Worthington City Council Agenda

Louis J.R. Goorey Municipal Building
John P. Coleman Council Chamber

Monday, April 01, 2019 ~ 7:30 PM

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation(s)

5.A. Oath of Office - Police Lieutenant

Executive Summary: The Oath of Office will be administered to recently promoted Police Lieutenant Steve Mette.

6. Approval of the Minutes

6.A. Meeting Minutes - March 11, 2019

6.B. Meeting Minutes - March 18, 2019

Recommendation: Introduce and Approve as Presented
7. Public Hearings on Legislation

7.A. **Ordinance No. 11-2019** Appropriation - 2003 Bicentennial Fund

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the 2003 Bicentennial Fund

*Executive Summary:* This Ordinance appropriates $36,000 in the 2003 Bicentennial Fund to support the Orange Johnson House Bicentennial Project

*Recommendation:*

*Legislative History:* Introduced on March 18, 2019

7.B. **Ordinance No. 12-2019** Accept Deed of Dedication - 181 East Wilson Bridge Road

Accepting the Deed of Dedication for Additional Right-of-Way at 181 East Wilson Bridge Road.

*Executive Summary:* This Ordinance authorizes the acceptance of the Deed of Dedication for 15-feet of additional right-of-way at 181 East Wilson Bridge Road for Granby Place, and authorizes the Law Director to record the Deed of Dedication.

*Recommendation:* Approve as Presented

*Legislative History:* Introduced on March 18, 2019

8. New Legislation to Be Introduced

8.A. **Resolution No. 17-2019** Job Description Amendment - Firefighter-Paramedic

Amending the Position Description for Firefighter-Paramedic.

*Executive Summary:* This Resolution amends the job description for Firefighter-Paramedic

*Recommendation:* Introduce and Approve as Presented

8.B. **Ordinance No. 13-2019** Appropriation - Bicycle and Pedestrian
Improvement Program

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the 2019 Bicycle and Pedestrian Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 693-19)

Executive Summary: This Ordinance appropriates $100,000 from the 2019 Capital Improvement Fund for Bike and Pedestrian Improvements as recommended by the Bicycle and Pedestrian Advisory Board.

Recommendation: Introduce for Public Hearing on April 15, 2019


To Enact New Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances of the City of Worthington to Prohibit Discrimination in Housing, Employment, Public Accommodations, and Higher Education Based on Designated Classes.

Executive Summary: This Ordinance adopts a new chapter in the City’s Codified Ordinances to prohibit discriminatory practices based on designated classes.

Recommendation: Introduce for Public Hearing on April 15, 2019

9. Reports of City Officials

9.A. Policy Item(s)

9.A.I. Permission to Bid Huntley Road Waterline Replacement

Executive Summary: Staff requests permission to solicit bids for construction of a 12” waterline in the northern portion of Huntley Road. The engineering estimate for construction cost is $522,885.

Recommendation: Motion to authorize the advertisement for bids

10. Reports of Council Members

11. Other
12. Executive Session

12.A. Executive Summary:
   - Compensation of Public Employees
   - Appointments to Boards & Commissions

13. Adjournment
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, March 11, 2019, 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: David Robinson, Beth Kowalczyk, Douglas Foust, Scott Myers, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent: Rachael R. Dorothy

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 6 visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS

Emily Baker – 510 Evening Street

Ms. Baker shared how she is a 27-year resident of Old Worthington. She is a current board member and past President of the Old Worthington Association (OWA). She was on the board when they succeeded in getting the sixteen block Historic District of Old Worthington listed as the Worthington Historic District on the National Register of Historic Places. She includes this as a reference of her level of involvement and interest. She knows the sentiments she is presenting are shared by many others. Recent events regarding final decisions being made have prompted her to address Council in a public forum. She asked Council to refer to OWA’s letter that was emailed in mid-February outlining their official position. Council has agreed to participate in a community wide visioning process. They
strongly support that effort. Stafford Village, Anthem, UMCH, and Harding are all active projects. The most current, pressing concern is the Stafford Village proposal, as unique to that project it is squarely in the heart of the Worthington Historic District, which the City and its community members have agreed is important to protect. Extreme caution must be observed regarding significant development proposals in the district as the visioning process is incomplete. Decisions about a potential PUD, an irreversible precedence for the Worthington Historic District must be considered with the utmost seriousness. They feel strongly that it is foolhardy to allow decisions on major development in Worthington, particularly with the dramatic changes being proposed, until this visioning process is completed. The common-sense approach is that the consideration of a discretionary project such as Stafford Village should be delayed and tabled until the process is complete. This is about our community, particularly our historic district and its essential character. We continue to support only those projects that promote, preserve, and enhance the unique village character of our community. They appreciate Council’s serious review of these development issues as you continue with the visioning process in an effort to avoid detrimentally altering the distinctive and defining character of the Worthington Historic District.

REPORTS OF CITY OFFICIALS

Policy Item(s) - Financial Report – February 2019

Mr. Robinson noted the new bar chart included with the financial report. Mr. Bartter said it was a new tool to compare year to date actual revenue to estimates. He cited the fact we are down in income tax collections against estimates, but we are up with Community Center revenue and interest income ahead of projections, making up that gap. Mr. Robinson asked what advice could be given to Councilmembers regarding when and how they might become concerned about income tax revenues falling below projections. Mr. Bartter explained how this time last year we were down $300k to estimates. We are ahead of where we were last year. If the trend is an extended period of time then there might be cause for concern, but at this point we are ahead of where we were last year.

MOTION

Ms. Kowalczyk moved, Mr. Myers seconded a motion to accept the Financial Report.

The motion passed unanimously by a voice vote.

Discussion item(s) – Discussion of Proposed Changes to Draft Non-Discrimination Ordinance

Mr. Lindsey thanked Mr. Miner and members of the CRC for the work they have done over the past year getting an initial draft together. Based on Council’s previous discussion of this topic they did begin to look at some of the specifics proposed in that initial draft. There were meetings with Mr. Miner and Ms. Courtwright to discuss areas where it might warrant a second review. He described how Mr. Myers participated in that discussion because he had voiced some concerns during the Council meeting. What they have tried
to put forward here are the potential changes that might be suggested moving forward with the initial draft. The changes have been presented in a redline format because they wanted to make sure it was clear since the CRC draft had been out for a couple months, that everybody in the public could see the differences, so nobody would think that we only talked about a few of them but did not show everything. The memo was prepared in order of the high-level decisions that Council needed to be making regarding these changes.

The first topic was the question of how we should go about enforcing State and Federal protected classes. Many of the classes and rights set forth in this ordinance are already protected under State and Federal law. With a small enforcement staff there was the question of if it makes sense to duplicate that which is already available from an enforcement and investigation standpoint at the State or Federal level. The thought is to defer all those cases to those respective State and Federal agencies and not to have duplication of effort. We would only handle those matters not covered under State and Federal law. There was also the thought if State or Federal law changes for protected classes, how do we make sure we are not then having to come back right away to amend. So, there is also the inclusion of catch all language to include any other future protected classes.

Another aspect closely related is the review of Ohio Civil Rights Commission (OCRC) and Equal Employment Opportunity Commission (EEOC) determinations and if it is appropriate for the City to review the decisions of those agencies and whether or not we should defer that. The consensus of the discussion group was that on issues of probable cause after investigation if those agencies determined there were no grounds to move forward, we will not review those. If the complaint involved lack of jurisdiction, then we would step in and review those if it fit within our ordinance and proceed. Similarly, if the State or Federal entities lack investigation time or resources, which is a determination that occurs at times based on their heavy caseloads, it would be appropriate to review at the City level.

Next, there was discussion about the preliminary investigation and who would conduct that investigation. This was charged to the Law Director, who can then appoint an attorney to handle those investigations in part based on other work duties and caseload issues. We would want to conduct reviews in a timely manner. Additionally, special counsel handling those investigations may perhaps have more expertise.

Regarding determination hearings, in the ordinance it was originally designated that the CRC would be the one to conduct determination hearing. There was a healthy discussion and there were concerns raised. Because our current Commission has been in existence for a long period of time, and it has a valuable role, there was the question whether the responsibility of holding these hearings detracted from their existing role and if there should be consideration of an appointment to serve in that capacity. You would want people that have experience with this sort of administrative hearing process, and we may lose the benefit of the sort of people who might have served in the Commission and served well over the years. Unlike the MPC/ARB that hears cases on a regular basis, anecdotal evidence from other communities shows that the number of cases is very small, perhaps
one or two every couple of years. That does not allow a group of citizens to gain expertise to hold these hearings in a way that benefits both the person registering the complaints as well as the respondent on the other side. The recommendation is to have the City Manager appoint, after consultation with the CRC, a hearing officer. The individual would then hold the hearing, conducted in uniformity with those administrative process. One minor note relating to the Law Director, it has the authority to continue the hearing placed with the Law Director because they would be the person scheduling the initial hearing. It seemed more appropriate to have the person holding the hearing make that determination if one party or another is requesting a continuance. The hearing officer can make that decision as the appropriate rescheduling of a hearing.

The next large topic is centered around the discussion of a civil penalty for violations and setting forth a maximum penalty of $5000 for a third violation that a hearing officer can impose after a determination that the discrimination occurred. He noted that some other ordinances such as Columbus, Toledo, and Oxford did not include civil penalties. However, Cleveland has up to a $100,000 penalty. There is a range open to whatever Council thinks is appropriate. For that reason, no specific change is proposed there. Similarly, for a criminal penalty imposed for violations, the draft ordinance currently makes it a criminal offense not to simply have discriminated, but for failure to comply with an order to cease and desist discrimination. This is similar to what has been done in other cities. In terms of municipal authority to enact laws, the most common and frequent one is the ability to enact criminal laws, we are limited to only misdemeanor offenses, we cannot impose felony offenses. It is a clear area of municipal authority when it comes to making laws that impact people’s behavior. He said that only in the sense it is less clear the full authority of which we can create enforceable civil rights, enforceable in Common Pleas or somewhere else. There is always the question of the ability to do that, many cities have created these ordinances with the appearance they are enforceable, but he would be remiss if he said that was a certainty as to that enforcement.

There were also changes involving educational discriminatory practices. This issue was raised at the public hearing where an individual asked if the CRC considered educational discrimination. The State does have a discriminatory practice regarding education, it is limited to the class of disability and it does not apply to other protected classes. It is also limited to post-secondary education. Based on the discussion that came up, we thought it was important to present an option including that. We used the State’s model, we had tried not to look at educational discriminatory practices below the post-secondary level, but we did expand the number of classes it would apply to. The definition of an educational institution was taken from the State law and would not involve the Worthington school system in terms of their actions.

The next major topic added deals with religious exceptions for public accommodations. The draft ordinance already provided a religious exemption for fair housing and employment, but it did not include one as to public accommodations. Cleveland’s model had such an exemption in that ordinance, and we used that as the model to include one for Council consideration at this point.
President Michael asked for an example of a religious exemption for public accommodation. Mr. Miner said that one of the examples used was a scenario where an individual church was providing services specifically to members of their congregation or members of their faith, so it allows for that. For example, if you were running a soup kitchen or providing some other thing for sale as part of the congregation that would be specific to that congregation, denomination, or religion. Mr. Lindsey added that it is not unusual in that same context, some type of emergency assistance, some congregations provide money for their own congregation to move forward through difficult times. Under Federal law generally a church or their activities does not fall under public accommodations, however our ordinance defines public accommodations with at least a catch all definition which might then be argued to be inclusive of those churches or religious institutions.

Next is the question of allegations of unlawful discriminatory practices involving the City, other cities who have adopted ordinances, some have specifically indicated under definitions of employer or person that the ordinance does apply to the city. That is the approach in this ordinance. Some cities have separate sections that clearly indicate the application of those provisions to the city and its intentions to comply. In the draft, we did take the first approach in terms of defining employer and person to include the City. What has been done to address one of the concerns that was raised in discussion as to if in fact an allegation would involve the City, the City Manager’s role and the Law Director’s role could put either in a conflicting situation on how to move forward. It was thought best to allow Council to enter into the fray at that point and to have the authority. This gives Council the discretion based on the nature of the allegation, Council could move forward for appointing who would do the investigation or the hearing. It was added that the Law Director would provide a copy of the complaint to Council to them put on notice. We have shifted the notification responsibility to the City Clerk since that is where the complaints are filed. However, in the case of a complaint involving allegations against the City, it would be his recommendation that be forwarded by the Law Director.

The next section deals with the offense of ethnic intimidation. The City already has a criminal offense following the State law. Basically, it makes a higher degree of offense for certain criminal offenses that are done with an improper discriminatory motive and this language would expand the predicate offenses and would apply it to all the protected classes of our ordinance which is broader than the State law. The one area that is not addressed is that we do not have the ability to make criminal offense a felony. If an offense is already a misdemeanor of the first degree, the sort of standard language that was in the draft, you cannot really make it one degree higher than a misdemeanor of the first degree because we are limited to not doing felonies. The City of Columbus has addressed that by imposing a mandatory minimum penalty if the offense was already a misdemeanor of the first degree. The best example of that is assault, which is a misdemeanor of the first degree, assuming it is simple assault, therefore if you did it for an improper motive, it won’t become a felony, but should there be mandatory minimum penalty. He has put forward for discussion purposes the ten-day minimum that the City of Columbus uses, but Council can do that at whatever level of minimum penalty.
it would simply be that we would have the language that clarifies that it does not go up a degree in the case of a misdemeanor of the first degree.

The definition of discriminate in the draft did include all of the protected classes, however those classes are then indicated again in each of the discriminatory practices sections. From his viewpoint that creates a redundancy and so in looking at State law it does not do that. The word discriminate is then defined simply as to be clear what it means but the classes are set forth in the prohibitive sections under fair housing, employment, public accommodations, and now additional educational discriminatory practices.

The complaint filing and notification process, the proposal would be to have City Clerk handle the ministerial aspects of receiving the complaint, notifying the respondent party, and notifying the individual if the complaint fell in one of the State or Federal protected classes. The Law Director will be available to provide any assistance that the City Clerk may need. One of the concerns about referrals is to make sure it is done timely and not delayed, because if a person waits too long to come to us, we do not want more time to pass and they risk losing their ability to file within 180 days under the State law.

The ordinance does include the ability to appoint a mediator if it is agreed upon by both parties to attempt to resolve the matter by mediation. The draft ordinance simply said that the City of Worthington would appoint, which was clarified to be the Law Director since at that stage of the process it would seem to be appropriate. However, that could also be an appointment of the City Manger or the CRC.

Finally, in terms of the proposed changes, we did specify a proposed effective date of July 1st with this coming forward in the month of April. If adopted we have added an extra two months to allow the public full knowledge this is out there. The tradeoff of how long to go and in some instances for some criminal offenses people will wait until the state of a whole new year. The concern here was that we do not want to appear to be condoning the discrimination that we have now set forward is inappropriate, but we do want to make sure people have enough time to know what is involved before they are subject to the civil and criminal penalties as put forth.

Mr. Miner said that he wanted to say thank you to Council for all their work, support, and helping to make this a better ordinance. It is an excellent example of seeing government at work and it is a strong partnership between Council, the CRC, staff, and the community. Feedback from the community was almost exclusively positive and the public forum was great, with good turnout and feedback. This ordinance was not written in a vacuum, it was written in partnership with Council and the community. We are putting structure around some of the pieces that didn’t have structure before. Many of the things have a clearer definition such as how roles are appointed, what authorities and opportunities does the Law Director have to staff out things and to appropriately have people with expertise at each step of a situation. The other thing that resonates with him is where we started with this was that we want to right a wrong. The steps that we have put into this ordinance build towards that. One of the very first things that could happen is that a complaint could be filed that is never heard by an arbitrator and never goes to mediation because it is
addressed, resolved, and someone pulls the complaint. One of the next steps is mediation between the parties, with the opportunity to find resolution before it goes any further. With the next step being a finding by a magistrate and the opportunity for a fine which they felt was the right answer for Worthington. Different cities have different takes on that. Many of the cities that do not have a fine structure go more quickly to a misdemeanor penalty structure. It was felt like that was not the right tone they wanted to send. For us, if you were ever to receive a misdemeanor penalty through this, not because of the discrimination, you’re receiving that because you neglected to obey the cease and disorder issued by the City. That is an important message about the tone that we are trying to send. This is not about penalizing people, or making it a criminal act, it is really about making a better community.

President Michael thanked Mr. Miner, Mr. Lindsey and all of the CRC for all of their work and time put into this. This is a very important topic.

