



# City Council Agenda

## Minutes

Monday, December 7, 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, December 7, 2020, via Microsoft Teams videoconference. President Michael called the meeting to order at or about 7:38 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, Assistant City Manager Economic Development Director David McCorkle, 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, IT Director Gene Oliver, Chief of Police Robert Ware, Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress

#### 3. Pledge of Allegiance

**Minutes:**

President Michael suspended saying the Pledge of Allegiance, as it had been said before the Joint Meeting.

#### 4. Visitor Comments

**Minutes:**

There were no visitor comments.

## Special Presentation(s)

### 5. Update - Nikki Hudson, President Worthington Board of Education

#### Minutes:

Ms. Hudson described how the intent tonight is to give Council an update on the construction at the middle schools. In 2016-2027 a facilities task force determined that an increase in capacity was needed at our middle schools, and additional sixth grade space. She showed photos and schematics for Worthingway Middle School, detailing the new construction going on. In the student commons and cafeteria area, there is lots of natural light. It is important to share that the feedback from their administration is that the City has been fantastic to work with. Worthingway is scheduled to have the second story addition opened in January, and fully complete by Fall 2021. She overviewed an update on the Perry/Phoenix location, much of the addition will be in the back of the existing building. Once again, there is lots of natural light coming into the building, really changing the feel of the buildings. The new second story addition will be open for students in February, and the project completed in Fall 2021. She showed schematics and photos of Kilbourne Middle and McCord Middle schools. Construction is underway and should be completed Fall 2021. President Michael thanked Ms. Hudson, noting how these middle schools will be wonderful jewels for our community once completed, helping our students. The schools are overcrowded and this is a great solution.

Ms. Dorothy asked when the buildings were expected to be completed and occupied. Ms. Hudson responded that they are intended to be fully complete and occupied by Fall 2021. Ms. Dorothy asked how long we expect these buildings to last before needing major repairs. Mr. Eble replied that the intent is always to have buildings that will be able to get as much life as possible. The new construction should have a life expectancy of 30-50 years, similar to the original buildings. The life for systems such as HVAC and boilers is typically 25 years. Ms. Dorothy explained how the Bike and Pedestrian committee noted how in front of Perry Middle School at Snouffer, they were hoping there would be a walkway that didn't direct people who might not want to go to the school to keep going parallel along the street. Mr. Eble described how a bike path was included in the original design but was removed because of the additional \$150,000 price tag. That does not mean it could not be added in the future. Ms. Dorothy expressed she understands how different modes of transportation get included or excluded, she wants to put a priority on people who do use biking or walking. It would be better if we had a straight path.

Mr. Robinson asked about the structural longevity of the buildings, and how old the Kilbourne Middle School is. Mr. Eble said he was not sure, but that it was perhaps 70 or more years old. Mr. Robinson asked if the new additions are designed to last 30-50 years. Mr. Eble explained that the original structure was the way artisans used to build things, and has a much longer life. The masonry going up as long as maintained, should have a long life.

Ms. Hudson shared that at the next school board meeting, they will be looking at their

mental health resources and the allocation of those resources. Looking into the next year, the pandemic has only increased our mental health needs. She sees that as a potential collaboration between the schools and the City. She wants to keep that dialogue open when looking to the future needs of the City. President Michael conveyed that Council would keep their minds open, noting that there is one program geared towards senior citizens through the Fire Department, but we do not have the funding at this time. That might be an area to collaborate.

