



# City Council Agenda

## Minutes

Monday, November 2, 2020 at 7:30 pm

6550 N. High Street, Worthington, Ohio 43085

### Virtual Meeting Information

Link through: [worthington.org](http://worthington.org)

Our Government - Live Stream

#### 1. Call to Order

**Minutes:**

Worthington City Council met remotely in Regular Session on Monday, November 2, 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, Doug Smith and Bonnie Michael (David Robinson arrived shortly after roll call)

**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 Police Robert Ware, 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)

# Approval of the Minutes

## 5. Approval of Minutes

### a. Meeting Minutes - October 12, 2020

**Minutes:**

**MOTION** Mr. Bucher moved, seconded by Ms. Kowalczyk to approve the meeting minutes as presented.

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

## Public Hearings on Legislation

## 6. 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:**

**The foregoing Ordinance Title was read.**

**MOTION** Mr. Smith moved, seconded by Mr. Myers a motion to amend Section 1 to insert an amount not to exceed \$571,000 and in Section 2 to insert the firm of Insituform Technologies.

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

Mr. Greeson explained how these are important projects that help us maintain our older infrastructure and improve the environment.

Mr. Whited detailed how we have identified multiple areas throughout the City in our sewer evaluation studies. Insituform will be able to take care of this work well and quickly for a very good price. This should take less than 60-90 days and the treatment lasts up to twenty years, if not longer.

Ms. Dorothy asked how much of sewer system does this cover and how often will we do this size of project. Mr. Whited replied that we do this every other year and try to do this continuously. The big portions of the project will done this year, if not the year after. This particular project has nine areas throughout the City with issues recently that we want to make sure to address. Ms. Dorothy noted how we are still under an EPA mandate to address our sewer systems so we do not have overflow and people do not get sick since we have some wells in the area.

Ms. Kowalczyk questioned what this will entail in terms of disruption in the neighborhoods. Mr. Whited described how this is a non-disruptive application and described the process. It does not take very long, it is very effective, and non-disruptive to the community.

**There being no additional comments, the clerk called the roll of Ordinance No. 40-2020 (As Amended). The motion carried by the following vote:**

**Vote Results: Ayes: 7 / Nays: 0**

## 7. 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:**

**The foregoing Ordinance Title was read.**

Mr. Bartter explained how this is a continuation of our CARES act legislation. A large portion of CARES Acts dollars received so far have been used to offset wages and compensation, primarily for our safety services employees. This appropriation from the General Fund and Economic Development fund will go to support non-profits and private employers. This appropriates \$225,000 as a transfer to the Economic Development Fund, \$100,000 for community coronavirus support which is the non-profit portion of this, and \$40,000 from capital equipment for the fire division to facilitate the purchase of equipment for one of the medic vehicles. Out of the Economic Development fund, it appropriates the \$300,000 for ReBOOT. With the first two distributions of ReBOOT, we used previously appropriated funds.

Mr. McCorkle detailed how \$225,000 is geared towards our small business community with another \$100,000 going towards our non-profits. With the \$225,000 for small businesses and the previous \$75,000, the total will be \$300,000 of much needed dollars. The new amount was recommended by the ReBOOT team, similar to what was done for the first two rounds with a twist. For the \$225,000 we are recommending if the company received a \$2,500 award already, they would be eligible to apply for an additional \$2,500, for a total of \$5,000. If a company has not already applied, they can ask for the full \$5,000 award under round three of ReBOOT. Beth Dekker from our Tourism Worthington group is going to put on a Facebook marketing training, if a business signs up they can be eligible to receive an additional \$500 in grant funding. We will require a roster of who took the training. These resources and training can help businesses in the future, and make our dollars go a little bit further. The max award will be \$5,500 if they apply for a grant and take the training. We do have another \$100,000 that is specific to non-profits, such as social services. We are identifying non-profit organizations who could be in need, and we will reach out to them to solicit for applications.

Mr. Greeson brought up the community survey results that was led by the Worthington Libraries. Two of the main things that came out of that were that our businesses still have an acute need, and that mental health is a concern for families and individuals in our community. We are asking these non-profits what needs they see and how can they help us use these dollars to address the types of needs identified in the survey.

