smith appreciated the discussion from both sides last week and it led him to write down his thoughts on the subject. He explained that Dr. Weatherington-Rice spoke last week about the cultivation of the soil and the nutrients involved and how it takes years to cultivate soil which is something that cannot be changed with words. To move or eliminate the garden would be disruptive and it is an important issue. On the one hand there are neighbors who have legitimate complaints and they have aesthetics and safety concerns about the garden. Mr. Smith stated that he believes the safety and aesthetic issues can be addressed under Mr. Robinson's plan. For safety, let's make sure that garden leaders are taking it upon themselves to be respectful of the neighbors and the property. As for aesthetic, gardeners should be able to help with this issue by taking responsibility for the appearance. One resolution he might offer as part of the designing process is to figure out something that would make that space look more inviting and attractive. Speaking to the garden's purpose, there are questions about whether that space could be used differently to serve more people. He explained he believes there are two points that are pertinent to this issue. The first is about the design of the PlayTrail from the perspective of a parent, of which he himself as a parent of two young children is the proposed end user. The proposed PlayTrail is a concern to him; he can picture his seven year old daughter climbing on one thing and his three year old son running 50-60 yards away to the end of the trail. As a parent he is concerned. The PlayTrail is going to be more user-friendly if it is visible from all the features. He explained his second point about concerning speculation, he feels building a feature in the park is akin to commercial or residential development where you do not know exactly who the users will be. Sports teams will use the ball fields and their families will use the features of the park, including the proposed trails. In contrast to building for an unknown user, there is currently a feature being used by Worthington residents, the Community Garden and we know there is a demand for more of that feature. He explained that during his first term on Council he proposed a transitional garden in the community to increase the number of edible plants. From his perspective, he sees plenty of green space in all the City's parks. He believes there need to be more gardens, not less. He is glad that the Parks and Recreation Commission have found several other potential garden sites and he encourages the development of these additional spaces this season. His final thought is that we live in a fast food nation and our culture has developed into a fast food culture, we must make sure to shift our culture to one that places less of a value on fast foods and more of a value on slow foods. There is inherent value in a PlayTrail, but there is more value in keeping the community garden where it is. He would like to support Mr. Robinson's idea of keeping the wording he has proposed tonight, and is supportive of option B, C, or option four.*

*Mr. Myers apologized that he was not in attendance at the previous week's Council meeting. He stated that he is unsure of what he is voting on tonight and the conversation is beginning to sound like déjà vu all over again. From what he read in the motion and the minutes, the vote is on a conceptual plan. Much like when Council voted on the amendments to the comprehensive plan for the United Methodist Children's Home (UMCH), the vote was on a conceptual view of what could happen. The City has hired a consultant to work on a conceptual plan and his understanding after going through this process multiple times, is that a conceptual plan is less about what is actually built and*

*more about setting priorities about what we want built. Mr. Robinson responded that there is quite a difference between this and UMCH. UMCH was offering ideas about what we may or may not want, there was no developer and no specific plan. This park is entirely within our control to execute the conceptual plan. Mr. Myers replied that in reality it is not and we cannot do anything yet because there is not the money. The hope was that the General Assembly would include the City in their capital budget this year, but that did not work out and we are at least a million dollars short from putting a shovel in the ground. We also know that we are a series of actual design plans away from doing anything.*

*Mr. Myers said that Mr. Robinson's proposal is very specific, but council is voting on a conceptual process. Mr. Robinson responded the reason he offered A, B, C, D was following the precedent of the options as presented to the commission. As part of the discussion as to whether the park should be moved, retained, or shrunk, there were many other related issues that emerged that he believes affect one's willingness to support one or another design. For instance, including the aesthetic issue in the resolution speaks to the concerns of the neighbors. It is an attempt to address the issues that emerge that are of a concern to the community relating to whether the park will be retained or not. For example, alternative sites that were discussed last week and whether or not any of those sites are viable or not. If there were a viable site, it would be an important factor to the reasoning about whether the garden could or should be removed. It is an attempt to be comprehensive and coherent in the presentation of the design plan.*

