



City Council Agenda

Minutes

Monday, October 19, 2020 at 7:30 pm

6550 N. High Street, Worthington, Ohio 43085

Virtual Meeting Information

Link through: worthington.org

Our Government – Live Stream

1. Call to Order

Minutes:

Worthington City Council met remotely in Regular Session on Monday, October 19, 2020, via Microsoft Teams videoconference. President Michael called the meeting to order at or about 7:30 p.m.

2. Roll Call

Minutes:

Members Present: Peter Bucher, Rachael Dorothy, Beth Kowalczyk, Scott Myers, David Robinson, Doug Smith and Bonnie Michael

Member(s) Absent: None

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, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress

3. Pledge of Allegiance

Minutes:

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

4. Visitor Comments

Minutes:

There were no visitor comments.

Special Presentation(s)

5. Community Visioning Update

Minutes:

Mr. Sherman detailed how since his last update to Council, the Visioning Committee has completed their public outreach component of the process. This included a survey mailer, an online survey, and a charrette exercise. The surveys were used to help fine tune these draft vision statements and principles. The survey responses received were well thought out and contained much more positive feedback than negative. The disagreements were mostly centered around the fact that these things were not currently happening in Worthington. Several comments noted they liked the format and it was not just the same people responding. The charrette activity was the final opportunity for the Visioning Committee to have a virtual, collaborative planning session with the community. A working draft was presented and we worked out the details of these draft vision statements and principles. The end goal was a further discussion to gain consensus within these statements and principles. We had over 50 folks sign up, which were brought into four separate virtual rooms to go through each vision statement and supporting principles. They were asked basic questions such as whether these visions matched with their vision of Worthington in the future. They were also asked whether the principles listed supported the visions, or if there were any missing principles or visions. These sessions were very enlightening and contributed to the further refinement and refocusing of the statements and principles.

The surveys and the charrettes set up the Visioning Committee for the meeting on October 13th to go through the vision statements and principles. The meeting started with a survey for committee members to complete, so that each member had a chance to say what they had heard the community say. The survey was pretty simple, asking whether or not the vision statements and principles aligned or not with what had been heard from the community. Additionally, it asked whether each vision and principles are essential to the community's desires based on what has been heard. And then the principles for each vision were ranked as a top three, along with a least important principle. This survey gave the committee the opportunity to really continue to refine the vision statements and principles. Since the committee meeting on October 13th, small groups have been created to continue to go through everything, making comments and edits. After that, there will be a final review with himself, the Vice-Chair of the committee, and City staff to do a final review. At that point it will be sent out to the committee to look at one more time. Once the review is over, the vision statements will be posted on the website so the community can weigh in with their thoughts and identify any showstoppers or issues that might need to be addressed.

After the committee's next meeting on October 26th, the work will begin on the draft report, looking at everything that has been done and how the visions and principles were arrived at. The report will be shared with Council. The committee will go over every single page of this report. When presenting to Council, a PowerPoint presentation will be created and an overview of the vision statements and principles will be provided. At the end of the day, he believes that the committee has really worked hard and done a good job trying to build these vision to be one voice, the voice of the community. Also, it is important that the Committee crosses the finish line together, knowing they have done their best work. President Michael expressed her thanks, and explained how much hard work has been put in through this process. It is exciting that this is getting to the finish line. Ms. Kowalczyk asked if there would be a final report provided on November 9th. Mr. Sherman replied that the final report would not be provided then, only an overview. The committee will continue working on the report throughout November, and it will be delivered around the end of the month. Ms. Kowalczyk explained how exciting this is and asked if there were any plans to conduct an end of project celebration with the community to share this report and thank everyone for all the hard work they have done. Mr. Sherman said with the COVID-19 situation, it will be challenge, but he is sure they will be able to figure something out. Ms. Dorothy expressed her gratitude for all the hard work and she looks forward to seeing the final result. She hopes that there is a big celebration at the end. Mr. Robinson thanked Mr. Sherman and applauded his leadership. He asked if there would be one last opportunity for any comments later this month on the website to solicit feedback. Mr. Sherman replied that a near final draft would be put up on the website at the end of the month for about a week. Mr. Robinson conveyed that he is pleased that the committee does not feel particularly rushed to present a report prematurely. Getting a report to the public before we break for the new year would be really fitting timing so that it can be considered and discussed over December and the holidays. President Michael expressed how she is hoping that when it comes to the final report, that Council will have some leadership, or some visioning guidance in areas where there is conflict between things such as economic development, green space, and sustainability. She was going through some of the survey information and she saw a lot of things that were conflicting. Mr. Sherman explained that the principles themselves are those that support the vision. Some of the principles will become action steps, which will be an appendix to the final document.

Approval of Minutes

6. Approval of Minutes

a. Meeting Minutes - October 5, 2020

Minutes:

MOTION: Mr. Bucher moved, seconded by Ms. Kowalczyk a motion to approve the meeting minutes of October 5, 2020 as presented.

The motion passed unanimously by a voice vote.

