



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**  
September 9, 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, September 9, 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, David Robinson, Beth Kowalczyk, Douglas Foust, Scott Myers, Douglas K. Smith, and Bonnie D. Michael

**Member(s) Absent:**

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

There were 5 visitors present.

**PLEDGE OF ALLEGIANCE**

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

**VISITOR COMMENTS**

There were no comments

**NEW LEGISLATION TO BE INTRODUCED**

**Ordinance No. 37-2019**

Approving the Provisions of a Collective Bargaining Agreement Between the City of Worthington, Ohio and the Fraternal Order of Police, Capital City Lodge No. 9 and Authorizing the City Manager to Execute Same on Behalf of the City.

**Introduced by Ms. Kowalczyk.**

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)

- Community Grants

*Mr. Greeson stated that recently City Council requested to talk about our Community Grants program, particularly whether we wanted to change our process and approach for groups that request grant funds.*

*Ms. Stewart explained how there are two groupings of grants. The first are larger grants for the McConnell Arts Center, the Worthington Historical Society, and the Old Worthington Partnership. Those are considered by the City Council as part of the fall budget process. Unless instructed otherwise, staff plans to incorporate those into the budget process again this year. Second are smaller grant amounts that are given to about a dozen smaller non-profits in the community and awarded in the first quarter of the year. The total amount for the program is typically decided as part of the operating budget. Council has been distributed materials from this past year, including the scoring matrix for grading grant applications.*

*Ms. Kowalczyk asked about the history of the community grant program. Ms. Stewart responded that she did not know the original origins of the program. However, when she came to the City eleven years ago, there were a certain number of groups that had been consistently funded. Those allocations had been kept fairly flat, particularly when we went into the recession and the City's revenues were tighter. Three or four years ago, Council wanted to open the process to consider applications and it was revamped to look more like it does today. Since then, the dollar amount for the smaller grants has increased slightly. President Michael explained that when we first instituted the bed tax, the portion not given to the Convention and Visitors Bureau was set aside and given to community organizations. The dollar figure was originally set based on the 25% of the bed tax that was there.*

*Mr. Foust asked when applicants approach the city if they are made aware of the scoring matrix itself. Ms. Stewart said that the scoring matrix is included in the application packet. Mr. Foust noted that in 2018-2019 there was a minor uptick in the number of requests and dollar amounts requested, and he is worried about setting expectations we may not have any intentions of fulfilling. To the extent that they have a good idea of what we are looking at, we are at least managing expectations going in.*

*Mr. Robinson asked why the smaller grants were not issued until the first quarter which would seem to make it not as useful to the recipients as if it were awarded in the fourth quarter and delivered January 1<sup>st</sup> of the new year. Ms. Stewart explained it is due to the timing and trying to get through the budget process with staff getting it finished and*

*adopted. Application materials are distributed in January and then the review committee reviews the applications with it then being March before Council acts on it. Mr. Robinson asked if we would know the amount available once the budget is passed. Ms. Stewart said that is correct and the funds are available at the first of the year. Mr. Robinson suggested making the decisions and announce the awards in December in the spirit of the holidays. That way the recipients can include it in their annual budget for the coming year. Ms. Stewart noted that some of the organizations are on a summer to summer fiscal year, so they are not all on the calendar fiscal year. It varies when she talks to organizations as to where this falls in their fiscal year.*

*Mr. Myers questioned the matrix and expressed how one of the things we wanted to do was have measurables of the impact of these dollars. From time to time we would get presentations as to how our dollars were being used and their impact and he asked if that is included in the application process. Ms. Stewart said the application asks about measurables for program success and then the required year-end reports include results based upon those measurables. Mr. Myers asked if the measurables were included in the process for new grants. Ms. Kowalczyk reported that they look at the measurables.*

*Ms. Kowalczyk acknowledged that more organizations are applying for these grants and the ask is higher because the need is always there. Trying to figure out what our priorities are and looking at the sizes of some of these grants, we really do want to support local organizations. Looking at the last set of grantees and amounts, they wanted to be fair determining the impact. She expressed that having a connection to these programs and providing the City's support is important. She questioned whether it is worth it for an organization to go through so much work for such a small amount of money.*

*Ms. Dorothy shares Ms. Kowalczyk's concern about the small amount of money and the process required to apply and move through this process. When she first came on Council, she pushed to stop having the same people get the exact same amount of money. She was surprised it was not opened to more people but when you open it up to more people there are more things that you need to consider. While it seems that some of these funds may be nominal, they do have a significant impact and it is important to measure the impact. It is a good problem to have with so many good organizations doing work in Worthington. However, there is quite a need and she questioned how we do define the impact this effort we go through every year brings to our community.*