*Ms. Dorothy said that she sees Mr. Myers' point and she was confused when Mr. Robinson brought up options 1, 2 and 3 since the resolution referenced options A, B, and C. She said that she appreciates all of the input that has been received so far regarding this park. The Commission was fairly evenly split on what to do with the park and how to serve as many residents of Worthington as possible. The Community Garden has been fairly happily coexisting aside from some aesthetic issues that have been brought forth to Council and can be taken care of diligently. However, the garden does serve a portion of the community who do not have anywhere else to go. There is a waiting list and we could make more community gardens, but that has yet to be determined. Currently we have a great plan with plenty of ball fields and play areas for lots of people in the community, but we can be more inclusive by having more incidental contact with each other by breaking down the silos that we have put ourselves in. People who are there for baseball fields can see people in the Community Garden. She would like to see the Community Garden there, but does not want to tie the hands of staff on how it is done, or the hands of the people that are part of the Garden. She does want people to have a lot of buy-in and pride in the community to maintain the Community Garden to a level everyone in the community is proud of. She stated she does believe that it is not good that it sometimes does not look as good as it should. She concluded by stating she is more in support of adopting one of the options keeping some part of the Community Garden.*

*Ms. Kowalczyk explained that in addition to all of the testimony and the letters and emails received, she has had the opportunity to talk with gardeners and she visited the site on several occasions. She also spoke with one of the members of the Parks and*

*Recreation Commission to understand their thought process. It seemed to her that when discussing the number of potential people who could be served by the original proposal versus the people impacted by the removing the garden, it does not seem like a fair comparison. You must look at the number people adversely impacted by these proposals. There really are not a number of people adversely impacted if we keep the garden. There is a potential of new people, but not adversely impacting people who could not otherwise participate in what the park has to offer. As the process played out, keeping the existing Community Garden was on the wish list; but it was the one thing on this list that was determined to be disposable. That was the direction given to the consultant to develop a plan, they weren't given the full wish list in the beginning and it was taken back to the public for feedback and that point was when options were developed for keeping the garden. She emphasized that she believes the Community Garden exemplifies our City's values of sustainability, community engagement, civic involvement, and supporting the Resource Pantry. That is why she thinks it is important to maintain it in a location that is visible. The Community Center is the perfect place for it and it has been there for eight years. We should be enhancing that visibility, not moving it and starting all over again. She stated that she feels comfortable saying she supports options B or C. She said that she sees Mr. Robinson's list of items that are conditions to be an attempt to address some issue brought up and it is important to acknowledge these issues. One primary issue is a communications issue about who to contact when there are problems and finding ways to resolve issues that impact the neighborhood. While they may not need to be conditions that need to be fully enforced, but at a minimum they could be a direction of Council on where they want the garden to go.*

*Mr. Myers proposed hypothetically if Council adopts option C, which is 80% of the existing garden that the garden and the PlayTrail could co-exist in some form or another. The PlayTrail is something that he has been lobbying to build for years. He and his children grew up playing in natural settings, not in prefabricated plastic and metal structures. Under option C with 80%, we may get that, but it is not a sure thing because there is no promise there is enough room to put the PlayTrail in with 80% of the garden. Going back to his first point, he explained that Council is discussing placing conditions on something without even knowing what the design is going to look like yet. The purpose is to assign priorities, not to design a park. The park design is supposed to come later. He said that he believes he is voting on something one way or another without really knowing what he is voting on. This leads him to want to vote no on down ticket items regardless of what is proposed. He thought that the discussion at this meeting was to establish whether he was willing to give up the play trail for a garden and he believes that is not the discussion being had.*

*President Michael said that the one option that had been previously discussed that she wanted to bring back up was to do some type of grandfathering for existing gardeners, find another community garden site, and the City could move their soil from one site to another. Or as gardeners give up their spot, that space would go towards being used for future park development. It is not a perfect solution for both sides; however it is a form of compromise.*

*Mr. Robinson responded to Mr. Myers' earlier comments, stating that the details of the designs will be worked out. He views this discussion as analogous to someone decorating their living room at home. A major design element is deciding where the sofa is going to go and then the other things are worked out around it. This discussion is about the major design element in the portion of the park that is in dispute. Council has been asked to provide clarity about which basic design option they support. Three different options have been presented. He explained that in response to the issue of grandfathering is why he has attempted to introduce some specific elements into his proposal following the example of the City that laid out options and conditions. He is attempting to give clarity about what is the future of the garden. His commitment is that it is a positive public good and the location within McCord Park is what makes it desirable. If we decide to keep the garden in the park, we should say this is not just for tomorrow; it will not be diminished, or grandfathered. We as a City and as a Council have voted to say this is a good use of the space.*