Public Hearings on Legislation

7. Ordinance No. 39-2020 Coronavirus Relief Fund Appropriation

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the Coronavirus Relief Fund Unappropriated Balance.

Minutes:

MOTION: Mr. Smith moved, seconded by Mr. Myers a motion to amend Ordinance No. 39-2020 as presented.

The motion passed unanimously by a voice vote

Mr. Bartter explained how this is our fourth piece of legislation for CARES Act funding. This will appropriate a third distribution of \$529,437. It will bring the total distribution of CARES Act funding to the City of Worthington to \$1,352,241.59. The second piece of the addendum is that 20% of Division of Fire and Police payroll expenses are dedicated to mitigating or responding to the COVID-19 pandemic. Under the guidance from both the State of Ohio and the Treasury, we can allocate 100% of those payroll expenses. However, we had the Division of Fire do some research and they found 20% of their runs in a one week sample were COVID-19 related. So, we are using that percentage to apply to the wages in both of those departments and using CARES Act funding for this.

We convened a CARES Act group consisting of two representatives from Council, including President Michael and Councilmember Kowalczyk along with himself and other staff, and representatives from the Worthington Libraries. This group agreed upon a path forward, which is to continue to associate these dollars with wages, and then using the General Fund dollars that would have previously gone to those wages, to support the business grant program and additional funding to support non-profits. Legislation to do that will be introduced tonight, for public hearing on November 2nd. It will take \$225,000 from the General Fund, moving it to the Economic Development Fund. We will use that along with the \$75,000 previous used to continue funding the ReBOOT business grant program. There is also an additional \$100,000 of the General Fund in the new budget to support non-profits. These were the result of the Worthington Coronavirus Recovery Survey which was led by Lisa Fuller with the Worthington Libraries along with other community groups. Mr. Greeson noted that the results of that survey will be released later this week.

President Michael thanked everybody for all the time they put into meetings.

There being no additional comments, the clerk called the roll of Ordinance No.

39-2020 (As Amended). The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

New Legislation to Be Introduced

8. Resolution No. 48-2020 Transfer 2020-03 (General Fund)

Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds.

Minutes:

Resolution No. 48-2020 was introduced by Ms. Dorothy.

MOTION: Mr. Robinson moved, seconded by Mr. Bucher a motion to adopt Resolution No. 48-2020.

Mr. Bartter described how this is transferring appropriations between budgetary lines and does not increase the total amount of appropriations.

There being no additional comments, the motion to adopt Resolution 48-2020 passed unanimously by a voice vote.

9. Resolution No. 49-2020 Amend Position Descriptions and Staffing Chart

Amending the Position Description for Assistant City Manager and Amending the Position Title and Position Description for Assistant to the City Manager/ Economic Development Director and Amending the Staffing Chart to Accommodate Said Positions

Minutes:

Resolution No. 49-2020 was introduced by Ms. Kowalczyk.

MOTION: Mr. Myers moved, seconded by Ms. Dorothy a motion to adopt Resolution No. 49-2020.

Mr. Greeson explained how this is part of a slight reorganization and change of job descriptions, along with minor titles changes. This resolution changes two job descriptions. One is the Assistant to the City Manager, Economic Development Director, creating a position of Assistant City Manager, Economic Development Director, and revising some of the job description duties. It also amends the Assistant City Manager job description. In the first instance, the new position will continue to oversee and implement the City's economic development strategy and initiatives, while also assuming some responsibility for more general management duties in administration which were previously functions under Ms. Stewart. It is anticipated the Management Assistant will provide support for economic development initiatives. This will create additional professional growth opportunities to multiple employees.

The Assistant City Manager job description will be revised to provide a direct oversight of the departments of Parks and Recreation, Planning and Building, and Service and Engineering. This will provide some high level administrative supervisory oversight and assistance in these departmental areas, particularly when we are having major initiatives and activities. Traditionally, the City Manager in Worthington has had nine direct reports, and this breaks up the number of direct

reports. The Department of Public Safety, Personnel, Law, and Finance will still report to the City Manager.

There being no additional comments, the motion to adopt Resolution 49-2020 passed unanimously by a voice vote.

10. Ordinance No. 40-2020 CIP - 2020 Sewer Lining Repair

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 2020 Sewer Lining & Repair Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 711-20)

Minutes:

Ordinance No. 40-2020 was introduced by Mr. Robinson.

11. Ordinance No. 41-2020 Additional Appropriation

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Economic Development Fund Unappropriated Balance.

Minutes:

Ordinance No. 41-2020 was introduced by Mr. Bucher.

12. Ordinance No. 42-2020 Establish Compensation - Assistant City Manager/Economic Development Director

Amending Ordinance 46-2019 to Establish Compensation for the Unclassified Position of Assistant City Manager/Economic Development Director.

Minutes:

Ordinance No. 42-2020 was introduced by Ms. Kowalczyk.

Reports of City Officials

13. Policy Item(s)

a. Architectural Review Board Appeal - 150 West New England Avenue

Minutes:

Mr. Greeson described how the task tonight is to decide whether Council wants to hear the appeal, and for staff to provide whatever information is needed to make that decision.