Ms. Kowalczyk stated how they were looking at the community groups and non-profits, and grants normally awarded each year. We are looking at last year's awardees, in addition to trying to identify other organizations that might have ideas on what can be done, or have provided in the past but not applied recently. A meeting with potential grantees and organizations will be held next week.

Mr. Smith added that there are people who need help, and we are trying to find those people to help them out.

**There being no additional comments, the clerk called the roll of Ordinance No. 41-2020. The motion carried by the following vote:**

**Vote Results: Ayes: 7 / Nays: 0**

**8. 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:**

**The foregoing Ordinance Title was read.**

Mr. Greeson describe how at the previous Council meeting, there was approval of a revised job description for the new Assistant City Manager/Economic Development Director as part of a small reorganization. This change in compensation is tied to that change in duties.

**There being no additional comments, the clerk called the roll of Ordinance No. 42-2020. The motion carried by the following vote:**

**Vote Results: Ayes: 7 / Nays: 0**

## **New Legislation to Be Introduced**

**9. Resolution No. 50-2020 Intent to Appropriate Private Property - Northbrook Sewer Project**

**Minutes:**

Resolution No. 50-2020 was introduced by Ms. Dorothy.

**MOTION:** Mr. Robinson moved, seconded by Mr. Bucher a motion to adopt Resolution No. 50-2020.

Mr. Greeson detailed how this is related to the need to appropriate property for what is a large and very important sewer project that the City has been trying to undertake for quite some time.

Mr. Lindsey described how the resolution is a declaration of intent to appropriate property. This is a statutory and code requirement prior to Council actually authorizing the appropriation. It is a two-step process, with first there being a resolution declaring the intent to appropriate, and then the second step is the ordinance actually authorizing the filing of the appropriation with Franklin County. There have been some initial attempts to negotiate the necessary easements for the Northbrook Relief Sewer Project. We were successful, except for the sanitary sewer easement related to 91 Chaucer Court. An appraiser has been arranged to provide an actual appraisal for the easement we are requesting, and that information will be provided to property owner and their attorney. Attempts will be made to negotiate informally, if unsuccessful, we will return to Council and ask for the authorization to file an appropriation case. At this stage, this is a necessary first step to enable us to move forward. If successful, the Northbrook project can move along sooner, otherwise it will wait until the completion of the appropriation case.

Ms. Dorothy asked what this easement means for the property owner, what happens once all the construction is done. Mr. Lindsey replied that there are two easements, one is the permanent easement where the sewer will lie, and give us the ability go in

and make repairs in the future without the need to gain other temporary construction easements. The temporary construction easement included in this package gives us the necessary area for equipment. The property owner will have the right to use the property above the easement, the limitation will be on building things that would impact our ability to repair the sewer in the future. Currently the sewer crosses the property, so it does not change the reality that there has been as sewer on this property in upwards of almost 100 years. Ms. Dorothy summarized that the property owner cannot build anything permanent, but for the most part after this piece of the work is done they should have the majority use of their property. Mr. Lindsey responded that is correct. The easement requested is in the rear-third of their yard and is consistent with an easement that crosses on the other side of their property.

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

**10. Ordinance No. 43-2020 Supplemental Appropriation - Waterline Repairs (Columbus Water)**

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

**Minutes:**

**Ordinance No. 43-2020 was introduced by Ms. Kowalczyk.**

**The public hearing was set for November 16, 2020**

## **Reports of City Officials**

**11. Policy Item(s)**

**a. Department Budget Reviews - Administration, Law, Finance, Personnel, Planning, Police and Fire**

**Minutes:**

Mr. Greeson overviewed how tonight's budget presentation will go over the departments of Administration, Law, Finance, Personnel, Planning, Police, and Fire. He highlighted a couple outreach efforts that the City has undertaken, including an online budget simulation tool and the first in a series of budget and finance videos, which can be found on our website. Each budget year has its own backdrop, and this year has been unique. The focus for fiscal year 2021 are on the maintenance of existing services. There will also be the utilization of fund balance to fund continued economic development on East Wilson Bridge Road. There is a great bit of economic uncertainty, particularly with income tax collections and Parks and Recreation revenue. This budget is being balanced through keeping some positions vacant, which will have an impact on operations. 2021 also include 27 pays as opposed to the usual 26, which occurs every 11 years.