## **Administrative Hearing**

### **6. Appeal of Architectural Review Board Decision - 150 W. New England Ave.**

#### **Minutes:**

President Michael described how this agenda item is an administrative hearing. Since Council does not often hold this type of hearing, she thought it would be beneficial to provide a brief overview of the hearing process. An administrative hearing is considered a quasi-judicial hearing, and Council's role is similar to a judge or jury, and differs from the traditional legislative role. Council will look at arguments and evidence presented by the parties and then renders a decision. Council's decision must be based on the existing law, and the evidence presented at the hearing including relevant testimony and documents. Just like a trial, members of the public are not permitted to offer their opinion to the judge unless called as a witness to testify. In a legislative proceeding, Council would make a policy decision about a change in existing law, welcoming the public to express their views. In an administrative hearing, Council is applying the existing law to the facts or evidence presented at the hearing. The public's opinions on how the law should be changed would not be relevant. Tonight's administrative hearing is an appeal of the Architectural Review Board's decision to deny Patrick Roger's request for a Certificate of Appropriateness to install solar panels at 150 West New England Avenue. Council will be considering the appeal based on the existing Design Guidelines as they were amended in 2017. The administrative hearing is not about whether Council should consider amending the guidelines, it is how the guidelines apply to the proposed solar panels. If members of the public intend to speak about changes to the guidelines, they must understand that they will not be permitted to speak during the hearing.

Members of the public are certainly welcome to email City Council, as many have, about their comments for future legislative consideration.

The proceeding will have several steps. First, the Director of Planning and Building, Lee Brown, will provide a brief overview of the particulars regarding the administrative hearing appeal. Mr. Brown will enter into the record the materials that were included in the City Council's packet. Mr. Rogers will then present his arguments as to why Council should grant his request for a certificate of appropriateness. This may include evidence in the form of sworn testimony, or documents for Council's consideration. It may also include Mr. Rogers' explanation as to how his proposed installation meets the correct design guidelines. Then, City Council may ask Mr. Brown and Mr. Rogers

clarifying questions about their presentation. The Council packet contains the minutes of the Architectural Review Board hearing. Council may ask members of the Board questions to better understand their decision. Mr. Rogers will then be able to make a short closing argument. Finally, Council will deliberate and render its decision. The Law Director has recommended that be in the form of a motion in the positive to avoid any confusion, which is standard protocol. The majority of Council will determine the outcome of the hearing, voting yes if the appeal should be granted.

Mr. Brown noted for the record that the chair of the Architectural Review Board/Municipal Planning Commission, Mr. Coulter, is on the call tonight along with Mr. Foust who is also a member. The request that went to the ARB on September 24, 2020 was for the installation of solar panels at the northwest corner of W. New England Avenue and Evening Street. He overviewed the materials submitted to Council in their packets. Tonight, Council will see what the Board saw at their meeting and what is out there today. Before the end of the meeting, the applicant did make some adjustments, asking for consideration for the roof to go from a tan, to a black. This is a house that was built in 1959 and is a split level. The applicant proposed to install 25 solar panels across the southside facing to the rear. The house is situated so that the panels can only face north or south. The Board did have discussions about placing solar panels on the north side of the structure, but the applicant said that only 75% of return would occur in that case. On the Evening Street side of the house, the northern portion of the roof is not very visible in the right-of-way, which is why the board suggested it. Looking at the house now, the roof is black, and the solar panels would blend in with the roof color.

Mr. Rogers, the applicant, expressed his opportunity to be here to present tonight. His argument is that the resolution as written allows for these solar panels to be placed where requested. Looking at the resolution, in section C it talks about how it is preferred that the panels are not visible, but in C-ii, panels that would be visible may be acceptable, listing a number of criteria that would make visible panels acceptable. In the ARB, everyone agreed his application met all of the criteria regarding historic materials, any distinctive features, and that a 1959 house generally does not have those things. Further, if panels are to be visible, the ARB should first identify functional and decorative features of the roof, and conclude that the panels do not impact those features. The ARB found that his roof did not have any of those distinctive features, and did not object on that provision. He then overviewed further how applicants must demonstrate that solar panels are part of an overall plan of energy efficiency and sustainability. He detailed how this is actually one of the last steps for his home. They have installed a smart thermostat, smart light bulbs, a new HVAC system, new appliances that are energy efficient, and pay for additional recycling bins. They have also had a home energy audit performed. As written, he believes he meets all of the criteria. The bottom line is this resolution goes into great detail about how someone can apply for visible panels to be installed. He believes he has met those criteria. The ARB's main complaint was that the panels are visible, and was almost decided as if it is not allowed to be visible. There were references to intent