Mr. Lindsey explained how the decision tonight under the codified ordinances would be whether or not Council desires to hear the appeal. Tonight would not be a public hearing on the appeal, but is a decision based primarily on a paper review, the documents that Mr. Brown provided regarding basic information on the nature of the appeal and the issue that was heard by the Architectural Review Board. The decision will be whether or not Council believes that this appeal filed by the applicant warrants a public hearing. Last week, he went through the way that the courts decide, and the standards they use. The written materials requested by President Michael were his attempt to provide an overview of what is required under the code, how the courts

would decide it, and how that might play out in the case of this solar panel appeal.

Mr. Myers detailed how he goes back to what Mr. Lindsey talked about last week and the standards a court would apply when deciding to take a discretionary appeal. Not whether it was right or wrong, that is a merits decision. First, is there a great question here that needs to be addressed by just Council, an issue so important to the City that it should come in front of Council. He knows the ARB had a lengthy discussion about this and a lot of it centered on the same things that were discussed when we adopted our amendments to this guideline. He would like to hear from other Councilmembers.

Mr. Robinson expressed he would very much like to hear the appeal and have Council weigh in on this important topic, especially in context of the threat of climate change, the ambiguity of the regulations themselves, and the 4-3 vote. Ms. Kowalczyk expressed that she would agree with Mr. Robinson. Just looking at it from a paper review, the actual guidelines are ambiguous and that the ARB had a difficult time applying them. It merits a review over what the guidelines say in terms of this particular case and then also considering the bigger question at hand.

President Michael noted how everyone understands that there is a big issue between how we balance sustainability and the preservation of the Historic District. They have both been highly prized goals of members of our community.

Ms. Dorothy agreed with Mr. Robinson and Ms. Kowalczyk and believes that Council should hear it and weigh the merits and clarify what our guidelines are.

Mr. Smith asked Mr. Lindsey if he would agree that it is each member's prerogative how they vote on this issue. Mr. Lindsey responded that it is each individual Councilmember determining whether or not they believe hearing this appeal is appropriate. Therefore, each of you will vote, with a public hearing scheduled at a future date.

Mr. Myers said we use the term public hearing more in the Council context, than in the legal context. This is not a de novo hearing. There will be no new evidence, or testimony. This will be a review of the record generated by the ARB and a discussion amongst Council, much as you would have in an appellate court. Mr. Lindsey replied that the code itself does not specify one way or the other in that regard. He does not know the prior practice of Council, the approach to the actual conducting of the hearing. The code does not require that it be a de novo hearing. It does not provide that it is a paper hearing. The context which it says a public hearing being held in his reading of

the code, that you could obtain testimony but it would not be required to entertain testimony. He would be happy to look to see if there is any opinion guidance given on that issue. Mr. Myers explained that if Council decides to accept this as an appeal, we do need to have some ground rules as to how we are going to approach it. The couple of times that we have had these, we have conducted paper reviews without any additional evidence because they were really values issues. We did not need additional testimony because it was fully developed. We are not really deciding what the facts are and are not, those are all fairly in agreement. The question is how the guideline is applied, and what is the law. He would lean towards a discussion and paper review as opposed to a rehearing of what has already been determined.

President Michael asked how Councilmembers feel about this being a paper hearing versus trying to do something de novo.

Ms. Kowalczyk expressed that she believes there is considerable information in the file and there is not anything else that she can think of that she would need. In addition, she asked if we are getting a lot of public comments and whether that is something that would be included as well if we decided to do just a review of the documents. Mr. Myers responded that while he appreciates the public comments, this is really just a question of law. So public sentiment, while significant in a political context, would not be necessarily significant in a legal context. It is really up to Council to decide whether the design guidelines were appropriately applied as Council interprets them. Ms. Kowalczyk explained how we have a unique situation here because we are not technically a court. We do offer the availability for the public to comment on our agenda. So, she wanted to understand that, not that it would necessarily provide us any more evidence to consider in the determination of the case. Mr. Myers shared that when these guidelines were adopted three and a half years ago, there was significant public input over a six month period when they were drafted.

Mr. Lindsey explained that if Council were to decide this was going to be a paper review, then consideration of these additional emails would not be appropriate because to the extent that you are going to consider those, you have then opened the door to the people who want to speak at a hearing, versus submitting writing in a hearing that was not part of the original ARB. If Council is doing a paper review, he does not believe it would be appropriate to consider those comments. This happens in many cities where the public does want to speak. The appropriate approach would be to make sure that the applicant is aware of all of the emails that might have been submitted, and anybody who is the adverse party to the applicant also receive them, so they would have the ability to present at a hearing any rebuttal to the emails

that have been provided. It would be a simpler process to do the paper review, than to really begin all over again with a full blown hearing. Mr. Myers asked what the timeline would be with this. Mr. Lindsey replied that we have 60 days from the date that the meeting minutes were approved, so that would be through the second Council meeting in December. Mr. Brown noted that the minutes were approved on October 8th. Mr. Myers clarified that this would be 60 days to hear the appeal regardless of when we agreed to take the appeal. Mr. Lindsey responded that is correct, the hearing has to be within 60 days after the final decision, which is the approval of the minutes in this case. His goal would be to provide Council in the next two weeks any information that he may find in the Department of Law files to clarify this issue, and if it is going to be a hearing, to provide some guidance as to how that hearing might be conducted. If it is going to be a paper review, the guidance would be a lot less, because you are then reviewing the materials. He will plan to have that report to Council by the November 9th Council meeting.