Under the Legislative & Clerk portion of the Administration Department budget, we are trying to save money and have reduced costs for online video streaming production by managing it in-house, lowering cost by \$19,200. We have also reduced some usage of consulting assistance. In the Mayors Court, we have

added a small amount of funding for Vice Mayor. We received a request from staff for a new position for communications and social media assistance to respond to a growing demand for all forms of communications. At this point the position is not funded, despite it being a need. In Economic Development, we picked up some costs related to the EV-charging stations. In Personnel, we have added funding for city-wide training. One of the goals related to that is diversity, equity, and inclusion training.

Ms. Kowalczyk asked about the added funding for the EV-charging stations and if there is some way to recoup that if we evaluate the fees we are charging. Mr. Bartter explained that we can, but we still have to show the expense even though it is being recovered on the revenue side. It is a small deficit because we are not recovering the full cost.

Mr. Greeson overviewed the goals of the Legislative & Clerk budget goals that incorporates what Council articulates as priorities. In 2021 there needs to be a discussion about aligning priorities with the visioning document. We need to find ways to make priorities and develop a more consistent strategic plan.

Additionally, we need to address again the idea of a Joint Recreation District to help support the redevelopment of the Worthington Pools. The Mayor's Court priorities are to review the fine and court cost schedules and provide diversity, unconscious bias, and access to justice training for court personnel. In the Department of Administration, expenditures are flat in 2020. Many of Council's priorities show up in Administration's budget goals. In Personnel, expenses go down in 2021, much of that is reflective of retirement payouts being budgeted differently and the transition to NRECC. Personnel goals include to work with the Employee Diversity and Inclusion team to review internal policies and practices, conduct a city-wide implicit bias training for all staff, and to review and revise the performance evaluation system.

Mr. McCorkle explained how in the Department of Economic Development, the transfer to the Economic Development Fund had decreased to \$200,000 back several years ago, and does need to increase back to \$300,000. You are seeing here also an additional \$300,000 from the CIC requesting for the acquisition of two properties on East Wilson Bridge Road. The CIC has two properties under contract right now and do have an option on those properties. Closing is anticipated in January if these funds come available. For the \$633,000 in contractual services, that is the net effect of dropping the venture grant by \$50,000 and building our building improvement line by \$240,000. It also includes, our contractual service with CoHatch has burned off and is no longer part of this in 2021. Economic Development goals include supporting the redevelopment of the Worthington Mall, adding quality tenants to the former Anthem Building, continuing to support the Worthington Gateway project, advance the Corporate Hill drive extension, implementing strategies to support the redevelopment of East Wilson Bridge Road, and evaluating strategies to support attraction and growth of minority and disadvantaged businesses in

Worthington. We are currently in the process of identifying what minority business owners we have in our community, we want to bring them to the table to see what their needs are before starting new programming.

Mr. Oliver detailed how since joining the City, the IT department has focused on improving the reliability and availability of services core to the City operations, improvements to collaboration, and improving the information security program's robustness. To accomplish this, we have eliminated legacy and costly service, replacing them with cloud-based solutions that improve City operations and employee productivity. From a fiscal perspective our year over year non-staff related expenses are down slightly. In 2022, expenses are up slightly reflecting the timing of multi-year service renewals. We have made significantly progress on our information security program, in particular our disaster recovery service. The next goal focuses on aligning IT and economic development, leveraging our city-wide IT knowledge and experience to further our growth objectives. The next real steps are to engage the business community for their feedback to build out further plans. The final point addresses several improvements underway, including implementing a new records management system for the Police Department, upgrading the Fire RMS, and a new management system for the Service and Engineering Department.

Mr. Bartter detailed how for the Law Department, legal services was increased to reflect actual usage in 2021. The Law Director will continue to provide legal assistance for all City operations. The Finance Department does not have a lot of significant changes. The consultants line decreased by \$25,000. In terms of goals for finance, they will be undertaking a new auditor for the next three-year cycle, we evaluate debt strategies, implementing a new payroll and accounting software, and the continuation of evaluating fees and services.