cited, but the resolution itself is fairly black and white. He does not believe that having panels on his home would adversely affect the aesthetics of the Historic District itself. In the ARB and his appeal, they live in a historic district, but there are lots of things around that were not there when the homes were built. We do have to move with the times somewhat, and solar panels are the next step in that process. When asked by Mr. Myers what percentage of his roof would the solar panels cover, Mr. Rogers replied that he did not have that number. Mr. Myers asked whether it would be accurate that the garage has the least coverage of the roofs. Mr. Rogers said he knows when the design was being built, they had to switch the sides of the panels because fire code requires a walkway around the edge.

Mr. Robinson expressed he was interested in hearing Mr. Coulter and Mr. Foust summarize their own individual rationale for voting the way they did.

Mr. Foust clarified why he was a nay vote, going back to when the legislation was initially passed. It was decided at the time we needed a base position that the City would approve most solar panels unless there was a specific reason not to approve them, or take a stand that solar panels would not be approved unless there was a way to make them fit into the Architectural Review District. A key part of making them fit into the District, was to place them on the rear of the house. In general, we are not supposed to be approving solar panels on the front of a structure. Secondly, it does impact the Architectural Review District, not only from the look of this specific home, but this is adverse to what we are trying to do in the district, which is a small, limited part of Central Ohio. In compliance with what Council initially recommended, he does not believe they should be recommended for this home.

Mr. Coulter described how he agrees with much of what Mr. Foust has said. The issue of solar panels in the Architectural Review District is something that is taken very seriously. With that being said, when the guidelines were adopted, there was a great deal of discussion that took place. No legislation is perfect, but this is a good workable document. One of the largest things was the part about what conditions should be considered for approval. The homeowner has gone to great lengths to meet the requirements of this legislation to make sure he has done everything that he can do with other parts of his home before bringing this before us. This home is not considered a contributing property in the District. One thing that hurts it, is that this is a corner lot, and there are two front streets involved. There was a lot of discussion about putting the panels on the northside, but the efficiency rating dropped to a point that it did not make economic sense. This will not be the last time that something like this comes before us. This case, more so than others, should be considered for approval. It does not downgrade the Historic District, and would show people we are careful with our planning. The primary reason he voted for this is that the property owner has done everything that Council has asked in terms of the legislation.

Mr. Myers described how when there were solar panels proposed about four years ago, on a similar property to this one, there was a substantial public outcry. We had more letters opposed to the solar panels, than we had in support of the solar panels now. This caused Council to rethink their approach since the City's code was silent on

how to address this issue. We engaged multiple community groups, the Historical Society did a great deal of research, and we came up with the Design Guidelines as they are seen today. The general rule was that visible solar panels should not be permitted in the Architectural Review District. However, as to not completely close the door, we came up with criteria where visible panels could be justified. He asked that Council when deliberating this, it is not about preferences on solar panels, this is about how to reason through the Design Guidelines and come to a conclusion. He does take one issue with Mr. Coulter's remarks, we specifically did not want the idea of contributing properties to have anything to do with this analysis. A contributing property is one set out in the application for designation on the National Historic Registry, and certain properties were identified.

Mr. Myers described how there have been references to a fire code and asked if we have a citation or if that is in the record somewhere describing what that code provision is. He could not find it when he reviewed the record and wanted to know if it was submitted in the application process. Mr. Brown responded that he did not believe so, but it was referenced at the meeting. Mr. Myers asked if we knew what the code provision says or what it is. Mr. Brown replied that he did not.

Mr. Robinson asked Mr. Myers to speak as to where his previous question was going. Mr. Myers replied that the guidelines envision that there is maximum possible coverage so that the panels blend into the roof. That does not appear to have occurred here, which could be one strike against the application. If there is a valid reason for there not to be complete coverage that is legitimate, but there is no evidence other than just a statement that would convince him that is true. We are sitting in a quasi-judicial capacity and need to decide this on the evidence in front of us and we have no evidence of a fire code condition. There was no evidence presented as part of the application as to that condition. Mr. Lindsey clarified that there was Mr. Roger's statement regarding the fire code limiting the ability to do a complete coverage of the roof because of the walkways. There was testimony regarding its impact, but Mr. Myers is correct that it does not appear that the fire code was presented during the hearing.

