



**CITY OF WORTHINGTON**  
**Worthington City Council Minutes**  
February 3, 2020

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, February 3, 2020, 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:** Peter Bucher, Rachael R. Dorothy, Beth Kowalczyk, Scott Myers David Robinson, Douglas K. Smith, and Bonnie D. Michael

**Member(s) Absent:**

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

There were 15 visitors present.

**PLEDGE OF ALLEGIANCE**

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

**VISITOR COMMENTS**

*President Michael explained how some persons are wanting to share testimony tonight on Stafford Village. However, as is Council tradition, the legislation is only being introduced and Council will not be hearing testimony tonight.*

**SPECIAL PRESENTATION**

- Nikki Hudson – Worthington Board of Education President

*Ms. Hudson explained how she is pleased to share that she will serve as liaison between the Board of Education and the City. She suggested for further collaboration that there could be a point person that City Council designates to communicate with the Board. She is excited to come to City Council meetings to share updates.*

*She shared a summary of the discussion from the most recent Board of Education meeting where there was a conversation about the natatorium. The Board is supportive of finding a way to keep the natatorium open. They had a discussion about the potential for a Joint Recreation District (JRD) where Dr. Bowers explained there would need to be a successful levy campaign to obtain funding.*

*The District will have campaigns coming up for additional levies to address school facilities. They feel like the City would need to take the lead for a JRD. If the City Council is interested, the Board requests that the City put together a proposal and timeline. If they have to take on responsibility for the natatorium, they need to be prepared. They would like to know more about what role the City and schools play in a JRD.*

*Ms. Dorothy explained how she is pleased to hear the school board is interested in the natatorium. The City also has vested interest in the pools. Though they have not made a decision as a body, she would like to pursue keeping both open. She would also like to see a proposal and timelines put together and she looks forward to collaborating on this issue.*

*Ms. Kowalczyk expressed how she appreciates the thought and discussion that went into this recommendation and recognizing how these are community assets. In terms of the City taking the lead, she wondered what form Ms. Hudson envisions that being. Ms. Hudson replied there is not a set vision. Their discussion was centered more around the actual campaign because it takes a lot of effort across the entire district that requires a body of community volunteers. They have questions about who would run the levy campaign for a JRD.*

*Mr. Myers asked what would lead up to a campaign, he imagines it would entail putting together the framework and legal work that needs to be done. The deadline for a November ballot would be in August. Ms. Hudson said they did not discuss that in detail. Their suggestion would be for the City to work on what the timeline would be and what things need to be accomplished and when.*

*President Michael discussed how there should be a discussion about what jurisdictions should be a part of a JRD. A JRD is much like a Park District where the Metro Parks board and group lead the campaign.*

*Mr. Smith asked if an ad hoc committee should be set up to explore the next steps in the process.*

*Ms. Hudson explained that there needs to be an investigation of who should be involved, the timeline, and resources that are required. Most important is a proposal of what role you would anticipate being brought to the table. The City needs to put together a proposal.*

*President Michael said this should be a Committee of the Whole topic. Mr. Greeson shared that he has tasked Mr. Barnhardt with gathering more research on other JRDs in Ohio including legislation, how they got to where they are, and what their budgets looks like. He would be glad to put this on the upcoming Committee of the Whole agenda as a discussion item.*

## **APPROVAL OF THE MINUTES**

- Meeting Minutes – January 13, 2020
- Meeting Minutes – January 21, 2020

**MOTION** Mr. Bucher moved, and Ms. Kowalczyk 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. 01-2020** Granting a Temporary Construction Easement to Columbia Gas of Ohio, Inc. over the Property Owned by the City of Worthington at 7200 Huntley Road for Material and Equipment Storage to Accommodate the Relocation of Utilities as Part of the Northeast Gateway Project.

