



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**  
September 16, 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 16, 2019, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

**ROLL CALL**

**Members Present:** Rachael R. Dorothy, Beth Kowalczyk, Douglas Foust, David Robinson, Douglas K. Smith, Scott Myers, 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, Chief of Fire John Bailot, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Clerk of Council D. Kay Thress, Assistant City Clerk Ethan Barnhardt

There were approximately 34 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 visitor comments.

**SPECIAL PRESENTATION(S)**

- Oath of Office – Fire Captain

*Mr. Greeson expressed how it is one of his greatest pleasures as City Manager to offer the opportunity for people in our organization to take on new leadership roles to serve the people of Worthington through promotion.*

*Chief Bailot explained how he is honored to be a part of this important ceremony to swear in a new Captain with the Worthington Division of Fire and EMS. He detailed the hierarchy and operations of how the Division functions and the Captain's role within the organization.*

*He stated how he has the privilege to talk about Peggy Dyas who began her fulltime career with the City of Worthington in April 2000. She was promoted to Lieutenant in January 2014. Recently she went through the process of becoming a Captain and Mr. Greeson promoted her to that rank on August 5<sup>th</sup>. She is now the officer in charge of Unit #3. Captain Dyas has already undertaken efforts to administer the Division's uniform program and is helping to lead the Division's portion of the new software program instituted with assistance from IT and Finance. She holds an associate degree from Columbus State, holds numerous certifications, and she is currently enrolled at Franklin University and anticipates graduating with a bachelors in winter 2020. One accomplishment that she is most proud of is that she is a three-time Ironman triathlete.*

Mr. Greeson administered the oath of office.

*Chief Bailot explained the significance of the White Helmet.*

*Captain Dyas explained how there is an old tradition where someone most influential in their career does the pinning of the badge and she chose Patrick Mulligan who has helped her throughout her career. She has dreamed to one day be standing here, serving and protecting the citizens of Worthington. It is a privilege and honor. The opportunity to serve is one she takes extremely seriously. She thanked everyone for entrusting her with this new rank.*

## **APPROVAL OF THE MINUTES**

- Regular Meeting – September 3, 2019

**MOTION** Mr. Robinson moved, Mr. Foust 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. 33-2019** Authorizing and Directing the Elimination of a Special Accounting Fund Entitled "Parks and Recreation Revolving Fund".

**The foregoing Ordinance Title was read.**

*Mr. Greeson explained how this had been discussed during the budget process last year and is a change in our accounting procedure.*

*Mr. Bartter detailed how we moved all the Parks and Recreation expenses and related revenue into the General Fund for the purpose of diversifying revenue sources, access to a one-time transfer of funds, and to create efficiencies. We anticipate a transfer of \$394,712 to the General Fund.*

*Mr. Robinson asked why the funds were set up the way they were originally and what we are gaining or losing as far as information flow. Mr. Bartter said we are not losing anything in terms of information flow. It is difficult to say why it was setup the way it was in 1976. Originally it was set up to potentially avoid having to make appropriations. A true revolving fund is not subject to the annual appropriation we do with every other budget line. However, in 1980 the Auditor said we could no longer operate it that way, then it sat that way as any other fund with annual appropriations.*

*Ms. Dorothy asked why it is better to have it done this way. Mr. Bartter explained it diversifies general fund revenue and we will have access to dollars. In the past this fund never truly captured all the expenses of parks and recreation programming. It has also been a sore point for the auditors and the change will create administrative efficiencies for payroll and the daily deposit.*

*Mr. Robinson asked if the idea of the fund was for revenues and expenses to be set in a discreet fund to assess the surplus or deficit of parks and recreation as an operating unit. Mr. Bartter explained it did not account for all the expenses. Mr. Robinson asked if there is a loss in tracking any revenue generated. Mr. Bartter said the same lines for tracking are still in the General Fund and separated by general ledger line.*

*Mr. Myers commented that members have had discussions about parks and recreation being sustainable and as far as information to Council is concerned, there will be no change. Mr. Bartter said that is correct.*