Mr. Myers commenting on the ethnic intimidation in this ordinance, asked if it is an enhancement to an existing criminal violation. Mr. Lindsey responded yes. When asked by Mr. Myers if the ethnic intimidation is separate from 539, Mr. Lindsey said yes. He explained that for purposes of this ordinance, he has moved it into the same chapter. Mr. Myers asked if it does not provide an enhancement to a violation of this chapter. Mr. Lindsey said that was correct. Mr. Myers said that it just rewrote our ethnic intimidation with a penalty enhancement. He asked if it would go downtown to be prosecuted. Mr. Lindsey said that the ethnic intimidation could be filed at our Mayor’s Court. Mr. Myers asked if we could assess jailtime here. Mr. Lindsey said that in terms of the maximum penalty, yes, in terms minimum penalty as proposed for a misdemeanor of the first degree with a mandatory ten days, that would have to go downtown because a person has a right because jail time is imposed to go downtown to Municipal Court. If it was only a fine, then we do have the ability to have it here. Because the right to an attorney and the right to a jury trial, we can appoint attorneys, but we cannot have a jury here.

Mr. Myers referenced section 539.05(a)7 which details the money up to $1,000 for a first offense. He asked for an explanation if there is a violation anytime in the 5 years preceding a charge, there could be a $1,000 fine. Mr. Lindsey clarified that the normal intent of this would be if it was their first offense in the five years preceding the filing of the charge, if they did not have any prior offenses within that. So, this is the first charge within a five-year period. That language makes more sense for second and third situations where it is a second offense in the five years preceding the filing of the charge. Mr. Myers concluded that there is a five-year lookback period then. He then asked if we want to say, “filing of the charge” or “the finding” or is the filing being used as a time limit. Mr. Lindsey stated it is being used as a time limit, you could make it the cease and desist order which is the trigger for moving forward. Mr. Myers remarked so long as there is the understanding that a charge doesn’t mean anything until there is a finding of a violation. Mr. Lindsey said one additional change he would make based on Mr. Myers questioning is that we should probably change the word “charge” to “the complaint” or “by the complainant.” Technically he looks at a charge as being more of a criminal offense and therefore, one could be confused as to what that is. We will play with the language, that is why we are
not introducing it tonight. Mr. Myers noted that in 539.08 where we make it a misdemeanor for failure to comply, that was confusing, they are two separate and distinct things. We have been talking from the beginning about when, where, and how we want to criminalize the conduct. We want to give this person every potential opportunity, before at the final hour we will criminalize the conduct. Mr. Lindsey reported that being why he chose to make failure to comply a separate section, to make it clear it is a separate criminal charge that would be filed.

Mr. Miner said one thing that caused the CRC to take a step back and reflect on how to adjudicate this was a comment made by Mr. Myers about how we are already a different group from “Hi Neighbor.” We didn’t want to be in a situation where we are changing the feel, and the flavor, and the context of what the CRC has historically been. One of the things they were worried about is if they were in that role as adjudicating, we would be changing the flavor. He brought up how Mr. Lindsey has reference to the type of people that may be appointed. The other piece is the politicizing of it. Does it add more weight to the role of CRC and does it weed out good people who might have been interested in being part of the CRC. They already have a hard time getting the right people on CRC.

Mr. Foust commented on a recent newspaper article he read on the front page about the decision of gay Methodist clergy members to stay, despite the vote to ban them. It is an interesting time and interesting to see what implications it has as we move forward.

Mr. Robinson expressed his gratitude to the CRC, Councilmember Myers, and Mr. Lindsey.

Mr. Greeson explained it would be coming back on the first meeting in April. There is another public outreach meeting with Chamber of Commerce on Thursday morning. There may also be an Old Worthington Partnership merchant meeting covered as well.

President Michael asked that there be something put together describing the process and how this has been put together, particularly detailing the thoughtful community outreach that has been done.

COMMUNITY VISIONING

Mr. Smith explained how he sent out an email Friday afternoon tracking what has been accomplished up to this point. This leads us to the next couple of tasks. If we complete these tasks it would give us an endgame of allowing staff the full package to submit these job description application announcements to the public.

The next task regards the application requirements for membership. Ms. Kowalczyk asked if the intent of the application for membership is for the six members not appointed directly by Council. Mr. Smith replied that the intent would be for anybody applying through the application process which by inference would be those not directly appointed. He explained how he took Dr. Marlowe’s four questions that Council has tossed around, and he put them in an application format along with provided resumes.
President Michael asked if we would want to put the question for applicants regarding why they would like to serve on the Visioning Committee. It is a good question to know why they want to do it.

Mr. Myers asked where we say in this what the committee is. Mr. Smith said that would be described in everything up to this point and what is accomplished tonight. Mr. Myers asked if there should be a general statement on the application to know what they are applying for. Mr. Smith said he envisions it like that with the inclusion of the mission statement. Mr. Myers said that the concern he has about answering the questions up front, it actually goes to the next point about whether Council wants committee members to be advocates or analyzers. By the end they may be advocates, but at the beginning he would like them to be analyzers. He hates to have them preordain their answers before we get started.

President Michael said another good question is about what kind of community outreach we would need to have to achieve a solid visioning statement, how to get the message out, and how to get community input towards the visioning process.

Mr. Myers noted in Mr. Smith's draft that it lists under works tasks and suggested schedule that committee members will be responsible for developing strategies and tasks on community outreach. In the interview that prompts the question if they have any ideas on how to do that. He said that the format prompts interview questions, so he does not know if we need to put the questions in the application. Mr. Smith said that makes sense and suggested keeping the application vague with basic questions about why they want to be involved, what are some outreach methods they want to see, submit a resume and some background information.

Ms. Kowalczyk suggestions using the current boards and commissions form, which is really very simple asking why an applicant wants to serve on the commission, background questions, and the submittal of a resume. She agrees with Mr. Myers that they should come from an objective point of view, not bringing their vision as the purpose of them serving on the committee. Having that basic upfront application process makes sense. Her other question is that she assumes whatever is agreed to will be available online, so they can find that information even if it is not put out in the announcement, or there could be a link to it from the announcement if that is helpful. Mr. Myers suggested as opposed to our generic board and commission application, that this would maybe be an enhanced application. It is important to let applicants know that we could be asking for as much as an evening a week for the next year. Ms. Kowalczyk agreed it is very important for them to know what they're signing up for.

Mr. Robinson stated regarding the application itself, he would like to lobby for including written questions of substance which would help him and the rest of Council to review and internalize what people are saying better than reviewing notes scribbled down quickly in an interview. Active thinking through questions and writing itself is often a self-revealing process and it would benefit the applicants to go through the exercise of thinking through these real basic questions. He would urge Council to include substantive written replies in the application process.
Mr. Foust said he was going down the same path as Mr. Robinson. After the question of why they want to be on this committee, the next question should be their ideas on how to gain access and input from the entire community. He also wants to know what previous experiences would approximate this type of exercise. Past behavior is one of the better predictors of future behavior.

Ms. Kowalczyk stated what Mr. Foust is suggesting is already in a more generic form what we ask in the existing, basic board/commission application. We can tweak it, but she is not sure if we need to get too specific. She explained how she finds that people coming into the interview don’t necessarily know what they’re getting into until they leave the interview. Their ideas when they get in there are going to change from when they fill out the form to after they come in. She is not sure of the value of that, she does not see any problem in asking, but she is not sure if it is useful.

Mr. Robinson noted one other thought on the four questions as written. One benefit for the folks who serve on the committee in answering questions like this, it would give them the experience answering questions that they are likely to be asking residents. He would think that at one point early in the committee’s activities they would essentially answer survey questions themselves to gain clarity and know what it is like to be asked those questions.

Mr. Foust said it is one thing to ask why someone wants to do this and what experience they have, but the technical job skills this person brings to the table are different than answers like what value you would like Worthington to be known for. When we ask a question like that, then we are going to be assessing whether or not we like what we heard. He does not want to go there and wants to steer clear of that. We want to find out what their basic technical skills are. President Michael said that this may not necessarily be the questions that the committee decides are the right questions in the end. Ms. Kowalczyk said that these were suggested questions for the community. That’s why there is this kind of disconnect. President Michael understands that we have a clear direction not having people answer these four questions initially. Mr. Robinson said that President Michael’s opening questions about why applicants want to do this will invite meaningful substance if they want to volunteer it.

Mr. Smith summarized that we have the proforma boilerplate application from the City which is appropriate and the supplemental questions being:

- Why do you want to be on committee
- What are some ideas you have to gather insights and feedback from residents and the community at large
- What experiences do you have that qualify you to serve

President Michael suggested also having something that explains a little bit about what it is that is being applied for.
Mr. Foust explained how as he has thought about the appointment he would make, he is glad to see the quantification of 90 minutes each week, but that is a big ask of anyone we ask to do this. He asked if we want to put some outer constraint on this, such as on the meeting times. Mr. Smith said that is where the facilitator jumps in and guide that timeframe. Mr. Robinson said to let them self-govern because they may love three-hour meetings.

Mr. Smith explained how the job description was a mashup of his original job description from couple months ago and Dr. Marlowe’s. He thought it to be helpful for anyone applying to keep those kinds of specific time commitment hypotheticals in there to give them an idea of what the time constraints may look like. He imagines this would be a link from the application itself on the website and any interested applicant can look at the job description and read through it.

Ms. Kowalczyk asked if we wanted to note that a facilitator will be part of the process to support their work, so it does not seem too daunting. Mr. Foust noted that being listed on page three.

Mr. Robinson commented under the section containing the committee purposes, the last bullet point currently reads, “Provide non-majority and non-consensus view points and ancillary documents to accompany consensus documents.” He explained that it seems if we have multiple documents, if the committee members want to advocate, they should feel free to do so because he wants to know what they think, they will have gone through a rigorous process. However, that it be in the form of ancillary documents and that we not expect the entire committee to be able to produce a singular expression of what they all think. That leads him to the point where it says, “...in ancillary documents to accompany consensus documents.” He does not know if we should say “consensus documents” but rather “primary documents.” By definition if we have non-consensus, ancillary documents, then we do not have a consensus document. We have primary documents and ancillary documents. Mr. Smith explained that he views this as the Supreme Court, where everyone has an opinion and gets to state their opinions and dissent. However, we want to word it, “primary” suits the purpose. Ms. Kowalczyk explained how she envisioned this as a report that provided both consensus, what the findings were in terms of the majority viewpoint, and what other viewpoints were in a whole report. She does not know if we need to request ancillary documents as part of the statement or not. Mr. Smith said sometimes in these types of group committees, the consensus document becomes the only thing that is the report. He wanted to clarify that it should be comprehensive. All the viewpoints should be incorporated comprehensively as the document as opposed to just the consensus.

Mr. Foust described how he is struggling with the term “consensus”. There are two ways we can take that. Are we looking for the group of 13 to gain consensus on what they believe amongst themselves. Or are we looking for them to gain a consensus on an assessment going out to find out what 14,000 people think. Mr. Myers stated that is the point, that is what their job is. Because of that experience, each member will form their own opinion, but he is more concerned about what the community’s opinion is rather than that of an
individual member. If an individual member wants to say that from the results of what the community believes in is this, then the answer should be this. There was also a significant minority opinion that felt this. It should not be that they think the public are all wrong and as a member of the committee, I think it should be this way. He does not want the committee to get into that discussion. Mr. Foust stated that it is a distinction between whether the committee is a steering committee or a task force. He believes they are technicians, they are a task force to go out and gather information, nothing more or less than that.

Mr. Myers asked what is meant by ancillary documents. Mr. Smith explained that it is an addendum. Mr. Myers concluded that it is like a dissenting opinion. Mr. Smith said it is including all the documents. Ms. Kowalczyk explained that the word comprehensive was used, she wondered if we just say we would like a comprehensive analysis of the data that is collected, showing where most of the community’s vision lies, but we want to see the entire analysis. So, provide a comprehensive analysis. Mr. Myers agreed that members want the data, ultimately Council will make the decision as to what we accept from the report and what we do not. Mr. Smith suggested that it read:

To provide a comprehensive analysis from data publicly collected including majority and significant minority views.

Mr. Myers stated that the committee will be self-directing. If we start to say that it will be 90 minutes once a week, he wants to make sure it is understood that it is not a hard and fast rule. The committee will decide what the most effective process is. Mr. Smith noted under time commitment on page four it reads, “It will be the Committee’s responsibility to determine for itself the frequency, agendas, and specific tasks…” The idea is that it is not unreasonable that the committee would meet as was described.

Mr. Smith explained how the committee member attributes are straight from Dr. Marlowe’s list of attributes.

President Michael asked what we are doing with this general background, she explained how she is thinking that the job description would be by itself and then if we are going to have some additional general information that is where something like this would fall. Mr. Smith said the idea with this is to provide context, if someone wanted to reach why we got to this point and why we are wanting to do this. Mr. Robinson commented that it makes the important statements about Council’s position and role in this process. He thinks this is important to state. Mr. Smith said that he tried to keep this as point in fact as possible, but there is a little bit of subjective storytelling, but he thought everyone would be okay with that. Ms. Kowalczyk asked if this mostly mirrors what is in the RFP, which also has a story about what we are doing and how we got to this point. Mr. Smith replied it is a little more robust than the RFP.

Mr. Foust asked to discuss on page 4 where it refers to the minutes and how we have not created a secretary role, we may want to do that here. President Michael responded that it would be staff doing the minutes and if there is a secretary, their role would be to review the minutes staff has drafted. To ask someone to take the time to participate in this
committee and to type up the minutes, that becomes pretty onerous. Mr. Foust asked about the burden on staff and asked Mr. Greeson about the possible effects on payroll. Mr. Greeson said that would be figured out. It is akin to Charter Review and when we went through that process and had to staff it. It will require a lot of support and that is staff’s job. It is normal for these time limited projects and ultimately we have the legal obligation to be the keeper of the record. President Michael said she did not know if there was still a desire to have a secretary or not. Mr. Greeson said that there is a minute taker and staff member in place at the majority of our boards and commissions. Staff also works the meeting, providing agendas, and making sure they are advertised, keeping in compliance with the laws.

Mr. Myers said that he had already considered putting in that this committee would be run pursuant to the open meetings law and public records law. This is a public body and both of those laws would apply. Mr. Greeson agreed it is the City’s obligation. In terms of cost there might be some overtime costs associated with this. Once we get responses to the RFP there will probably be a supplementary appropriation brought forward to help bring a budget to this project.

Mr. Robinson asked if there will be a secretary, or if Council is saying there will not be and it would be a staff person whose responsibility is to generate the minutes. President Michael said staff would generate the minutes, get the agendas out, and notice of meetings to ensure it is done properly. She would envision that the committee would review and approve its minutes like any other board or commission. Mr. Robinson believes the generation of the agenda should reside with the committee. President Michael explained that what she meant by generation is that it would be sent by staff and prepared based upon what the Chairperson and Vice Chairperson of the commission want to see on the agenda. President Michael suggested that may be a good clarification to make.

Ms. Kowalczyk asked if this does not preclude the committee from creating other appointments, officers, or subcommittees to get things moving. President Michael said that the Vice Chairperson manages the subcommittee structure, opening the door to have subcommittees.

Mr. Foust said that when thinking about it being advance notice public meeting, this could draw a bigger crowd that Council does. It is interesting to think that the public may want to sit in.

Mr. Smith said that the only other action item would be to compile this in a formal document to distribute out to the public. He would be happy to do first draft to send to Council for review and a vote next week.

Information Item(s) – Look Ahead Agenda

Mr. Greeson detailed how it was discussed at the retreat to develop a look ahead agenda to forecast to Council what we see in the upcoming next month. It is not exhaustive at this point, but it is the best estimation of the items that are being worked on to be brought
Mr. Greeson added if any items were foreign to Councilmembers, we want to make sure you are generally, conceptually aware of what they are.

Mr. Smith said based on our retreat he wanted to encourage the continuation of this habit. He thanked staff for doing it. Mr. Greeson said the format may evolve over time, this is a rough draft to get a process started.

Mr. Robinson asked if we had a sense of when there might be an updated overview on Wilson Bridge Road as a whole. Mr. Greeson replied that at the May Committee of the Whole staff was looking to provide a robust presentation on Wilson Bridge Road as a whole. They want to take the Wilson Bridge Road Plan and dissect what has been accomplished and has not, cover the capital projects, as well as economic development related initiatives. It is an effort, so it was put for a couple months out.

Mr. Greeson described how as a follow-up to the retreat, staff is working on creating a director sub-retreat because they are challenged to take on all these priorities at once and integrate the new ones. We want to develop a sequencing plan. Council’s request was to develop a presentation and agenda topics for each of the seven priorities and put them on Committee of the Whole meetings. To do that we need to sequence out which topic we are bringing and for which meeting. We will share that plan next month to make sure we are reflecting Council’s priorities that way. Mr. Robinson stated how he looks forward to that report.

Mr. Greeson said on the topic of community visioning, we have made the revisions to the RFP. Mr. Barnhardt has been developing a consultant roster and our goal is to get that out as early as tomorrow. We have been trying to develop a robust list, so we have inquired of other entities who they have used and what their roster looked like. We are going to talk about distributing that. We are going to set a tentative deadline of March 27 for questions due of consultants. The RFP requires the submission of questions in writing so that we can answer those questions for everyone. We would then distribute responses to those questions on April 3. There is one Council meeting in between there and anything staff cannot answer, we can get Council to help answer any of those questions that may arise. Proposals are due on April 10th with distribution of the proposals to Council after that. At the April 15 Council meeting we can discuss appointing a couple Councilmembers to serve with staff to screen the applications down to several. Council expressed how they all wanted to see the proposals. We can talk about that process when the proposals are in on April 10.

