



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**  
May 6, 2019

6550 N. High Street  
Worthington, Ohio  
43085

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

Worthington City Council met in Regular Session on Monday, May 6, 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 7:50 p.m.

**ROLL CALL**

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

**Member(s) Absent:** David Robinson

**Also present:** City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were 2 visitors present.

**PLEDGE OF ALLEGIANCE**

*President Michael waived reciting the Pledge of Allegiance since it had just been done for the Joint Meeting with Sharon Township.*

**VISITOR COMMENTS**

No visitor comments.

**APPROVAL OF THE MINUTES**

- Committee of the Whole Meeting – April 8, 2019
- Regular Meeting – April 15, 2019

**MOTION**

Ms. Kowalczyk moved, Ms. Dorothy seconded a motion to approve the aforementioned meeting minutes as presented.

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

## **PUBLIC HEARINGS ON LEGISLATION**

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

### **Ordinance No. 15-2019**

To Amend Sections 1301.05, 1301.06, 1305.01, 1305.06, 1305.07, 1305.08, 1305.09, 1311.01, 1311.02, 1311.07, 1301.05, and 1301.06; and Enacting Section 1301.07 of the Codified Ordinances of the City of Worthington Related to the Coordination with the State of Ohio Building Codes, the Establishment of Demolition Standards, Modifying Pool Barrier Requirements, and Adjusting Fees.

**The foregoing Ordinance Title was read.**

*Mr. Brown explained how our building inspector, Don Phillips, has been working to update our code to keep it up to date with the Ohio Residential Code and the State Building Code. Mr. Phillips is on the board of directors for the Central Ohio Code Officials Association and the Ohio Building Officials Association. He has worked diligently with the code committee on some of the changes seen here tonight.*

*Mr. Brown provided an overview of the proposed changes to Part 13 of the City Code. We noticed over the past year that we had a residence on Short Street as well as the Holiday Inn demolished. There are some recommendations for language related to demolition, putting time frames and site redevelopment with a time frame that would go with that. Since we are making changes to the building code, which also impacts the planning and zoning code, any modification or change to the planning and zoning code does require a 60-day waiting period.*



- Part 13 is the building code
- There are no specific requirements for demolition, excepting some minor language in Ohio Building Code Section 3303. No language in the Residential Code of Ohio
- The State of Ohio adopted a new residential building code for 1-, 2-, and 3-family dwellings effective July 1, 2019
- Worthington is the only jurisdiction in central Ohio with a 6' barrier requirement around swimming pools for residential uses.

*We deleted the requirements for a driveway and sewer connection permit being issued because it is already covered in the Service and Engineering Department and other codes throughout the Codified Ordinances. In adding a section for demolition and the*

*timeframe associated with that, we needed to add powers to our Board of Zoning appeals so if they are not able to meet that requirement or wanted an extension, that the BZA could hear that case.*



## Proposed Code Changes Chapter 1301 Changes

- Added a 6 month expiration period for demolition permits.
- Deleted the requirements for a drive way and sewer connection permit being issued precluding a permit being issued.
- Raised the fee for demolition from \$50 to \$200.
- Added specific requirements for demolition including information on how the site will be restored, and demolition and restoration schedule.
- The added demolition requirements need an appeal mechanism so 1129.05 Power and Duties of the Board of Zoning Appeals was amended to hear these.



## Proposed Code Changes Chapter 1305 Changes

- Deleted the reference to Appendix H Patio Covers since these are governed by the Residential Code of Ohio.
- Added a 6 month expiration period for demolition permits.
- Deleted the requirements for a drive way and sewer connection permit being issued precluding a permit being issued.
- Deleted the permit requirement for small items not regulated by the building code. This work still requires a Certificate of Compliance, which is the reason why that fee is being raised from \$5 to \$25 for residential, and from \$10 to \$50 for commercial in the proposed 1125.02 change.
- Change the barrier requirement from 6' to 4' for swimming pools.
- Deleted the section on Bed & Breakfasts. These are now regulated in Ohio under the Ohio Building Code with similar requirements.
- Added specific requirements for demolition including information on how the site will be restored, and demolition and restoration schedule.



## Proposed Code Changes Chapter 1311 Changes

- Overcrowding is once again being quantified in the 2018 edition of the International Property Maintenance Code, like it was in the 2003 edition previously adopted in Worthington.
- Some of the new requirements, like grease interceptor maintenance, is already cover by other ordinances and codes currently adopted in Worthington.
- The majority of the changes in the International Property Maintenance Code include new maintenance requirements for fire-resistant-rated construction, typically found in commercial buildings. These are not new requirements in Worthington, only new in the property maintenance code. The Ohio Building and Fire Codes are currently used to enforce these maintenance requirements and we will continue to use those codes for their enforcement.