*Mr. Robinson asked if the governing principle is that we want to provide seed money or ongoing support. President Michael responded that in the past it is a combination of both. Ms. Kowalczyk stated that some are providing direct services to Worthington citizens.*

*Mr. Foust said an underlying theme is protecting of vulnerable populations, whether children or elders. While he does not disagree with the statements about the amount of work put in, many of these organizations are accustomed to grant writing and probably apply for grants year after year, so it is not an entirely unreasonable ask for the things we are looking for here.*

*President Michael asked about possible changes to the process or procedure.*

*Mr. Myers stated that he likes the process as it is, and he is happy with the people getting the money. That is why we are talking about it tonight, so that we can get the applications out now and some decisions made at budget time and getting funds dispersed at the beginning of the year.*

*Ms. Dorothy asked if we want to talk about the amounts and if we wanted to change it.*

*Mr. Smith said the committee has consistently funded approximately 60-70% for each request.*

*President Michael said that we must be mindful and see the overall the budget. We have not seen the whole budget and do not know how an increase impacts all the rest of the budget.*

*Ms. Kowalczyk pitched that any amount that could be increased would be welcome. There are organizations that could use that money.*

*President Michael asked if that is something that could be looked at with alternatives as we look forward to the budget. Mr. Greeson said that staff would present alternatives.*

*President Michael asked if Council wanted to keep the same grant review committee. Ms. Kowalczyk and Mr. Smith volunteered to again be committee members. Mr. Greeson listed the other groups in the community that needed to be included on the committee including the schools, Griswold Center, and Community Relations Commission.*

*Mr. Smith expressed that he would throw out the number \$40,000 as an amount for the program this coming year. Mr. Robinson stated that as a reference point that the \$33,000 is roughly one tenth of one percent of general revenue annually.*

*Mr. Foust suggest that he could serve as an alternate for the committee if Ms. Kowalczyk or Mr. Smith are tied up on a given night.*

*Ms. Stewart asked about overall priorities staying the same and if Council wants to keep them as-is. Councilmembers expressed they want to keep them as-is. Ms. Stewart then questioned if she heard that we would want to get applications out before money is available. President Michael said that is correct. Ms. Kowalczyk said we could give the past year overall funding amounts as a reference point.*

- Financial Report – July & August 2019

*Mr. Bartter noted how we have fallen \$200,000 below our income tax projections. Four of our last five months have been under 2018 collections. Looking at it, some of our top employers in the community are down from prior years. Staff will continue to monitor that.*

**MOTION**

Mr. Robinson moved, Mr. Foust seconded a motion to accept the Financial Report as presented.

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

Discussion Item(s)

- City Council Rules – Organizational Meeting

*Mr. Greeson explained that this item was identified at the Council retreat earlier this year. Staff did research looking into what other communities were doing and how they handle their processes.*

*Mr. Lindsey described how Worthington’s charter does not specify a specific process to use. It only stipulates that at the organizational meeting you elect a president and pro-tem, mayor and vice mayor. The charter says to create your own rules to do so. By codified ordinance Council has adopted Robert’s Rules of Order to apply when Council has not otherwise determined a particular procedure.*

*As indicated in the memo, the question of who actually runs the meeting, different communities do this in different ways. Some have whoever is the current chair of the body running the meeting, others have the clerk of council, or they have the law director run the meeting. Another option would be to have the City Manager run the meeting.*

*In terms of the oath of office and roll call, traditionally we have had a roll call. By council rules provide a general agenda of meetings and the roll call is normally at the beginning. Administering the oath of office is required before taking action, so it is appropriate to have the person be sworn in before the roll call. The swearing in could happen prior to the meeting itself, but traditionally many communities do it at the meeting because it is a public meeting.*

*As for the question of who might be nominated and the selection of the Council President, and other positions, those preliminary discussions could occur in executive session. However, the actual nomination, voting, and selection of the Council President would occur in open session. An executive session could occur at the organizational meeting or another possibility is to do so at a December meeting after the election has occurred. The discussion could be a forum where all of Council can openly and honestly share their thoughts about various candidates.*

*The actual process of the election would occur once in open session and nominations would be made. One consideration is whether you want nominations to require a second. Robert’s Rules does not require one. However, it is not uncommon for seconds to occur, sometimes more than one second to show support. It would be a Council decision to require a second. A related issue is whether you want to allow self-nominations. Roberts Rule’s says that you could vote for any one of yourselves and that does not prohibit voting for oneself.*