Ms. Kowalczyk asked for a timeline for our committee appointments and the application process and if they can be run in parallel. Mr. Greeson said that a schedule can be put together working with Mr. Smith. We are giving a month for the consultants to absorb, write, and ask questions. He does not know how long we want to leave the advertisement out for the community, perhaps similarly. Ms. Kowalczyk expressed so we do not have a committee selected and are still waiting for a facilitator to start. She does not want to get
the momentum going and then be sitting and waiting to hire a facilitator. Mr. Greeson said that staff would build a draft schedule for review.

Mr. Greeson discussed how Energy Alliances is our consultant for electric aggregation. We have been certified by the Public Utilities Commission of Ohio to be an aggregator. Energy Alliances has asked AEP for our list. We have a little over 5000 residents and small businesses eligible to participate in aggregation. They are prepared to issue the RFP this week. It is fairly straightforward as it mentions our sustainability goal. It asks for traditional energy cost. It asks for a renewable adder. It asks for prices for 12, 24, 36 months. It talks about our opt out program and the 30 days as opposed to the normal 21 days. It asks a series of questions that were important in our discussions earlier such as how to get in and out of the program and are they willing to do that without fee. They were proactive in thinking residents are taking advantage of net metering, people who may be putting energy back in the grid through their solar array. It is pretty simple and straightforward; these guys do this a lot. Without objection we will just have them go ahead and move forward. After issuance, Energy Alliances will review and make recommendations in April.

President Michael stated that she is not seeing how the opt-in works in the documents. Mr. Greeson responded that there is a question on page three, number five that reads, “Do you agree to allow eligible customers to enter the program at any time at the same aggregation price as other customers already in the program.” Mr. Robinson asked if we were being invited to make comments and critiques on this. For example, the question for someone opting in, it ought to specify not only the same price, but there not be fees. Mr. Greeson said that number four reads, “Do you agree to allow program participants to leave the program at any time with no termination fee.” He asked if we want to ask if program participants can enter the program the same without fees as well. Mr. Robinson that he would like to say in fact no termination fee or any other related fee, he does not know the exact language, but he wants to make sure the language is as tight as possible. As far as the opt-in, there would be no cost to someone opting in as well as getting the same price. Mr. Greeson said there would not be any costs on our program. Certainly, we would advise customers to look at your current choice contracts as there may be exit charges that they are not aware of. He will talk with Mr. Surace about these suggestions.

Mr. Greeson reminded Councilmembers that there is an OSU airport open house and master plan public meeting tomorrow from 3-5pm for open house and 6pm-8pm for the master plan process.

He explained how we have received an appeal of the Sharon Memorial Hall ARB decision regarding the glass block windows from Councilmember Robinson. The codified ordinances require Council to decide whether to hear the appeal, we will place the topic on the agenda next week for your decision to hear the appeal or not.

He updated Council that the Ohio Municipal League has put out a legislative update and an infrastructure funding statement. We are at an important time in legislature. The Ohio House has passed a gas tax increase that is less than what the Governor proposed, but nonetheless would mean more money for municipalities. This would mean potentially
significant new revenues for us. OML did a good job breaking down the positives and issues of concern. There would be some advantages to us taking a position and potentially endorsing the gas tax proposal, or at least portions of it because it could mean new revenue for us for our maintenance program, which would benefit our operating and capital budgets. We will get questions from legislators about what our official position on this is. He reported that the Central Ohio Mayors and Managers Association endorsed the Governor’s proposal at one of their recent meetings.

He extended his compliments to Assistant City Manager Robyn Stewart on her work presiding over the Ohio City/County Management Association conference last week. Her term as President ends this summer and she has put in a substantial amount of work.

REPORTS OF COUNCIL

Ms. Kowalczyk said in recognition of the discussion about the City’s priorities and where we might be headed in a timeline, she wanted to bring this up as food for thought perhaps in a way to take pressure off on the Age Friendly Worthington idea. The CRC has held a few public meetings and needs direction and support. Thinking about moving forward on that priority she wants to hear feedback. One idea is to sit down with just a few people, some of the CRC members involved in this discussion, Colleen Light, interested Council members and other interested community members to brainstorm on what we could do and what we are looking for in terms of an Age Friendly Worthington. She also sees the potential down the road for a task force to really flesh it out. She shared recently with Mr. Greeson and President Michael a list of age friendly communities in Ohio, we need to get creative people together to work and push it forward. It sounds like if we are talking Wilson Bridge Road in May then age friendly may be further down the line on how to move forward. President Michael asked if everyone was okay with putting together a group to provide some insight and vision. Ms. Kowalczyk volunteered to take on the responsibility. Mr. Greeson said he would work with Ms. Kowalczyk to put this on the agenda.

Ms. Kowalczyk shared that she participated in steering meetings with Worthington Bridges who have been around now for a year. They shared their annual report of services they have provided and people they have served. They have 64 needs and 63 were filled. The one need that was not filled was just far too expensive. They have made a tremendous impact in the community. They are focusing on kids and families, their referrals come from schools, but they also serve older residents as well. She was delighted to see this and said she would share this with Council. They are all volunteer and donation based. She asked for people to share their Facebook page and to sign up for alerts that really helps them get the word out and get the needs filled.

Mr. Smith said that last week there was a report included from the Worthington Historical Society requesting $36,000 from the Bicentennial Fund for the Orange Johnson House. He wanted to request that Council bring that up for a yes or no vote. Mr. Robinson said he would support a discussion and vote. President Michael said she was under the impression we could not use City funds for property owned by someone else and would like that to be added to the discussion. Mr. Greeson noted that unappropriated funds would
require an ordinance to be introduced and adopted. He asked if Council wanted to discuss the topic before it is introduced and if we would like to invite the Historical Society to be a part of that conversation. Mr. Smith explained how everything that they would say to us is included in the report they sent us, and he is concerned about the timeline because the construction months are upon us. Mr. Robinson expressed support for the idea and said he is biased and wants the ordinance drafted so we do not delay it if it moves forward. President Michael instructed staff to move forward with drafting an ordinance.

EXECUTIVE SESSION

MOTION Mr. Myers moved, Mr. Smith seconded a motion to meet in Executive Session to discuss land acquisition and economic development incentives.

The clerk called the roll on Executive Session. The motion carried by the following vote

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

No 0

Council recessed at 9:20 P.M. from the Regular meeting session

MOTION Mr. Myers moved, Ms. Kowalczyk seconded a motion to return to open session at 10:06 P.M.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Mr. Myers moved, Mr. Foust seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:06 P.M.

APPROVED by the City Council, this 1st day of April 2019.

Assistant City Clerk

Council President
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, March 18, 2019, 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, Beth Kowalczyk, Scott Myers, David Robinson, Douglas K. Smith and Bonnie D. Michael

Member(s) Absent: Douglas Foust

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

There were 29 visitors present.

PLEDGE OF ALLEGIANCE

VISITOR COMMENTS

There were no comments provided.

SPECIAL PRESENTATION(S)

- Parks and Recreation Presentations and Recognitions

Mr. Hurley explained how he is excited to celebrate a few positive things in the Parks and Recreation department tonight. Since 2013, the department has been actively trying to seek sponsors for programs and concert events. The summer Concerts on the Green has been the most popular event and last year our friends at FC Bank became our first full series sponsor. This year, they have stepped up once again and are sponsoring the 2019 Summer Concerts on the Green for $15,000. He invited Parks and Recreation staff...
involved with organizing the concerts and Jenny Saunders and her team from FC Bank to come up for the check presentation.

Ms. Saunders stated how FC Bank is so excited to be able to help give this gift back to the City. It is an amazing thing to be involved with the Concerts on the Green and they are excited to be a part of it. The staff does a phenomenal job and week after week people come back, and new people come. She introduced her staff from FC Bank who came along for the check presentation ceremony. She explained how many of them are out at the concerts every single week, they are not there talking about the bank, but just helping to enhance the experience. She thanked everyone for the opportunity to be a part of this in the community.

Mr. Hurley added how FC Bank also sponsors other smaller events and activities for the City. This is not the only way they support the City and the Parks and Recreation Department.

President Michael expressed hers and Council’s thanks for their support of the community. It is greatly appreciated.

Mr. Hurley said that staff was excited to learn last year that Shawn Daugherty had been awarded the Great Blue Herron award by the Franklin County Soil and Water Conservation District. He introduced Jennifer Fish from Franklin County Soil Water Conservation District, and Deirdre Donaldson and Laura Fey from the Friends of the Lower Olentangy Watershed (FLOW) who are here to say a few words and present the award to Shawn. Ms. Fish explained how the District promotes responsible land use decisions for the benefit of soil and water conservation. The Great Blue Herron award recognizes outstanding contributions and the protection of natural resources in Franklin County. She is pleased to recognize Mr. Daugherty who has been a strong supporter of improvements at Worthington parks, a partner with FLOW for the removal of honeysuckle in the Olentangy Parklands in 2017 and has facilitated planting events at playgrounds and the Olentangy trail. He has also planned honeysuckle removal at Rush Run at Park Boulevard Park to be followed up by a restoration planting. The removal of honeysuckle is important because it is invasive, not allowing other species to take hold. Ms. Donaldson thanked Shawn for his work with FLOW and detailed how he is at the forefront of undertaking initiatives and maintaining great relationships. There were six different projects last year and eight scheduled this year. Mr. Daughtery explained how it is a pleasure working with Jennifer, Deirdre, and Laura. Partnering with these groups really enables us to do more, benefitting the residents of Worthington and it is a big win for the environment.

President Michael expressed thanks and recognized Mr. Daugherty’s hard work.

Mr. Hurley announced how he wanted to recognize the special events team made of Melissa Hindman, Susie Blanton, and Julie Sergent who were recognized by the Ohio Parks and Recreation Association at their annual conference as part of their Awards of Excellence program. There were 150 programs and projects submitted and 14 received a first-place
award. We came away with both a first and a second place. The first-place winner was the Key to the City where keys were hidden in the parks in order to promote getting into parks across the City. The second-place award was for the Border Battle event that was in cooperation with a community center in Michigan based on who had the most participants come workout.

APPROVAL OF THE MINUTES

• Regular Meeting – March 4, 2019

MOTION

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

There being no comments or corrections, the motion to approve the minutes as presented carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

Ordinance No. 06-2019

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from C-4, Highway and Automotive Services to PUD, Planned Use District (7007 North High Street).

Mr. Greeson explained how this item and several following items relate to the Worthington Gateway project that was formerly the Holiday Inn property.

Mr. Brown presented how this request is to rezone from C-4 which is for highway and automotive services to a Planned Use District (PUD) with development plan and development text that go hand in hand. They are also requesting the subdivision of the parcel into three different parcels.

In February 2016 the applicant had their first meeting about redeveloping this site. It has been through Architectural Review Board (ARB) several times, it has gone through the Municipal Planning Commission (MPC) for conditional uses, and it has been through the Board of Zoning Appeals for variances. In December the demolition of the Holiday Inn site began. This rezoning was packaged together in a text and development plan to come to Council as it goes forward. A PUD requires any additional change to go back to MPC and to City Council.

The project was originally proposed with five buildings; however, it has evolved multiple times as it went through the process. Approved by the ARB/MPC and BZA is four buildings along West Wilson Bridge Road, a building envelope along High Street and Caren that must come back to MPC and Council for approval in the future, and then one hotel that is four stories in height with 111 rooms. There is also right of way dedication along Wilson Bridge and along High Street for streetscape improvements. They worked with owner of
the Shops at Worthington Place and of Ville Charmante to help realign the intersection which will be a great improvement. As part of those improvements there will also be new mast arms, streetscape improvements, and street lights. The site will increase from 1.3 acres of open space to 1.6 acres with planting beds and lawn installed as part of the project.

There will also be improvements with modern stormwater technology. The current site developed in the early 1970s. At that time stormwater technology and EPA requirements were very limited. They will be installing large underground storage tanks so when there is a stormwater event it will not overflow to neighboring properties. There will also be use of pervious pavers and bioretention areas on the site.

This project will have a mixture of office space, retail, and hotel space. Part of utilizing a PUD is that we can look at uses and control those uses in the development task. We knew that we wanted a minimum of 18,000 square feet of office space. The previous zoning category allowed for only limited retail which is another reason to move away from the C-4 zoning. We are not permitting drive-thrus for restaurants or fast food.

Mr. Brown went through and listed the square footages for the different buildings being proposed. We are getting a minimum of 18,000 square feet of office, approximately 30,000 square feet of retail and restaurants, no parking deck, a four-story hotel, and a future building pad at Caren and High that must come back in the future.

We are also doing streetscape improvements at Caren and High as part of the right-of-way dedication along High. The current span wires will be going away, there will be new mast arms, brick at the intersections, knee walls similar to those at 161 and High Street at the Village Green, and some landscape improvements.

Mr. Brown explained how the applicant is requesting to split off three different sections. The four buildings along Wilson Bridge Road is lot number one. Lot number two is the site with the proposed hotel. Lot three is the area that is a future building pad. With all of this we have a cross access parking agreement so no matter who owns what, that cross access agreement goes forward.

President Michael asked about the parking and if it allows anyone to park in one of the lots. Mr. Brown responded that anyone can park there.

Mr. Brown reported how this plan matches up with the Comprehensive Plan, the 2011 City Council adopted plan for the West Wilson Bridge Road Plan, and the 2016 standards adopted for the Wilson Bridge Road Corridor. The MPC/ARB has recommended it for approval.

Mr. Robinson asked about the cross-access parking and the transfer of ownership if the parcels are sold off. Mr. Brown said that is in the agreement and also in the development text. Mr. Robinson asked if it would also apply to other terms of the PUD in terms of usage of the property. Mr. Brown said that the uses being approved in the development text tonight, everything goes forward until there is amendment that would come to Council for
Mr. Robinson asked about the High Street parcel and what terms and qualifications are built into the parcel being sold since there is no plan. Mr. Brown replied that it is built into the PUD text and development plan, with that plan being modified it would have to come back for approval. What would be shown here as a development pad, the building was proposed to be a one story, so it could meet parking for the site. It could be up to a certain square footage. It could come back as two separate buildings. It is proposed to be 23 feet from the southern property line to Caren, and then after taking away the right-of-way being dedicated along High Street, it could be ten feet from that new property line. So, you have those parameters built in, whether that be one building or two buildings. We would still look at whatever is being proposed to make sure the parking works and that cross access was not interrupted. Mr. Robinson asked if the maximum footprint is as illustrated here. Mr. Brown said that would probably be the maximum footprint you could put. He is not saying it could not go up to a second story, but you would have to figure out how that would impact the traffic, the parking, and the cross-access agreement.

Ms. Kowalczyk mentioned the traffic study that was done and if there are concerns about traffic at Caren and High. She asked what things are being done to address that. Mr. Brown said that there will be timing improvements at the intersection. Streetscaping improvements will also help. He referenced chatter on social media and how people are impatient at that intersection and want to run through it. He expressed that if people are waiting for the signal there should not be an issue with being hit. The traffic consultant did not see any issues or concerns at least with this current layout and the improvements on West Wilson Bridge Road and/or the ones at High and Caren.

Mr. Myers asked if that was not also a consideration for having the improvements at the Wilson Bridge Road access and for that to become the primary entrance for this property. Mr. Brown said that the four buildings and hotel would be addressed with a West Wilson Bridge Road address, driving most of the traffic to the main entrance. The entrances at Caren and High would be secondary.

Steve and Jayne Rosandich – 140 Caren Avenue, Worthington, Ohio
Mr. Rosandich expressed his concerns about building number six and the tunneling effect, making sure those buildings are pushed back. He detailed how the intersection of Caren and High is the worst intersection in all of Worthington. Putting the buildings right at the edge of the street, you cannot look around the corners. He cannot express how bad of an idea it is to put building number six there. He addressed how the main entrance/exit is supposed to be at Wilson Bridge Road, but the bottom line is when it comes time to leave, they will be waiting through three lights. That means that they will most likely come out at Caren and come through the neighborhood. Ms. Rosandich discussed traffic caused by the construction, and that is not considering the developments at the Anthem building or possible development of the UMCH site, which will increase traffic at the intersection. They appreciate the foresight of the agreements and the parking, but it is not going to be enough.
The Rosandichs showed video and photos of their property and the water flowing down their driveway when it rains. The runoff coming from the Holiday Inn property has caused destruction to their driveway. Mr. Rosandich explained how he did the calculations and that one storm produced over a million gallons of water on their property. The City has put up drainage, but it did not work. Ms. Rosandich showed how the water has caused their patio retaining wall to collapse. She knows that the destruction to the driveway has made the bottom base of their retaining wall unsubstantiated. They have talked with Mr. Patel about this for 4-5 years and have not gotten anything. Mr. Rosandich said that they have had to do a lot of work on their property, but with even a small amount of water, they have to redo everything. Ms. Rosandich explained how the erosion that has happened is immense and cannot be ignored any longer. What concerns her is what happens when they start digging to put in their big cistern and their retention area. She asked how it will impact them again. They’ve been patient about this, but Mr. Patel does not return phone calls. They’ve been made promises and it didn’t happen. The integrity of the driveway has now caused the wall to fall down. Mr. Rosandich said that he is done everything he can do, but it keeps manifesting and compounding.