**There being no additional comments, the clerk called the roll on Ordinance No. 33-2019. The motion carried by the following vote:**

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

**No       0**

**Ordinance No. 33-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 34-2019**

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 Cost of Curb Improvements at Wilson Bridge Road & the Railroad

Crossing for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

**The foregoing Ordinance Title was read.**

*Mr. Greeson conveyed how this is part of the Northeast Gateway project. It pertains to improvements for new curb and gutter and a new concrete traffic island. It will eliminate the ability to go around the gates at the railroad tracks. The legislation also includes \$30,000 for the cost of the engineering inspections work conducted by Norfolk Southern. Mr. Whited added that this money will be completely reimbursed by the Ohio Rail Development Commission.*

*Ms. Dorothy asked if this was just exclusively for the Northeast Gateway and has nothing to do with quiet zones. Mr. Whited said there is no association with quiet zones. Ms. Dorothy clarified that Council is not going forward with a quiet zone at this time but is going forward with the Northeast Gateway.*

**There being no additional comments, the clerk called the roll on Ordinance No. 34-2019. The motion carried by the following vote:**

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

**No 0**

**Ordinance No. 34-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 35-2019**

An Ordinance Authorizing the City Manager or His Designee to Enter Into Agreements with the Ohio Department of Transportation State Infrastructure Bank to Complete the Upgrade to the Intersection of Worthington-Galena Road, Huntley Road and East Wilson Bridge Road (the "Northeast Gateway") and Authorizing the Execution of All Documents to Effectuate the Same.

**The foregoing Ordinance Title was read.**

**MOTION**

Mr. Smith moved, seconded by Mr. Myers to amend Ordinance 35-2019 to add "...and Authorizing the Execution of All Documents Necessary to Effectuate the Same and Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Fund Unappropriated Balance." to the title.

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

**MOTION** Ms. Dorothy moved, seconded by Ms. Kowalczyk to amend Ordinance 35-2019 to add a new Section Two to Ordinance No. 35-2019 and renumber the rest of the sections to three and four.

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

*Mr. Greeson explained how we need to have bridge financing between the commencement of the project and when federal funds become available. The Ohio Department of Transportation requires that we use the State Infrastructure Bank to do that bridge financing. This is an application that authorizes us to apply for bridge financing if we want to move forward with the project. There was a conference call last week with the Mid-Ohio Regional Planning Commission to discuss the overall financing of this project. The State Infrastructure Bank is constrained financially, and we may be able to get only \$4.5 million in bridge financing. However, we may be able to use Inter-Metropolitan Planning Organization (MPO) loans that use funds from other projects in the state that are unused to help the project move forward. It is a common practice to help projects in Ohio move forward. We expect that will cover the difference.*

*President Michael asked about how much would be needed. Mr. Greeson responded approximately \$9 million.*

**There being no additional comments, the clerk called the roll on Ordinance No. 35-2019 (As Amended). The motion carried by the following vote:**

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

**No** 0

**Ordinance No. 35-2019 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.**

*Mr. Myers asked if we could revisit the total cost and funding sources as a drop-in to Council. Mr. Greeson responded that would be done.*

**Ordinance No. 36-2019** Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

**The foregoing Ordinance Title was read.**

**MOTION** Mr. Robinson moved, seconded by Mr. Foust to amend Ordinance 36-2019 to include the rates included in the packet.

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

*Mr. Greeson detailed that this is a routine item to accept the rates from Franklin County Budget Commission which they have certified and now we need to accept.*

*Ms. Dorothy asked if this represents all the millage the City collects which is just a small piece of the overall property tax every property owner pays in the city. Mr. Greeson said it reflects 6% of the overall total property tax millage.*

**There being no additional comments, the clerk called the roll on Ordinance No. 36-2019 (As Amended). The motion carried by the following vote:**

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

**No     0**

**Ordinance No. 36-2019 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**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.

