



CITY OF WORTHINGTON
Worthington City Council Minutes

April 16, 2018

6550 N. High Street
Worthington, Ohio
43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, April 16, 2018, 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 PM.

ROLL CALL

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

Member(s) Absent:

Also present: City Manager Matthew 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, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS John Bailot, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress

There were six visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS

Although Mr. Hamer's comments pertain to an item listed later on the agenda, he requested sharing them at this time because of a very early morning obligation. President Michael invited him to share.

Tom Hamer, 160 Longfellow Ave.

Mr. Hamer reported that towards the end of tonight's agenda Council will be entertaining a discussion regarding gun control legislative positions. As mentioned, he has to get up earlier than normal tomorrow and while he would like to stay and hear that discussion, will instead make a few brief comments and then leave. Some weeks ago he

copied Council on a letter he sent to the Columbus Dispatch which advocated for universal background checks. Receipt was acknowledged by President Michael. This letter came after Council member Myers made his comments on gun violence and community safety. The Dispatch did not print that article so he recently sent it to This Week in hopes that they will. One of the things that he was trying to accomplish in that letter was to really get citizens engaged in the question of universal background checks. One of the sentences he had in that letter was, "See if your city, village, or township council is willing to go on the record with their concerns about gun violence and community safety as the Worthington City Council has done." There are no perfect solutions for the gun violence problem we have in this country but universal background checks would make it harder for convicted felons and people with a documented history of mental health issues, those on terrorist watch lists and other persons who shouldn't have guns from getting them. Universal background checks would close the gun show loophole we have heard about but more importantly also close the private sale loophole where unlicensed sellers are not required to perform background checks in online or other transactions. In a 2017 survey of a panel of 32 scholars of criminology, public health and law, they rated universal background checks as the most effective policy to prevent gun deaths, rating it #1 of 29 gun related policies. In 2007, the International Association of Chiefs of Police stated that because individuals who failed a background check can easily access firearms from unlicensed sellers, guns are far too easily acquired by prohibited possessor and too often end up being used in gun crimes and gun violence.

A survey of state prison inmates in thirteen states who were convicted of gun offenses found that only 13% of them obtained the gun from a gun store or pawn shop where backgrounds checks are required. 96% of those inmates were already prohibited from possessing a firearm at the time they obtained one through an unlicensed, private seller.

We know that universal background checks are effective. The numbers are clear. States that have universal background checks have significantly lower rates of mass shootings, homicides and suicides. While the Parkland, Florida shooting has reignited the divisive gun debate, common ground is right there before us. Depending on which survey you sight, 85% to 97% of our citizens support universal background checks of perspective gun buyers. This is a position that Democrats and Republicans, urban and rural voters and sportsman and safety professionals can all agree upon. So as Council entertains its discussion tonight of gun control legislative considerations he hopes that they will come to a position of strong advocacy for universal background checks.

APPROVAL OF THE MINUTES

- Regular Meeting – April 2, 2018

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. 15-2018

Amending Ordinance No. 41-2017 (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 Olentangy Parklands Restroom and all Related Expenses and Determining to Proceed with said Project. (Project No. 676-18)

The foregoing Ordinance Title was read.

Mr. Greeson reported the Olentangy Parklands Restroom Project as a project that was identified in the Parks Master Plan. It is to be located in one of the busiest portions of our parks system. He invited Mr. Hurley to overview this project.

Mr. Hurley shared that the 2018 CIP included \$120,000 for a new restroom at the Olentangy Parklands. The addition of a permanent restroom facilities in the parklands was one of the priority projects in our Parks Master Plan that was adopted last fall. This park experiences heavy year round usage including over 400,000 annual users of the Olentangy Trail per MORPC counts in addition to very active tennis, pickleball, soccer, the skate park and sledding hill. The park is currently served by two portable toilets which are located next to the parking lot and are often left a mess. Since the CIP was approved in the fall, staff have continued planning for the facility leading to the conclusion that more funding will be required to do the install in order to maximize its potential and usage. There were two primary factors that have resulted in this request for additional funding. First, as we worked with Metro Parks and others who regularly get these facilities, the sizing recommendation has changed. We were initially looking at one stall in each the men and the women's side. As we did some calculations and some consultation with other providers it became apparent that we would need two stalls, which upgrades the facility and some of the installation costs. The other was that as we considered more and more the year round usage of that park, the ability to heat it and leave it open year round became desirable. Those two factors increased our price point from \$120,000 to the amount requested in this funding ordinance of \$195,000, which he acknowledged as a significant jump. He also acknowledged Parks Manager Scott Brown, who has done much of the leg work and research in getting this proposal before Council tonight.

Mr. Hurley explained that what is being proposed is a precast concrete facility. It comes intact but does require a crane to locate it so there is some cost associated with that work. The City intends to utilize CXT, which is a provider of these facilities. They have located many of them in the central Ohio region. Our staff has been able to go out and not only view them in terms of their look but interview and talk with other staff members

of those localities to understand the durability, the maintenance requirements, and all of those things. We have received very positive reviews on them.

The purchase of the restroom facility can be made under 111.05(a), which is a cooperative purchasing exemption to formal purchasing, through the National Joint Powers Alliance. Purchasing in this manner saves local municipalities like us time, effort and resources of going out and bidding these on our own.

Mr. Hurley shows a diagram of the recommended location on the screen. It will be centered between all of the uses at that park. He added that it is desirable to get it away from the parking area. The entrance will be positioned so it can be seen from Wilson Bridge Rd. as well as the drive in to the park on the north side of the building.

Mr. Hurley shared that the building is a prefabricated concrete structure (renditions were shown). Staff wanted a non-descript, blend-in, and simple design. The goal was to match the existing structure at that location. Although it is prefabricated concrete the design was made to have a wood look with a standing seam metal roof look as well.