Jack Reynolds – 37 W. Broad Street, STE 460, Columbus, Ohio

Mr. Reynolds indicated how this process started a long time ago. Council should be proud of the work done by the ARB, BZA, and MPC. We went through quite a few iterations of the plans that were initially submitted. The boards took it upon themselves to make a better product. There were probably 15 different public meetings and a larger number of private meetings with staff to further hone the product. The proposal before Council tonight is a package that has been thoroughly vetted.

This process was started in 2016 and there were over 200 people at the first meeting. They have worked with the neighbors and would like to continue to work with the neighbors. What is presented is a document that will fix problems that our neighbor has been experiencing. The building was constructed in the 1970s and surface and subsurface drainage was inadequate. They would like to solve the problem and have presented a stormwater management program that will handle all the stormwater onsite and release it according to the OEPA, State, and City requirements. They are here tonight to get approval for rezoning, allowing the lots to be subdivided, and to take the first step with TIF document. The splitting of the lots will be helpful for financing purposes.

Mr. Reynolds expressed how this will be a much better development. Time is of the essence to begin work and they would like to solve these problems. They would like to be under construction prior to winter of this year.

President Michael asked if the plan submitted would fix the drainage situation presented by the Rosandich family. Mr. Reynolds said that their engineers have submitted their plan and by code, they have to retain water on site and release at a predevelopment rate. They do not want water going over the sides and this is something to solve their problems. Mr. Brown commented that MS Consultants has been conducting the stormwater review. This has been reviewed and approved by them. When asked by Ms. Rosandich if they were aware of what was happening on their property, Mr. Brown confirmed that they are aware.
Mr. Patel described how this was started several years ago. The original intention was for this to be approved and to have a building completed here by today. When first starting this project, the number one concern was the neighbors and how this would be perceived and integrated into the Worthington community. He has sat in living rooms, hosted meetings, and more to engage the community and to understand what was going to work and what was not. He acknowledged that they are not going to make 100% of people happy with everything, but they have whittled their way down to a plan that works.

When this property was purchased in 2001, they did not know about drainage issues and the neighbors did not know about them either when they bought their property. They have done what they could, working with the City Engineer, to install walls and drains without having to redevelop the entire back of the site. He explained how he has sat with Rosandich family about this problem, and he discussed how he can spend thousands on band aid fixes for it to rain and everything washes out, but they need to fix the problem. It was never the intention not to address their issues. Time is of the essence and they need to get final approval to get building plans approved and get the site work done to get the drainage fixed as soon as possible. It is currently a race to beat the winter. He remarked in regard to his promise to fix the issues, and how he has not been able to engage over the past six to eight months because when doing business at the Witness Group, it is important to have mutual respect. When there is no mutual respect it is best to disengage. However, he will continue to hold up their promise and would like to fix the source of the problem rather than put on band aids throughout the process. He hopes for an approval today to move forward with a solution.

Mr. Robinson said he is interested in Mr. Whited’s opinion regarding the options being discussed to handle the water drainage concerns and if it will get to the underlying issue. Mr. Whited reported his specialty is in stormwater. There are two primary inlets in vicinity of the property in question, there is an increase in perviousness to be accomplished on the sites. He was also concerned with our downstream sewer near the river where they are tying this in. We worked closely to make sure they are decreasing the peak flow rates in that area as well. He expressed how he is comfortable with their approach.

Mr. Smith asked for a refresher on the traffic issue, specifically the traffic lights that the City controls. Mr. Whited acknowledged we control the lights at the intersection of Caren at High and we coordinate with ODOT and the City of Columbus those lights north of there at High Street and Wilson Bridge and over the overpass. Mr. Smith asked about the retention basin and the pervious pavement, and if there is a chance of overwhelming those systems. Mr. Whited said no, the seepage would go into pipes into underground storage area. Any system can get overflowed so if there is a 500-year storm that overwhelms the system, the flow would go into the street rather than to the properties there.

Ms. Rosandich asked about the material of the retention system. Mr. Brown said it is all underground and you will never know it is there. Mr. Rosandich asked for specifics on the drainage on the site. Mr. Whited reported there are catch basis and pipes that lead to the
Ms. Dorothy thanked everyone involved in this process including community members, the applicant, and staff for going through this process. It sounds like we do have a good solution for the stormwater problem. It also looks like we are making the area more pedestrianized. When we had our walkability expert come out, they explained Caren and High reads as fast because they are wide open without street trees or pedestrians. The addition of the trees and buildings will slow down traffic to the posted 35 mph. Obviously, High Street does not read that speed and we have many speeders through there. She expressed how she is happy that we have more pedestrianized zoning with the one-story building at Caren and High. She thanked the applicant for working with the City on the out parcel uses. It has been quite a process and she is glad we are here at this moment and hopes we can keep on moving forward.

Mr. Robinson expressed his thanks for being able to talk with Mr. Patel and his commitment to addressing the Rosandich’s water damage caused by prior runoff. Mr. Patel said that when they both bought properties, neither knew this was going to come up. He cannot fix everything, but he is willing to come halfway, assess the process, and bring in the right contractors to determine the right fix. This redevelopment will only help the community in terms of property values and more.

There being no additional comments, the clerk called the roll on Ordinance No. 06-2019. The motion carried by the following vote:

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

No 0

Ordinance No. 06-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 07-2019

Approving the Final Plat and Approving a Subdivider’s Agreement for the Worthington Gateway (7007 North High Street).

There being no comments, the clerk called the roll on Ordinance No. 07-2019. The motion carried by the following vote:

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

No 0

Ordinance No. 07-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.
Ordinance No. 08-2019

Authorizing the Acceptance and Conveyance of Certain Parcels of Real Property in the City of Worthington, Ohio in connection with a Tax Increment Financing Program in Order to Facilitate the Redevelopment of Certain Real Property Located at 7007 North High Street.

Mr. McCorkle explained how this is part one of two for the Tax Increment Financing (TIF) legislation. This is a 30-year Urban Redevelopment, non-school TIF, meaning we will not be touching the school’s revenues. It will allow us to deem both off site and a couple on site improvements as eligible costs. The second part of this legislation will come before Council on April 15th for public hearing.

He explained the economic impact projections for the City, Schools, and County.

As for the TIF structure itself the current baseline value is frozen at $6.5 million. Anything additional is what is TIF-ed and is redirected into a separate pot. If the County Auditor picks up a $20 million valuation, anything above that $6.5 million is what is TIF-ed. The property owner continues to pay taxes on the full valuation, called Payments In-Lieu of Taxes (PILOTS) which are collected and then sent back to the City into a TIF fund to be used to reimburse the developer as funds are available. It is pay as you go. The developer is not reimbursed until dollars become available in that TIF fund. Reimbursements would never exceed the amount available in the TIF fund.

With an Urban Redevelopment TIF, the City can declare any improvement to be a public purpose as long as the City held the fee title to the parcel prior to the adoption of the TIF ordinance, which is coming before Council on April 15. Additionally, if the fee of the parcel is conveyed before the adoption of that TIF ordinance. We are specifically specifying it is 30-year, 100%. We are required to provide the school board a 14-day notice,
which was provided on February 27, 2019. School board approval is not necessary since
this is a non-school TIF, only notice is required. There is no compensation agreement with
schools because they are getting what they are supposed to be getting. City Council will
give us direction to create the fund, and Mr. Bartter will create a Tax Increment Financing
fund. As dollars come into that fund they will be reimbursed to the developer. He detailed
how he is also required to submit an annual report to the Ohio Development Services
Agency. Finally, the TIF commences upon the effective date of the ordinance.

The use of a development agreement ties the PUD to the TIF. We have certain things we
want and expect as a result of the PUD. Since the developer is expecting reimbursement,
we want this document to tie TIF reimbursements to the PUD. If the developer violates the
PUD, we do not have to reimburse on the TIF because we are using the development
agreement as a mechanism to do that.

The TIF is expected to generate $6.2 million over a 30-year period and approximately $5.2
of the $6.2 would be reimbursed to the developer. While we are capping at $3.4 million,
it takes it up to $5.2 with the additional interest. We are paying 4% interest on the off-site
improvements. We are not paying interest on the on-site improvements.

We adjusted the cap of the TIF based on the valuation of the auditor. If the auditor only picks
up the $12.5 million valuation, the TIF is capped at $1.5 million. We were trying to make
sure we didn’t have the property valuation to sit at $12.5 million for the first 20 years and not
generating much and then in the last five years have the valuation increase allowing
them to get the full reimbursement amount. They must maintain those bands for
five consecutive years to be eligible. The developer has agreed to a one-year guarantee
on the improvements, which the City will be able to inspect. We will reimburse ourselves
from TIF fund first. The developer also has agreement with Ville Charmante and the
Worthington Mall for the land needed for the intersection.

Eligible improvements include onsite improvements and offsite improvements that are true public
infrastructure.

Ms. Dorothy said she was confused about whether the money was going
to the schools or not to the schools. Mr. McCorkle replied that the schools are whole, every dollar the schools is entitled to will be going to the schools. Ms. Dorothy clarified that all the county money stays in Worthington. Mr. McCorkle explained that we are not taking away dollars that they are already receiving today. It is only the excess amount that will go towards the TIF.

Mr. Robinson asked about how the 4% interest rate was determined for offsite improvements, it seems high. Mr. Lindsey explained that the City is not putting funds into this. It was a negotiated rate, both sides stated their cases to the amount. The City is not funding the development, we are basically having the street improvements, intersection improvements, and streetscaping all being done by the developer with the developers’ dollars. We do not have any funding costs to go out to the bond market to pay for those improvements. It is more than the rate of interest that the City may otherwise earn on money. This was negotiated less than what they may incur in their cost. Mr. Robinson asked what we are paying on money and could we expect the private entity to pay more than we are paying. Mr. Bartter explained how we just issued one-year notes at 2.1%. He would think a private entity would pay higher interest.

There being no additional comments, the clerk called the roll on Ordinance No. 08-2019. The motion carried by the following vote:

    Yes  6   Dorothy, Smith, Myers, Robinson, Kowalczyk, and Michael
    No  0

Ordinance No. 08-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 10-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance.

Mr. Greeson explained this is a relatively straightforward correction to the budget.

There being no additional comments, the clerk called the roll on Ordinance No. 10-2019. The motion carried by the following vote:

    Yes  6   Smith, Myers, Robinson, Kowalczyk, Dorothy, and Michael
    No  0

Ordinance No. 10-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED
Resolution No. 15-2019

Authorizing the Acquisition of Certain Real Estate Interests Involving Parcels 7 and 15 for the Northeast Gateway Intersection Improvement Project. (Project No. 602-14)

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 15-2019. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson explained how this is for the acquisition of several significant parcels for the Northeast Gateway project.

Mr. Lindsey reviewed how this would be the first of several brought to Council for this project. Under an earlier ordinance, it set forth the process where certain parcels would be brought back based on the dollar amount and fair market estimate. These both exceed the $30,000 valuation outlined and an increase over what the City Manager has authority for. Both were reviewed by the ODOT district team. Both came in at a reasonable amount and staff urges approval, particularly, parcel 15 is a critical piece. This needs to occur to allow for utility relocation work to transpire this summer/fall so construction can proceed.

There being no additional comments, the motion to adopt Resolution No. 15-2019 passed unanimously by a voice vote.

Resolution No. 16-2019

Expressing the Support of Worthington City Council for the Proposal to Increase the Ohio Motor Fuel Tax.

Introduced by Mr. Smith.

MOTION

Mr. Myers made a motion to adopt Resolution No. 16-2019. The motion was seconded by Ms. Dorothy.

Mr. Greeson explained how several organizations, such as the Ohio Municipal League, the Central Ohio Mayors/Manager Association, and the Mid-Ohio Regional Planning Commission have been lobbying on behalf of municipalities for road and related expenses. The resolution is related to Governor DeWine’s proposed motor fuel tax increase of 18 cents per gallon, that is the position that the Ohio Municipal League is advocating. There is a House adopted version that is somewhat different currently up for discussion in the Ohio Senate.

In terms of the revenue, the City is projected to receive $587,000 of funding in 2019. Under the Governor’s proposal, that would increase to over $1,000,000. This funding is allocated to the City’s Street Maintenance and repair Fund and the City’s State Highway Fund. Both are subsidized by the General Fund coming from income tax revenues. Historically funds from the State have been relatively flat for us, but the expenses have been climbing because
road maintenance does not get cheaper. It has been believed for a long time that State revenues, for both roads that municipalities maintain as well as road projects in the area, need additional revenue. The State’s TRAC program currently does not adequately fund major projects. We were fortunate to get US-23 and I-270 funded when we did because in the current environment it probably would not have been funded due to insufficient revenues. Likewise, we benefit from some of these funds for projects such as the Northeast Gateway. So future State programs that we may be able to access will benefit from this as well as our daily operations.

Mr. Robinson asked if the increased revenue would come out of ODOT in some manner. Mr. Greeson said there would be a distribution formula where much would go to ODOT and then some would be allocated to cities, townships, counties. Mr. Bartter added that he does not believe it passes through ODOT, but he is not sure. Mr. Robinson said that the benefits to the City are phenomenal. Personally, he can support an increased gasoline tax, gasoline is a fossil fuel and he would like to discourage its use. However, his problem is that a gasoline tax is a regressive tax and he is not enthused about supporting it.

Ms. Kowalczyk recommended that we add something to suggest that we support investment in public transit, the proposed House bill does have significant federal funds increase towards public transit and there is advocacy going on towards state funds increase in public transit. She would like a simple statement that we also recognize the importance of public transit and want to support increase investment. Mr. Greeson said that in the House versions that is one way they aimed at addressing the regressive nature of fuel taxes. He acknowledged the regressive nature of fuel taxes, but there has not been another transportation-based funding source of any significance offered.

**MOTION**

Ms. Kowalczyk moved, seconded by Ms. Dorothy to amend the resolution to include that the Council of the City of Worthington, Ohio supports additional funding for public transit in the State of Ohio.

Mr. Smith asked if this should come from the increase in the Gas Tax. Ms. Kowalczyk replied that it is supporting increased dollars for public transit, which is important for us to state. It is supporting the proposals coming up in the transportation bills.

Mr. Greeson said we would also want to reference that support in the title, adding a whereas clause that public transit is important for the mobility needs for the City’s citizens.

There being no additional comments, the motion to amend Resolution No. 16-2019 passed unanimously by a voice vote.

Mr. Greeson explained how last year, Ohio counties were given the ability to levy an additional $5.00 fee on motor vehicles registered in their jurisdiction. Cities have been lobbying for that same permissive authority but have not been granted that authority. This would be advocating for the authority, if as a body Council decided to do so, for a fee on
each registration of each licensed vehicle. Counties last year were given the ability to raise $5. Cities asked for it and were not given it.

Mr. Smith clarified that the state laws need to change for us to come back with an ordinance to establish such a fee.

MOTION

Mr. Smith moved, seconded by Ms. Kowalczyk to amend the resolution to include the language regarding the additional motor vehicle registration tax.

There being no additional comments, the motion to amend Resolution No. 16-2019 passed unanimously by a voice vote.

There being no additional comments, the motion to adopt Resolution No. 16-2019 (As Amended) passed by a voice vote.

Ordinance No. 11-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the 2003 Bicentennial Fund.

Introduced by Mr. Smith.

Ordinance No. 12-2019

Accepting the Deed of Dedication for Additional Right-of-Way at 181 East Wilson Bridge Road.

Introduced by Mr. Robinson.

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)

Architectural Review Board Appeal - 137 East Granville Road

Mr. Greeson reviewed that Council needs to determine whether it wants to hear the appeal of this ARB decision and then schedule that appeal if necessary. Typically, you would make that decision based on the record and review of the requester, who in this case is Councilmember Robinson.

Mr. Robinson said that this appeal arose following his attendance and observations of the February 28, 2019 ARB meeting and conversations afterwards with ARB members voting both for and against the Certificate of Appropriateness.

As a quick summary, this signature historic building in 2015 had minor work done, including the replacement of 3 basement windows without ARB approval as is required.
After the removal of bushes in 2018 that had covered the windows, a public complaint was received in December 2018 which lead to the Memorial Hall’s request for approval. On February 28, 2019, the result was a 4-3 vote in favor of a Certificate of Appropriateness. The consideration tonight is not the appeal itself, but whether Council determines the appeal has sufficient merit that we elect to discuss it and the issues it evokes at a later date within the prescribed 60-day time period.