Mr. Brown noted that in the past, we have actually taken testimony and had a full discussion with those in the community. Mr. Myers explained that in the past seven years he believes we have had a few appeals that we brought in. One resulted in a code change. President Michael asked if one was for the Evening Street expansion.

Mr. Robinson asked if he was correct in understanding that there are two options to proceed, either de novo or paper. He wanted to know what that means in terms of the conduct of the meeting. Mr. Myers described how de novo means that we set aside what happened below. We would recreate the entire record, starting with the application. We would accept testimony from any proponents, opponents, and the applicant themselves. We would then determine what the facts are. So, Council would be going through the entire process just like the ARB went through the process from the very beginning. In paper cases, we accept the facts as determined by trier of fact, which would be the ARB. We then determine given the accepted facts whether those facts were properly applied to the law and interpreted properly. Mr. Robinson asked how the facts would be presented to Council. Mr. Myers replied that it would be in the form of the minutes and the testimony that was provided. In a case like this, he does not know that the facts are in dispute. We are not going to challenge that there are X number of solar panels placed on this portion of the roof facing this direction, visible from this location, and that this homeowner has done pretty much everything possible to make his home energy efficient. Those are all accepted. It is just given all of those facts, did the ARB properly apply the Design Guidelines as we would read them. Mr.

Robinson said he would assume the appeal application itself be part of the paper record that would be considered. Mr. Myers said it absolutely would. Mr. Robinson asked about when it is said that this would be a legal judgement, it seems to him that interpretation and subjectivity and values were inherent in the MPC decision itself, and if that is the case, how can we ourselves not base our judgements at least in part on those factors. If we do hear the appeal, he thinks it would be good to be realistic and honest as to what we are doing and no pretending it is a strict, rigorous legal decision that can be objectified. Mr. Myers explained he uses the term legal in a very non legal definition. You have the facts and then you have our Design Guidelines. Those are the two sides of this coin. He does not see any need to re-do the facts. Nobody disagrees as to what they are. Redoing the facts is not going to do much. What we need to do is take a look at the Design Guidelines and see if they were appropriately applied to the facts. He believes there will be more deeper conversation into what Council's role is, what the Guidelines mean, and whether they are appropriate. Those are the kind of things if we decide to hear this appeal. Keep in mind that this is a homeowner we have to decide thumbs up or thumbs down based upon the law or the Guidelines as they currently exist. We kind of come back to what Ms. Kowalczyk said at the beginning about whether this is a big enough issue that it ought to be decided by Council.

Mr. Bucher added that it is the merit of hearing. The way this is decided could either block projects or expand projects that people are wanting to do.

Getting this one right is important. He is okay with the paper review.

Mr. Smith expressed that he is always in favor of hearing an appeal like this, especially if it helps chisel down more details on a policy or guideline like this. President Michael said that a majority of Council is in favor of hearing the appeal. It is up to Mr. Greeson and Mr. Lindsey to get this appeal scheduled.

MOTION: Mr. Myers moved, seconded by Ms. Kowalczyk to hear the appeal to the ARB decision to deny solar panels at 150 West New England Avenue and instruct the City Law Director to prepare the appropriate papers and transmit those for review.

The motion passed unanimously by a voice vote

b. Proposed 2021-2025 Capital Improvements Program

Minutes:

Ms. Stewart explained how the proposed 2021-2025 CIP was distributed on October 5th to City Council, and placed on the City's website for the public to see. Tonight's presentation will give an overview of the trends and the overall perspective of the five-year program, followed by a more in-depth discussion

about the projects and equipment programmed for 2021. In November there will be a series of workshops, and there will be an opportunity to follow-up on any items that Council would like to discuss. The CIP is scheduled currently for adoption in December.

At last week's meeting, it was requested to give more detail about what happened with the various projects and equipment purchases that were talked about with City Council last May in light of COVID and the need to restrict some expenditures until we knew more about the financial impacts from the virus. Additional information has been listed on the main memo on the slides. There were several projects reinstated in 2020 based on our current revenue picture. This includes the Building Improvement Program and the south-end door of the Community Center. The Kenyonbrook Trunk Sewer is a sizeable project, with design continuing in 2021, and construction planned for 2022. The fire hydrant replacement and painting were completed. There are updated project costs related to the police building, and those are currently underway. The Traffic Signal Program was reinstated and projects reflect current costs. There are also several projects moving forward with reduced amounts. McCord Park is another project that has been discussed many times with City Council, and we have reactivated the design work for that project. Since it was paused, we are not ready to go to construction on that this year. Construction is anticipated to be delayed until 2021. For Selby Park, the playground replacement has had the full amount reinstated with construction planned for Spring 2021. Bike and pedestrian improvement are of interest to Council, and the full amount is reinstated for 2019 and 2020. For the crossing at Pingree, it will need to be re-bid, as the bids came in over the engineer's estimate. Replacement of the mobile data terminals for fire vehicles is already completed with a reduced amount and a portion not completed proposed for 2021. The self-contained breathing apparatus purchase is delayed to 2021 to pursue a grant possibility. Some items that were reduced include records management software, scan tools for the garage, and the wood chipper.