*Mr. Foust replied to Mr. Robinson's analogy by saying he and his wife have owned many sofas and eventually the one they bought in 1983 no longer fit and they moved it on down the road. He stated he feels that he is the lone voice saying that the Community Garden does not fit in the optimal park.*

*President Michael explained that nobody likes the idea of possibly reducing the garden as attrition takes place and allowing the space to move towards a different use and opening up some other community gardens so there are other places for people to garden. Mr. Foust asked if it is conceivable to make these new sites more attractive than the current site if done correctly. Ms. Kowalczyk stated that according to some of the testimony that is not necessarily the case, at least for one or two of the sites and these locations have not been vetted at this point. She said that one of the overwhelming things that she heard from everybody; including those who want to move the garden, was that community gardens are important to the City. Mr. Robinson added an additional comment that the stipulation changing the garden in the future according to his option requiring City Council approval, it acknowledges that this Council or any future Council could change the plans in the future. It attempts to make sure that the future is not left uncertain, which he explained opens the possibility of this issue emerging again in the future. This leaves it a little bit more difficult to remove or diminish the garden and requires its return to council. Ms. Dorothy stated that she agrees with much of what Ms. Kowalczyk said regarding the values of the community and the reasons why it is so important that the garden be in such a prominent park. However, she acknowledged that values do change throughout time but she does not anticipate a greatly diminished need for space in the Community Garden unless there are a lot more community gardens throughout Worthington. She does hope that there is a committed effort to look for additional community garden sites and there are more people gardening throughout the City. However, it does seem like there is a life cycle for the City's parks and every twenty years we look at the needs and demographics of the community. She does believe that this could change throughout time, but she does believe that we want to highlight having a garden here. She is concerned about tying people's hands in the future, but ultimately she stated she believes that we need to keep the Community Garden.*

*Mr. Myers stated that nobody is arguing against the Community Garden, that is not the issue. The issue is whether that is the correct place for the Community Garden. He was not here last week, so he did not hear the arguments and maybe someone on Council could help him. He has always divided people who grow things into two camps, landscapers and gardeners. Many in his family were gardeners and they were less concerned about aesthetics than landscapers. Landscapers like things to be very proper and in the right place. He fully understands as a gardener himself that the soil and location are critical. Why is it that this is the only spot that this garden can go in Worthington. Ms. Kowalczyk responded that it is not that it is the only spot; it is that it has been there for eight years and the soil has been developed over that time. That is what was heard previously and many have put a lot of time effort and money into it and to have them be told that it can be moved somewhere else means that a lot of their work was all for naught. They are not going to just pick up and move to start all over again. President Michael stated that the one comment made last time was about how it is a foot and half of soil that makes a difference, which has been made very nutritious and could be dug-up and moved. That is one thing that was brought up that she wanted to reiterate for Mr. Myers. Many people have talked about how much they enjoy the garden and they enjoy gardening, but there were also neighbors who explained how distracting and detracting the garden is. There are issues that have been brought up on both sides. Ms. Kowalczyk stated that some of the comments from people who garden are that there is engagement for people who are older and that this is their only activity. There was a letter received from a woman who said she goes there every single day to garden and interact with the other people at the garden. She also uses the garden to support herself because she is on a fixed income. Another gentleman said that he does not have a garden in his own yard and does not live close to the Community Garden, but he comes there because that is where he can garden. She is not sure if there are issues with picking up the soil and moving it to a different location or if there are other environmental factors that affect the success of the garden. But it is not just about simply lifting soil and moving it.*

*President Michael stated that there are several speakers who have asked to discuss this subject. She requested for only those who have new information that was not given last week to speak.*

Dave Kessler - 6988 Eastview Dr.