Mr. Hurley apologized for the overage however they believe it merits that. He would be happy to answer any questions.

When asked by Ms. Kowalczyk if we are doing any energy saving initiatives with this, Mr. Hurley replied that we thought about the containment features of putting in where we would not have to have sewer and water and all of those things but with the heavy and the year round usage they had concerns about volume and some of the challenges of doing that. He thinks they are designing most of these facilities to be more efficient but nothing special to stand out.

Ms. Dorothy asked if staff checked to see if the lights are already going to be LED. Are we using water efficiency fixtures? What are the ongoing maintenance costs going to be? What are the ongoing energy costs going to be? She asked if we have any of those types of numbers. Do we have extra insulation? Did we look at those features? Do we have any estimates? Mr. Brown replied that we do not have exact estimates on the costs of the actual electric but there is extra insulation in the building. It has LED lighting and is modern with very efficient equipment. When they spoke to other park systems they reported them as being very inexpensive to operate. Outside of the lights and small portable heaters, it has a very small electric costs.

Mr. Hurley added that it was tough for us in some cases to make those evaluations because we don't really have a comparable facility. The one reason we did consult with the Metro Parks is because they have many of those evaluation points in place and since they use this for their preferred facility type we felt good about that.

Ms. Dorothy asked if we have automatic sensor handwashing equipment for water efficiency. Does it have dual flush or just low flow toilets? Mr. Brown reported the toilets being just standard but staff has yet to add the specifics on some of those options.

Currently we do utilize automatic shut-off on our current restroom facilities which will be what we plan to do on this one as well.

Ms. Dorothy asked if it is true that we plan to have this facility open 24/7 year round. Mr. Brown replied that it will not be 24/7 but the intention is for it to be year round. In the Perry facility we have timed locks so that price does include the timed locks. He believes they open at 6:30 a.m. and close at 9:30 p.m. currently. The intent is for it to be opened pretty much all year. We will have to measure the usage but that is why we felt like we needed the heated facility. Even in some of our other parks there is a demand for year round restroom facilities. We winterize the facilities at Perry and McCord and shut them down but we do get some pretty regular requests for that. He thinks this site will see a lot more use. Ms. Dorothy agreed. She thinks it is wonderful but she is concerned. She reported taking a long run on the Olentangy Trail this past weekend and saw several tents, which she assumes people are living in. She knows we have recently added some cameras throughout Worthington. She asked if we have any cameras at this park location. Mr. Hurley replied no.

Mr. Robinson commented that there will be many using the facilities from outside of Worthington. He asked if we have considered, and asked that we do consider interior walls as a place for messaging about the City, whether it is events or anything about the City that would be a factoid that folks might read and take away with them. He added that the exterior walls might be a good location for a mural. Just an idea. Mr. Hurley noted that part of the function of the trailhead, which is right across the trail from this is the sharing of public information. We have tried to utilize that to spread some community information. Once it gets in place we could look at the most prominent side of that to determine if a closed bulletin board or something could be helpful.

Ms. Michael asked if natural daylight will be used as part of the lighting. Mr. Brown reported there being windows and options for skylights. Everybody that they spoke to saw them as a great option because not only does it help with the lighting but it also lets the sunlight in and helps with the heating part as well.

Mr. Hurley commented that one of the interesting things from the Parks Master Planning process that was a surprise, not only in this park but just the general surveying was that adding restroom facilities to the parks was one of the highest rated items. He thinks it is not only in this location but also a demand across our parks system.

Ms. Kowalczyk shared that after mentioning this on her Facebook page, people have expressed excitement about this restroom.

MOTION

Mr. Smith moved, Mr. Myers seconded a motion to amend Section 1. to insert an amount not exceed \$170,000 and insert in Section 2. an amount not to exceed \$25,000.

The aforementioned motion carried unanimously by a voice vote.

There being no additional comments, the clerk called the roll on Ordinance No. 15-2018 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 15-2018 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 16-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Additional Design and Engineering Services for the Upper Rush Run Stream Restoration Design and all Related Expenses with said Project. (Project No. 639-17)

The foregoing Ordinance Title was read.

Mr. Greeson commented that members are probably aware that our efforts in the Northeast Gateway extend beyond just reducing transportation/traffic congestion and beyond extending bicycle and pedestrian facilities, which we are doing and improving the Gateway features. We are also endeavoring to clean out Upper Rush Run which is impaired in the vicinity of the Northeast Gateway Project. This is the design contract for that effort. He asked Mr. Whited to comment.

Mr. Whited shared that in essence this is part of the Northeast Gateway Project. In order for that project to operate properly it will need to have a better drainage scheme because the area upstream floods. There are a variety of different issues with the stream. It has become heavily silted in over time because of some poor design there. This project is sort of a legacy project that was held over from some previous CIPs. There is \$25,000 included with this that was from that legacy project. The project will also require some jurisdictional stream permitting and environmental issues will be addressed. In essence this would also be kind of a first step in more fully understanding Rush Run and the ability to make some improvements on the entire stream from the upper reaches near Lakeview Plaza down to the Olentangy River. EMH&T would begin this design as soon as possible. We would bid this in the winter with the hope of construction in 2019 prior to the initiation of the construction of the Northeast Gateway project.

When asked by Ms. Michael if this will impact the flows and some of the flooding problems on the southern part of Rush Run, Mr. Whited replied possibly. The hydraulics in that stream are very complicated. This will change the flows in the stream and help the upper portion flow better. But this still goes to the Huntley Bowl and that control will not change so it won't have a major impact downstream at this time.