It may be recalled that for last year's CIP, we were constrained and had to eliminate items to fit within the dollars available. For this year's CIP, while the impact of the pandemic has not been as significant as initially thought, we are not seeing an increase in revenues available for the CIP, so the strains have continued and are exacerbated. Revenues are not keeping up with expenditure demands, so we have had to continue to postpone or delay purchases and projects. As always, we focus primarily with our capital dollars, the maintenance of our existing infrastructure, and we have identified new demands with those maintenance items in this proposed CIP. As City Council

is aware, we conducted a study of the water system and condition of the lines. That report recommended a number of investments in waterlines, so we looked to try to incorporate those into this proposed CIP. We also completed an evaluation of the HVAC systems in city buildings. A number of the systems are old and at the end of their useful life. You will see in the proposed CIP, there are quite a few projects in city buildings as we have begun to have problems with the heating and cooling systems in the buildings that need to be addressed. We are also seeing debt levels increasing as the proposed CIP projects additional debt issuances on project and equipment purchases that are scheduled to be bonded. We will continue to allocate additional funding for debt. One thing that is notable in this proposed five-year project window is that we actually have accumulated some fund balance in the General Bond Retirement Fund. That fund makes the debt service on the debt. Typically, we transfer money into that fund in order to pay the debt, however, that fund does receive a small amount of property tax into it and a balance has built up. We are projecting to spend down some of that fund balance in the General Bond Retirement Fund in order to lessen what would otherwise be a much more significant increase in debt service payments out of the CIP fund. The first year of the five-year CIP tends to be the largest and that is the case here. As we go out further in years, we tend to know less about what will need to be done in those years. Notable projects in 2021 include the rehabilitation projects that are a result of our sewer shed studies. Also will be the start of the HVAC projects in city buildings, the first waterline project, as well as McCord Park. All of those are sizeable projects which is what leads to the higher numbers in 2021. A major cost contributor to the 2022 amounts is the Kenyonbrook Sewer, since that is a \$10 million project. Looking at CIP expenditures, we like to look at how much is coming from City funding, and how much external funding. In previous years, we had some lower percentage amounts for City funding because we had significant federal and state money for the Northeast Gateway project. In this window, we have less external funding and most is coming from the City. The most notable project in 2021 that shows less than 100% is at McCord Park. In order to construct the \$4.2 million dollar project, we need to designate \$1 million of external funding, which we do not have yet.

Looking at revenue sources, the income tax is the primary revenue stream. The other significant source comes from debt proceeds, which is borrowed money that we will need to pay back with interest in future years in our debt payment schedule. Other revenue sources are much more minor, including the Municipal Motor Vehicle License Tax. On the expenditures side, we have four primary areas of expenditures from the CIP Fund, which are projects that

is nearly 60%, equipment, debt and lease payments, and administration. It is notable that debt and lease payments are the second largest percentage of expenditures at 18% and equipment trails that slightly at 17%. Administrative costs include the cost of collecting our income taxes and legal services associated with the capital purchases. When looking at trends over the five-year window, you see projects start off much higher in 2021. The debt line is broader than would otherwise appear if we were not using the General Bond Retirement Fund balance to help offset our debt payments. When looking at debt, it drops in 2022 because we will finish paying off the debt from the Community Center and police station when they were expanded and renovated. However, with the new additional debt that we have planned in the five-year window, you will see that rise again. Looking at the fund balance as a percent of expenditures, we typically try to be close to 100% with our fund balance because that allows for cash-flow throughout the year. Sometimes we have expenditures earlier in the year, and since we collect income taxes throughout the year, it allows the CIP to cash-flow itself. In recent years, we have not been able to hit the 100% goal, however it has been sufficient because we have had high level of fund balance in the General Fund that can be utilized to help with any cash needed for the CIP. In this five-year window, we actually dropped down to 34% fund balance in 2021, and then we build it back up, which can be beneficial since our General Fund balance is expected to decline over this five-year window.

Next is a discussion about City Council priorities and how the proposed CIP meets those priorities. In this five-year window, we have the McCord Park improvements that are planned which will be a nice amenity along the Wilson Bridge Road corridor. For age friendly, most expenditures are associated with programs in the Operating Budget, but there are some notable investments made at the Griswold Center. For upgraded office buildings, incentive programs are funded in the Operating Budget. On the priority of energy efficiency, there are HVAC projects that will help with energy efficiency as newer units tend to be more efficient. Replacement of windows and doors at the Community Center, Municipal Building, and Griswold Center should result in a benefit for the energy efficiency efforts. For private buildings, we have incentive programs designed to encourage investments in private buildings in our community. Also of note are the various investments proposed from the Bicycle and Pedestrian Master Plan for implementation of that.