**The foregoing Ordinance Title was read.**

*Mr. Lindsey detailed how as part of the Northeast Gateway project, there is a significant amount of utility relocation work that needs to occur first. As part of that, Columbia Gas has a significant amount of work to do, removing its existing pipelines and then replacing them with new pipelines. We purchased the property at 7200 Huntley and that has been demolished as reported last month. It is anticipated that property will be used as a staging area for Columbia Gas.*

*Ms. Dorothy asked when this project would move forward. Mr. Whited responded that they will begin in the spring and it will take several months to be completed.*

**There being no comments, the clerk called the roll on Ordinance No. 01-2020. The motion carried by the following vote:**

**Yes 7** Bucher, Robinson, Kowalczyk, Dorothy, Smith, Myers, Michael

**No 0**

**Ordinance No. 01-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 02-2020** Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the NE Gateway-Utility Relocation and All related Expenses and Determining to Proceed with said Project. (Project No. 602-14

**The foregoing Ordinance Title was read.**

*Mr. Greeson presented that this is for \$1.2 million we need in advance for extensive utility relocations. We will be reimbursed about \$1.14 million by the Ohio Public Works Commission.*

*Mr. Whited explained how this is a huge project that requires a lot of work. He thanked our consultants and staff who were able to get 95% of this reimbursed. He hopes this starts as soon as possible because it is vital to move forward on the remainder of the project.*

**There being no comments, the clerk called the roll on Ordinance No. 02-2020. The motion carried by the following vote:**

**Yes 7** Robinson, Kowalczyk, Dorothy, Smith, Myers, Bucher, Michael

**No 0**

**Ordinance No. 02-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

**Ordinance No. 03-2020** Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance to Provide Funds for the Reimbursable Charges Associated with the Electric Vehicle Charging Station Payment Process and the Increased Property Taxes at the Kilbourne Memorial Library Building.

**The foregoing Ordinance Title was read.**

*Mr. Greeson presented how this is for two separate issues rolled into one appropriation. Specifically, one issue regarding EV charging stations and the second is about the*

*Kilbourne library building where we are the landlord and we receive taxes from the tenants.*

*Mr. Bartter said this ordinance creates a new budgetary line for EV charging and the fees ChargePoint charges. The tax payments we underbudgeted due to an increase in the property taxes. Expenses are reimbursed to us by Sew to Speak and CoHatch.*

*Ms. Dorothy asked if the tenants know that this increase is coming. Mr. Barter responded yes.*

**There being no comments, the clerk called the roll on Ordinance No. 03-2020. The motion carried by the following vote:**

**Yes 7** Kowalczyk, Dorothy, Smith, Myers, Bucher, Robinson, Michael

**No 0**

**Ordinance No. 03-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.**

#### **NEW LEGISLATION TO BE INTRODUCED**

##### **Resolution No. 04-2020**

To Accept a Grant from the Ohio Bureau of Workers' Compensation – Firefighter Exposure to Environmental Elements Grant (FEEEG) for Particulate Blocking (Firefighting) Hoods and Authorize the City Manager to Execute the Necessary Grant Documentation.

**Introduced by Mr. Smith.**

##### **MOTION**

Mr. Myers made a motion to adopt Resolution No. 04-2020. The motion was seconded by Ms. Dorothy.

*Chief Bailot explained how one of our firefighters, Chris Courtney, made an application to the Ohio Bureau of Workers Compensations under their FEEEG grant. We were notified that we were successful with the grant which will enable us to purchase fifty particulate hoods. In their industry, firefighter cancer is prevalent, and these hoods block out particulates that are known to be cancer causing, giving firefighters that next level of safety.*

**There being no additional comments, the motion to adopt Resolution No. 04-2020 passed unanimously by a voice vote.**

**Resolution No. 05-2020**

Authorizing a Pipeline Relocation Agreement with Columbia Gas of Ohio, Inc. for the Northeast Gateway Intersection Improvement Project. (Project No. 602-14)

**Introduced by Mr. Robinson.**

**MOTION** Mr. Bucher made a motion to adopt Resolution No. 05-2020. The motion was seconded by Ms. Kowalczyk.

*Mr. Lindsey requested an amendment to the relocation cost included in the last WHEREAS clause. He was notified late last week that Columbia Gas updated their plans which resulted in a slight increase in the estimated cost. That new number is \$894,467.*

*He added that the relocation of pipelines that are in owned easements is a requirement of the ODOT manual by which we must follow because we are using state and federal funds.*

**MOTION** Mr. Smith made a motion to amend Resolution No. 05-2020 to reflect the dollar figure of \$894,467.00. The motion was seconded by Mr. Myers.