Chief Ware explained how the Police Division shows a loss of the 7.5 full time equivalent positions due to the transition to NRECC. 94% of the Police's budget is personnel and they are holding one of the five vacant positions that are being used as a way to reduce the impact of the 2021 budget deficit. In 2020 the increased personnel services was the result of the way we do the pension, 2021 will show the resultant decrease from the contract with NRECC. Other cost saving measures have been implemented. Their goals in the next budget include improving the efficiency through the records management system, the HVAC vestibule projects are ongoing, implementing electronic ticketing capabilities, they are in the ongoing process of developing new community engagement strategies, and evaluating increased collaboration between mental health providers and the Police.

Mr. Brown overviewed the Department of Planning and Building, they have 34 ARB/MPC/BZA meetings each year. Since last year, they have processed 186 applications before all boards and commissions, in the same time reviewed over 1,100 building permits and issued over 1,000. The number of permits issued have a construction valuation of over \$72 million in the last year. During the

same time, we had almost 3,000 inspections of projects, and looked at 250 property maintenance and building code complaints. Throughout, they have maintained the 3-4 day review time for all their building permits. One thing they have been working on is the work management software, due to the pandemic, they are a couple months behind. They hope to go live in December or January. Some of the increases in budget are due to the work management software. Some of the big projects include the High North development, the Worthington Gateway, the UMCH site, the Harding site, the Anthem site, and a continued focus on the Wilson Bridge Road Corridor.

Chief Zambito stated that the Division of Fire is transferring building maintenance funds to the Department of Service and Engineering, resulting in a reduction to their budget. They are unable to fund an Assistant Chief of Emergency Medical Services and Community Risk Reduction, a position that has been explored for many years. There is a need for an EMS coordinator. As currently structured, those functions go through a line officer and the EMS coordinator. While researching our responses, 10% are resultant of falls, primarily senior citizens. In our current quality assurance/improvement program, it does not allow us to dig deeper into those non-critical patients with the resources available. To get intervention started in our community, the first piece of the puzzle would be this position. We want to try to get a prevention program in place if we have the resources. They are looking to improve the fire prevention program, which some changes have allowed Lt. Dunn to get out into buildings. Self Contained Breathing Apparatus need to be purchased, the current SCBAs, are about 13 years old and are at the end of their usable life. The Division will also be working to implement a new Electronic Patient Care Report and Records Management System software.

Mr. Greeson explained how the Chief highlighted a position that is needed, but cannot be funded in this year's budget cycle. He will separately distribute a report that Chief Zambito wrote that justifies the position, articulating some of the goals. It gives some data to frame the issue around the number of falls and lift assists that can lead to a greater medical need if unaddressed. It is an ongoing issue that has not been highlighted previously. Ms. Kowalczyk explained in her experience, communities that have implemented a similar position have found savings and been able to conduct some interventions. She asked if it would be a possibility at some point with this program. Chief Zambito explained there are two angles where there are savings. First is from the more education that can be done with firefighter-paramedics on reporting. In Upper Arlington they have a 40-hour EMS Coordinator and they have a much higher return on their billing than we. Secondly, once you hit a certain number of transports through Medicare/Medicaid, they no longer reimburse you. If we are able to get to the high utilizers, there is a savings there.

Mr. Bartter added that the Board of Health contract with Columbus Public Health, we anticipate a 5% increase from the \$70,000 paid in 2020. Refuse



service and funding for special groups is held flat from 2020 into 2021. The contingency was increased at the beginning of the pandemic, it would drop back down to the \$50,000 we have there. The dispatching services is new for 2020 as it was split off from the Police Department. That contract is reduced in 2021. In other funds, we have Police Pension were we are required to pay the Police Pension from Municipal Motor Vehicle License Tax. The Coronavirus Relief Fund is one of our new funds.

Mr. Greeson highlighted that on November 9th, Council will hear from Parks and Recreation and Service and Engineering, and also the Worthington Partnership, the Worthington Historical Society, and the McConnell Arts Center. That will be a robust budget conversation in addition to hearing the visioning report.

Ms. Kowalczyk requested when looking at the Police budget and collaboration between mental health providers and the Police, she would like to hear more about their partnership with Columbus Police, Franklin County, and their Mobile Crisis Units. She wants to know how that is working now, and what thoughts there are about improving or expanding that relationship or services. Chief Ware conveyed that if we can leverage existing units and relationships to be more cost effective for Worthington, that is the smart thing to do. As we dig deeper and collaborate with other organizations, we may find we want to have our own unit. He wants to do what is fiscally responsible within our staffing levels while also giving the best services to the community. Ms. Kowalczyk agreed about examining and understanding what we are doing now. In terms of the survey that was recently completed and the mental health impact of the pandemic, it is even more relevant. It is an issue our community can do better on and Council should be kept informed of the progress.