Mr. Robinson asked Mr. Whited if he could describe what he means by “severe impairment” of the Upper Rush Run. He asked what constitutes “severe impairment”. Relatedly, design of said improvements. He asked what members might hope for? Mr. Whited replied that the stream is impaired because it is heavily silted. There are several blockages that are silting it evening worse. It flows terribly. The slopes are almost reverse. It has almost zero slopes in sections of it that create some significant problems with removing water from that upstream area.

Mr. Robinson explained that the reason he is asking is because he went down and spoke with the resident on South St. He is wondering where in relation to South running through Rush Run development are we speaking about the silting and impairment. Mr. Whited replied that if you look in the areas up in the industrial sections north of the Huntley Bowl, it is an entirely different watershed than you will see down in the south section. This work is north of Huntley Bowl. The topography upstream is extremely flat and drains poorly. It is the opposite of the downstream section.

There being no additional comments, the clerk called the roll on Ordinance No. 16-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 16-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 17-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Additional Design and Engineering Services 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 reported that Council approved the aesthetic strategy for the Northeast Gateway project and authorized staff to begin moving forward with that. This is the design contract for that effort. He invited Mr. Whited to comment.

Mr. Whited described this as a continuation of the work they have already started in refining the aesthetics so that they are more “Worthingtonized” with streetlights, headwalls, concrete and paver features and those sort of things associated with the project to beautify it a good bit. They did a good job of outlining those features during the presentation. They are already working on this project as part of the Northeast Gateway and these features will be designed towards the end of the project.

Mr. Myers commented that when that presentation was made members were shown many graphics and architectural renderings. Members made several suggestions at that meeting. After that meeting he hasn't seen any revisions to that plan. He asked if members are voting on beginning that plan or are they voting on a final plan. He asked if there will be any other plan presented to any other board or commission or this Council. Mr. Whited replied that they will begin the design based on the comments Council provided during that meeting. Mr. Myers stated that members will ultimately see a final design before they begin to break ground. Mr. Whited agreed.

Ms. Dorothy wanted to make sure that this was not included in the original bid package. Mr. Whited confirmed that it was not included as part of the original contract.

There being no additional comments, the clerk called the roll on Ordinance No. 17-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 17-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Ordinance No. 18-2018 Authorizing the Use of Commercial Purchase Cards and Authorizing the Finance Director to execute a Card Agreement with The Huntington National Bank.

Introduced by Ms. Dorothy.

Ordinance No. 19-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18)

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)

- Strategic Bicycling and Walking Implementation Plan (Master Plan)

Mr. Greeson informed members that funding was included in the Capital Improvements Plan for implementing a Bicycle and Walking Master Plan. That was a goal of both the Bicycle and Pedestrian Advisory Board as well as this City Council as reflected in the CIP. Mr. Hurley can overview the scope of that as well as what we are doing in terms of funding between both this policy item as well as the ordinance that members just introduced.

Mr. Hurley acknowledged Gary Schmidt, newly appointed Chair of the Bike and Pedestrian Advisory Board and Michael Bates who is a Board member who were in the audience.

As Mr. Greeson mentioned, one of the top priorities for the Bike and Pedestrian Advisory Board has been to implement and create a master plan that has been titled, Strategic Bicycling and Walking Implementation Plan. That would essentially create more of a road map for bike and pedestrian activities. As we have experienced since the Bike and Pedestrian Advisory Board came to be we have come across some street improvements and some citizen issues that we did not have a plan for so we kind of had to deal with them on the fly. One of the main goals of this planning process is to really capitalize on some community engagement. While the original steering committee had some booths at some events and did some communication with the public, since the actual advisory board came to be they really have not gone out into the community for feedback on where they are in terms of bike and pedestrian improvements. To determine if the original steering committee recommendations were set up in a way that everyone was in agreement with or that we at least had the priorities right. The RFP for this plan was really built around a great deal of community engagement.

City staff and representatives from the Bike and Pedestrian Advisory Board and Council member Dorothy reviewed the responses we had to our original RFP. We had five firms make a submission. We have narrowed that down to three firms which we interviewed. The panel, mostly based on their community involvement and how they propose to navigate this plan through our community is recommending the firm Blue Zones, LLC. They also work with a sub-consultant known as Planning Next. We have Kyle May in the audience representing Planning Next to help answer questions as we go through this presentation.

One of the things that really stood out was their approach. One of Blue Zones leads is a gentleman named Dan Burden. He is a forty year veteran of the bike and pedestrian field. He is really the pioneer of some of these terms like “walking audits” and some of these ways to get your community out and engaged. We were very impressed with his approach and the way he outlined a process for us to meet our goals.

The original appropriation in the CIP for this planning process was \$50,000. As you know the Bike and Pedestrian Advisory Board also has an allocation in each year. Neither the Bike and Pedestrian \$100,000 allocation nor any other funding has been allocated at this point. The \$50,000 was appropriated as part of the original approval. Tonight they are asking for Council to approve for them to move forward with just the \$50,000 component, which they are calling Phase I of this project. The first reading of the ordinance would allocate an additional amount of funding as their full proposal was \$75,821. Their authorization for City Manager Greeson to enter into an agreement tonight would be for the \$50,000 that was appropriated. They will be coming back at the next meeting to request to be able to enter into a Phase II that would be required to have the additional funding appropriated.

Gary Schmidt as well as Council member Dorothy were involved in the interview process so between the three of them and Mr. May from Planning Next, they would be happy to answer questions. They would anticipate the process beginning quickly as they want to take advantage of the summer months where there would be a presence and be able to wrap up a plan ideally before the end of the year.