*Ms. Dorothy asked how bound Council is to Robert's Rules. Mr. Lindsey replied you are only bound to the extent that you want to be bound. You are not required to follow them. Robert's Rules were originally formulated for large parliamentary societies and when applied to small legislative bodies it can be less than perfect.*

*President Michael stated that if a process is not otherwise chosen, then the fallback is Robert's Rules and we can choose our own processes.*

*Ms. Dorothy asked where our processes are noted. Mr. Lindsey said we have Council Rules written that were adopted around 2009. Staff has looked at the organizational meeting as the first step in looking at all the rules to guide council. The question is whether Council wants to pack that in this fall or wait until a new Council is elected.*

*Mr. Lindsey said that for the actual election process, there are multiple methods possible such as a roll call vote, a show of hands, a voice vote, or ballot voting. A paper ballot would need to include the name of the councilmember and their vote. The value of that approach is the ability to have a simultaneous vote of everyone. We are required to make sure we are complying with open meetings, so the votes would be read aloud including who voted and what their vote was. The chair of the meeting or the Clerk of Council could be the reader of votes. President Michael noted that is part of the Supreme Court case that said that you cannot have a secret ballot. The results be read so people can know who voted for whom.*

*Mr. Lindsey detailed that the order of the voting, if voting as a group, could be done multiple ways including order of nomination, randomly, alphabetically, or seniority of the nominees.*

*Once the new president is selected, the temporary chair would then give up the chair and the new president would assume the chair and proceed with the meeting. Then the selection of the pro-tem, mayor, and vice mayor would proceed. Also indicated in the memo are other possibilities which include the selection of Council appointees to various boards and commissions. This could be hard if there has not been appropriate time to discuss those appointments by executive session or other options that would be open meetings. The Clerk would also need to be designated as the public records designee.*

*Mr. Smith asked about the charter and if it states whether these elected positions have to be a majority vote or if it needed to be baked into our own rules. Mr. Lindsey said the charter language does not go into the detail of whether it should be a majority vote. However, all actions of council are otherwise by majority vote. Robert's Rules in general takes the multiple vote approach as opposed to plurality. Robert's suggests if there are multiple vote, that the lowest vote getter not be required to be removed from consideration unless choosing to withdraw from consideration. Sometimes the lowest vote getter of three might be the best compromise candidate if the two primary vote getters continue to stalemate the body.*

*President Michael asked who should hold the meeting. Mr. Smith said his first instinct is for the clerk to have that responsibility. Mr. Robinson concurred, stating it would make sense to have someone far removed from organizational chart as possible.*

*President Michael asked if the oath of office should be administered prior to calling the meeting together. Ms. Dorothy said that makes sense.*

*President Michael asked if Council wants to do an executive session situation or open floor nominations as we have in the past.*

*Mr. Foust expressed that he will make the case for one of two things. In the event there are multiple nominees for council president, he would like to hear some words from the nominees themselves. Just a couple of minutes explaining why they want to do it and why they are the right person. There might be some dialogue to be had before jumping into a vote.*

*Mr. Robinson concurred about the opportunity of two to three minutes for nominees to say what they want. Someone who wants to serve as president for two years, he hopes they would say some things about their understanding of the office and their priorities. That would be useful for Council and serving the purpose in informing and engaging the public. Anything we can do to make the processes of our local government more available and engaging is something we should proactively do.*

*Ms. Dorothy said she is okay with an executive session discussion in December with newly elected councilmembers. She thinks that we want this to be as transparent as possible, but we do not want this to be a spectacle. She can see us filling council chambers and having people cheer for who wants to become the next president. She explained that the President helps decide what gets on the agenda and they are invited to special meetings, but she asked what other functions do the president and pro-tem perform.*

*President Michael explained how the President is a member of the Central Ohio Mayors and Managers Association which is a monthly meeting that consists of the top elected and administrative officials. There are oftentimes many additional meetings and the president is asked to perform ceremonial duties.*

*President Michael asked if an executive session is something we want to do. Mr. Myers expressed he does not. He said he has always been troubled by the thought of bringing in newly elected but not sworn in councilmembers to participate in decisions. He likes the idea of swearing them in before the roll call. Any discussion of nominations should happen after swearing in, in an open session. He suggested putting all seven names on a ballot for nomination then have the top two vote getters make their presentations. In the past the president has been a fait accompli. People do not understand the extra work sitting in the center chair is. If you have a full-time job that is somewhat demanding, it is difficult to make the time.*

*Mr. Foust stated that he likes Mr. Myers idea, at least as a place to start. He explained how his raising this issue at the retreat was a function of four years ago, seeing the sitting President reside over their own election. He struggled with that. He asked if it should be for a two-year term.*