## Reports of Council Members

### 12. Discussion Item(s)

#### **Minutes:**

Ms. Dorothy thanked the Bike and Ped Committee for inviting Councilmembers to hear about bike boulevards. Maybe we can get the City of Columbus Vision Zero engineer to present. This weekend she got to the art installation for Art Unite C-Bus over at the McConnell Arts Center. There is a start-up group, Gen-Z Worthington, trying to create conversations and unity in Worthington. They had a pop-up art installation on the Village Green. She thanked staff for helping to get them the permit they needed to have that installation. Hopefully it encourages people to talk with each other in Worthington.

Mr. Myers shared a thought about how we do not do a lot of discussion when it comes to the Operating Budget. He hopes that if there are any citizens listening, they understand the reason why, which is that he views the Operating Budget much like his home budget. While he can switch to LED bulbs or get a low flow toilet, there is not much he can do about his gas, electric, or mortgage bills. Our operating budget is set

similarly. The real policy discussions are with the Capital Budget where priorities are expressed.

Ms. Kowalczyk detailed how there were quite a few policy items in the operating budget. She appreciates the discussion about the issues regarding fall prevention and mental health, she is glad to see us putting some priority on them. She wanted to thank Mr. Greeson and staff for all their efforts towards our original resolution about racial equity and how we wanted to have a more diverse, inclusive, and equitable community. These are important priority issues that were identified this year and need to be supported by our operating budget. There are other police areas connected to that resolution as well. She thanked Mr. Greeson and Chief Ware for arranging several opportunities to have discussions with various members of the police department, and other experts around police operations, and where there might be the ability to move our public safety initiatives forward in light of racial equity issues. The resolution we discussed tonight has a component of that. She has talked about and will continue to look at reporting from the police department around things such as bias and traffic stops. She wanted to put this out there to thank everyone involved, and let the public know that we are continuing the work of the resolution. She participated in the 21 Day Racial Equity and Social Justice Challenge that the CRC is partnering with the libraries for. It is a learning circle with daily assignments to review materials related to racial justice, and then having a conversation. She also thanked everyone involved with setting up the flu shots. President Michael mentioned that she and Mr. Greeson had a Zoom meeting along with CRC members about what they can be doing to help Council and the community. Mr. Greeson explained how he is going to distribute some reports and a background on a topic the CRC would like Council to think about around source of income discrimination. Additionally, he thanked folks who organized the flu shots. Lastly, the Visioning Committee is going to be presenting their final statements to Council next week. We need to look at this as a several step process where they are going to present their statements, then it will be followed-up with the report which will provide all the background information that supported the development of the statements. Finally, it makes sense to adopt by resolution the vision statements once Council comes to a point they agree and embrace them. Next year we will spend time deciding how to move to action on these things.

**a. Overview and outline for a proposed resolution regarding City Council oversight of law enforcement, related to crowd control/1st amendment events by Council Member Robinson**

**Minutes:**

Mr. Robinson described how these issues are complex and the proposed resolution is simple and straightforward in its outline. The basic purpose of the resolution is to enable Council to better fulfill its oversight function of law enforcement, particularly deployment in crowd control for First Amendment events, within Worthington proper and other jurisdictions as part of existing

mutual aid agreements. There are two basic provisions, first to formalize protocol for timely notification of Council when these types of operations are imminent or ongoing, and secondly to update existing code 121.06 regarding the convening of special meetings. If Council can discuss this and pass the resolution, it would be a simple, yet important step forward.

Ms. Kowalczyk stated that this is a good idea and has been talked about. Council has a responsibility to know what is going on in these situations. We tend to get notified promptly, but this would put a formal process in place that recognizes our responsibility in terms of oversight. She supports having this resolution drafted and considered.