Ms. Kowalczyk inquired as to what the end product is and what members would do with that. Mr. Hurley replied that the end product is a change from Master Plan to Strategic Bicycling and Walking Implementation Plan. We want implementable listings of projects. We would end up with a listing, prioritized by all of the community feedback and involvement projects that could be done to improve bike and pedestrian accessibility throughout town. We did the Parks Master Plan internally and without the use of a consultant. The trade off with that is we didn't have the expertise to price out and scope projects. We would expect this list to come with more specified dollar amounts and scoping so that Council in upcoming CIP processes would be able to grab as many of those as it wanted to fund and start to implement them more accurately without as much background and research needed. Some of those projects are bigger and would need addressed further but we would hope this list would lean more towards the projects already framed up and ready to go.

When asked by Ms. Michael if any of the projects would be eligible for grant funding, Mr. Hurley replied yes. That is also a part of the scope. They are to not only provide the ones they think might be eligible but to help us seek funding for those projects. That was another impressive part of their presentation in they had experience doing that for other communities.

Ms. Kowalczyk in referring to Complete Streets Project, ask what the difference is between that and this and where are we in that process? Mr. Hurley thinks Complete Streets is your policy on how you want to do improvements when you do them. It is kind of your map for doing that. This plan would identify the location of the most important places first. They would speak to each other in the sense that if you were going to make improvements to this particular street or bike and pedestrian way, you would match that up with the standards that members approved in a Complete Streets policy.

Mr. Whited added that he met with MORPC just before they did the interview with these consultants and invited them participate in the interviews. Unfortunately they were not able to make it that day however we will make sure that those two organizations connect and that they meld the two together. He agreed that Complete Streets is a policy and the study itself will be more implementation of that policy which is why he thinks it is very important to bring those two together.

When asked by Ms. Kowalczyk what the timeframe is for the policy development, Mr. Whited replied that the original timeline has changed. They were looking at 90 days but because of the need to schedule a meeting with both MORPC and their consultant, he doesn't know. Ms. Kowalczyk assumes the policy would precede the implementation. Mr. Whited replied that they might be concurrently if possible.

Ms. Kowalczyk questioned the accessibility. She asked how they are incorporating the needs of people with different abilities into the plan. Mr. Hurley thinks that anytime they look at bike and pedestrian all abilities and all types of usage are considered. That would certainly be the intent of their planning process. Mr. May thinks that starts with the engagement process to understand the needs in the community and the voices perspective. That is a fundamental component now of bike and pedestrian across the country. That would all be part of that initial scan and the robust engagement that will be part of this. It is what the community was calling for as part of this process.

Ms. Kowalczyk asked if the Lime Bike project was going to be incorporated or considered as we move forward as part of this. Mr. Hurley believes the timing will work well as we will be in a trial period over the course of the summer while this activity is going on so not only can we ask our consultants to walk that and evaluate that for us but with community engagement we will get on the street feedback.

Mr. Smith shared that when he was on the original advisory planning committee they got into priorities based on wish lists and based on realities. He just wonders how that all plays out with this process as far as projects we really need to do at some point but it is just not feasible currently versus projects we can do pretty easily. Mr. May replied that it depends on how you begin to form the implementation matrix at the end of this plan. It goes from a wish list to a play book of things you really want to accomplish. One of the things that they pride themselves on in document development and this sort of strategic planning process is that you are left with a path to walk with each action. It doesn't mean that each project, policy and program will remain a priority forever. It doesn't mean that some things might fall off based on the realities but for each of them, you will be able to walk them to completion with this plan. Think about it less as we are going to do everything in this book and more like a menu of things that the community told us was really important. Here are the things our elected officials think are really important and what can we feasibly get done in the short term, mid-term and long term.

Mr. Hurley shared that the RFP and their submission did indicate kind of that layering of different levels of projects in terms of not only short, medium and long term but also types of projects so that if we do start to lean towards sidewalks or trails or connections to our

regional trail system or whatever, we can shift those priorities around based on how our overall priorities might change. Mr. May thinks a healthy mix of both listening but also inspiring as part of this initial engagement to show what communities around the U.S. but also around the world are doing in the space of bicycle and pedestrian amenities and access and transportation.

Mr. Robinson thanked the group for bringing us to this point. He looks forward to having a comprehensive and coherent plan that will be a very desirable thing. In follow up to Mr. Smith's question, he inquired as to at what point in this process will we have actual budgetary estimates assigned to different projects and plans. Mr. Hurley replied that the current timeline, which was brought out in the RFP and the proposal showed that drafts of plans would start to occur in the early fall (September/October). It is their goal to have the final plan adopted in that timeframe around the budget. He has spoken with Mr. Burden from Blue Zones and informed him of our CIP timeline and process so they are hoping to have some preliminary ideas (maybe some of the lower hanging projects) even in time for our budget discussions.

Mr. Robinson stated that during the public process there would not be financial numbers associated with ideas. It would be more of a brainstorming effort. Mr. May replied that he thinks they would keep it fairly open to begin with, with the public. He thinks the initial round would be really generative; listening and learning to understand their priorities. It would be thinking less about what the projects are and more about what the priorities are from the community when it comes to cycling and pedestrian access. It is about trying to build some strategies that try to meet those values later on.

Mr. Hurley shared that another approach would be that we are heading into some strategic visioning overall. He would think that might inform more the elevation of these projects because if we are just out in the community talking about bike and pedestrian access, we will get an idea about how important that is. But if you are looking at how we know how much and how fast then he thinks it might be more accurate to get that information from the bigger strategic planning process.

Mr. May added that thinking about their engagement sessions, they do big around and round. Their second engagement will be more of a charrette style where folks are coming in over three or four day workshops. At that point they would be discussing some potential strategies like projects or programs. Things that could open up access to cycling in the community. Mr. Hurley clarified that they might present some ideas to get a reaction to them while the initial round would be to brainstorm and get things up on a list.