*Mr. Kessler introduced himself as a member of the Parks and Recreation Commission and stated that they worked pretty hard on this plan. He wanted to provide several pieces of information that were not provided at the previous meeting. First, he stated that there is not a compromise plan. When looking at the playground at McCord Park, almost half of that will be used to make a full size soccer field on the west side of the park. There is not going to be much of a playground. The way the lost play area for the kids is recovered is with the play trail. If you look at where the garden is now from the southern border of the garden to the large landscaping mound is maybe fifteen feet. If you take out the mound, that makes it close to thirty feet. That is not a PlayTrail. If the*

*garden is maintained, there will be no PlayTrail because there is not enough room. Furthermore, pushing the walking path right against the property line is really not what is done anywhere else. There is nowhere else where playground equipment is right up against a house, there is typically a sense of separation. He asked that it be kept in mind that the compromise plan eliminates the neighborhood playground, leaving only a little room for a couple of playground pieces and the rest will be gone. The neighbors will not be pleased with that.*

*Secondly, is a point regarding the garden as a design element. The City Council has never done anything with the garden; they have had nothing to do with it. When the previous Parks and Recreation director at the time had the idea to try a community garden and she came to him with the concept, he was supportive of the director's ideas. She said that if it doesn't work out, it will go back to the turf that it was previously. She wanted to avoid going to Council and the pushback that could potentially come from the neighbors. As a proof of concept, the Community Garden worked proving that there was interest and the Commission is very supportive of having a garden. But there is nothing magic about that specific location. Now they are designing the park for the next twenty plus years and have to take into account that the garden was not designed to go there. There should be a garden and the Parks and Recreation Commission's recommendation was that this was our garden until whatever construction crew hired to build our park needs that piece of ground. That could be next year or it could be the year after, or never. He suggested that Council direct the commission to find another place for a garden, implement it immediately and allow gardeners who currently have plots, have plots for free in the new garden and allow them to begin doing their soil amendments. He grew beautiful tomatoes in the garden during year one when the soil was clay, people will be able to garden in an awesome place where we can put a little more thought into it.*

Julie Weatherington-Rice, 298 W New England Ave.

*Dr. Weatherington-Rice explained that looking at this from a forty thousand foot position and knowing how long she had been trying to get the garden started, she was under the impression that we had a garden now. To hear that we never really had one is really surprising. She was surprised when the decision was made 4-3 to end that location as the community gardens. So she made a request of the Director to find out who was on the commission, what their technical training was, and to get minutes from the April meeting. What she wanted to understand was how the vote split 4-3 and the backgrounds of the people who made those votes. She looked at the training of the people who are on the commission and one person is a landscape architect with a background in earth sciences and horticulture. Another person is city forester who would also have a background in earth sciences and horticulture. Interestingly, those two people and one other person voted to stay with the idea of the community gardens, voting against the 4-3 plan that came forward. So the plan that came forward was voted on by four members of the commission who from everything she can tell looking at their academic background and their career paths does not qualify them as experts in earth sciences and horticulture. Understanding what happens over eight years to a plot of ground requires a little bit of technical background and the people who had it didn't vote to see it go away. She*

*admitted it is probably not a great location but that was done in 2010. There are some options, and she explained she did discuss what it would take to dig it up and move the soil. But, if you do move it, it needs to be started now, plots need to be put in now, and you need to start building new soils. She has no problem with grandfathered people and shrinking it over time. What needs to be thought about is the critical value provided to the community; Worthington has a very strong sustainable position going back to 1803. This is something that has been valued in the community for a long time and if you are going to continue it; it needs to be done in an organized manner. She agreed it is conceptual at this point, but you've got to conceptualize if you are going to agree to gardening. As you look at other spots, you need to make sure that you actually have access to that land. She urged Council not to make a rash decision because this is what the community is all about.*

*President Michael said that Council now needed to make a decision and staff has asked for a choice made from one of three plans. She asked for thoughts on the three options to figure out how to frame a resolution.*

**Resolution No. 33-2018**

Conceptual Master Plan for McCord Park to Guide Detailed Design and Construction of the Renovations to the Park.

**Introduced by Mr. Robinson.**

**MOTION**

Mr. Foust made a motion to adopt Resolution No. 33-2018. The motion was seconded by Mr. Smith.

