



CITY OF WORTHINGTON
Worthington City Council Minutes
March 11, 2019

6550 N. High Street
Worthington, Ohio 43085

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. If not interested in doing a 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 rewrites 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 minimum 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

forward to Council in the coming month. President Michael commented that anyone wanting more info could email Mr. Greeson about the topics on the look ahead agenda. 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 straight forward 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 Councilmembers 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.

/s/Ethan C. Barnhardt

Assistant City Clerk

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

/s/ Bonnie D. Michael

Council President