**The foregoing Ordinance Title was read.**

**MOTION**                      Mr. Smith moved, seconded by Mr. Myers to amend Ordinance 37-2019 by adding section two.

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

*Mr. Myers asked what the \$112,000 represents. Mr. Greeson explained how it is for the \$3500 lump payment to each officer that will be distributed in place of calculating payroll retroactive to January 1, 2019 which is non-pensionable.*

**MOTION**                      Ms. Dorothy moved, seconded by Ms. Kowalczyk to amend Ordinance 37-2019 to read, “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 the Same on behalf of the City and Amending Ordinance No. 52-2018 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund Unappropriated Balance”

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

*Mr. Foust asked about Mr. Greeson's comment on the payment being pensionable. Mr. Greeson explained it is a lump-sum ratification payment and not pensionable under the contract.*

*Mr. Myers asked if there had been a discussion on the general financial terms of the contract. Mr. Greeson replied not in public session. President Michael noted that if someone is interested, they can pull up the agenda packet items and there are quite a few pages of materials available.*

*Mr. Greeson added that last week the Fraternal Order of Police did approve the terms of the tentative agreement.*

*Mr. Myers said this contract is a public record, available to public, with financial terms available to the public. Mr. Greeson said economic and non-economic terms are detailed in the agenda packet as well as a strikethrough and underlined contract. This is the public hearing for the public or Council to ask questions about the contract.*

*Ms. Dorothy said she is happy with the negotiated contract. She asked how often we negotiate these contracts and how long it took to negotiate this contract. Mr. Greeson said that this contract expired January 1, 2019. Everyone worked together in good faith, but it took a long time to come to fruition in a manner that is fair to all.*

*President Michael thanked everyone on the city staff and all the people on the FOP side for their work. It is great to have a contract we can all live with.*

**There being no additional comments, the clerk called the roll on Ordinance No. 37-2019 (As Amended). The motion carried by the following vote:**

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

**No     0**

**Ordinance No. 37-2019 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.**

## **NEW LEGISLATION TO BE INTRODUCED**

### **Resolution No. 53-2019**

Amending the Staffing Chart of the City of Worthington to Provide for Twenty-six (26) Firefighter EMT-P Positions in the Division of Fire for up to a One Year Period.

**Introduced by Mr. Robinson.**

### **MOTION**

Mr. Foust made a motion to adopt Resolution No. 53-2019. The motion was seconded by Mr. Smith.

*Mr. Greeson explained how this helps with the transition from retirements by increasing the staffing chart to hire entry level firefighters to get them trained in advance prior to retirements. It helps to avoid a lot of overtime costs on the backend and to avoid disruption of service that may be caused by being short staffed.*

**There being no additional comments, the motion to adopt Resolution No. 53-2019 passed unanimously by a voice vote.**

**Resolution No. 54-2019**

Adopting Amendments to City Council Rules

**Introduced by Mr. Myers**

**MOTION** Ms. Dorothy made a motion to adopt Resolution No. 54-2019. The motion was seconded by Ms. Kowalczyk

*Mr. Myers explained the balloting process previously discussed and then questioned what happens if the vote is 6-2, 5-3, or 4-2 and there is a majority vote. He asked everyone's thoughts on this and if there should be another ballot.*

*Mr. Smith said he defaults to Robert's Rules where the majority rules.*

*Mr. Lindsey brought up how the discussion last week added this nominating ballot, similar to a primary. It is entirely up to Council to decide whether or not to treat that first ballot as a primary.*

*Mr. Robinson said the one element that he would hate to see lost are the statements given about what folks want to do with the office. If this is a direct election that could be lost. He brought up how last time there was the discussion about nominating oneself, which is not articulated here in the rules. He also asked about a 3-2-2 vote and how it would be handled. President Michael said it is written in the rules that if there is a tie for second place, there would be a re-ballot until the top two are identified.*

*Mr. Myers suggested that the language could be rephased for if there is a tie. He is fine if we are treating this as a nomination ballot and then we have a separate election ballot. As far as nominating yourself, he assumed when you turned your form in one of the boxes you could check would be your own.*

*Ms. Dorothy expressed how she appreciates that this came up and it came up to provide a more robust reason why we were electing a president.*

*Ms. Kowalczyk agreed that because even if the vote is 4-3, you can have the opportunity to change your mind to see how it is playing out.*

**MOTION** Mr. Myers moved, seconded by Ms. Dorothy to amend the attached City Council Rules of Resolution 54-2019 as follows: under the Organizational Meeting, #5., have the second sentence read, "Each

Council member will fill out a ballot with their name and a vote for one of the seven members they would like to serve as President. . .”. The next to last sentence in #5 should read: “If there is a tie resulting in the top two not being identified, then Council members will re-vote until the top two are identified.”