Mr. Myers questioned about First Amendment and crowd control, and what is expected and how we define it. For context, a Friday night football game is a First Amendment, crowd control situation, so is the Fourth of July celebration. He asked would this resolution apply to those things amongst others, and if not how is it narrowed. Mr. Robinson responded that the term crowd control is the term used within the police profession, that would be operationally the language to use in this resolution. He wanted to include terms like First Amendment and free speech events as part of his framing for why this is important. Regarding the Fourth of July or Market Days, Council could be notified about those things, though it is not important to know about those events. Mr. Myers explained whenever First Amendment comes into play, it becomes a very difficult thing to define, regulate, or parse out. Even commercial speech is protected speech. It is difficult to say that one First Amendment speech is important, and another one is not. You cannot establish priorities of First Amendment speech and it all must be regulated the same. He would think that the resolution would need to be very broadly written and would result in a lot of unnecessary communication. Mr. Robinson explained that the intent relates to crowd control. Mr. Myers stated that anytime you are moving people from one place to another, that is crowd control. That would apply to traffic at a high school football game. Mr. Robinson asked rather than defining things in a way that could make things difficult, what language could be used to get at the intent as outlined. Mr. Myers wondered what the intent is. If the intent is just protests, you cannot distinguish when it comes to First Amendment speech.

Ms. Kowalczyk described how the intent is more about the response, and the degree of response. She is not interested in learning about every time traffic needs to be directed. When there is a response that requires something that is unusual or more involved that does not happen often, or could have an adverse impact on a crowd, that is what she is interested in. Is there a way to write language that addresses the language relating to the response, as opposed to the circumstances. When that occurs, Council should be informed promptly. Mr. Myers understands the intent, which is narrow and focused. He is suggesting that we may not be able to make those distinctions when it comes to the exercise of First Amendment rights. When discussing response, he does not

know what that means. Ms. Kowalczyk explained if the response is something that could be escalated as opposed to informing that person to move, and could have an adverse effect on that person. She is thinking about pepper spraying of protestors. This is a conversation she wishes there had been more discussion with Mr. Lindsey and Chief Ware, about whether this is even possible. She does not want to sit here and debate it if we cannot work through a mechanism for doing it. Mr. Myers responded that this is not the first time he has raised these concerns. His point is to figure out if we are looking for an after the fact evaluation or an on the spot reaction. Mr. Robinson replied that the timely notification is a key element of this. He would say that we might as well drop the First Amendment terminology as it is problematic. He would rather focus on the issue of crowd control. In order to narrow the instances where notification would be warranted, it could be something about if it is a non-scheduled event. We are not talking about ordinary football games for farmers markets.

President Michael asked if we are trying to micro-manage the police department, because it feels that way. She does not have the police background to understand what is right and wrong when talking about what policing should be. She is worried about this. Mr. Robinson responded that this is not an effort to micro-manage the police. That is clear in his notes. He asked if Council should have no say in these types of events, which he does not find acceptable. It is not wise policy for Council, or fair for our police forces to be expected to make judgement calls about participation about certain crowd control operations, when they may or may not know if Council and the public would support what they are doing. President Michael explained that the other side is that a lot of times with things such as crowd control, it is a fast moving situation. She is afraid if the police have to stop and get Council permission to do something, we will be harming their ability to do their job. Mr. Robinson explained that is not part of this proposed resolution. There is no need for them to wait for approval to do anything, it is a misunderstanding of what is being proposed. The only way their operations could be impacted by this proposal would be if Council were to subsequently convene in a meeting, which is in the second provision, and discuss amongst themselves whether ongoing participation and support is something Council would want to endorse. If not, then the City Manger could be directed to intervene. To suggest law enforcement should not be amendable to civilian oversight is not something that should be the case in our country and community.

Mr. Myers asked how this resolution would change what we do now, as opposed to codifying what we do. For example, this conversation being had right now is part of that civilian oversight. That is why he was pushing to have this on the agenda. Mr. Robinson replied that for instance, in May, when our police on two evenings participated in Columbus operations downtown relating to the Black Lives Matter protests, he was unaware until almost two weeks after the fact. When he asked people in the public whether they knew our police had