*Mr. Myers responded that he is a fan of the two-year term because it takes a while to figure the job out.*

*Mr. Lindsey said that the charter provides that the election of a president is for a term of two years.*

*Mr. Myers said he would put in there that there are no reasons to not vote for oneself.*

*Mr. Robinson asked what the procedure would be if there is a tie for second place. Mr. Lindsey said from a Robert's Rules standpoint there would be a re-ballot. He would think a 3-2-2 vote would result in a re-ballot and councilmembers could decide whether they want to change their vote or not. There is the question if there is someone who does not want the position, does Council want to provide a mechanism to announce that prior to initial vote. Mr. Myers said he does not know if he would seek the position, but he explained the possibility of someone who gets the most votes being someone he does not want to have the position. In that situation he may keep his name in the ring. If a new councilmember was the top vote getter, he would want to challenge that person. He does not think it is appropriate for a new councilmember to be president. He would assume after the first ballot that would be the time when you could withdraw your name.*

*Ms. Dorothy proposed that if we are assuming there are only two people, then the second-place person becomes pro-tem. Mr. Foust responded that knowing who is selected as president could alter your thoughts about who you want as pro-tem. Mr. Robinson said pro-tem should be elected the same way as the president with a separate election.*

*President Michael asked if we wanted to do a ballot for mayor and vice mayor or do that as has been done in the past with a nomination and approval. Mr. Foust said he would be satisfied with nomination and approval. Mr. Myers expressed he would also be satisfied with nomination and approval.*

*Mr. Myers asked if we have a list of Council appointments and proposed that some of those ministerial positions could be appointed at the meeting, such as appointing the Clerk as the designee for open records certification. Mr. Myers said he would like to have that list.*

*Ms. Kowalczyk asked if this would be written up as a Council policy. Mr. Greeson responded that staff would write amendments to Council rules that will be brought back for Council approval.*

*President Michael asked how the vote should be done. Ms. Dorothy reiterated Mr. Lindsey's point that everyone can vote at the same time without the influence of everyone*

*else's vote as the benefit of a written ballot. Mr. Robinson replied that is a compelling argument in terms of promoting or safeguarding the independence of thought.*

*President Michael explained the order would be oath of office, then we go into the roll call, and move into the elections.*

*Mr. Lindsey explained how the announcement of the vote would occur twice. First with all seven eligible and between the two persons. He then asked for direction if there is a 3-2-2 tie and whether there would be a re-ballot. Mr. Smith offered that the top vote getter moves through then the re-vote would be for the second-place person. Mr. Lindsey explained that it is conceivable that the two, second place people, to the extent of factions or likeminded thinking, you could end up then that the person with three votes, if we re-balloted, one of the second place person may decide to withdraw from consideration. Then that might change the dynamic.*

*President Michael explained that she is hearing the first person stays in then there is a runoff between the other two people. Ms. Dorothy expressed that she would rather re-ballot.*

*Mr. Robinson asked at what point remarks would be made. Mr. Myers said that he would think it would be after we narrowed it down to two. He thinks that Mr. Lindsey is right that if there is a 3-2-2 vote, he would guess that one of the two would drop out.*

*Mr. Lindsey explained how the ballots must be read with the name of the councilmember and who that councilmember has voted for so that it is clear who voted for who.*

## **REPORTS OF COUNCIL**

*Ms. Dorothy reminded everyone that the cemetery open house is at the Ozem Gardner House tomorrow at 6:00pm.*

*President Michael detailed how at the last Central Ohio Mayors/Manager Association (COMMA) meeting there was discussion about how the Attorney General wants to take over the collection of funds that could be won in lawsuits by cities that have filed against pharmaceutical companies over the opioid crisis. The Governor has stated he supports home rule acknowledging that cities are the first line of defense. COMMA is sending a thank you note to the Governor for his position. There is also a piece of legislation that wants to take away the opportunity to do eminent domain for park trails. The next COMMA meeting is to be held in Worthington on the first Wednesday of October.*

## **EXECUTIVE SESSION**

### **MOTION**

Mr. Myers moved, Ms. Dorothy seconded a motion to meet in Executive Session to discuss security arrangements and emergency response protocols for the City and economic development.

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

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

**No 0**

Council recessed at 8:38 P.M. from the Regular meeting session

**MOTION** Mr. Smith moved, Mr. Robinson seconded a motion to return to open session at 9:08 P.M.

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

**ADJOURNMENT**

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

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

President Michael declared the meeting adjourned at 9:08 P.M.

/s/ Ethan C. Barnhardt  
Assistant City Clerk

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

/s/ Bonnie D. Michael  
Council President