Mr. Brown explained how changing some of Part 13 led to changes of Part 11.



## Proposed Code Changes Part 11 Changes

- Some of the Part 13 changes lead to Part 11 changes, like raising the Certificate of Compliance fee and granting the Board of Zoning Appeals to hear demolition requirements in Chapter 1301.
- The barrier requirement for swimming pools is lowered from 6' to 4' and the water depth is lowered from 2'-6" to 24" to better coordinate other jurisdictions in the United States, the requirements for commercial swimming pools, and the Architectural Design Guidelines referenced in Chapter 1177.
- Appendix G Swimming Pools, Spas, and Hot Tubs adopted in Chapter 1305 generically refers to barriers instead of specifically calling for a fence or wall. This give an owner more options for compliance.

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*Ms. Kowalczyk asked about the expiration date for demolition and if there was a particular reason why we need an expiration date. Mr. Brown said there have been several instances in the past several years where demolition permits were issued, and all the work was not really completed. The idea was that by adding a time expiration to that demolition permit is if they have not completed the work, it expires. If they have the permit, within 60 days then there must be a game plan on how that site is going to be restored. Then you have 60 days to do the demolition and get it back into production ready for another building or level for future use. Ms. Kowalczyk asked what would happen if it expires. Mr. Brown said that they would have to pay and apply for a new permit. If they are not able to do the demolition in the 60 days, they would then need to go before the BZA to ask for an extension. Once they actually start the demolition process there would be a 90-day timeframe to complete it. If they are not able to do that, it would give additional time to come before a public body to ask for an extension.*

*When asked by Ms. Kowalczyk about what the overcrowding section refers to, Mr. Brown explained that it is used to refer to square footage of room and the number of people in it.*

*Mr. Smith said a lot of these codes are defaulting to the state and the local codes do not need to exist anymore. He asked if that sets up any legal issues for us in the future with all the Home Rule issues going on. Mr. Lindsey replied that he does not believe our action adopting these codes will bar us from exercising our Home Rule authority. To the extent of the residential code, the state chose to impose that on cities and that process through the General Assembly's actions did take away our authority to act regarding residential codes. He does not believe our action in adopting these codes would effectively bar us in the future from exercising our Home Rule if we chose to.*

*Mr. Myers said he thought for us to be building code officials and to enforce a building code, that we had to adopt the state building code, or we lost our enforcement authority. Mr. Lindsey agreed. It is the state declaring that it is the code. It is a statewide concern that all building requirements be uniform throughout the state for enforcement purposes*

*and for contractors and builders not to be subject to 647 different codes. Mr. Brown noted that you can add to the code if it is not against the intent.*

*Ms. Dorothy noted that we might look at bettering the minimum standards. In the future we might want to look at having requirements for sound attenuation in multifamily units, so you have less noise and better regulation. She knows that is a driver of why people do not like multifamily because you can hear your neighbors. That is a suggestion to raise the standard from the Ohio code. Codes are great to maintain the safety of everyone in the community.*

**There being no additional comments, the clerk called the roll on Ordinance No. 15-2019. The motion carried by the following vote:**

**Yes 6** Kowalczyk, Foust, Dorothy, Smith, Myers, and Michael

**No 0**

**Ordinance No. 15-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 16-2019**

To Amend Sections 1125.02, 1129.05, and 1173.05 of the Codified Ordinances of the City of Worthington Related to the Coordination with the State of Ohio Building Codes, the Establishment of Demolition Standards, Modifying Pool Barrier Requirements, and Adjusting Fees.

**The foregoing Ordinance Title was read.**

**There being no comments, the clerk called the roll on Ordinance No. 16-2019. The motion carried by the following vote:**

**Yes 6** Foust, Dorothy, Smith, Myers, Kowalczyk, and Michael

**No 0**

**Ordinance No. 16-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

## **NEW LEGISLATION TO BE INTRODUCED**

**Resolution No. 24-2019**

Designating Public Depositories of Inactive and Interim Funds.