*President Michael explained that the resolution needs to be amended by selecting one of the options. Mr. Greenson recommended that it should be done by amending section one by McCord Park by denoting option A, B, or C and should there be additional criteria listed such as the ones suggested by Mr. Robinson, those could be done as subsections under section one.*

*Mr. Smith inquired that if Council goes with option B; conceptually could we still maintain most if not all features of the PlayTrail. Mr. Kolwicz with POD Design explained that this is a difficult question to answer because it has not been detail designed yet. What they have found is that with the garden remaining exactly the way it is, it will mostly likely be bookended with a small neighborhood playground and a small playground that serves the greenspace. The impact of this option is a smaller greenspace for the programming right outside of the Community Center. In terms of the PlayTrail, they just won't know until finding out what exactly is desired from a programming standpoint what could fit along that route. Mr. Smith followed-up by asking if it has been looked at to move north where the current parking lot is next to the soccer field. Mr. Kolwicz stated that nature based play approach would be in place no matter where it goes, however having it implemented in the elongated fashion is dependent on the garden. Mr. Smith asked if it would still be possible to incorporate most of the features that have been discussed throughout this process. Mr. Kolwicz said that the feedback*

received from the neighbors indicated the desire to have a playground not just by the Community Center, but also near the neighborhood which had not previously been the case. After walking the property and seeing the full magnitude of the soccer field space and fencing off the baseball field, the commission felt that the constraints of that space would limit the ability to get the PlayTrail concept through that zone. President Michael asked depending on the space used by the Community Garden if that affects the number of the features of the PlayTrail we would be able to have. Mr. Kolwicz replied that something gives one way or another and they have been working to find what a happy medium is between having the various components. Mr. Myers stated that goes to the point he has been trying to make, at this stage of the planning process, we are establishing priorities, not plans. This resolution will set the priority of the Community Garden vis-à-vis the PlayTrail. We are setting the Community Garden at a higher priority than the playground. As far as this being forever or certain sizes or certain people, we are not there yet. In his experience it is always smaller than you anticipate and end up with less of what you want.

Ms. Dorothy asked if we keep the Community Garden, in addition to the PlayTrail one of the things we are shifting priorities is the open space and what is the purpose of the open space. Mr. Kolwicz replied that it is a combination of potential users, the first being programmed activities and two reservable shelters that provide adequate space for people to spill out into the lawn space. Mr. Robinson said that one of attractions of option C was the shelter house area was not reduced compared to Option A. Yes this is setting priorities, but we should avoid either-or thinking. It is not the gardens versus the playgrounds. If the garden is retained, it will require that the playground be slightly condensed, but the playground will still be there. There are specific drawings that show what the impact is and he believed most of the features could be retained along with the garden. Mr. Foust asked how much area is being allocated to a playground if the garden is retained in full. Mr. Mr. Kolwicz replied that he could not give a calculation of area like that. He stated the PlayTrail concept works best when there is room on either side of the trail to have play amenities along the route. Mr. Smith said that he does not see the need to intertwine the natural and manmade features, he agrees with Mr. Myers to make it all natural because that's what works.

President Michael said that she is hearing that the direction of the conversation is moving more towards option C.

**MOTION** Ms. Dorothy moved and Ms. Kowalczyk seconded a motion to amend section one of Resolution 33-2018 by adopting Option C.

**There being no additional comments, the motion to amend section one of Resolution 33-2018 by adopting Option C carried unanimously by a voice vote.**

President Michael asked if anyone wanted to make any additional recommendations to amend section one. Mr. Foust explained that if Council finds a couple years out that they cannot build and optimal park is there willingness to gradually and thoughtfully grandfather those people who are currently using the 80% of the garden, and over time

*develop alternate sites. He explained that he did not believe that 80% is still not a great long-term solution when trying to create an optimal park with appropriate play space for young children. President Michael stated she thought that staff could investigate more fully looking into other solutions for community gardening, so as the design process is going on, we can also be looking at options for more than one site. Ms. Kowalczyk said that she agreed with that statement but would also like to provide direction for gardeners who may not know what is happening. She stated her vote on Option C would not include a provision for a phase out. Mr. Robinson stated a future council can decide to eliminate the garden. He agreed with Ms. Kowalczyk that some certainty after this extensive public process would be desirable. He stated that he moves that point D of his option be added to the resolution, that the garden and its operation in this is location without diminishment or removal be retained until future formal action by City Council.*