Ms. Dorothy explained that she looked up the code, where it described that the panels cannot be closer than three feet from the edge of the roof. She does not see any written testimony for what it is. In all intents, there is some code language not in the documents right now.

Mr. Myers asked Mr. Rogers to characterize the architectural style of his home as set out in the Design Guidelines. Mr. Rogers responded he is not an architectural expert, but would say it is mid-century. The Architectural Review Board did not find any distinctive features as outlined in the resolution regarding this home.

Mr. Rogers provided his closing remarks, thanking Council for taking the time to hear this appeal. This is an important appeal for the neighborhood and the Historic District. He leans on the resolution itself, it states what are the criteria that need to be applied, and he feels he has met those criteria. If his proposed panels do not meet the criteria for exposed solar panels, then nothing can, effectively setting the precedent that this

resolution outlaws visible solar panels.

Ms. Dorothy explained how she was at the 2017 meeting where Council made these new guidelines. She thought that these numbers of consideration were for specifically this type of situation where we wanted to look at having visible solar panels. She was very concerned about the wording about whether we were encouraging or discouraging solar panels in Worthington with this.

Mr. Smith said that Ms. Dorothy's comments were the same as his takeaway from those meetings. He empathizes with Mr. Rogers as he lives in a very similar situation in the Architectural Review District. He sees the guidelines, that if you are on the edge, it can be a case-by-case situation along the border. In this particular situation, this is why the guidelines were drafted in the first place.

Ms. Kowalczyk described how looking at the language of this ordinance and how it should be applied to this case, Mr. Rogers did a really good job of walking us through the steps of the analysis. If solar panels are visible in the right-of-way, they are only acceptable if there are no adverse effects in three different situations: the architecture of the building, character of the site, or the character of the Architectural Review District. For the first two, there are some additional standards to look at, including the historic character of the property itself, avoiding the removal of historic materials, and that distinctive features should be preserved. The panels should also cover as much of the roof as possible to make them appear as one continuous unit. She sees this going to the first two points of the analysis, and Mr. Rogers has met that criteria, not having an adverse effect. The ARB did not articulate problems with either of those components. The third component is looking at the character of the Architectural Review District as a whole. That is where the challenge is, there is no articulation of what that means. The Architectural Review District is much broader than the Historic District and encompasses many different types of neighborhoods. Looking at the ARB decision, there is not an articulation of what the character of the Architectural Review District is or how it would be adversely impacted by this proposal. She believes the question that remains is whether there is an adverse impact to the whole of the Architectural Review District, and based on the record she does not see that. She thinks that Mr. Rogers has made a good case for his panels and has met all of the criteria in the resolution. She believes the appeal should be granted. Mr. Bucher echoed many of the sentiments that have already been shared during this deliberation. Going through the relevant sections of the resolution, the applicant has met the criteria. This is exactly the process we are meant to go through with this resolution. The applicant has made every accommodation possible to find that balance and accomplish the goal of making this blend in as much as possible. Mr. Robinson thanked Mr. Rogers for his dogged determination to see this through, and the thoughtful case he presented. He also thanked all the citizens who wrote in letters about this. In sum, he believes this application and the appeal should be granted as it meets the guideline criteria as he reads them. The installation of the panels does not have an adverse effect on the building, the site, or the District itself. The home was built in 1959, on the far western edge of the District, and when he first