**Introduced by Mr. Myers.**

**MOTION** Mr. Smith made a motion to adopt Resolution No. 24-2019. The motion was seconded by Mr. Foust.

*Mr. Greeson said that this just adds FC Bank to our list of eligible depositories for inactive and interim funds.*

*Mr. Myers asked what inactive and interim funds are as opposed to other funds. Mr. Bartter said that interim funds would be from 14 days to less than a year. Inactive would be from a year over. Active would be those we anticipate using within 14 days.*

**There being no additional comments, the motion to adopt Resolution No. 24-2019 passed unanimously by a voice vote.**

**Resolution No. 25-2019** Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds.

**Introduced by Ms. Kowalczyk.**

**MOTION** Ms. Dorothy made a motion to adopt Resolution No. 25-2019. The motion was seconded by Mr. Myers.

*Mr. Bartter explained how the Division of Police has relied on part-time labor. This transfer reallocates funds from fulltime to the part-time wage line. The second one reallocates funds from fulltime to overtime.*

**There being no additional comments, the motion to adopt Resolution No. 25-2019 passed unanimously by a voice vote.**

**Resolution No. 26-2019** A Resolution of Intent to Appropriate Property and Easements from Multiple Properties for the Public Purpose of Constructing a Roadway Project, Specifically, the FRA-CR 84-1.36 Northeast Gateway Project, which Such Roadway Shall be Open to the Public Without Charge.

**Introduced by Mr. Myers.**

**MOTION** Mr. Smith made a motion to adopt Resolution No. 26-2019. The motion was seconded by Mr. Foust.

*Mr. Lindsey said that this is a necessary step within our acquisition of parcels needed for the Northeast Gateway Project. We have been working towards the acquisition of that for an extended period. Our consultant, TranSystems, has been out notifying property owners, providing an appraised value, and attempting to negotiate a voluntary purchase of those properties for over six months. We are now at the point we will need to proceed, if negotiations do not prove successful, to appropriate the properties taking them by eminent*

*domain proceedings. Those proceedings are through the court process. There is a statutory process required and the property owner has certain rights within that process. We fully intend to continue the process of voluntary negotiations prior to the filing of the actual complaints. In order to meet the timelines and to proceed with the project in a timely fashion, we would need to look at filing those appropriation proceedings around July 1.*

*President Michael asked about the number of properties included in this. Mr. Lindsey said there were 15 properties, including those with no known heirs. A number are represented by counsel. Certain counsel tends to let the process go to the point of filing the proceeding and a number of these fall into that category. We are hopeful that we will resolve four of them prior to the need to file. One involves a residence that requires relocation and the July 1 deadline is necessary because if it is not resolved voluntarily, the proceeding is not only to appropriate the property, but to move forward with eviction which is required if someone is residing there. This is the first step of two. This resolution is the statutory requirement that we declare the necessity of appropriating them. You essentially did that when you started this project knowing it required the acquisition of over one hundred separate parcels and involving approximately 40 property owners. Based on that the City Manager will send out the formal notification per statute to notify those property owners. Property owners have been involved in this and are already well aware. The next step is the actual authorization which we will introduce for passage in two weeks.*

*Mr. Myers asked if we were still in negotiation with property owners and we do not know which will go to eminent domain and which will not. Mr. Lindsey said that is correct. If prior to the 20<sup>th</sup> we have closed on any of these additional properties, he will take them off of the authorization. If we have not actually closed, even if we reached an agreement, he does not feel comfortable taking it off in case there is a problem. Mr. Myers asked if Mr. Lindsey could inform Council prior to the July filing date how many will have to file and who they are.*

**There being no additional comments, the motion to adopt Resolution No. 26-2019 passed unanimously by a voice vote.**

**Ordinance No. 14-2019** 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, and Public Accommodations Based on Designated Classes.

**Introduced by Ms. Kowalczyk.**

**Ordinance No. 17-2019** Authorizing and Directing the Establishment of a Special Revenue Fund for the Purpose of Accumulating Resources for Payment of Salaries During any Fiscal Year When the Number of Pay Periods Exceeds the Usual and Customary Number of Pay Periods (27th Pay Fund).

**Introduced by Mr. Foust.**

**Ordinance No. 18-2019** Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and 350 West Wilson Bridge Rd. TIF Fund Unappropriated Balance.

**Introduced by Mr. Smith.**

**Ordinance No. 19-2019** 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 NE Gateway - Huntley Rd. Waterline Project and all Related Expenses and Determining to Proceed with the said Project. (Project No. 602-14)

**Introduced by Mr. Myers.**

**Ordinance No. 20-2019** An Ordinance Authorizing the Appropriation of Property and Easements from Multiple Properties for the Public Purpose of Constructing a Roadway Project, Specifically, for the FRA-CR 84-1.36 Northeast Gateway Project, Which Such Roadway Shall be Open to the Public Without Charge.