**The motion to amend passed unanimously.**

**There being no additional comments, the motion to adopt Resolution No. 05-2020 (As Amended) passed unanimously by a voice vote.**

**Resolution No. 06-2020**

Authorizing an Amendment to the Final Development Plan for 300 East Wilson Bridge Road and Authorizing a Variance (MedVet Medical & Cancer Center for Pets).

**Introduced by Ms. Dorothy.**

**MOTION** Mr. Robinson made a motion to adopt Resolution No. 06-2020. The motion was seconded by Mr. Bucher.

*Mr. Greeson expressed how we are always excited when MedVet invests in their facilities.*

*Mr. Brown explained how the property is in a C-3 district, is over 3 acres in size, and subject to a development plan. The development plan is subject to a 30 foot side yard. As part of their continued improvements, on the northeast side of the building, they are adding a generator and a fence enclosure which is only 19 feet to the property line. They will need a variance. As part of their approval before MPC, it was recommended for approval to City Council with the variance. MPC found it interesting that they do not have a generator on site currently and this fills a need for them.*

*Ms. Dorothy asked if we have any maximum sound levels we know about or any sound deadening applications for this. Mr. Brown said when something like this goes to the MPC/ARB with a generator, part of the approval process includes a discussion of the hours of operation.*

**There being no additional comments, the motion to adopt Resolution No. 06-2020 passed unanimously by a voice vote.**

**Resolution No. 07-2020** Authorizing an Amendment to the Contract with Evolved Lighting Solutions for the 2019 Worthington Street Light LED Retrofit Project. (Project No. 655-17)

**Introduced by Ms. Kowalczyk.**

**MOTION** Mr. Smith made a motion to adopt Resolution No. 07-2020. The motion was seconded by Mr. Myers.

*Mr. Greeson detailed how this allows him to enter into contract in order to complete the LED lighting project. We are thirty lights away from being completed, using some leftover funds from last year and \$25,000 in funds from the CIP this year. This is completing one of Council's priorities by taking down old lights and making them LED.*

*Ms. Dorothy asked how much we would save. Mr. Whited responded it is approximately \$87,000 dollars. The project will start soon and take 4-6 weeks.*

**There being no additional comments, the motion to adopt Resolution No. 07-2020 passed unanimously by a voice vote.**

**Ordinance No. 04-2020** Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Selby Park Playground Replacement Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 704-20)

**Introduced by Ms. Dorothy.**

**Ordinance No. 05-2020** Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Perry Park Backflow Preventer Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 705-20)

**Introduced by Mr. Robinson.**

**Ordinance No. 06-2020**

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for the Tree Clearing for Northbrook Relief Sewer Improvements and all Related Expenses and Determining to Proceed with said Project. (Project No. 656-17)

**Introduced by Mr. Bucher.**

*Mr. Greeson requested that Ordinance No. 06-2020 be introduced and set for public hearing at the meeting on February 10th.*

**Ordinance No. 07-2020**

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from the R-10 District, R-6.5 District and the AR-4.5 District to PUD, Planned Use District (Northeast Corner of Hartford Street & East Stafford Avenue)

**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**

*Mr. Greeson reported that the Groundhog Day Chamber of Commerce event is tomorrow. Dr. Bowers with the schools, Mr. Gibson from the libraries, and he will be leading an informative conversation. He noted that the Vice Chair of the Visioning Committee, Austin Mitchell will also speak about the visioning process.*

*There have been a couple questions about the coronavirus, and he reported that the City has been in touch with Columbus Public Health, who has staff monitoring public health forums. He will share information via email tomorrow about the public health messages our partners in Columbus are putting out about that issue. We will be meeting as a staff to make sure we are reviewing plans and are up to speed.*