supported Columbus Police in these operations, no one was aware that we were doing that. This resolution would change that Council would no longer not know what our police are doing relating to crowd control. Mr. Myers focused on the events in Worthington, asking whether there should have been a change in how Council was informed in those events. Mr. Robinson replied that City Manager Greeson did an excellent job keeping us informed. Mr. Myers said that Mr. Greeson invited Councilmembers to the command center, and notified them in advance so Councilmembers could march if they desired to do so. He believes that the City Manager did what was expected in those circumstances. Maybe in hindsight Mr. Greeson dropped the ball on our traffic control in the first instance when assisting Columbus. Mr. Greeson said he would take responsibility for that. Mr. Myers explained that if this resolution codified what was done in the incidents in Worthington, it is basically us broadcasting how we do business in and expect in Worthington. By and large, staff have done a pretty good job of letting Council know what is going on. Mr. Robinson agreed, but sound public policy should not be based on personalities and people in office right now. Years from now we do not know who will be the City Manager or Police Chief. This is a prudent step to formalize protocol where Council will be informed regardless of who is City Manager or Police Chief, and the public will know what their own police force is doing. Ms. Kowalczyk conveyed how this is codifying what we were provided in communication for the reasons Mr. Robinson elaborated. Mr. Myers asked if the language of the resolution could say something like, "...at the earliest possible opportunity, the City Manager shall inform the members of Council at any time that the police are asked to assist in crowd control..." Mr. Robinson and Ms. Kowalczyk agreed with that language, and noting as soon as possible would be satisfactory to him. Mr. Myers also added, "...and shall continue to inform members of Council as appropriate..." With that being said, it does some discretion up to both the Chief and the City Manager as it has to be. Mr. Robinson explained it puts the burden on them to let Council know as soon as possible.

Mr. Myers wondered if this is the will of the majority of Council before Mr. Lindsey can put pen to paper on drafting these revisions. He asked for President Michael to poll Council to see if there is consensus. Ms. Dorothy expressed that with the conversation Mr. Myers helped to facilitate, she would be happy moving forward. Mr. Smith said he was glad this conversation was had and he is in favor. Mr. Bucher conveyed he is in favor of moving forward.

Mr. Robinson explained how the second part of this, is to update the existing code outlining how special meetings can be convened, recognizing there will be complexities. This part of the code was drafted in pre-internet days and he does not think we need physical delivery of notification. His sense is the ways that a special meeting could be convened seems on target, so really it is about updating how Council should be notified and changing the language to make it gender neutral. Mr. Myers explained how the language for notification could say

electronic, but in his mind an email is written. Mr. Robinson expressed he is comfortable with the language that Mr. Lindsey uses. Mr. Myers discussed that as far as delivery goes, the courts consider electronic submittal to be delivery. We could probably include electronic in the language, but the current language would be permissible, allowing electronic delivery and notification. Mr. Robinson conveyed that he thought there was ambiguity about turnaround time for the Clerk, and they could theoretically sit on a request to convene for an undetermined amount of time before notifying everyone. So there should be some language such as, "as soon as practicable" or something like that. Mr. Myers wondered about what if it happens to be on a Sunday and should the City Clerk be checking their email on Saturdays and Sundays. Mr. Robinson suggested, as soon as practicable, ideally within 24 hours. Mr. Myers posed the idea of next business day. Ms. Kowalczyk expressed there is still some question about the interpretation of the language around electronic delivery and she is interested in the answer. Mr. Lindsey expressed he wanted to make clear there will be some need to clarify language definitionally, and clarifying the intent. His intention will to begin drafting, looking at other cities, making sure we are in compliance with our own City Charter. Our Charter does give authority to have meetings on less than 24-hour notice, it is only in our code. Westerville's City Charter has a 12-hour provision in theirs. That is an issue for Council to decide.

## Other

### Executive Session

#### 13. To consider the appointment of a public employee or official

**Minutes:**

**MOTION** Mr. Smith moved, Mr. Myers seconded a motion to go into Executive Session to consider the appointment of a public employee or official.

**The motion carried unanimously by a roll call vote.**

Council recessed at 9:31p.m. from the Regular meeting session.

## Adjournment

#### 14. Motion to Adjourn

**Minutes:**

**MOTION** Mr. Myers moved, Mr. Smith seconded a motion to adjourn.

President Michael declared the meeting adjourned at 9:57 p.m.

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Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org 614-436-3100) | Minutes published on 12/08/2020, adopted on 12/07/2020

Attest:

/s/Ethan C. Barnhardt  
Management Assistant

/s/ Bonnie D. Michael  
President of Council