Ms. Kowalczyk asked for additional information regarding community engagement. Mr. May reported their strategy in this instance is to start with generative listening and learning to understand what the priorities are for the community. They are focusing on bicycling and pedestrian access in this community but building from an open conversation with the community. He thinks what is important in the context of this discussion is that they want to get out there. Through a publicity campaign they have some key messages about why it is important to engage in this planning process. It is a fun process that is

important for the growth of the community. He also thinks it is important for the voices with different abilities to be included as well. They want to get as comprehensive a set of voices as possible to be a part of this effort. Once they get to the level of having a plan, a set of strategies and presenting that back in the format of an Open House, community members will have one more opportunity to share something that might be missing but to also begin thinking about priorities in the plan. Obviously we can't do everything tomorrow so where do we start. The key is to have community members involved at each step along the way. Generating the values, looking at projects and policy and then setting a priority and direction to move forward.

Ms. Kowalczyk inquired as to how they were going to identify people to engage in this process. How will you do that outreach and actually get that engagement. Mr. May informed her that there is a steering committee that is part of this process, which is a gift for a process like this. They are community members who are already willing to engage and already showing enthusiasm. They want to harness that energy and put them to work. They consider this as two campaigns. One is about publicity while the other is to use the key messages and develop an outreach campaign. They will look at the networks around Worthington and charge the committee and maybe a larger outreach group as well with going out and inviting those groups into the process. Letting them know about engagement events and about a website if one is formed as part of this process. But giving them a personal invitation to join the process and contribute their ideas for each round of engagement.

Mr. Hurley noted the other exciting thing that they shared during their presentation was that we are lucky in Worthington because of the numerous community events that occur with a variety of people in attendance. They had success during their original steering committee process of doing that in that way and he thinks they would use that tool as well.

Ms. Dorothy reported hearing great things about their walking audit. She wondered if they would teach our staff or our Bike and Pedestrian Committee how to do their own walking audits after they are gone. Mr. May replied that it is a great point. The walking audits are a unique tool but also enabling of some community members. You talk about outreach but also enabling them to run some of their own "meetings in a box" where you enable your committees to actually go out and facilitate some meetings on their own. He thinks walking audits are a great way to add additional capacity to their planning team and our steering committee. Give them the tools and training and allow them to do it on their own.

To add to Ms. Kowalczyk's earlier mention of Lime Bikes, Mr. Myers shared that they as well as two other vendors are removing their electric scooters from San Francisco because they were finding them everywhere and Lime Bikes was not doing a very good job of picking them up. We were concerned about that when we first talked about it and he thinks we need to stay vigilant.

Mr. Myers then noted that Mr. May talked about using the steering committee to engage and he thinks that is an excellent point. From personal experience sitting on Council his hope is that they produce an objective document and not an advocacy document. What he

means is: he would imagine that there will be discussion of sidewalks. If you only reach out to one group you will hear that residents want sidewalks everywhere. It actually is one of the most controversial subjects in this town and he wants to make certain because not everyone necessarily supports bicycle and pedestrian mobility to the same degree. He wants to make sure that all groups are represented in this process because there will be spirited debate on some issues. He wants to make certain that whatever the deliverable is, it encompasses that perspective and that it is an objective document. Mr. May agreed.

Mr. Myers in wanting to set some expectations of everyone, just because we get the priorities and the numbers doesn't mean we are going to have the budget to spend at the end. It is a wish list that will again come down to Council at the CIP process. We may get it done but we may not. It may take the form of pedestrian beacons as opposed to sidewalks. While some may not think of them as a form of pedestrian mobility, it really is.

Mr. Myers stated that we are about to engage in a visioning process throughout the entire City where everything is on the table. Everything from our comprehensive plan to what kind of a City we want to be in thirty years, to what kind of businesses we want to attract. We have currently budgeted \$100,000, which he thinks is a conservative estimate. This consultant wants \$75,000 to do a small part of this whole process. He asked Mr. May to explain/justify that amount of money because that is a lot of money. Mr. May shared that beyond the visioning aspect which is a very small gesture of this process, there is a significant amount of technical work that will also be part of this study. Dan Burden and his team are very adept at that work and a sizeable portion of this budget is devoted to that technical work and analysis. Both by looking at the existing conditions and trends in our community today as it pertains to bicycling and pedestrian but also thinking about the future and bringing in some of the best practices from across the country and doing the GIS work that is associated with it as well. So there are other components of this that go beyond just the visioning and the engagement work that will help to support the final conclusions.

Mr. Hurley shared that the price range for the five proposals was from \$50,000 and \$125,000. Some of them provided a base and then listed the add-ons. Of the two finalist that the panel was torn between, the one we did not choose had a base price of \$66,000 but it did not include some of the options of this kind of enhanced community outreach. In short he thinks the two questions that he has heard tonight are: 1) How developed of an implementation will you have with pricing and scoping and stuff. They want that in here so that drove this cost of a little. 2) We have also heard your recent comments about community involvement and the level to which you want us to go to do that. To be honest, to get the consultants feet on the street to get that done is a big part of this cost. If we were to back off the price to the original \$50,000, some of that would have to go away.

Mr. Myers thinks those two are probably the key features. When you price a project out and Council gets the deliverable at the end, they will include fairly confident numbers and not just numbers pulled out of the sky. They would include some research and Council could have some confidence in those numbers if we were going to budget on those numbers. Mr. May replied yes.