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

**There being no additional comments, the motion to adopt Resolution No. 54-2019 passed unanimously by a voice vote.**

**Ordinance No. 38-2019**

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 for Acquisition and Installation of Electric Vehicle Charging Stations and all Related Expenses and Determining to Proceed with said Project. (Project No. 696-19)

**Introduced by Ms. Kowalczyk.**

**Ordinance No. 39-2019**

Granting an Easement to Columbia Gas of Ohio, Inc. through a Portion of Property Owned by the City of Worthington at 7200 Huntley Road to Accommodate the Relocation of Utilities as part of the Northeast Gateway Project.

**Introduced by Mr. Robinson.**

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

**REPORTS OF CITY OFFICIALS**

*Mr. Lindsey noted how Ms. Thress and Ms. Stewart worked hard to put together the Council rules and credit goes to them.*

**REPORT OF COUNCIL MEMBERS**

*Mr. Smith explained that the Community Improvement Corporation met this past Friday and discussed the Tropical Nuts façade improvements which will come to Council soon. He explained that SuperGames will be filling that building.*

*Ms. Dorothy said that some immediate neighbors came to visit the Ozem Gardner property to look at the Master Plans. They are still working on getting information updated on the*

*website at worthingtoncemetery.org and hope to have plans done by early next year. She thanked everyone who came out to work at the Mirolo Pavilion. It was a joint effort with many partners. President Michael mentioned that Community Relations Commission grant funds were used to help with that project.*

*President Michael explained how there is a piece of legislation going through the House that will prohibit cities from using eminent domain powers for trail development. She does not know if this Council wants to take a stand on this issue as a Council. We have made a strong commitment to bike and pedestrian in our community. She expressed how she is afraid something like this could make it more difficult for the City in the future.*

*Mr. Robinson asked about the prospects of the legislation at the Statehouse. President Michael said that she is unsure, but the Central Ohio Mayors/Managers Association sent a letter of opposition to the bill. She also has personally called Representative Liston about this legislation. She wanted to know if the City wanted to set a stance on this.*

*Ms. Dorothy explained that she is not in favor of the legislation and is unsure of the impact from us. President Michael said that we could do a letter or resolution that would get mailed to the sponsor of the bill and our own elected officials.*

*Messrs. Myers and Foust expressed that they are not opposed to sending a letter.*

*Mr. Myers used the example of the Northeast Gateway and our use of eminent domain. He is unsure if this bill could stop the entire Northeast Gateway because the definition of trail is written broadly.*

*Ms. Kowalczyk explained how this is a continuation of the preemption of home rule and the singling out of trails is problematic too.*

*Mr. Greeson asked Mr. Bartter to highlight some finance activity we have undertaken.*

*Mr. Bartter explained we issued notes worth \$4,460,000 million about a year ago and we have those notes coming due September 25<sup>th</sup>. We reissued those notes at a rate of 1.37% which is down from the 2.11% we were paying on the previous one-year notes.*

*President Michael complimented Mr. Bartter and his staff for putting the popular Annual Financial Report together. It is very well done.*

## **EXECUTIVE SESSION**

**MOTION** Mr. Myers moved, Ms. Dorothy seconded a motion to meet in Executive Session to discuss the appointment and compensation of personnel.

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

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

Council recessed at 8:30 P.M. from the Regular meeting session

**MOTION** Mr. Myers moved, Mr. Smith seconded a motion to return to open session at 9:07 P.M.

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

**ADJOURNMENT**

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

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

President Michael declared the meeting adjourned at 9:07 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