Mr. Robinson emphasized that this request for an appeal is not a criticism of the general operations of the Sharon Memorial Hall, with whom he holds in high esteem for their devoted work on behalf of active service members, veterans, and the community at large. He explained how there are two criteria a request for appeal should meet in order to proceed with a hearing. First, it is not frivolous. Second, that in the preliminary assessment, it is possible that the ARB missed something and erred in some manner either in the facts considered or the underlying standard used in formalizing their judgement. He stated that he believes both criteria are met. The case is not frivolous because first on procedural grounds, the normal means for the public to obtain approval was not carried out, and thus this case could establish the precedent that preapproval is not necessary or inadvisable from a practical point of view. This is not frivolous substantively, namely that it relates to a highly visible historic building in the heart of our historic district. As for the second criteria, the possibility that the ARB missed the mark. There is a question if the Board issued the Certificate of Appropriateness without reference or adequate support for their decision from the relevant City Code 1177.01 establishing the Architectural Review District, its purpose, and established the means of effecting its perpetuation. He stated his belief that the Board did err in this manner, not intentionally, but by what he would call an increasingly appeal to subjectivity, which gets to the heart of what he hopes will be discussed as a body through this appeal.

We have two documents at the core of the issue, the City Code itself passed in 1967 and the Design Guidelines passed by resolution in 2004, which were created to minimize and restrain subjectivity within the Architectural Review District. The Code is straightforward and explicit that the purpose of creating the ARB is first to preserve property and property values, and second to promote, preserve, enhance the distinctive village character of our community and the means of doing so is the regulation of design and materials. The ARB was concurrently established to administer and enforce this code. Secondly, the Design Guidelines, rather than endorsing or enabling subjectivity, was painstakingly prepared by members of the community explicitly to help inform the public and the Board as to what historic is in each case in order to minimize subjectivity. The purpose of the guidelines is to better enable compliance with the code and not to be used as a means of circumventing them by appeals to subjectivity. These are the relevant issues at stake and if the appeal is heard will be at the heart of the Council discussion. He asked that Council hear and discuss the appeal, enabling public consideration of these issues.

President Michael read Mr. Foust’s emailed comments:

I regret that I will not be there this evening. My only comment would be that this is a signature building in a key location. As I understand it, all we
(you) are deciding tonight is whether to have a public conversation on the merits. Since we have recently discussed the need for better direction from Council to our boards and commissions, and there is some ambiguity here, I believe it’s right that we at least have that public conversation. If I were there to vote, I would be in favor of us having the public dialogue followed up with a reaffirmation of our position on these matters in general to those who look to us for direction. I think the standard for hearing the appeal has at least been met.

Mark Goyer and Valerie Kerbler – Sharon Township Memorial Hall
Mr. Goyer described how this is about Sharon Township Memorial Hall and maintaining historical integrity of that building. It honors all veterans. Built 1865 as a house, in 1945 the Sharon Township took it over. There are currently nine members unpaid on the board with responsibility to maintain the building to the best of their ability with the limited funds available. Currently, there are a multitude of community organizations using the building. The board takes the stewardship of this memorial very seriously. They understand and respect the City of Worthington’s ARB and its attempt to maintain the historical value and features within the Worthington downtown area.

This issue came before us two months ago when we decided to remove the old decaying landscaping for replacement. One resident noticed the three basement windows were not of 1865 era. At the time the windows were replaced, our board was unaware of the requirement for approval by the ARB. The windows that were replaced were previously covered with boards. The three basement glass block windows were put in place to provide privacy, security, and heat retention. He explained how they have already remodeled the windows with white aluminum framing as requested by the ARB. The landscaping is to be completed within 60 days and it will hide those windows as it had in the past. He asked Council to uphold the ARB decision and not to appeal this decision. He stated that he did not know what 1865 era windows are like or what they would cost. He mentioned that should they be asked to remove and replace the existing windows, when once the new landscaping is in place no one will see the new windows.

Ms. Kerbler said that the reason the president two times ago replaced the windows was because the wood framing was rotten, and the glass was cracked. It was a safety issue. They were able to put in some vents for air circulation because previously there were boards placed on the windows and the circulation was terrible. They did not know they did not go to the ARB.

Mr. Robinson stated for the record that it is hard to separate the request for the appeal from the appeal itself, but he emphasized that he would not support the removal of the glass block windows.

Mr. Myers said that we have had this come up before and he has made this argument before. He disagreed with Mr. Robinson’s characterization of what substantive is and the quoted words non-frivolous and important building are nowhere in the statute, in the code, or in the guidelines. What is in our ordinance is aggrieved. Saying that we want to keep
the architectural standards of Worthington, which he does not believe is enough specificity to meet the aggrieved standard. He does not believe that the standard for an appeal has been met. He looks at this much as he does in his profession and appeal to a court. When you receive a decision, you do not find favorable in a Common Pleas Court, you appeal to the Court of Appeals. There is a presumption that the Common Pleas Court got it right. For an appeal to prevail, there must be some find that the Common Pleas Court either committed an obvious error of law or they abused the discretion they were vested with. We have vested our Board with discretion to interpret a subjective set of guidelines. Nowhere in our guidelines is glass block mentioned. They say you should match the character and style of what the building was, which these do not, he grants that. However, there is some historic precedence for glass block. For example, the Michigan Statehouse has a glass block floor in their rotunda. To him, the bigger issue on whether to decide this appeal is did our ARB abuse the discretion that was invested in them and they did not. If you look at the minutes, you cannot tell why they voted the way they did. He explained if that had been the appeal, he may have been on the side of the appeal because he finds that to be very frustrating. There were three nay votes, and nobody said why. One suggested to put a fake window over the new windows. That is not a real solution. The other two nay votes did not say why they voted that way. He cannot tell if they applied the guidelines or not. He asked if this is what we really want to fight about. We have three windows that sat there for four years and nobody knew about them. They should have applied, and they understand that. Nobody saw it and now you want to say it is significant. Once the new shrubs are up, they will be hidden again. This is not significant. This is a question of how we approach the guidelines and how we enforce the guidelines because this is an interpretation. We can strictly comply or construe our guidelines, or we can change them to be stricter. If that is the case, most of the houses in the district will need to be altered. We would have to get rid of asphalt shingles because they did not come around until the turn of the century. We would need to get rid of vinyl siding. One of the preferred outside materials that ARB is very favorable of is hardy plank. We encourage people to replace aluminum and vinyl siding with hardy plank, but that did not come on the market until 1980 and it is hardly a historic material.

He asserted that government is a balance of competing goals and we cannot have strict adherence. If this is the route we go, a better result is that we go through legislation, not adjudication. Adjudications applies to one party for one situation. Legislation applies to all people. As for the argument about precedence for people not asking first, he referenced a situation where we made people who did not ask permission, remove a skylight. This is insignificant and not worth fighting for. It is not going to set a precedent for people not to abide. The standard is aggrieved, not non-frivolous. He concluded that he does not believe this merits an appeal.

Mr. Smith referenced something Mr. Myers brought up about how they should have come to ARB in the beginning and they did not. That’s where his mind is, not about the aesthetics or project materials. It is about the process and we have potential developments coming up who could easily say “oops.” It leaves a little wiggle room for those who do not have good intentions.
President Michael noted that this is not the only house with glass block windows in the historic district. She asked if we bring all these other people in.

Ms. Kowalczyk explained how this is about three windows that were covered, and nobody saw them, and they will be re-covered. She agreed with Mr. Myers wholeheartedly. About understanding when you have to come to the ARB, if this is supposed to teach that lesson, perhaps we should make sure these developers who are coming in know this process up front. She has heard of situations where people buy homes and did not know they are in the Architectural Review District. They need to take steps, so they know the requirements. It may not seem like something a new homeowner would know about. Let’s talk about that as a policy than this particular case about three windows.

Ms. Dorothy agrees with Ms. Kowalczyk and Mr. Myers with an emphasis that people need to know they are in the district and when they do something to the property they must know to go to the ARB, and they need to follow through with the guidelines. We need to get out and reiterate that. She expressed how she also agrees with Mr. Myers that this does not meet the standard of being aggrieved.

Mr. Robinson said that nobody is calling for architectural police. He thinks what is at stake, is not three windows, but it is the direction we are heading in terms of our commitment to the Architectural Review District as spelled out in code. He thinks what he is hearing, which is at the heart of the problem, is that the task of the ARB is not the application of the guidelines, they are not tasked with applying the guidelines. They are to enforce and administer the code. The guidelines were written as a reference point for the public when developing plans or considering changes to their property and for the Board to recognize what is historic. They are not a subjective set of guides, they are essentially a history book about architecture and materials. If the ARB’s task is to apply subjective guidelines, we will continue to see a gradual degradation of the village character of our community. For example, look at the home immediately east of Dewey’s on East New England. He posed whether that house meets the standard of distinction for the village character. The basic practice has long-term significance for the identity of our community.

Ms. Dorothy said she is also concerned about our guidelines and code and upholding the village character.

President Michael explained that she is hearing whether the ARB’s view is to interpret the guidelines because that has always been her understanding. They are also considering code. The question is what should be happening in this particular case. Mr. Robinson responded that he hopes if we hear the appeal and grant it, we will send it back to the ARB/MPC in a non-onerous way. Mr. Myers said that the remedy would be they do not have their certificate and would have to tear the windows out. President Michael said they applied for and were granted a certificate, so if the certificate is removed, they would have to remove what the certificate granted. Mr. Myers stated that Council would issue a final order, there would be no continued state of appeal. We would be reversing ARB and there would be no Certificate of Appropriateness, which means they cannot have the windows.
Mr. Robinson asked if they could reapply to the ARB/MPC. Mr. Myers said they would be in violation the minute Council votes. Mr. Robinson stated they had been in violation for years before.

Mr. Myers said he is frustrated with this case because we have hammered on ARB on this subject. Staff has rewritten their memos and consistently points out to the ARB that our members are saying yes or no, and they do not apply the guidelines or quote the code. That is the issue. This is not about the windows. He is not punishing a veteran’s group who did not know they were doing anything wrong. He affirmed that he may have an issue with the ARB and maybe it is time that Council uses their power of appointment to shake things up. Right now, when he reads the minutes, the ARB is not doing their job and it frustrates him.

Mr. Robinson submitted that he withdraws his appeal under the reasoning and words from Mr. Myers.

President Michael added that our City Charter as amended, required ARB and MPC to refer to it. Mr. Myers said that was for land use decisions, for these decisions they do not have to. This is something this Council has told ARB. He said this is one more reason that we must bring our Commissions in and talk to them. The issue is bigger than glass block windows.

President Michael asked with the appeal being removed, if there needs to be any sort of vote. Mr. Lindsey replied that the person having filed the appeal has indicted his desire to have the appeal withdrawn, it is appropriate to vote on the acceptance of the withdraw of the appeal.

Council voted unanimously to accept the withdraw of the appeal.

- Liquor Permit - New (Shades Nail Bar LLC)

**MOTION**

Ms. Kowalczyk motioned not to request a hearing. Seconded by Ms. Dorothy.

There being no comments, the motion to not request a hearing passed unanimously by a voice vote.

- Community Visioning

Mr. Greeson explained how Council needed to discuss getting the application on the internet which is time sensitive. Mr. Smith said that the application mirrors what has been discussed to this point.

**MOTION**

Mr. Smith moved, seconded by Mr. Robinson to approve the announcement.
Ms. Dorothy asked what the differences are between what our normal application is and this new application. Mr. Greeson said several sections added were those questions posed by Council at the last session. We have also created a web section that uses language already adopted to announce that this opportunity is available and steer people to this site. Ms. Dorothy asked if this was for every single person who wants to be on. Mr. Myers said it would just be for the six selected by Council.

Ms. Kowalczyk asked if the expectations for the committee were included on the website. Mr. Greeson noted there being a Visioning background, with words from Council’s work. Ms. Stewart added that the language on the website is from Councilmember’s Smith work, a little from RFP, and a little from resolution. Go into visioning committee description, you get into the job description and the description of what the committee’s purpose is, as well as the previously distributed application. Ms. Kowalczyk asked about the deadline for applications. Ms. Stewart reported the timeline needs to be discussed tonight.

Mr. Smith said that the submitted timelines were based on the general idea they would go in tandem with the RFP, and concurrent ending at the same time. He thought that three weeks would be enough before closing out on April 4th. Mr. Myers asked when we would go live with the webpage. Mr. Greeson said we would add pictures and then go live later this week as soon as the application is approved. Ms. Dorothy said April 4th would only be two weeks. Mr. Smith said April 4th would be two weeks, and then we would review applications following the Council meeting on the 8th. That would be a preliminary review and come back to make decisions at the following meeting. Ms. Dorothy asked if that would align with when we are making decisions about who we would have help facilitate. Mr. Smith stated he believed that we will be at this in May as well.

Ms. Kowalczyk asked when in this timeline Council would make their appointments. Mr. Smith replied at the last meeting of May. Ms. Dorothy clarified that the first two meetings of May would be for interviews and the last meeting would be selection. Mr. Smith said there would be some flexibility to push that into June if necessary.

Mr. Myers said if we are talking about doing interviews in May, he is concerned about just a two-week window. He wants to make sure it gets out there and we have plenty of time to get qualified applicants. Mr. Smith said there is no reason why we could not extend the application deadline out a week or two weeks. Mr. Myers suggested we move it out and see what kind of applications we get in.

Mr. Greeson said we would use our mediums to promote its availability. We will try to add some pictures to it. Noticeably absent is a logo, branding, or a particular name for this process. He stated that may be something left up to the committee.

Ms. Stewart brought up how we have requested proposals from consultants that are due April 10th. Council will have to work through how they want to screen those and interview.

Mr. Greeson detailed how Ms. Stewart attended the OSU Airport open house. The comment period for the FAA closes soon. We have not heard anything about making
formal comments, if we desire to do that, we need to know tonight. Should the City want to formally comment, we could comment to the project team or to OSU leadership further on as they move through the decision-making process.

We also issued the RFP last week to a consultant roster of about 35 firms. It is posted on the website and the bid section of the American Planning Association website. We are already starting to get inquiries and we are expecting that it will get forwarded and sent to many different entities.

Mr. Greeson described how we received our first batch of small cell applications not too long ago and we have worked through that process and issued permits. Several are already under construction. Ms. Stewart shared that there are three locations approved for American Cell. They are looking to construct one in the vicinity and North and High, near the Executive House office buildings, and near the Econo Lodge.

Mr. Greeson requested an executive session to discuss economic development and incentives.

REPORT OF COUNCIL MEMBERS

EXECUTIVE SESSION

MOTION Ms. Kowalczyk moved, Ms. Dorothy seconded a motion to meet in Executive Session to discuss land acquisition and economic development incentives.

The clerk called the roll on Executive Session. The motion carried by the following vote

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

No  0

Council recessed at 10:10 P.M. from the Regular meeting session

MOTION Ms. Dorothy moved, Ms. Kowalczyk seconded a motion to return to open session at 10:38 P.M.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Mr. Smith moved, Mr. Robinson seconded a motion to adjourn.

The motion carried unanimously by a voice vote.
President Michael declared the meeting adjourned at 10:38 p.m.

___________________________________
Assistant City Clerk

APPROVED by the City Council, this
1st day of April, 2019.

___________________________________
Council President
Date: March 14, 2019

To: Matthew H. Greeson, City Manager

From: Robyn Stewart, Assistant City Manager

Subject: Ordinance No. 11-2019 – Appropriation - 2003 Bicentennial Fund

EXECUTIVE SUMMARY
This Ordinance appropriates $36,000 in the 2003 Bicentennial Fund to support the Orange Johnson House Bicentennial Project

BACKGROUND/DESCRIPTION
The Worthington Historical Society has requested $36,000 to support the Orange Johnson House Bicentennial Project. The funds would be utilized to remove the deteriorating masonry around the north and west sides of the property and replace it with a limestone wall. Additional information is included in the attached request from the Historical Society.

The 2003 Bicentennial Fund was originally established utilizing funds that were left over from the City’s celebration of the nation’s bicentennial in 1976. According to Ordinance No. 87-77, the remaining funds ($911.45) were to be held until 2003 at which time they would be available to the Worthington Bicentennial Committee.

The Worthington Bicentennial Committee managed a large-scale effort to raise additional funds to celebrate Worthington’s Bicentennial. According to City Council minutes from November 15, 2004, this effort included City Council setting aside money each year for a number of years to build up funding for the celebration. Ordinance No. 52-2004 indicates the City provided advance funds from the General Fund for the Bicentennial activities and was then reimbursed for at least a portion of those funds. The November 15, 2004 City Council minutes note that once all of the Bicentennial activities were finalized, the Bicentennial Fund had a balance of $67,000. Minutes from November 19, 2007 note that since the dollars remaining in the Bicentennial Fund were donated for the purpose of supporting the bicentennial celebration, Council felt it was important to carryover the remaining dollars as a gift to those organizing the 250th celebration. Dr. Lou Goorey, President of City Council from 1995 to 2013, reiterated two more times in City Council meetings on February 6, 2012 and September 9, 2013 that the funds in the Bicentennial
7.A. - Appropriation - 2003 Bicentennial Fund

Fund are to be used by the people who celebrate the 250th or 300th anniversary of the city and they shouldn’t be used for any other purpose.