Looking at debt, in 1999-2000 we carried very low debt as a city, but that has been at higher levels since. We have gotten into a period where we issue more frequent debt associated with our capital plans. There are detailed listings of all of the City's debt within the CIP document.

Going over the 2021 projects, they are broken out across categories. Our legal mandates relate to sewer projects that we need to complete in order to comply with the consent orders from the Ohio EPA. For the Kenyonbrook Trunk Sewer design and construction, it is \$2.1 million. Sanitary sewer repair and rehabilitation is \$1 million. For the building improvement program and essential basic services program, the funding amounts have been relatively flat for many years. We have quite a few needs for the building improvement programs and this allows for some level of maintenance. The pool resurfacing project was delayed from 2020 and is now programmed for 2021 during the annual Community Center shut down. The south door replacement was initially put on hold, but those funds were released and we will be moving forward with that project in 2020. Our street and sidewalk program allocation continues to be flat and has been for more than ten years. The waterline project recommended by the study will occur on Colonial and Foster Avenues with project costs estimated to be \$1.5 million. The bicycle and pedestrian allocation is being kept constant from the 2020 CIP, and it is a City Council priority. On the equipment side of the CIP, due to financial constraints, staff has looked for ways to reduce costs.

There are some uncertainties in the proposed CIP. One is McCord Park funding, which shows \$1 million of external funding in order to be able to implement the concept plan that was previously discussed with Council. We still need to identify where those dollars will come from, so it is uncertain whether we will be successful in getting that funding. Secondly, the long term impact of COVID is unknown in 2021 and beyond. Additionally, there were more waterline projects submitted, but we were only able to fund one project every other year.

Revenue in the CIP is not keeping up with the need that we are seeing. The primary source of revenue is from income taxes, which in recent years has been flat. The proposed increase in the Municipal Motor Vehicle Tax (MMVLT) in the five year window. This increase is contingent on City Council taking action to take advantage of the \$5 increase that the state legislature has permitted cities be able to levy. That increase will generate an additional \$150,000 per year, doubling the current amount generate. Additionally, there are some other approaches to consider including looking at our parks and recreation fee structure and our water and sewer charges. The water and sewer charges have not increased since the 1950s.

Mr. Myers asked if staff have developed any numbers or recommendations on increased sewer fees. Ms. Stewart responded that we have not prepared those at this point and there are a lot of factors that we will want to take into account for those. Mr. Myers asked if that would be something to consider

next year. Ms. Stewart stated that next year would be the time frame where it makes sense to think about that. Mr. Myers explained how he thought that we were doing periodic reviews of our entire fee schedule from permits to sewers and recreation fees. He asked how we are keeping up with the market right now. Mr. Greeson stated that we are behind in market in some areas. The Parks and Recreation Commission is reviewing the consultant's report that was prepared, examining the current fees, and how different services could be subsidized. Given the workload right now of that division and with the position freezes, he does not believe now is the time for that. Mr. Myers asked if there could be a presentation of the overall fee structure and recommendations. Mr. Greeson replied that could be done by next year's budget presentation. Mr. Bartter explained that they are working to piece it together right now. A big one is doing a review of the the Sharon Township fees for fire services. Water and sewer can be ready quickly, we have a lot of information on that already. The other big one is building fees, which is important but there would not be huge money. Mr. Myers described how he has been through this before when Council has talked about other revenue enhancement possibilities. To him, not only does this discussion have a revenue component, it has a policy component. It is a way to increase taxes without calling them taxes. He would like to have this as an overall discussion closer to the end of next year along with a full slate of possible revenue enhancements. Mr. Greeson explained staff may have some recommendations in advance of next year's budget season on specific issues, such as the MMVLT. However, he agrees we should be looking at these comprehensively, we have never taken the approach that we want to be at the top of the market. Generally most of our fees do not fully cover the cost of the service. We have done some research that shows the full cost of what municipal governments charge residents. Worthington is historically low, and we have put a lot of our eggs in the income tax basket with around 70% of our revenues being derived from that. As a result, that is why land use is so important as to not have to charge higher water surcharge rates and storm water fees, or garbage fees in particular which costs the City over a million dollars a year. Most communities in Central Ohio charge for garbage. So, we have less diversity of revenue streams and lower overall fees by conscious policy decision of the Councils over time. However, that strategy is fraying and in order to support reinvestment in our capital, and possibly operating budgets, we are going to have to start incrementally revisiting some pieces of that.

President Michal brought up revisiting the City's policy about having entities be able to give money to the City to name things, such as the Concerts in the

Parks. She requested that be added to the list of things that have to do with revenue and policy.