Mr. Foust commented that if he understood correctly these dollars amounts that Mr. Myers is referring to will not be available during this process with the participants. While the notion of a blank sheet of paper, blue sky approach is wonderful and that is how you start with ideas, his concern is whether there is the potential for creating expectations that we are not capable of fulfilling or that we don't have the appetite for. It is great to look at it with wide eyes but he would hope that some sense of realities of what these possibilities would lead to. He would like to see that incorporated in that somehow. This could turn into an exercise in which we disappoint a whole bunch of people. Mr. Hurley explained that the plan will reflect those numbers, it is just at what point those ideas are developed enough that they can be shared. The Bike and Pedestrian Board would not recommend a plan to Council that did not have those numbers just like Council would not approve a plan without those numbers. It is just a question of when we feel like the ideas are solidified enough that we want the consultant to spend the time to get the estimates. So it is just a timing thing. He thinks the other piece that is interesting is that the consultants, per the RFP, are asked to get some basis from us on what our appetite and ability to fund really is. While we certainly wouldn't want to commit not knowing what next year might bring, there certainly would be some in short, medium, and long term documentation of an understanding of what we have been able to spend in the past or what our ability might be to spend. Mr. May added that they would want to develop this engagement program along with the steering committee.

MOTION

Mr. Robinson moved, Mr. Foust seconded a motion to authorize the City Manager to move forward with the \$50,000 already appropriated and enter into a contract with Blue Zones, LLC.

The motion carried unanimously by a voice vote.

Mr. Myers stated that Ordinance No. 19-2018 was introduced this evening. It was introduced for public hearing that would also be on May 7th. Mr. Greeson agreed. Mr. Myers shared that Council is going to set what appears to be the Bike and Pedestrian issue for public hearing on May 7th. Members just had our discussion on the Bike and Pedestrian plan. He is afraid that on May 7th people who may want to voice support or opposition based on what the Agenda says, are going to come in and we are going to deal with just a \$25,000 appropriation for Phase II but we won't discuss what we just finished discussing. This item was listed as a policy item tonight but it will be listed as an ordinance for the next meeting. He understands why but it is the perception that bothers him. Members may engage in this conversation again in two weeks. Mr. Greeson commented that if there are people here and we have to do that then there is no problem with doing that.

- Liquor Permit Transfer - Half Pint, 673 High Street

Mr. Greeson shared that this is a liquor permit transfer from Harold's American Grille, which is no longer operating to Half Pint, which will occupy the same space at 673 High St. He went through the procedure and shared that he is not aware of any reason to object to this transfer. Staff would seek a motion to not request a hearing.

Chief Strait reported doing an investigation and both parties are fine as far as the police are concerned.

Mr. Myers reported that the sign package and other aesthetics were approved at last week's ARB meeting. They seemed like very nice people.

MOTION Mr. Smith made a motion, seconded by Mr. Myers to not request a hearing for a liquor permit transfer to Half Pint.

The motion carried unanimously by a voice vote.

- Liquor Permit Transfer - Porch Growler, 892 High Street

Mr. Greeson shared that this is a similar procedure to not request a hearing. This is for Porch Growler at 892 High St. Members may recall that the owner of Porch Growler was before Council about a month ago and talked about his concept. Staff has no reason to request a hearing in this instance.

When asked by Ms. Michael about the TREX, Ms. Stewart confirmed that Council had already approved the TREX for Porch Growler. The TREX was previously approved for Harold's. Liquor Control still tracks it as a TREX permit even though it is not Half Pint TREXing it in. Mr. Greeson added that Council approved the TREX. Once it is processed and approved by Division of Liquor Control, even though Council has already approved it as an economic development project they still send us notice and send us an opportunity to have a public hearing. Which is very nice but with future TREXs staff will probably seek the authorization for the TREX and to not request a public hearing in the same action.

MOTION Mr. Myers made a motion, seconded by Ms. Dorothy to not request a hearing for a liquor permit transfer to Porch Growler.

The motion carried unanimously by a voice vote.

Discussion Items(s)

- Gun Control Legislative Positions

Ms. Michael thinks that tonight's discussion needs to include whether or not Council wants to embark in community discussion of gun control or not and also address Mr. Myers' letter and his thoughts.

Mr. Myers stated that since Council has heard from one member of the public on this issue already this evening, he suggested hearing from the public first. Ms. Michael invited Mr. Dorothy to comment.

Paul Dorothy, 179 Kenbrook Dr. read the follow statement:

I am angry tonight. For the third time in a year I find myself before this governing body to decry your suppression of free and open debate. The first time I had to threaten to sue the City to get you to stop trying to bully and suppress opposing views during Council hearings in direct violation of Robert's Rules of Order. I will remind you that you have adopted Robert's Rules of Order Revised by Ordinance as the parliamentary rules that governs your meetings here. The second time was to object when you chose to listen to the voice of the mob, Antifa thugs and to provide no chance for law abiding citizens to be heard. You've promised us a fair hearing after your emergency actions. We are still waiting. Now you purport to represent Worthington with a letter that if followed to its conclusion would strip away inalienable rights from honest citizens, turning them into criminals. But you tried to hide this from us. It was buried at the end of the agenda and you were not even going to provide the letter until I complained. Even then, I received the letter at noon on Monday, in the middle of the weekday for a meeting that started at 7:00. This is again in direct contradiction to Robert's Rules of Order and appears to be another blatant attempt to stifle opposition. Since they are not available, I am unable to review the meeting minutes for the prior Council meeting so I can't verify that the motion to add this item to the Agenda was made and voted upon by the entire Council as required by Roberts. I have to ask, has anyone in this room read Roberts Rules of Order. Is there even a copy in the room here tonight? Worthington Public Library has twenty copies for public loan. If that is not enough, I will buy you each a copy out of my own pocket if you will promise to read it and bring it with you. It is critical that this body follows proper parliamentary procedure. Proper parliamentary procedures ensure that meetings are conducted in an orderly fashion. The debate is fair and balanced and that all are fairly treated. When done correctly, it brings the community together. When you don't, it allows certain council members to attempt to bully and intimidate citizens, other council members and staff during debate. It also lets a single council member hijack the agenda of the entire group for their own purposes which distracts from the priority issues that Council as a whole have determined should be the focus of the body's efforts. These distractions and abuses will continue until you establish proper parliamentary procedures. I have not had a chance to adequately put together my rebuttal of the many outright lies and half-truths that are found within this letter. The letter claims to speak, "on the behalf of the citizens of Worthington". Well it sure doesn't speak for me and I am pretty sure the parliamentary shenanigans that occurred surrounding this letter were meant to ensure those who might oppose it never saw it before it was too late. Shame on you. I am also pretty sure that the citizens of Worthington did not elect this body to be an activist Council. This is not the correct venue to pass judgement on the second amendment, abortion, immigration, chemical weapon attacks in Syria or other events outside the purview of this governing body. We elected you to make sure the trash is picked up, to take care of our parks and playgrounds, to make sure our excellent Police and Fire services have what they need to protect us, to preserve our quality of life, to fix the damn leaky roof and to bring us together as a community. If you want controversy, how about you resolve UMCH and the Don Scott Airport expansion. I am active in this community but I only have so much time to devote to it and so do you. I have two stacks in front of me. The first contains tasks that help build a sense of community, improve the quality of life in Worthington and ultimately provide a safer