Staff has attempted to summarize the thoughts about the use of the remaining funds at the time the Bicentennial activities concluded. City Council is not legally required to hold any or all of the funds for such purpose. Law Director Tom Lindsey evaluated whether the City could legally provide funds for activities and/or renovations for the Orange Johnson House. He did not find anything that would prevent the City from making payments to a non-profit for capital improvements as opposed to operating expense. The only requirement for grants to non-profits is that they not be unrestricted and must be for a public purpose.

ATTACHMENTS
Ordinance No. 11-2019
Request for Funding from the Worthington Historical Society
ORDINANCE NO. 11-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the 2003 Bicentennial Fund.

WHEREAS, Ordinance 87-77 established a special revenue fund for the purpose of accepting funds from the Worthington Bicentennial Committee the proceeds of which were to be used to celebrate Worthington’s Bicentennial in the year 2003; and,

WHEREAS, the Worthington 2003 Bicentennial activities have been finalized and there remains in the fund a balance of $72,566.11; and,

WHEREAS, the Worthington Historical Society has established the Orange Johnson House Bicentennial Fund for the purpose of restoring and assuring the stability of the Orange Johnson House located at 956 High Street; and,

WHEREAS, the Worthington Historical Society has requested funding from the City of Worthington to be used toward the final phase of the Orange Johnson House Bicentennial Project;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the 2003 Bicentennial Fund unappropriated balances to:

2003 Bicentennial Fund #253

| 253.5353.521043 | Orange Johnson Bicentennial Project | $ 36,000.00 |

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ____________________

President of Council

Attest: ________________________

Clerk of Council
In 1819, Arora Butts built the iconic Federal style wing of the home at 956 High Street for local businessman, Orange Johnson. Two hundred years later, the Worthington Historical Society has undertaken multi-phase project to continue restoring and assuring the stability of this important property which provides the community of Worthington with a way to maintain a connection with the roots of its earliest days. The Society established the Orange Johnson House Bicentennial Fund in early 2018 and has raised over $53,000 of our $150,000 goal to date from generous Society members, Worthington residents, and businesses.

Phase one of the project, completed in the summer of 2018, involved restoring the front entry of the Federal wing while also addressing structural issues with the door. Interior painting and plaster repairs in the Federal wing will take place this month to address the wear and tear from visitors over time.

The final component of the Bicentennial Project will be to have the deteriorating masonry on the north and west sides of the Orange Johnson House property removed and replaced with a limestone wall. This project was approved by the Architectural Review Board on February 14th, 2019, and the Society is looking to move forward with the project as soon as possible.

At this time, the Historical Society is requesting $36,000 from the city's Bicentennial Fund to be used toward this final phase of the Orange Johnson House Bicentennial Project.

In the 55 years that the Orange Johnson House has been held by the Worthington Historical Society, the substantial restorations efforts and maintenance of the property has been financed almost exclusively by donations from Society members and Worthington residents. Grants from organizations including the Ohio History Fund and the National Society Daughters of the American Revolution and from individuals committed to preserving Worthington’s history have also been important to funding bricks and mortar projects to preserving the property. From 1963-1972, the Society invested over $300,000 in restorations (the equivalent of $2.5 million today), and has subsequently continued to invest substantial resources into the continued maintenance and repairs and upkeep to the structure. Thousands of visitors have the chance to connect with Worthington’s past in a tangible, experiential way through this museum. The investment of the Society’s patrons and supporters has been crucial to our continued efforts to successfully maintain a historic property that inevitably requires specialized and continued care.

The request for funds from the City of Worthington to be used for a bricks and mortar project is unique. While community grants from the City are used primarily for administration and educational programming on a year to year basis, this is a request for an investment into this special structure being maintained exclusively to showcase the history of Worthington. The
City's Bicentennial Fund was used in 2003 to celebrate 200 years of history and heritage, and the Society will now be marking the 200th anniversary of this destination for heritage tourism in Worthington. An investment in the Orange Johnson House Bicentennial Project is a way to keep this important property in good condition for future generations.

Throughout 2019 much of the Society's programming will highlight the Bicentennial of the Orange Johnson House. Events will include:

- A birthday celebration at our spring opening, "Life on the Farm" which attracts numerous young families.
- In June, our annual meeting will bring to light the stories of the individuals and families that lived in the house over the 100 years between the departure of the Johnsons and the Society's purchase of the site. These stories include those of African-Americans who rented the home in the early 1900s, several single women who kept the home as a retreat north of Columbus, and a family who made a substantial number of additions, including a bathroom in the 1920s.
- The Orange Johnson House will be the centerpiece of our 2019 Worthington Tour of Homes & Gardens, which will focus on houses and buildings constructed in the first few decades of Worthington’s establishment.
- Concerts on the Trondlin fortepiano in September will celebrate the 200th birthday of composer and pianist Clara Schumann, along with the 200th anniversary of the Orange Johnson House.
- Themed tours focusing on various aspects of the Orange Johnson House including its inhabitants and its restoration will take place during our regular open hours on various Sundays throughout 2019.
- Retrospective series in the Society’s newsletter about the history of the Orange Johnson House
- Posts on social media highlighting the history of the Orange Johnson House over the past 200 years.

A copy of the materials provided to the Architectural Review Board in February is attached, and provide drawings of the new lime stone walls as well as images of current conditions, and research that guided current plans.
Orange Johnson House North and West Wall Replacement  
Supporting Statement  
Architectural Review Board Application, January 2019

In this project, the Worthington Historical Society will replace the walls on the north and west perimeters of the Orange Johnson House property. Both the wall bordering Tollgate to the north and the walls that create planters on the west fronting High Street have deteriorated significantly since their construction during the late 1960s when the Historical Society acquired the property. Through the decades the Society has re-tucked the masonry many times. Continued exposure to the moisture and salt spray from High Street, and the increasing rainfall and dynamic winter temperatures have contributed to more dramatic deterioration over the last decade.

At this time, the Society is taking the opportunity to replace the masonry with a wall that will be both long-lasting and more appropriate to the period of the Orange Johnson House. Originally the property may have had a fence, if anything, however the lowering and widening of High Street over the past centuries has necessitated a wall to maintain the grade around the front of the structure. The Society has researched the types of walls constructed in early 1800s Ohio, and supplemented that research with consultations with both Robert Brookover of Cohee Preservation and Chris Buchanan of the Ohio History Connection.

The wall design most appropriate to the age of the Orange Johnson House is known as a “ha-ha” wall. A ha-ha is a recessed wall that creates a vertical barrier while preserving an uninterrupted view of the landscape beyond, and has been used for hundreds of years throughout Europe and later here in North America. The wall will have earth on the side toward the Orange Johnson House. To build these walls, the Society intends to use limestone rather than the weaker brick in place at present. In addition to being period-appropriate, limestone is extremely long-lasting. This is a financially responsible material selection for our Society, as we rely on the generosity of our membership and community to complete these types of projects. It is important that this new wall be durable and resistant to the weather and spray from High Street for years to come.

The wall’s design will be composed from rectangular and square stones of a variety of sizes. The pattern will not be repetitious in nature, but will be organized as compared to a less formal rubble or field stone wall. For this project, a mortar that matches the color of the limestone will be used, but will be applied in a manner to keep the stones as close together as possible, with very little mortar visible.

Several examples of limestone walls of a similar nature have informed the Society’s choices. These walls are on properties of structures contemporary to the Orange Johnson House from around Ohio. Thomas Worthington’s 1807 home, Adena, has a wall across the front of the home that uses a variety of different size stones in a random pattern.

A second example of this type wall can be found on Central Avenue in Delaware, Ohio in front of an early 19th century house.

The attached photos illustrate the intended look of the proposed walls keeping in mind that we are using new materials that are expected to age with character over time. Also, the project will obviously include landscaping and ground mounted up lighting for the north, west and south facades.
Above: Thomas Worthington’s Home, “Adena”, 1807
Below: Central Avenue, Delaware County, early 19th century
Close up of wall with

measurements of a variety of stones.

CITY OF WORTHINGTON

DRAWING NO. AR 03-19

DATE 01/11/19
STAFF MEMORANDUM
City Council Meeting – April 1, 2019

Date: March 11, 2019

To: Matthew H. Greeson

From: R. Lee Brown

Subject: Ordinance No. 12-2019 - Accept Deed of Dedication - 181 East Wilson Bridge Road

EXECUTIVE SUMMARY
This Ordinance authorizes the acceptance of the Deed of Dedication for 15-feet of additional right-of-way at 181 East Wilson Bridge Road for Granby Place, and authorizes the Law Director to record the Deed of Dedication.

RECOMMENDATION
Approve as Presented

BACKGROUND/DESCRIPTION
City Council approved the Final Plan with Variances for Granby Place on September 17, 2018 by Ordinance #42-2018, effective November 7, 2018. Granby Place is a 32-unit multi-family project in two separate buildings on the site with a separate garage building. As part of that approval, the applicant was required to dedicate an additional 15-feet of right-of-way for the use of a future multi-use path that would run along the south side of East Wilson Bridge Road from High Street to the Worthington Community Center to eventually tie into the Northeast Gateway improvements. The Wilson Bridge Road Corridor Streetscape Improvement Plan was approved by City Council on November 2, 2015.

The property was previously two parcels totaling approximately +/- 2.05 acres on the south side of E. Wilson Bridge Road just east of the center of the block. The parcels have been combined as part of the previous approval to develop multi-family residential on the site with a new parcel number #100-002477.

The legal description and survey have been approved by the Franklin County Engineer’s Map Room, and the Worthington Service & Engineering Department.
ATTACHMENTS

- Ordinance No. 11-2019
- Signed Deed of Dedication – Exhibit “A”
ORDINANCE NO. 12-2019

Accepting the Deed of Dedication for Additional Right-of-Way at 181 East Wilson Bridge Road.

WHEREAS, Granby Place, LLC, during the approval of its proposed development of 181 East Wilson Bridge Road, agreed to grant to the City an additional fifteen feet of right-of-way necessary for construction of a future multi-use path; and,

WHEREAS, Granby Place, LLC has executed the attached Deed of Dedication granting the additional right of way.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the Council hereby accepts the Deed of Dedication from Granby Place, LLC for the additional right-of-way as more specifically described and shown on Exhibit “A” of the Deed of Dedication.

SECTION 2. That the Law Director is authorized to record the Deed of Dedication and to execute and deliver any and all documents that may be necessary in furtherance of the acceptance of the additional right-of-way.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed _____________________

__________________________________
President of Council

Attest:

__________________________________
Clerk of Council
DEED OF DEDICATION

GRANBY PLACE, LLC, an Ohio limited liability company, whose tax mailing address is 470 Olde Worthington Rd Suite 100, Westerville, Ohio 43082 ("Grantor"), for valuable consideration paid, grants, with limited warranty covenants to the City of Worthington, Ohio, a municipal corporation, whose tax mailing address is 6550 N. High Street, Worthington, Ohio 43085 ("Grantee"), the real property located in the City of Worthington, Franklin County, Ohio, containing approximately 0.076 acres that is legally described on the attached Exhibit "A".


This conveyance is subject to: (a) the lien of real estate taxes and assessments not yet due and payable; (b) zoning and building laws; and (c) all easements, conditions and restrictions of record.

The Grantor has caused this Deed of Dedication to be executed this 27th day of February, 2019

GRANBY PLACE, LLC

By: [Signatures]
Name: Donald L Kenne Jr.
Title: Manager

STATE OF OHIO
COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this 27th day of February, 2019, by Donald L Kenne Jr., the Manager of Granby Place, LLC.

Kara L Perry
Notary Public, State of Ohio
My Commission Expires 8/9/20

ACCEPTANCE BY CITY OF WORTHINGTON

The above dedication of property for public use was accepted by the City of Worthington, Ohio pursuant to Worthington Ordinance No. ____-2019.

Law Director

This instrument prepared by: Tom Lindsey (0033165), Worthington Law Director, 374 Highland Avenue, Worthington, OH 43085 (614) 431-2424.
EXHIBIT "A"

0.076 Acre Exhibit
QUARTER TOWNSHIP 2,
TOWNSHIP 2, RANGE 18
UNITED STATES MILITARY DISTRICT
CITY OF WORTHINGTON, SHARON TWP.,
FRANKLIN COUNTY, OHIO

5' Highway Esmt.
Wilson Road Exten.
R/W Plan

--- PL - R/W ---

NORTH HIGH ACRES
P.B. 15, PG. 34

GRAPHIC SCALE

3/4" Pipe
1 inch = 50 ft.

5/8" Rebar

Bearings are based on the Ohio State Plane Coordinate System,
South Zone, NAD83 (NRS2007). Said bearings were derived from
GPS observation and determine a portion of the centerline of
East Wilson Bridge Road having a bearing of N86° 44' 30" W.

All iron pins are 3/4" diameter,
30" long iron pipe with plastic cap
inscribed "Advanced 7681".

This Survey is based on existing
records from Franklin County, and
from actual field survey work.

ADVANCED CIVIL DESIGN INC.

Jonathan E. Phelps
Reg. No. 8241
LEGAL DESCRIPTION

0.076 ACRES

Situated in the State of Ohio, County of Franklin, City of Worthington, being in Quarter Township 2, Township 2, Range 18 in the United States Military District, and being part of Lots 16 and 17 of Northth Acres as recorded Plat Book 15, Page 34 as conveyed to The Kenney Company, LLC in Instrument Number 201811150155780 being more particularly described as follows:

Beginning at an iron pin set in the northwest corner of said Lot 16, the northeast corner of Lot 15 in Northth Acres as conveyed to Harold Careins and Megumi Otaki, Husband and Wife, for their joint lives, remainder to the survivor of them in Instrument Number 201408050101344, being in the south line of East Wilson Bridge Road (R/W Varies) as created in Northth Acres and being in the north line of a 5' wide highway easement as created in the Wilson Road Extension by the Franklin County Office of County Surveyor in 1928, and also being the TRUE POINT OF BEGINNING of the land herein described;

Thence with the north line of said Lots 16 and 17, the south line of East Wilson Bridge Road as created in Northth Acres and the north line of said 5' wide highway easement, S 86° 44' 30" E, 222.00 feet to an iron pin set at the northeast corner of said Lot 17 and the northwest corner of Lot 18 of Northth Acres as conveyed to Stephen W. Peer in Instrument Number 201705230069278;

Thence with the east line of said Lot 17 and the west line of said Lot 18 across said 5' wide highway easement, S 02° 59' 34" W, 15.00 feet to an iron pin set;

Thence across said Lots 16 and 17, N 86° 44' 30" W, 222.00 feet to an iron pin set in the west line of said Lot 16 and the east line of said Lot 15;

Thence with the west line of said Lot 16 and the east line of said Lot 15, N 02° 59' 34" E, 15.00 feet to the TRUE POINT OF BEGINNING, containing 0.076 acres, more or less, being 0.026 acre right of way easement per the Wilson Road Extension.

The above description was prepared by Advanced Civil Design Inc. and based on existing Franklin County records, along with an actual field survey. A drawing of the above description is attached hereto and made a part thereof.

Iron pins set are 3/4" diameter, 30" long pipe with plastic cap inscribed "Advanced 7661".

Bearings are based on the Ohio State Plane Coordinate System, South Zone, NAD83 (NSRS2007). Said bearings were derived from GPS observation and determine a portion of the centerline of East Wilson Bridge Road having a bearing of N86°44'30"W.

All references used in this description can be found at the Recorder’s Office Franklin County, Ohio.

ADVANCED CIVIL DESIGN INC.

Jonathan E. Phelps, PS
Registration No. 8241
STAFF MEMORANDUM
City Council Meeting – April 1, 2019

Date: March 28, 2019

To: Matthew H. Greeson

From: Lori Trego, Personnel Director

Subject: Resolution No. 17-2019 - Amending the Firefighter-Paramedic Job Description

EXECUTIVE SUMMARY
This Resolution amends the job description for Firefighter-Paramedic

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION
The City will begin a new hiring process for Firefighter-Paramedic in the next few months, and this is an appropriate time to revise the job description which has not been updated since 2005. The revised job description is now in the City's current format, accurately reflects the current duties of the position, and while maintaining the minimum requirement for a high school degree, adds “Associates Degree in Fire Science, Paramedic Technology, or related field, desired.”

ATTACHMENTS
Resolution No. 17-2019
RESOLUTION NO. 17-2019

Amending the Position Description for Firefighter-Paramedic.