*Mr. Myers stated that this motion contradicts the resolution, it says without diminishment or removal, but the resolution states that we are reducing the garden by 20%. Mr. Robinson stated that since we adopted option C, there is an addended condition that henceforth, the garden and its operations remain in this location. Mr. Greeson said from a process standpoint, Council will ultimately approve the final design. It will come back to council for additional action before the installation of the park facilities is procured. Mr. Hurley added that when the staff made the recommendation at the Commission meeting regarding Option C, the language used provided security to current gardeners but would not allow new ones in until they had gotten through a detailed design. The garden has had 74 gardeners over the eight years, so there has been quite a bit of turnover. He stated part of the recommendation was to begin planning with 80% of the garden and when the playground debate began it may then consider additional parts of the garden only if plots were vacated over time and alternate garden was established. It would provide some flexibility for the planning prospects, but would also provide security for the gardeners currently there who would not be removed involuntarily. Mr. Foust stated that if under the amendment as proposed by Mr. Robinson, the City would set a basement of 80% and box ourselves without knowing what the future looks like, he could not support that. Mr. Hurley said that was the spirit of letter E on the option that was in the Commission minutes. Mr. Robinson said that Mr. Hurley's statements substantiate his belief that this addendum is a desirable thing. It sounds like not allowing new gardeners in will keep this issue alive going forward as the park design implementation unfolds. It is very likely that we will hear a year from now that we want to shrink the garden and we will have this debate again. A future Council can always override what is done here tonight and it does not box anyone into anything, it is simply making it more difficult to do so and requiring that it come to Council. It provides clarity and reduces the likelihood of ongoing dispute over the garden. Mr. Smith agreed that he sees this as a clarification for the designer to move forward to not go any less than 80% of the garden. That might encourage the designer to be a little more creative when incorporating some of these features.*

**MOTION**

Mr. Robinson moved and Mr. Smith seconded a motion to amend section one of Resolution 33-2018 by adding 1-A that reads the garden and its operations remain in the McCord Park location

without further diminishment or removal except for that set forth in this resolution unless or until further formal action by City Council.

**There being no additional comments, the motion to amend section one of Resolution 33-2018 failed by a 4-3 voice vote with Councilmembers Kowalczyk, Robinson, and Smith voting for the motion.**

**There being no additional comments, the motion to adopt Resolution No. 33-2018 carried by a 6-1 voice vote with Councilmember Myers voting against the motion.**

**Resolution No. 34-2018** Adopting a Position Description for Part-time Firefighter-EMT Basic/Paramedic

**Introduced by Ms. Kowalczyk.**

**MOTION** Ms. Dorothy made a motion to adopt Resolution No. 33-2018. The motion was seconded by Mr. Myers.

*Mr. Greeson stated that the City is in a process where they are hiring new part-time firefighters. They have recently promoted two existing part-time firefighters into full-time vacancies. It is customary after that is done to review job descriptions so that they reflect current desired job duties.*

**There being no additional comments, the motion to adopt Resolution No. 34-2018 carried unanimously by a voice vote.**

**Ordinance No. 26-2018** Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The Griffin 105 Group, LLC)

**Introduced by Mr. Smith.**

**Ordinance No. 27-2018** Accepting Sanitary Sewer Improvements Constructed in a Public Easement Located Adjacent to the Greenwich Street Right-of-Way in the Replat of Lots 81 and 82 of Morris' Addition to the Town of Worthington.

**Introduced by Mr. Foust.**

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**

Discussion Items(s)

*Mr. Greeson stated that there was a rainy but successful Touch a Truck. LimeBike started their services in the City over the past weekend. He explained that Mr. Hurley's staff in addition to successfully navigating through questions about community gardens; they have diligently helped children touch trucks and brought bicycle amenities to the community. He also thanked everyone for being a part of the swearing in ceremony for Chief Zambito earlier in the evening.*

**REPORT OF COUNCIL MEMBERS**

*Ms. Dorothy stated that she did have a cemetery committee meeting and they are fast making preparations for Memorial Day. She hoped that everyone would be in attendance for the parade and at the ceremony following the parade on Memorial Day. Also, there will be additional information about the Ozem Gardner property presentation in June.*

*Ms. Kowalczyk thanked staff, she has had a lot of comments about pedestrian safety and traffic issues and she understands that a Safety Committee has been put together to work through those issues. She looks forward to seeing what they come up with as a result.*

**ADJOURNMENT**

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

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

President Michael declared the meeting adjourned at 10:08 p.m.

/s/ D. Kay Thress  
Clerk of Council

APPROVED by the City Council, this  
4<sup>th</sup> day of June, 2018.

/s/ Bonnie D. Michael  
Council President