environment for all. The other stack contains tasks designed to ensure that this continued abuse of the public trust stops. It ensures their second amendment rights shall not be infringed. It defends the constitution but it may end up dividing the community. Which stack do you want us to work on? If we don't choose wisely what will happen is that this issue will suck all of the air from the room for the next few months. It will overshadow everything else we are trying to do. It will drive a wedge deep into our community and the wound it leaves may never heal. That would be your legacy, Councilman Myers. Withdraw the letter. Thank you.

Mr. Myers reported that all members of Council were given a copy of the letter last week. It continues the discussion that he started about six weeks ago. Mr. Robinson has given him several non-substantive edits this afternoon, most of which he doesn't have a problem with but they can hammer out the couple where he does. So it would be his intention at this point to go ahead and share why he wrote the letter, what it has to say and give his support for the letter. To then make the editorial changes and have Ms. Thress get those changes back out to members and to take it up for consideration again at the next meeting following this one.

Mr. Myers stated that as he said in the letter, in D.C. v. Heller, it was a 2008 case out of the Supreme Court, and it was the first case that established the individual right to bear arms. Prior to that there had been fifty years of case law, which had said that there are two clauses in the Second Amendment and both are operative. Justice Scalia held that the first clause was not operative. However, even in that opinion, Justice Scalia acknowledged that the right was not unfettered. In fact he wrote that the right is "not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." Last term, the Supreme Court denied jurisdiction and therefore refused to hear and allow to stand a ban from Maryland on assault style weapons. It has now been two weeks ago the District Court for the District of Massachusetts upheld Massachusetts' ban on assault style weapons and high capacity magazines. It is Council's obligation and in fact members swore an oath to uphold the Constitution. The Constitution provides that an individual has a right to bear weapons. Regardless of our opinion on that it is our obligation to uphold that and we are sworn to do that and will. However the Constitution also states as interpreted by the original author of this right that that right is subject to reasonable limitations. In Ohio, a municipality has been stripped of the right to regulate weapons in any fashion or form. The General Assembly passed Revised Code 9.68 which not only preempted any municipal legislation but it punished cities who attempted. If they were unsuccessful attorney fees were awarded. That is probably his biggest issue with the current state of Ohio law. As Mr. Dorothy mentioned, it is members' job to take care of the parks. He has always thought that one of those is to make people secure. That they are in a safe and beautiful place. He thinks members should be allowed to restrict weapons in those places but we are not. That is the law and members are sworn to uphold it. He also believes that it is our obligation to speak out when the need arises. He believes the need has arisen. He is not calling, would never call, don't have the authority to call for a ban on weapons. He is only asking the General Assembly to consider reasonable limitations on that right as expressed by the Supreme Court of the United States in its final authoritative interpretation of what the second amendment says. With that, he asked for

any comments that other council members may have. But he would asked for Council members to consider a revised version of this letter, which he hopes to have out to everyone as soon as he can get to his computer and make the changes and e-mail them to Ms. Thress. He would certainly appreciate any more discussion tonight and would look forward to further discussion at the next meeting.

Mr. Robinson thanked Mr. Myers for his clear expression of his informed judgements. In addition to the possible sending of a letter to Representatives Duffey and Kunze, he asked if he has had a chance to review any of the ordinances that Columbus is considering that they describe a closing the gaps between State and Federal weapons laws and does he think any of them have merit or potential application here. Mr. Myers reported that he has not looked at Columbus' attempts although he has looked at Upper Arlington's. He did not anticipate that that would be part of this discussion. He is certainly willing to engage in that down the road. To be honest, it scares him when we start to talk about those things because he understands the attitude in the General Assembly because they would retaliate. But he is certainly willing to begin that dialog. He is open to proposals. His first intention was to express to our legislators that they consider an alternative point of view.

Ms. Michael shared that tonight the Upper Arlington City Council is hearing ordinances to restrict firearms. She doesn't know exactly what they are including but she thinks as part of what members discuss at the next meeting is to perhaps ask our Law Director to get a summary to members of any action that was taken by the Upper Arlington City Council or other city council's in the area so part of the discussion could include what other people are doing.

Ms. Dorothy reported being concerned. The priorities that Council began with at our Council retreat, this was nowhere on it and there have been numerous shootings throughout the years. It would be good to reduce gun violence but she is concerned that this will derail the mission that members sat forth for the future of Worthington. She thinks it is a good conversation to have. She thinks it is very reasonable for people to express their views. She is not sure that this setting is the place to have this conversation.