Mr. Myers explained that it looks like we are going to bond \$4.7 million this year, and asked if that is more than we are going to be spending in cash in 2021. Ms. Stewart replied that is correct. Mr. Myers asked when we would be going to market for those bonds. One of his priorities has been McCord Park, and he wondered if we are going to hold off on that \$1.8 million until we have the external money, or are we going to forward with whatever we can bond at this point. Ms. Stewart said that our bonding might be tied to when our temporary notes need to be paid off as we intend to roll those into our bonding. Mr. Bartter explained it is a long process, and we still need to get rated. Ms. Stewart stated that we will need to make a decision whether we will go ahead and spend the City's allocation of \$1.8 million if we do not know about the external funding. Mr. Hurley detailed how phase one was in the final design process, and Council had a presentation on that right before everything locked up with COVID. We have reached out to POD Designs and are working on their timeline to resume that with the anticipation that we would get out to bid this winter season and roll into construction of phase one coming out of the winter and into the spring. We have not moved forward with the design of phase two. He expects that it would take additional time as we would need to finalize and identify that funding. Mr. Myers asked if the \$1.8 million would be phase one. Mr. Hurley responded that the estimate, depending on the alternatives was around \$1.2 million to do all of phase one. So, we have a cushion there and will see where we land with the full design of phase one. If there is a piece of phase two that could be worked into that, it will be considered. Mr. Myers asked at what point will we have the \$1.8 million in our pocket to spend on McCord Park, will that be spent out of cash and then replenished by bonds, or will we have to wait for the bonds. Mr. Bartter said we would spend it from cash and then replenish with bonds. There is a plan to have a reimbursement resolution for projects in 2020, but those would be in the same year because we would start expending on McCord Park in early 2021 and then issue the bonds later in 2021. Ms. Stewart explained that this is one of the benefits of fund balance, allowing us to move forward and then replace those dollars when revenue comes in. Mr. Myers asked about how there is an assessment on a couple of years for streets and sidewalks. Ms. Stewart explained that we typically show a \$25,000 assessment each year that is tied to the sidewalk work where residents choose to not repair their sidewalks themselves, but piggyback on the City's contract and we bill them for that work. This is not a new assessment. Mr. Myers asked if it was correct that in 2024, we are dropping down to \$50,000 in

new debt. Ms. Stewart responded that in 2024 on the projects, the only thing we anticipate going into debt on is the design of the waterline on Park Overlook. On the equipment side in 2024, it shows a fire engine being bonded, which is a nearly \$1 million piece of equipment. In 2026 we are anticipating the purchase of a new ladder which is over \$1 million.

c. Other

Minutes:

Mr. Hurley explained how he wanted to give a heads up to Council that the Bicycle and Pedestrian Advisory Board is planning to have as part of their agenda at their upcoming October meeting, an educational session on bike boulevards, which were prominent in the Bike and Pedestrian Master Plan. There were several questions not only from Council, but from the public about bike boulevards, what they are, and how they can be applied in Worthington. They will not be making recommendations or coming to conclusions, it is just an educational session.

President Michael asked for an update on the swimming pool. Mr. Hurley replied that it is fully functional. The pipe has been installed and covered up. We are working to see what we will be able to transition to now in terms of programming and scheduling at the pool.

Mr. Greeson explained how it is important to touch on COVID on a regular basis, and he wanted to share the numbers from the Columbus Public Health epidemiological report where we have had 316 confirmed cases and 11 probable cases. There is obviously community spread going on. We need to reinforce social distancing and wearing our masks, doing everything possible to prevent the spread of COVID further.

Ms. Kowalczyk asked if these new cases are unrelated to the nursing facilities. Mr. Greeson replied that he believes that is the case, our nursing facilities have gotten it under control and are doing a good job. Ms. Kowalczyk asked if we have looked at the requirements for senior centers to reopen and when might the Griswold Center be able to reopen. Mr. Greeson explained that staff has been working extensively on that. There are a lot of requirements including frequent testing of their employees. Mr. Hurley said we are looking at resuming programming, but will not be able to open the doors for the normal flow of business. We would have to do preregistration and do prechecks along with other things of that nature. We have had programs for seniors at the Community Center, and there are things happening on Zoom. In light of the recent spike in COVID, we are evaluating how we feel about bringing back programs since there is a surge in the community. Ms. Stewart described how our most recent discussions have been that we may want to

take a step back and pause with roll out of additional services or programs that we may have suspended since Franklin County is going back to level three. Ms. Kowalczyk expressed that makes a lot of sense considering the trends. She wondered if the City has gotten feedback from older adults who used to participate in person, and if there have been any challenges for them to participating in virtual opportunities online. Mr. Hurley stated that the response has been positive and has evolved since March. Staff does a good job of providing a variety of informal things. In general, we have been positively surprised at the response and how many people are participating via ZOOM and other technology.