**Introduced by Ms. Dorothy.**

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

## **REPORTS OF CITY OFFICIALS**

### Policy Item(s)

- Sale of Surplus Property

*Mr. Bartter explained how Council must authorize the sale of surplus property over \$5,000. We did not anticipate that this bus would sell for over \$5,000 but it did.*

**MOTION** Ms. Kowalczyk moved, seconded by Mr. Foust to approve the transfer of the title of the bus.

**There being no additional comments, the motion to approve the transfer of the title of the bus passed unanimously by a voice vote.**

*Mr. Greeson explained how we do these types of sales through GovDeals and \$5,000 is an extremely low limit to come back for approval. He suggested staff may come back with research and suggest that it be raised since it has not been modified in decades.*

- Permission to Advertise for Bids – Retrofitting Street Lights with LED Lamps

*Mr. Whited detailed how this is a sustainability project. He explained how they did a large amount of research to find the right fixtures. This will replace the lights and the globes for the lamp posts. Approximately 158 lights will be retrofitted. The estimated project cost should be in the \$160,000 to \$180,000 range. We may do some of the work ourselves.*

*President Michael asked about savings we would get. Mr. Whited said we would not see much because they are not metered, but there will be a decrease in the energy usage, if not in our actual billing. Mr. Bartter said that once the lights are retrofitted we will have to estimate the savings on the unmetered lights, and they will tell us the amount due. We are working with our energy people to work with AEP to figure it out.*

*Ms. Dorothy explained how she wants us to track the estimate of the energy we are saving, which will hopefully lead to a reduction in cost. She asked about the lifecycle of the lights. Mr. Whited said that the lifecycle should be approximately ten years. Ms. Dorothy asked about the color of the lights. Mr. Whited replied that they will be very similar to the current lights, maybe slightly brighter. Ms. Dorothy mentioned concerns that the lights were not always turning off. Mr. Whited explained they will be on a photocell. Hiccups can occur but they will be newer and of high-level technology. Ms. Dorothy said she would like for us to track our energy savings. Mr. Whited said they can do that. It will be part of the bid.*

*When asked by Ms. Kowalczyk if these were smart lights, Mr. Whited said we have not invested to the level of smart lights; they are traditional lighting fixtures.*

*Mr. Foust said the globes themselves have been a subject of discussion and he asked if we are replicating the exact globe design. Mr. Whited identified them as Spring City globes that match the existing globes.*

**MOTION** Ms. Dorothy moved, seconded by Mr. Smith to give permission to advertise for bids.

**There being no additional comments, the motion to give permission to advertise for bids passed unanimously by a voice vote.**

Discussion Item(s)

- Community Visioning - Facilitators

*Mr. Greeson explained how we received ten proposals in response to the RFP. Diligent review was undertaken by a committee of Mr. Smith, Mr. Foust, and Ms. Kowalczyk that was aided by Ms. Stewart. The committee has made recommendations for the firms to be interviewed by the full Council.*

*Mr. Smith said the committee had a preliminary conversation on the phone about what the evaluation matrix would look like and then came back and had an in-person group meeting.*

*Prior to the group meeting they individually ranked the ten proposals separately and brought that to the group meeting. They tried to get down to three proposals, but four rose to the top. The four proposals recommended were from Future iQ, Inc., Jackson/Clark Partners, Planning NEXT, and Poggemeyer Design Group.*

*Mr. Foust commented on how the committee had a smooth process and he was surprised how readily they came to some similar conclusions.*

*Ms. Kowalczyk agreed with Mr. Foust and said that the ten proposals were interesting coming from different perspectives. The four selected have a little bit of all the perspectives to consider and rose to the top. All were very interesting to read.*

*President Michael asked how Council wanted to move forward from here.*

*Mr. Smith said the consensus was to interview the four unless there was a decision that more should be invited.*

*Mr. Myers asked what the interviews would look like and if we want presentations and questions. He questioned what format the interview would be in, whether in a Council meeting or in executive session.*

*Mr. Smith responded they discussed that an executive session was not an option. Mr. Myers agreed with that. His thinking is it could be done at a Committee of the Whole meeting. He has not been in a big rush to push this through. He wants to make sure we take our time and have them come in, give proposals and allow Council to question them in a public setting. That gives them an opportunity to make sure Council is on the same page about the whole process.*

*Mr. Greeson suggested it be done in a special meeting or in a less formal setting.*

*Mr. Myers said some of these people are coming from further away. He asked if we have any video conferencing abilities. Mr. Greeson confirmed we do have video conferencing abilities, but it is his experience that many of these consultants want to do this in person. He stated Council may want to require it be in person and it is perfectly acceptable to do so. President Michael expressed that if they are wanting to work with Worthington they should come to Worthington and see the town.*