Mr. Myers replied that other than a letter that Mr. Bartter wrote, a couple of conversations on this with Mr. Lindsey and Mr. Greeson and a little bit of work by Mr. Lindsey, he has consciously attempted to not use any staff resources in any of this because he understands and have made the same argument himself about diverting members from the stated goals. He doesn't want to distract staff's time and attention to this from other things that Council have previously determined are our priorities. That is why he has taken it upon himself and with some help from Mr. Robinson, to try to do most of this work on their time and not involve staff. He also wants it to continue that way. This is more in his wheelhouse so it is not that hard for him to do. He appreciates Ms. Dorothy's concerns.

Ms. Michael reported that she would like to get a consensus from the Council if this is an item that they want to put on the May 7th meeting agenda or not.

Mr. Foust replied that he would like to see it on the agenda. Mr. Myers shared that he would like to see the discussion of this letter on the agenda for May 7th. He and Mr. Robinson can go to breakfast and start working on an additional letter with anything other than what is in this letter. Maybe they can bring that to a later agenda. All he is asking for is a discussion of his letter on May 7th. He doesn't want this to expand into a larger discussion on what we might do legislatively in Worthington. That is not what he wants this to evolve into. We are not prepared for that and he doesn't want Council to make that decision now. Let Mr. Robinson and he work on that, bring it back to Council and if at that point they have enough information together that they think is something to present to Council then at that point members can decide whether or not to debate this. But this time he wants it confined to just this letter.

When asked by Ms. Dorothy what letter he is talking about, Mr. Myers replied the letter that he drafted with some non-substantive stylized edits. It is the letter he sent to Ms. Thress last Monday night when he got home. He will try to do the same thing tonight when he gets home so that members can have that either tomorrow or Wednesday. If members have further edits, bring them to the meeting on May 7th to discuss.

Ms. Michael stated that members' consensus is that this letter is going to be put on the Agenda on May 7th, which gives sufficient time for there to be information out there. The letter will be attached to the agenda and available to the public with ample time to review. They will have three weeks to prepare any comments they may want to share. This would give people the opportunity.

Mr. Dorothy called for a point of order. He asked for a vote to add this item to the May 7th Agenda.

MOTION Mr. Myers moved, Mr. Foust seconded, a motion to add this item to the May 7th Council Agenda.

The motion carried by a vote of six (6) yea, to one (1) nay (Dorothy).

Information Item(s)

- Update – Electric Aggregation

Mr. Greeson shared that he is part of a committee with Mr. Lindsey, Anne Brown, Rob Chandler from the Service Dept. and Steve Gandee that interviewed several consultants last week. They have one more interview to conduct, hopefully this week and then they will be prepared to make a recommendation to Council at the next meeting as to a consultant that would help advise both staff and Council on the issue of electric aggregation.

Mr. Greeson also shared:

- The 2018 Street program has been distributed. Mr. Whited would like to schedule the street tour.

Mr. Whited reported that he doesn't have any proposed date because he doesn't know what members would prefer. Last year we did it late on a Thursday afternoon but he is open to whenever.

Ms. Dorothy shared that Friday afternoons are better for her. She added that Bike and Pedestrian members also wanted to be informed when a date is set.

Ms. Michael asked that it not be done too late because of evening traffic.

Mr. Whited suggested 2:00 p.m. on Friday. Mr. Greeson stated that staff will send out an Outlook appointment for those who are interested and available.

- Reminder – Some Councilmembers have signed up to attend the Mid-Ohio Regional Planning Commission State of the Region luncheon this Thursday. Over 800 people will be in attendance which is one of the largest groups to ever attend. He asked that members contact Ms. Stewart if you would like to carpool down to that event.
- Airport Master Planning Process – Ms. Stewart serves on the Technical Advisory Committee. She and our outside counsel, Mr. Zoll attended that Committee meeting. Council member Dorothy serves on the Community Advisory Board. The airport has provided the Technical Advisory Committee some flight projections. The Advisory Committee has the opportunity to review those documents and provide comments. We have worked with Mr. Zoll and he wanted to thank Ms. Dorothy for participating in that conversation to submit some questions for clarification to the consultants and to the staff for consideration by the Advisory Committee. If members are interested in that we would be glad to share those questions with you as well as any projection information.
- Update – Legislation related to Small Cell wireless technology that was being worked on by what is known as the 90+ coalition, and worked in earnest with the industry and with the legislature. Very recently that legislation that the communities signed off on was passed and was substantially better than the previously adopted legislation. We are pleased with that however there are some aspects of that lawsuit that we would still like to discuss with Council so we request an executive session to discuss pending litigation.
- Additionally, there is also a need to discuss Board and Commission appointments in executive session.

REPORT OF COUNCIL MEMBERS

Mr. Smith asked that land acquisition also be added to the executive session topics.

Ms. Dorothy shared that although she was not a part of Worthington's Earth Day event, she did help with another event. She thanked those who participated in helping our environment and the Parks Dept. for all of their efforts.

Ms. Michael hopes that some safety training will be scheduled for Council, and Board and Commission members.

EXECUTIVE SESSION

MOTION Ms. Kowalczyk made a motion, seconded by Mr. Robinson to meet in Executive Session to discuss land acquisition, Boards and Commissions, and pending litigation.

The motion carried by the following voice vote:

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

Council recessed at 9:04 p.m. from the Regular meeting session.

MOTION Mr. Foust made a motion, seconded by Mr. Myers to return to open session at 9:22 p.m.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Ms. Dorothy made a motion, seconded by Mr. Robinson to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:22 p.m.

/s/ D. Kay Thress
Clerk of Council

*APPROVED by the City Council, this
7th day of May, 2018.*

/s/ Bonnie D. Michael
Council President