Reports of Council Members

14. Reports of Council Members

Minutes:

President Michael conveyed how Council has received a substantial number of letters regarding the United Methodist Children's Home (UMCH) following the recent proposal. Some Councilmembers may have questions and comments regarding the application, and she has been working with Mr. Greeson to suggest a way to coordinate those. First, she wants to make sure everybody understands that this is an application for rezoning. That means that staff receives the application, gives a thorough review and prepares a staff report. Next, the Municipal Planning Commission receives the staff report, and hears comments from the applicant and the public before developing a recommendation for City Council. She expects that the matter will be considered at multiple MPC meetings before it ever gets near City Council. If the MPC were to vote it down, unless there was an appeal, it would not make it to City Council. A lot of people are asking the City Council to make a decision on the project now. Since we are at the first stage of the process, she is suggesting that Council comments and questions be directed to staff and the MPC. There are certain items that are identified for review under the code. However, Council can take additional items that they want staff and the MPC to consider during the review. In order to make this easier and more coordinated, Mr. Lindsey and Ms. Stewart will collect Council questions, comments, and requests. The applicant has a right to file an application and have our process followed. This is a pivotal piece of property and this is something that many people have very strong feelings on, so it is going to take a lot of meetings at the MPC level before anything is going to get to a point of any resolution, coming forward to Council.

Ms. Kowalczyk brought up that she knows that with another development proposal, the developer has met with Councilmembers. She asked whether that would be part of this process. Mr. Greeson replied that the applicant has not asked for that at

this time.

Mr. Robinson asked if the question submitted to Mr. Lindsey and Ms. Stewart would be made public. Mr. Greeson responded that he would like to collect those questions, and bring them back to the full Council. The Council or MPC can ask the applicant to do things such as complete additional studies, or through Council Liaison to ask the MPC to pay close attention to particular aspects of an application. It is difficult for staff to navigate all seven Councilmembers. We need to collect all of those thoughts in an organized fashion. Mr. Robinson explained how he believes it is important that the public knows what individual Councilmembers are thinking as per their involvement in the process. If that could be made public in some manner, that would be desirable.

Mr. Robinson asked if there could be a description of what transpired in 2015, and how this process differs from that. President Michael explained that in 2015 there was not an official proposal. They had a meeting and shared their thoughts about what they were thinking about doing. They did not formally put in an application. This time they have put in an application. At the meeting in 2015, people did not like what they saw. Now they have put in an application, and they need to be treated like any other applicant going through the process. They may go back and revamp their proposal and come back in with something after they receive comment. It is not unusual that the developer comes to a meeting and then changes their plan.

Mr. Robinson asked Mr. Myers about what criteria are followed for the MPC to not just table, but actually reject a proposal and at what point could the MPC reach that conclusion and on what basis. Mr. Myers replied that the MPC could reach that conclusion at any time it felt that it had sufficient information to make the decision. The practice, as President Michael has outlined, has been for the MPC review and deliberate the applicant's proposal, soliciting comments from the public. Typically, the applicant would request that an application be tabled, either because it is ready to be voted on and they do not have the votes, or because they made it very clear at the beginning of the meeting they do not want a decision that night, or MPC communicates they will not give a decision that night because they want to wait for more comment from the public. They do not have to grant that motion to table.

Mr. Myers explained that at this point, we have to go under the assumption that there will be a recommendation from MPC that the zoning be changed. If that is the recommendation, which is speculative at this point, the questions to staff will be what information is needed to approve or reject that recommendation. This would be similar to the review for the appeal of the solar panels. Mr. Robinson described how the solar panel appeal is going to be a semi-judicial function on our part, whereas the request for rezoning would be legislative. We have far greater discretion in how we reach our judgements. Mr. Myers stated that he does not disagree and would say it is closer to a de-novo review. We are not prohibited from

starting all over again if Council wants to. Mr. Robinson asked if the MPC does send it our way, it seems that Council's job at that point is not to simply determine whether we think MPC operated in accord with the code or comprehensive plan. When it comes to Council, our job is far broader in terms of passing legislation where we have far greater discretion to make an assessment outside of simply judging whether code was conformed with. Mr. Myers expressed that his response is pragmatic, if we want specifics in a traffic study out of an applicant, it would make a lot more sense to ask them now whether they are engaged in the traffic study, than wait until it gets to Council.

President Michael brought up how there was information received regarding term limits and a proposal for that. The group has contacted us, requesting that Council place a charter amendment for term limits on the ballot. She requested that Councilmembers become familiar with this request and reach out to the individuals that are involved with this proposal. At a later time, it makes sense for us to discuss whether or not it is necessary for us to have a Charter Review Commission. Mr. Robinson expressed that it is desirable for someone on Council to convey to this group that if we are not going to respond formally by their requested time, we would do so by a certain time. He is not for or against their proposal, but he asked if we need to form a commission to discuss this. President Michael commented that Mr. Lindsey will need to research this further.

Other

Executive Session

Adjournment

15. Motion to Adjourn

Minutes:

MOTION: Mr. Myers moved, Ms. Kowalczyk seconded a motion to adjourn.

The motion passed unanimously by a voice vote.

President Michael adjourned the meeting at 9:53 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org 614-436-3100) | Minutes published on 11/12/2020, adopted on 11/16/2020

/s/ Ethan C. Barnhardt

Management Assistant

Attest:

/s/ Bonnie D. Michael

President of Council