WHEREAS, City Council wishes to amend the position description for the position of Firefighter-Paramedic; and,

WHEREAS, it is necessary to amend the position description for the position of Firefighter-Paramedic to properly reflect the duties of this position;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the position description for the position of Firefighter-Paramedic (Class Specification No.188) as per the description attached hereto be and the same is hereby amended.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted_________________

____________________________________
President of Council

Attest:

__________________________
Clerk of Council
CITY OF WORTHINGTON
POSITION DESCRIPTION

POSITION TITLE: Firefighter – Paramedic                     CLASS: No. 188
Department: Division of Fire and Emergency Medical Services
Date: April 1, 2019
Reports To: Fire Lieutenant Updated: 2005

General Statement of Duties

Under the direction of the Lieutenant and shift Captain, a Firefighter - Paramedic serves as a primary care and service provider. This is a public service job based on trust, credibility and competency. Those in this position must possess and display the desire and ability to perform and behave (on duty, as well as off duty) in a manner that maintains trust with the public, the City and contract partners, coworkers, and other public safety forces. This position will perform pre-hospital EMS care, fire and non-fire suppression, and various “all-hazards” related duties (such as vehicle extrication, water rescue, and similar specialties). A Firefighter - Paramedic must embrace and follow the Division’s mission and goals in the performance of their duties, and will routinely report directly to a Lieutenant or Captain, as well as more senior EMS personnel while on the medic unit.

Firefighter - Paramedics are regularly exposed to outside weather conditions and wet and/or humid conditions, moving mechanical parts and vibration. There may be occasional exposure to high, places, fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, explosives and risk of radiation and loud noise levels.

Essential Functions of the Position:

The duties listed below are intended only as illustration of the various types of work that may be performed. Additional duties may be assigned as determined by the Fire Chief.

- Responds to fire alarms and extinguishes fire;
- Responds to calls for emergency medical services, and renders medical care;
- Cleans and inspectis equipment and apparatus routinely and after returning from a fire;
- Keeps fire station, equipment and grounds in a clean and orderly condition;
- Participates in Division training activities, instruction sessions and public education/prevention events;
- Acquires and retains a thorough knowledge of the City, including streets, buildings, water supply, unusual hazards and related items;
- Works in and out of confined spaces while wearing protective equipment, including self-contained breathing apparatus weighing in excess of 50 lbs. And carries tools and equipment weighing in excess of 100 lbs;
• Climbs stairs and ladders and works at heights of 100 feet or greater;
• Drives and operates all types of apparatus on emergency and non-emergency responses within the Division;
• Conducts company level building inspections and familiarization activities;
• Operates all types of apparatus within the Division;
• Operates all types of EMS and fire equipment, tools and appliances within the Division.

Knowledge, Skills and Abilities:

• Working knowledge of modern firefighting principles, practices, procedures, and equipment used in firefighting, and emergency medical systems;
• Working knowledge in fire, rescue, and EMS practices and techniques;
• Ability to operate all firefighting and EMS equipment;
• Meet and interact tactfully and efficiently with the public and fellow employees;
• Be able to react quickly and calmly in emergency situations;
• Learn to operate relatively complex equipment;
• Ability to understand and follow oral and written directions;
• Ability, competency, desire, and willingness to work with and without direct supervision;
• Ability to maintain physical condition to perform the essential duties;
• Ability and willingness to maintain a high level of knowledge and skill of current best practices in emergency medicine, firefighting, and vehicle extrication;
• Ability to learn, and maintain a high level of proficiency with division records reporting systems;
• Understands and applies Divisional policy, procedures, rules, regulations and practices in a manner to perform fire service functions;
• Interacts effectively, efficiently and quickly with company members, members of other companies and/or members of other public service departments when performing fire services without endangering their lives or the lives of others or increasing losses unnecessarily;
• May conduct company level building inspections and familiarization activities;
• Performs public relation activities such as fire safety education, blood pressure screens, CPR classes, and tours of the facilities;
• Attends and participates in departmental meetings, training, roll call, and special meetings as required;
• Completes pre-fire surveys, and any written or oral reports;
• Operates as hazardous materials team support member;
• Operates as hazardous materials Technician as required by department standards;
• Completes other duties as assigned by the Chief or designee.

Minimum Requirements of the Position:

Possess a high school diploma or its equivalent. Associate Degree in Fire Science, Paramedic Technology, or related field from an accredited institute, desired.
Possess and maintain a valid Ohio driver’s license.
Possess a current State of Ohio Firefighter I and II certification.
Possess and maintain an Emergency Medical Technician- Paramedic Certification as required by departmental standards.
Possess and maintain Hazardous Materials Operations or Technician level.
Must obtain, and maintain a CPR instructor card within 24 months of appointment.

The characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. This job description does not list all of the duties or functions of the job. The individual in this position may be asked by supervisors to perform other duties. The City has the right to revise this job description at any time.

Adopted by Resolution ___-19; Effective ______-___-19
STAFF MEMORANDUM
City Council Meeting – April 1, 2019

Date: March 27, 2019
To: Matthew H. Greeson, City Manager
From: Darren Hurley, Director of Parks & Recreation
Subject: Ordinance No. 13-2019 - Appropriation - Bicycle and Pedestrian Improvement Program

EXECUTIVE SUMMARY
This Ordinance appropriates $100,000 from the 2019 Capital Improvement Fund for Bike and Pedestrian Improvements as recommended by the Bicycle and Pedestrian Advisory Board.

RECOMMENDATION
Introduce for Public Hearing on April 15, 2019

BACKGROUND/DESCRIPTION
The 2019 Capital Improvements Program (CIP) included $100,000 for Bike and Pedestrian Improvements. The Bicycle and Pedestrian Advisory Board has reviewed the draft of the soon to be finalized Bike and Pedestrian Master Plan and has identified priority projects for 2019. Their top priority projects are to add pedestrian crossings across 161 at East Granville Road Park and Pingree, and another at the southern entrance to Linworth Park across Linworth Road. Both of these crossings have received support from residents and were amongst the priorities prior to the master planning process and have once again shown up as priorities in this process.

After the board recommended the projects be addressed, the Service and Engineering staff began an assessment of the crossing locations and the best treatment to be applied. Once this assessment is complete and a cost identified, a final decision will be made as to whether one or both crossings can be accomplished with this year’s funding. If there is additional funding remaining in the $100,000 allocation, the board has recommended bike racks in the adjacent parks and looking at any viable sidewalk connections in the areas that might be considered.
FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
The 2019 Capital Improvements Program (CIP) includes $100,000 for bike and pedestrian improvements.

ATTACHMENTS
Ordinance No. 13-2019
ORDINANCE NO. 13-2019

Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the 2019 Bicycle and Pedestrian Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 693-19)

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533422 an amount not to exceed one-hundred thousand dollars ($100,000) to pay the cost of the 2019 Bicycle and Pedestrian Improvement Program and all related expenses (Project No. 693-19).

SECTION 2. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed __________________

President of Council

Attest:

__________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – April 1, 2019

Date: March 27, 2019
To: Matthew H. Greeson, City Manager
From: Tom Lindsey, Law Director

EXECUTIVE SUMMARY
This Ordinance would enact a new Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances to prohibit discrimination in housing, employment, public accommodations, and higher education based upon race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status.

RECOMMENDATION
Introduce for Public Hearing on April 15, 2019

BACKGROUND/DESCRIPTION
On March 11, 2019 Council reviewed proposed changes to the draft ordinance that was prepared last summer by the Worthington Community Relations Commission. The changes were based on staff’s review of the Ordinance and on suggestions from a public hearing conducted by the Commission.

On March 14, 2019 Commission Chairperson Jack Miner provided an overview of the ordinance at a meeting of the Worthington Area Chamber of Commerce. Based on comments at that meeting and a suggestion made to Chairperson Miner, the proposed ordinance contains the following four changes to the draft that Council previously reviewed.

The first change (Section 539.04(d), page 12) addresses a suggestion made to Chairperson Miner regarding the public accommodation exemption for faith-based organizations. The concept is that if the City provides the organization funding, then the organization couldn’t discriminate in its offerings of goods, services, facilities and accommodations.
(d) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes or supported by public funds.

The second change (Section 539.04(e), page 13) addresses a question at the Chamber meeting concerning the need for building improvements. The following language from the Cleveland ordinance clarifies that the public accommodation section does not require building improvements.

(e) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

The third change (Section 539.06(a)(3), page 15) addresses a concern raised by Attorney Scott Whitlock at the Chamber meeting concerning the use of statements made during mediation. The following language clarifies that mediation communications will be privileged pursuant to the uniform mediation act provisions in ORC Chapter 2710.

The mediation shall be conducted in accordance with Chapter 2710 of the Ohio Revised Code. All mediation communications shall be privileged pursuant to Section 2710.03 of the Ohio Revised Code. Nothing said or done during mediation shall be made public unless the parties agree thereto in writing.

The fourth change (Section 539.06(a)(7), page 17) addresses a concern raised by Council President Pro-Tem Scott Myers concerning the wording of the civil penalty section. The following language is based on the civil penalty and enhancement provisions of ORC 4112.05. While a bit wordy, it hopefully addresses Council Member Myers concerns.

In addition to issuing a cease and desist order, the Hearing Officer shall have the authority to issue the following remedies:

A. If division (a)(7)(B) or (C) of this section does not apply, a civil penalty in an amount not to exceed one thousand dollars ($1,000) Up to $1,000 for a first offense in the five years preceding the filing of the charge;

B. If division (a)(7)(C) of this section does not apply and if the respondent has committed one violation of this Chapter during the five-year period immediately preceding the date on which the complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed two thousand five hundred dollars ($2,500) Up to $2,500 for a second offense in the five years preceding the filing of the charge.

C. If the respondent has committed two or more violations of this Chapter during the five-year period immediately preceding the date on which the complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed five thousand dollars ($5,000) Up to $5,000 for a third or subsequent offense in the five years preceding the filing of the charge.

The proposed ordinance has an effective date of July 1, 2019. This will allow additional time to provide for public education regarding the new ordinance.
ATTACHMENTS
Ordinance No. 14-2019
ORDINANCE NO. 15-2019

To Enact New Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances of the City of Worthington to Prohibit Discrimination in Housing, Employment, Public Accommodations, and Higher Education Based on Designated Classes.

WHEREAS, state law currently prohibits discriminatory practices in housing, employment, and public accommodations based on race, sex, color, religion, ancestry, national origin, age, disability, familial status, marital status, or military status; and,

WHEREAS, the City of Columbus and the City of Bexley have adopted ordinances to ban discrimination in housing, employment and public accommodations based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status, or military status; and,

WHEREAS, the City of Worthington, Ohio does not currently have an ordinance prohibiting discrimination in housing, employment and public accommodations; and,

WHEREAS, it is the desire of the City Council to eliminate discrimination in Worthington based upon race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Part Five of the Codified Ordinances of the City of Worthington, “General Offenses Code,” be and the same is hereby amended to add new Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” to read as follows:

CHAPTER 539
Discriminatory Practices, Civil Rights, Disclosure

539.01 DEFINITIONS
As used in this chapter:

(a) “Age” means at least forty (40) years old.

(b) “Disability” means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
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(c) “Physical or mental impairment” includes any of the following:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine;

(2) Any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, sickle cell, human immunodeficiency virus infection, intellectual disabilities, emotional illness, drug addiction, and alcoholism.

(3) “Physical or mental impairment” does not include any of the following:
   A. Pedophilia, exhibitionism, voyeurism, or other sexual behavior disorders;
   B. Compulsive gambling, kleptomania, or pyromania;
   C. Psychoactive substance use disorders resulting from current illegal use of controlled substance.

(d) “Discriminate”, “Discrimination”, or “Discriminatory” includes segregated or separated or any difference in treatment.

(e) “Employee” does not include any individual employed in the domestic service of any person.

(f) “Employer” means any person who employs four (4) or more persons, within the City of Worthington, including the City of Worthington, its departments, boards, commissions, and authorities.

(g) “Employment agency” means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.

(h) “Familial status” means either of the following:

(1) One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;
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(2) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age.

(3) “Family” includes a single individual.

(i) “Gender identity or expression” means having or being perceived as having gender-related identity, appearance, expression, or behavior, whether or not that identity, appearance, expression, or behavior is different from that traditionally associated with the person’s assigned sex at birth.

(j) “Housing accommodations” including any buildings or structure or portion thereof which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence or sleeping place of one (1) or more individuals, groups or families, whether or not living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person’s legal representative.

(k) “Labor organization” includes any organization which exists for the purpose, in whole or in part, of collective bargaining or for other mutual aid or protection in relation to employment.

(l) “Military status” means a person’s status in “Service in the uniformed services” as defined in Section 5923.05 of the Ohio Revised Code.

(m) “Person” includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lesser, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the City of Worthington and all political subdivisions, authorities, agencies, boards and commissions thereof.

(n) “Place of public accommodation” means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.

(o) “Restrictive covenant” means any specification in a deed, land contract or lease limiting the use of any housing because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status as a condition of affiliation or approval.
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(p) “Service in the uniformed services” means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio Revised Code. “Service in the uniformed services” includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

(q) “Sex” means male or female. The terms “because of sex” and “on the basis of sex” include pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions.

(r) “Sexual orientation” means a person’s actual or perceived homosexuality, bisexuality; or heterosexuality.

(s) “Uniformed services” means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

(t) “Marital status” means a person’s state of being single, married, separated, divorced, or widowed.

(u) “Genetic information” means the hereditary information about DNA sequence, genetic sequence, gene products, or inherited characteristics contained in chromosomal DNA or RNA that are derived from an individual or family member.

(v) “Unlawful discriminatory practice” means any act prohibited by Chapter 539 of the Worthington City Codes.

(w) “Law Director” means the Worthington Law Director or an attorney appointed to by the Worthington Law Director.

(x) “Hearing Officer” means the person appointed by the Worthington City Manager, in consultation with the Worthington Community Relations Commission.

(y) "Educational Institution" means a state university or college, state-assisted institution of higher education, nonprofit educational institution described in Chapter 1713 of the Ohio Revised Code, institution registered under Chapter 3332 of the Ohio Revised Code, or similar for profit or nonprofit institutions of higher education regardless of whether they are licensed or regulated by the state of Ohio.
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539.02 FAIR HOUSING.
(a) It shall be an unlawful discriminatory practice for any person to:

(1) Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective owner, occupant, or user of such housing accommodations;

(2) Represent to any person that housing accommodations are not available for inspection when in fact they are so available;

(3) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information or military status of any present or prospective owner, occupant, or user of such housing accommodations, provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business and not only as a part of the purchase price of an owner occupied residence they are selling nor merely casually or occasionally to a relative or friend;

(4) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or, subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any present or prospective owner, occupant, or user of such housing accommodations;

(5) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations because of the race, sex, sexual orientation, gender identity or expression, color,
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religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any present or prospective owner, occupant, or user of such housing accommodations;

(6) Print, publish, or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any present or prospective owner, occupant, or user of such housing accommodations;

(7) Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations;

(8) Include in any deed, land contract, or lease of accommodations any covenant, honor or exercise, or attempt to honor or exercise, any covenant, that would prohibit, restrict, or limit the sale, transfer, assignment, rental lease, sublease, or finance of housing accommodations to or for any person because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective owner, occupant, or user of such housing accommodations provided that prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision;

(9) Induce or solicit, or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur in the block, neighborhood, or area in which the property is located, which change is related to the
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presence or anticipated presence of persons of any race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

(10) Induce or solicit or attempt to induce or solicit, any housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, sex, sexual orientation, gender identity or expression, color, religion, national origin, ancestry, age, disability, marital status, familial status, genetic information, or military status in the area will or may have results such as the following:

A. The lowering of property values;
B. An increase in criminal or antisocial behavior in the area; or
C. A decline in the quality of schools serving the area;
D. Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood, or area has or might undergo a change with respect to the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of the residents;
E. Deny any person access to or membership or participation in any multiple listing service, real estate, brokers’ organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against them in the terms of conditions of such access, membership, or participation, on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status.
F. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of their having exercised or enjoyed, or on account of their having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;
G. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with:
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1. Any person because of their race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status and because that person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

2. Any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from:
   i. Participating, without discrimination on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status in any of the activities, services, organizations, or facilities described in division (10)(G)(1) of this section.
   ii. Affording another person or class of persons opportunity or protection so to participate; or

3. Discouraging any person from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status in any of the activities, services, organizations, or facilities described in division (10)(G)(1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate;

(11) Refuse to sell, transfer, assign, rent or lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective owner or user of such lot; or
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(12) For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in Chapter 539 of the Worthington City Codes, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of Chapter 539 of the City of Worthington Codes.

(b) Nothing in this section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.

539.03 UNLAWFUL EMPLOYMENT PRACTICES.

(a) It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:

(1) For any employer, because of the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status to refuse to hire that person or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment;

(2) For any employer, employment agency, or labor organization to establish, announce or follow a policy of denying or limiting, the employment or membership opportunities of any person or group of persons because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status.