*Lastly, he brought attention to the “At Your Place” packet of informational items at Councilmembers’ seats. One item is a response to a number of good questions from Mr. Robinson about the comprehensive plan that he wanted to write responses to. If there is any desire to discuss that further whether in public forum or otherwise, please let him know. Second, Ms. Brown brought up how Halloween falls on a weekend this year which led to the question about whether we want to continue our policy that Trick or Treat is always on the 31<sup>st</sup>.*



## **REPORT OF COUNCIL MEMBERS**

*Mr. Smith reflected on Ms. Hudson's presentation and noted that we may need to get this process running quickly. He suggested discussing JRDs at next week's meeting.*

*Ms. Dorothy called attention to the Enchanted Evening at the McConnell Arts Center on February 21<sup>st</sup>. She encourages everyone to go. There are also several Worthington International Friendship Association programs coming up.*

*Mr. Robinson brought up how he has attempted to address this issue directly with President Michael without satisfactory resolution. His comments are not an attempt to sabotage, but it is an important issue that our colleagues need to know about and think about. He swore when he ran for office and was then elected that he would not allow issues to arise and then neglect them and regret not having dealt with them in office.*

*The issue he is speaking about is money in politics. When candidates accept money for political campaigns from entities that have business before the City, business requiring Council approval, a recusal by that Councilmember should be standard protocol. This recusal from conflicts of interest is basic in ensuring trust in government. In our nation today, maintaining public confidence in governmental institutions is of the highest importance.*

*It is public knowledge that during the recent election President Michael accepted a large \$750 campaign contribution from the CEO of National Church Residences (NCR). When that money was given, NCR had the Stafford proposal before City, the same proposal introduced for consideration by Council in coming weeks. President Michael has said this financial contribution does not influence her thinking or judgement on this matter. Such self-referential statements are beside the point in public ethics. No one can know what is in another's heart and mind. This is why standards were created in the first place.*

*We know that a large financial contribution from a development company was accepted by a public official. That company now needs City approval to achieve their aims in Worthington. In order to preserve the trust of residents in their government and that it operates in the public interest, he believes that a recusal by President Michael is the only responsible course of action.*

*He concluded that, if this giving and taking of money from a person, one with direct financial interest in a Council decision, to a City Councilmember does not represent a conflict of interest requiring recusal, then what would. He asks that President Michael formally declare her recusal from the impending discussion and vote on the NCR Stafford Village proposal.*

*President Michael asked Mr. Lindsey if he could discuss with Council the legalities and ethical considerations of campaign contributions.*

*Mr. Lindsey explained how the question of campaign contributions to Councilmembers is not under Ohio law an ethical violation of the Ohio ethics statutes. The phrase “Conflict of Interest” is frequently used to refer to both the legal level as well as a different standard than what the statute would say. So, he would defer to Mr. Robinson as to his use of the term. In terms of a violation of Ohio ethics law, it would not be a violation. There is no legal requirement for President Michael to recuse herself.*

*President Michael said that everyone when running for office accepts campaign contributions and she believes that this contribution was not an ethical violation and does not affect her decision-making. She does not feel there is an ethical or moral violation that would be a reason to recuse herself from this matter.*

**EXECUTIVE SESSION**

**MOTION** Mr. Bucher moved, Ms. Kowalczyk seconded a motion to meet in Executive Session to discuss acquisition of property, the appointment and compensation of public officials, and pending litigation.

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

<b>Yes</b>	<b>7</b>	Dorothy, Smith, Myers, Robinson, Bucher, Kowalczyk, Michael
<b>No</b>	<b>0</b>	

Council recessed at 8:19 p.m. from the Regular meeting session.

**MOTION** Mr. Myers moved, Mr. Robinson seconded a motion to return to open session at 9:04 p.m.

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

**ADJOURNMENT**

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

President Michael declared the meeting adjourned at 9:04 p.m.

/s/ Ethan C. Barnhardt  
Management Assistant

*APPROVED by the City Council, this  
18<sup>th</sup> day of February, 2020.*

/s/ Bonnie D. Michael  
Council President