*Mr. Myers posed the question how Council wants to do this. Should it be a special meeting, perhaps on the weekend, or over two Committee of the Whole meetings. Mr. Foust said that is driven by the length of time we want to give for each. In his past experience it has been as little as 45 minutes of a formal presentation followed by 15 minutes for questions and answers. In theory we could do all four in four hours on a Saturday. Mr. Myers said he would think it should take an hour each.*

*President Michael suggested staff work with Councilmembers to gauge what options could work.*

*Mr. Foust requested from staff as they set these up, he knows a lot of times in these kinds of exercises there is the sales group and then there are the ones who are going to execute on the commitment. In that world where sales tend to overpromise, then the operations folks have to deliver. He would ask that the person or persons who are going to be out front be present. He wants to make sure that person or persons are part of the presentation. Mr. Greeson expressed that is fair and staff will communicate that.*

## **Other Items**

*Mr. Greeson noted that an updated memo has been distributed to Council on deer management issues. Mr. Barnhardt attended the latest ODNR symposium and updated the memo previously written by Ms. Stewart.*

*He explained how the opt-out letters for the electric aggregation program have been sent out.*

*We have been working really hard on public outreach regarding the dispatch center 911 recommendation. This evening we held a public meeting at Linworth Alternative at 5:30 p.m. Last week there was one at the Griswold Center. There was also coffee with the Chiefs. Presentations have been made at various forums. There is another coffee with the Chiefs at noon on Wednesday. Next week there will be a telephone town hall meeting conducted. Once these activities are completed, we anticipate bringing forward a recommendation for Council around the May 20<sup>th</sup> meeting.*

*Ms. Kowalczyk shared that she attended the meeting at the Griswold. She explained that the outreach is important and is easing people's curiosity.*

*Ms. Thress brought up that at Councilmember's places is an appeal regarding the Evening Street modular classrooms. Mr. Greeson explained how we will agenda that for next week and Council will need to vote whether to hear that appeal or not. If you decide to hear it, there is a time limit in which to hear it.*

## **REPORT OF COUNCIL MEMBERS**

*Mr. Smith asked Mr. Whited about Granville Park 161 crossing process. Some neighbors reached out to him that might be impacted. They would like to be involved. He asked if he could forward them to him so they can be involved in that conversation. He brought up the grant funds given to local organizations, and how there was a discussion about what we are going to do with no bed tax money and no specific funding line items for 2020. He asked Councilmembers to think about how much, if any we give grant money towards the local entities that ask for grant funds. Also the priorities developed within the matrix and whether we want to change that matrix. Regarding Wilson Hill Park many applauded the City's efforts about Honey Suckle but there are concerns about plans to plant new trees to replace the natural play structures that were taken down. He wondered if we had any plans to plant new trees. Mr. Greeson said that he would get him an answer. Mr. Smith*

*said that he attended the deer symposium with Mr. Barnhardt, and it was really interesting. The organizers from ODNR and USDA were clear about their recommendations and they pushed one specific thing that may or may not work in Worthington. We might need to have a discussion at some point about that. He brought up how there has been overall positive feedback in the media and on social media on electric aggregation. There was one question about the opt-in letter that was forwarded on to our consultant Rich Surace.*

*Ms. Kowalczyk thanked everyone who attended the Old Worthington Partnership annual meeting. Tom Katzenmeyer with the Greater Columbus Arts Council was there talking about some of the things they are focusing on that dovetails well with what the Partnership's priorities are including public art and the McConnell Arts Center. It was a great meeting with some great ideas to discuss for the future. She has also been meeting with folks for fleshing out plans for moving forward with an Age Friendly Worthington initiative. She is hopeful we will soon have some concrete steps for Council to consider.*

*Ms. Dorothy brought up how she attended the McConnell Arts Center's board meeting. This November is their 10-year anniversary celebration. You will be seeing more information coming out about that soon.*

*President Michael mentioned if there was anyone interested in the Worthington Memorial Day Parade to make sure to get your applications in and to note that you are with City Council.*

## **EXECUTIVE SESSION**

**MOTION** Mr. Foust moved, Mr. Smith seconded a motion to meet in Executive Session to discuss personnel compensation and pending litigation.

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

**Yes 6** Dorothy, Myers, Kowalczyk, Foust, Smith, and Michael

**No 0**

Council recessed at 8:52 p.m. from the Regular meeting session

**MOTION** Ms. Dorothy moved, Mr. Smith seconded a motion to return to open session at 9:06 p.m.

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

## **ADJOURNMENT**

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

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

President Michael declared the meeting adjourned at 9:06 p.m.

/s/ Ethan C. Barnhardt  
Assistant City Clerk

*APPROVED by the City Council, this  
20<sup>th</sup> day of May, 2019.*

/s/ Bonnie D. Michael  
Council President