(3) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person’s race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status in admission to employment in any program established to provide apprentice training;
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(4) For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specifications or discrimination based upon race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;

(5) For any person seeking employment to publish or to cause to be published any advertisement which specifies or in any manner indicates that person’s race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of any prospective employer;

(6) For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;

(7) For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;

(8) For any labor organization to discriminate against any person or limit that person’s employment opportunities, or otherwise adversely affect that person’s status as an employee, or that person’s wages, hours, or employment conditions, because of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;

(9) For an employment agency, to comply with, accommodate, or otherwise assist with locating an employee related to, a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails, or
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may fail, to comply with Chapter 539, of the Worthington City Codes;

(10) For any labor organization to limit or classify its membership on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status;

(11) For any employer, employment agency or labor organization to:
A. Elicit or attempt to elicit any information concerning the race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status of an applicant for employment or membership;
B. Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes.

(12) For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by Chapter 539, of the Worthington City Codes, or because that person has made a complaint or assisted in any manner in any investigation or proceeding under Chapter 539, of the Worthington City Codes.

(13) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce, or participate in the doing of any act declared to be unlawful discriminatory practice by Chapter 539, of the Worthington City Codes, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful
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discriminatory practice by Chapter 539, of the Worthington City Codes, or to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt directly or indirectly to commit any act declared by this chapter, to be an unlawful discriminatory practice.

(b) This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of its activities.

539.04 UNLAWFUL PUBLIC ACCOMMODATIONS.
It shall be an unlawful discriminatory practice:

(a) For any proprietor or his employee, keeper, or manager of a place of public accommodation to deny to any person except for reasons applicable alike to all persons regardless of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status the full enjoyment of the accommodations, advantages, facilities, or privileges thereof;

(b) For any proprietor or his employee, keeper, or manager of a place of public accommodation to publish, circulate, issue, display, post or mail, either directly or indirectly, any printed or written communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities, goods, products, services and privileges of any such place shall be refused, withheld or denied to any person on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status or that such person is unwelcome, objectionable, or not acceptable, desired or solicited; or

(c) For any person, whether or not included in divisions (A) and (B) in this section, to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this section.

(d) Nothing in this section shall prohibit a religious or denominational institution, organization, society or association or any nonprofit charitable or education organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion, or from giving preference to such persons, provided that such offerings mentioned above are not, in fact, offered for commercial purposes or supported by public funds.
ORDINANCE NO. 15-2019

(e) Nothing in this section shall be construed to require the modification of existing facilities or the construction of new or additional facilities.

539.05 UNLAWFUL EDUCATIONAL PRACTICES.

(a) It shall be an unlawful discriminatory practice for any educational institution to discriminate against any individual on account of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status:

(1) In admission or assignment to any academic program, course of study, internship, or class offered by the institution;

(2) In permitting participation in any activity that is sponsored by the institution or that takes place on property owned, operated, or controlled by the institution;

(3) In the awarding of any form of financial aid or other benefits available to students;

(4) In admission or assignment to housing or other facilities owned, operated, or controlled by the institution;

(5) In awarding of grades or granting of certificates, diplomas, or degrees offered by the institution.

(b) Nothing in this section prohibits any educational institution from establishing bona fide requirements or standards for admission or assignment to academic programs, courses, internships, or classes; for permitting participation in activities; for awarding of financial aid or other benefits; or for the granting of grades, certificates, diplomas, or degrees, which requirements or standards may include reasonable qualifications for demonstrating necessary skill, aptitude, physical capability, intelligence, and previous education.

(c) Nothing in this section requires any educational institution to construct, reconstruct, improve, enlarge, or alter any building, facility, or property owned, operated, or controlled by the institution, in any manner, for the purpose of making the building, facility, or property accessible to persons with a disability, provided that this section does not exempt an educational institution from compliance with standards adopted under section 3781.111 of the Ohio Revised Code.

539.06 COMPLAINT AND ENFORCEMENT PROCEDURE.

(a) Complaints
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(1) Any person may file a charge with the City Clerk alleging that another person has engaged or is engaging in an unlawful discriminatory practice as defined in Chapter 539 of the Worthington City Codes. The charge shall be in writing and under oath and shall be filed with the City Clerk within one hundred eighty (180) days after the alleged unlawful discriminatory practice is committed. The City Clerk shall forward a copy of the charge to the respondent and to the Law Director.

(2) If the charge of discrimination alleges a violation based on race, sex, color, religion, ancestry, national origin, age, disability, genetic information, military status, and/or any other class or characteristic protected under state or federal law, then the City Clerk shall instruct the complainant to file a charge of discrimination with the Ohio Civil Rights Commission (OCRC)/Equal Employment Opportunity Commission (EEOC). The City Clerk shall provide the complainant with information about this requirement and contact information for the OCRC/EEOC within ten (10) days from the date the charge was filed with the City Clerk. The initial filing of a charge of discrimination with the City Clerk will not extend the deadlines for filing a charge of discrimination with the OCRC/EEOC.

In the event of a deferral, any complainant who timely filed a charge of discrimination under this Chapter may request the Law Director to review the final determination made by the OCRC/EEOC on charges of discrimination containing the same allegations as in the original charge filed under this Chapter. Such request for review must be made within thirty (30) days of the OCRC/EEOC’s final disposition of the charge. The Law Director shall only have authority to review dismissals of complaints based on insufficient time or resources to fully investigate or a lack of jurisdiction. The Law Director shall not have authority to review dismissals based on lack of probable cause.

If a request for review is made under this section, the Law Director shall have no authority to proceed under City law unless the Law Director finds that the decision of the OCRC/EEOC was arbitrary, capricious, or not in accordance with law. Upon such finding, the Law Director shall process the charge pursuant to Sections 539.05(A)(3)-(7).

Charges of discrimination alleging a violation of this Chapter based on sexual orientation, gender identity or expression, marital status or familial status along with an allegation of discrimination based on race, sex, color, religion, ancestry, national origin, age, disability, genetic information, military status, and/or any other class or characteristic protected under state or federal law shall be subject to deferral to the OCRC as set forth in this section. If the OCRC/EEOC dismisses a charge of discrimination timely filed under this Chapter and based on sexual orientation, gender identity or
expression, marital status, or familial status for lack of jurisdiction, the complainant may, within thirty (30) days of such dismissal request the charge to proceed under this Chapter. Upon request, the Law Director shall handle the case in accordance with Sections 539.05(A)(3)-(6).

The Law Director shall have no authority to review any charge under this section if complainant or respondent has appealed the OCRC/EEOC decision to court or otherwise challenged the alleged unlawful discriminatory practices in state or federal court.

(3) For cases processed by the City without intervention of the OCRC/EEOC, the Law Director shall notify the complainant and respondent of the option for voluntary mediation. If both parties agree to voluntary mediation, a mediator designated by the Law Director shall endeavor to eliminate such alleged unlawful discriminatory practices by methods of mediation. The mediation shall be conducted in accordance with Chapter 2710 of the Ohio Revised Code. All mediation communications shall be privileged pursuant to Section 2710.03 of the Ohio Revised Code. Nothing said or done during mediation shall be made public unless the parties agree thereto in writing.

(4) Preliminary Investigation: If methods of mediation fail to effect the elimination of such alleged unlawful discriminatory practice or the state or federal government has not exercised jurisdiction and/or provided mechanism for redress, the Law Director may contract with outside counsel to perform the duties assigned under this Chapter including conducting an investigation. If the Law Director determines after such investigation, that it is not probable that unlawful discriminatory practices have been or are being engaged in, the Law Director shall notify the complainant and respondent in writing that it has been so determined, and that no other action will be initiated under this chapter.

(5) Determination Hearing: If methods of mediation fail to effect the elimination of such alleged unlawful discriminatory practice, and if the Law Director determines after preliminary investigation that it is probable that unlawful discriminatory practices have been or are being engaged in, and it is determined by the Law Director that the state or federal government has not exercised jurisdiction and/or provided mechanism for redress, the Law Director shall serve upon the respondent and complainant a notice of a determination hearing before the Hearing Officer, notifying the respondent of a hearing at a time and place therein fixed to be held not less than thirty (30) days after the service of such notice and stating the charges.
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specified in the original charge upon which a probable cause
determination has been made against the respondent. If
circumstances warrant, the Law Director may serve such notice at
any time during the complaint procedure. The Hearing Officer
will consider any reasonable requests for extension of the hearing
date and reserves the right to continue the hearing, for good cause
shown, for a period of up to thirty (30) additional days.

Any such charge may be amended by the Law Director or complainant at any
time prior to or during the hearing based thereon. The respondent shall have the right to
file an answer or to amend an answer to the original or amended charge, and to appear to
such hearing in person, or by attorney, present evidence or otherwise to examine and
cross-examine witnesses.

The complainant shall be a party to the proceeding, and any person who is an
indispensable party to a complete determination or settlement of the question involved in
the proceeding shall be joined. Any person who has or claims an interest in the subject of
the hearing and in obtaining or presenting relief against the acts or practices complained
of, may be, in the discretion of the Hearing Officer, permitted to appear for the
presentation of oral or written argument.

In any proceeding, the Hearing Officer shall not be bound by the rules of evidence
prevailing in the courts of law or equity, but shall in ascertaining the practices followed
by the respondent, take into account all reliable, probative, and substantial evidence,
statistical, or otherwise, produced at the hearing, which may tend to prove the existence
of an unlawful discriminatory practice or a predetermined pattern of unlawful
discriminatory practices under Section 539 of the City of Worthington Codes provided
that nothing contained in this section shall be construed to authorize or require any person
to observe the proportion which persons of any race, sex, sexual orientation, gender
identity or expression, color, religion, ancestry, national origin, age, disability, familial
status or military status bear to the total population or in accordance with any criterion
other than the individual qualifications of the applicant.

The testimony taken at the hearing shall be under oath and before a court reporter
hired by the City Manager. The transcript of the hearing shall be filed with the City
Clerk.

The Hearing Officer is granted the authority to develop and implement rules and
procedures to control the governance of the hearing. In conducting any hearing as
provided herein, the Hearing Officer may upon request of any party subpoena as
witnesses any person believed to have knowledge of the facts relevant to such hearing,
compel the production of books, papers, records or other evidence relative to such
hearing by the person having custody or control thereof and may administer oaths, take
testimony and issue such rules as shall be necessary to effectuate an investigatory hearing
under this section.
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The Hearing Officer shall issue a written decision concerning the charges in the complaint. The decision shall include findings of fact and conclusions of law. Any final decision by the Hearing Officer may be appealed to the Franklin County Court of Common Pleas to the extent authorized by applicable law.

(7) Notice of Violation and Order to Cease and Desist: If upon all the evidence presented, the Hearing Officer determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice under this chapter, whether against the complainant or others, the Hearing Officer shall issue a notice of violation, and shall issue an order to respondent to cease and desist the unlawful discriminatory practice.

In addition to issuing a cease and desist order, the Hearing Officer shall have the authority to issue the following remedies:

A. If division (a)(7)(B) or (C) of this section does not apply, a civil penalty in an amount not to exceed one thousand dollars ($1,000);

B. If division (a)(7)(C) of this section does not apply and if the respondent has committed one violation of this Chapter during the five-year period immediately preceding the date on which a complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed two thousand five hundred dollars ($2,500).

C. If the respondent has committed two or more violations of this Chapter during the five-year period immediately preceding the date on which a complaint was filed pursuant to division (a)(1) of this section, a civil penalty in an amount not to exceed five thousand dollars ($5,000).

The notice of violation, order to cease and desist and any other penalty issued by the Hearing Officer shall be served on the respondent and complainant.

The Law Director is authorized to institute in the name of the City of Worthington any appropriate civil enforcement proceedings.

539.07 COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES BY THE CITY

If a complaint is filed with the City Clerk alleging that the City, or one of its boards, commissions, departments, divisions, officials, or employees has engaged or is engaging in an unlawful discriminatory practice as defined in Chapter 539 of the Worthington Codified Ordinances, then the following additional procedures shall apply:
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(a) The Law Director shall forward a copy of the complaint to the City Council.

(b) The City Council may appoint special counsel to conduct a preliminary investigation instead of the Law Director conducting the preliminary investigation.

(c) The City Council may appoint a mediator to endeavor to eliminate any alleged unlawful discriminatory practices by methods of mediation instead of the Law Director appointing a mediator.

(d) The City Council may appoint a hearing officer to conduct a determination hearing instead of the City Manager appointing the hearing officer.

(e) If the complaint involves an employment action by the City against the complainant, then the City Council may refer the complaint to the Personnel Appeals Board for an appeal hearing concerning the alleged discriminatory practices and no further action shall be taken under this Chapter.

539.08 FAILURE TO COMPLY.
(a) Whoever fails to comply with a subpoena issued by the Hearing Officer as provided in this Chapter is guilty of a minor misdemeanor.

(b) Any person who commits an unlawful discriminatory practice under any of the provisions of this chapter and fails to comply with any order of the Hearing Officer to cease and desist such unlawful discriminatory practice shall be guilty of failure to comply with an unlawful discriminatory practice order, a misdemeanor of the first degree.

539.09 INTERFERING WITH CIVIL RIGHTS.
(a) No public servant, under color of his office, employment, or authority, shall knowingly deprive, or attempt to deprive any person of a constitutional or statutory right or any other protections against discriminatory conduct created by an ordinance of the City of Worthington.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

539.10 ETHNIC INTIMIDATION.
(a) No person shall violate Sections 2903.13, 2903.21, 2903.22, 2907.06, 2911.06, 2911.07, 2911.21, 2911.211, 2913.02, 2913.03, 2913.04, 2917.03, 2917.11, 2917.12, or 2917.21(A)(3) to (5) of the Ohio Revised Code or Sections 509.01, 509.03, 509.04, 521.08, 533.04, 537.03, 537.05, 537.06, 537.10(a)(3) to (5), 541.03, 541.04, 541.05, 541.051, 545.05, 545.06, 545.08, or 549.08 of the General Offenses Code of the Worthington Codified Ordinances, by reason of or where one of the motives is the
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victim’s race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information or military status.

(b) In a prosecution under this section, the offenders’ motive, reason or purpose may be shown by the offender’s temporarily related conduct or statements before, during or after the offense, including ethnic, sexual orientation, gender identity or expression, religious or racial slurs, and by the totality of the facts, circumstances and conduct surrounding the offense.

(c) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation except as provided in subsection (d).

(d) If the underlying offense which is a necessary element of ethnic intimidation is a misdemeanor of the first degree, then the offense of ethnic intimidation is a misdemeanor of the first degree and the court shall impose a mandatory minimum sentence of at least ten (10) days in jail.

(e) This section does not apply if the facts alleged in the complaint would constitute a felony under Section 2927.12, Ohio Revised Code.

(f) The division of police shall keep and maintain records of reported violations of this section and reported incidents the motive of which is the victim’s race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, familial status or military status.

539.11 ANNUAL REPORT.
The Law Director shall prepare an annual report to the Community Relations Commission and City Council summarizing the complaints, investigations, hearings, and enforcement proceedings involving unlawful discriminatory practices under this Chapter.

539.12 EXCLUSIONS.
The application and enforcement of the protections created herein are limited solely to the terms of this chapter and such terms shall not create nor enhance protected class status for any other purpose including public and private affirmative action program eligibility. The term “affirmative action program” shall include any program administered by any private or public entity for the purpose of providing preferential treatment for those in a protected class.

539.13 SEVERABILITY.
Chapter 539, of the Worthington City Codes, and each division of said section there under, are hereby declared to be independent divisions and sub-divisions and,
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notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said divisions and sub-divisions, or the application thereof to any person or circumstance is held to be invalid, the remaining divisions or sub-divisions and the application of such provision to any person or circumstances other than those to which it is held invalid shall not be affected thereby, and it is hereby declared that the remaining divisions and sub-divisions would have been passed independently of any provisions held to be invalid.

SECTION 2. Repeal Section 541.08 “Ethnic Intimidation” of the Worthington Codified Ordinances.

SECTION 3. The provisions of Chapter 539 shall become effective on July 1, 2019.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ____________________

____________________________
President of Council

Attest

____________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – April 1, 2019

Date: March 27, 2019
To: Matthew H. Greeson
From: Daniel Whited, P.E.
Subject: Permission to Bid Huntley Road 12” Waterline Construction

EXECUTIVE SUMMARY
Staff requests permission to solicit bids for construction of a 12” waterline in the northern portion of Huntley Road. The engineering estimate for construction cost is $522,885.

RECOMMENDATION
Motion to allow for advertisement for bids.

BACKGROUND/DESCRIPTION
To facilitate the Northeast Gateway Project at the intersection of Huntley, Wilson Bridge and Worthington Galena Roads, the City needs to construct a 12” waterline along the northern portion of Huntley Road. The Northeast Gateway Project is being funded with federal transportation funding provided through the Mid Ohio Regional Planning Commission, funding from the Ohio Public Works Commission and City funding. The waterline portion of the project is ready to be bid and staff recommends moving forward with the waterline construction to keep the Northeast Gateway Project on schedule and to meeting the construction timing requirements for the Ohio Public Works Commission funding. The roadway construction portion of the Northeast Gateway Project is expected to occur in 2020 and/or 2021.

Design of the waterline has been completed with an engineer's estimate of $522,885.