looked at the home he identified it as being part of Kilbourne Estates more so than the Historic District. For those reasons, the application has met the criteria. Outside of this quasi-judicial act tonight, he does believe that Council can and should continue to refine our guidelines so that we stay abreast of emerging technologies as well as changing values in our community. Secondly, it is important to keep in mind there are just 372 homes in the Historic District out of a total of nearly 4,700 in the city as a whole. He urged people to keep their eyes focused on higher impact policies that the city may enact to incentivize and encourage widespread adoption throughout the city, specifically residential PACE financing. The residential PACE program will become effective in the state next year, and he looks forward to talking about it further and how it empowers homeowners to install more panels in a financially efficient manner. Mr. Myers expressed how Ms. Kowalczyk distilled the gist of what he hoped to write. We begin with the general proposition that you do not have visible solar panels in the Architectural Review District. The exception is if it does not impact that character of the building. In this case, he does take issue with Mr. Roger's indication that there are no historical significant characteristics of this building. It is actually significant in that it represents a mid-century modern and is an example of an entire neighborhood. That preserving a neighborhood in a very similar situation, a new home rose on Dublin-Granville Road. The initial plans were very out of place, it was a nice house that did not fit in that neighborhood. This house is significant in that it represents Kilbourne Village and the midcentury modern approach to architecture. Secondly, there is the question of the impact on the site. It is troubling because this site is so visible, it is right on the border of a midcentury modern neighborhood and a very classic 1803 neighborhood. This site has impact on the sites around it, which must be taken into consideration. Thirdly, the district in general, which is the main emphasis of ARB's deliberation about the impact this would have on the entire district. This is where the majority came down on denying this application. That has been the consensus of Worthington for as long as he has lived here. He would suggest a different approach. He believes that this is a midcentury modern home, meant to present that 1950s era modern look to life. In his way of thinking, a solar panel fits in with that architectural aesthetic. It is a modern approach on a midcentury modern house, which makes sense to him. As opposed to detracting from the district, it in fact adds to the district, further advancing an architectural style. He wants to be careful that we follow-up with ARB, and make certain they are clear as to the direction Council is giving them moving forward. He does not see this as a carte-blanche approval for solar panels in the Architectural Review District. If this application were one house north, he would think this a very different discussion. He believes that ARB appropriately applied the design guidelines and came to a rational result. He believes that these guidelines can be applied going forward, and we do not necessarily need to re-legislate this issue.

President Michael shared that her opinion falls alongside what Mr. Myers said. We have to look at this case-by-case, and very carefully review what happens in our Architectural Review District. She knows that sustainability is important, but we also



have preserving the Historic District as an important priority. It is tough when those two things collide. In this instance, with a mid-century modern house, she would be comfortable moving forwards.

**MOTION:** Ms. Dorothy moved, seconded by Ms. Kowalczyk to approve the request by the Appalachian Renewable Powers on behalf of Patrick Rogers for a Certificate of Appropriateness to install solar panels at 150 West New England Avenue as per case number AR 65-2020, drawings number AR 65-2020, September 14, 2020, based on the findings of fact and conclusions of law in the staff memo and Council's discussion at the administrative hearing.

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

## Consent Agenda

Notice to the Public: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Agenda and considered separately.

**7. Approval of Minutes - November 2, 2020, November 9, 2020 (Special Meeting), November 9, 2020, and November 16, 2020**

**8. Ordinance No. 46-2020 Columbus Public Health Contract**

Authorizing the City Manager to Execute A Contract Between the City of Columbus Board of Health and the City of Worthington for Health Services.

**9. Ordinance No. 47-2020 Riverlea Police Contract 2021**

Authorizing the City Manager to Enter into a Contract with the Village of Riverlea for the Provision of Police Protection.

**10. Ordinance No. 48-2020 CIP - Fire Station Bathroom (Project 712-20)**

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Fire Station Bathroom Renovation Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 712-20)

**11. Ordinance No. 49-2020 Convention and Visitors Bureau Allocation of Hotel-Motel Tax**

The Allocation of the Six Percent (6%) Hotel/Motel Tax as it Relates to the Operation of Convention and Visitors' Bureau Services provided by the Worthington Partnership.

**12. Ordinance No. 50-2020 Plumbing Inspections 2021 (Franklin County) District Board of Health**

Approving the City Manager's Appointment of the Franklin County District Board of Health as the Provider of Plumbing Inspection Services in the City of Worthington.

**13. Resolution No. 55-2020 Alternate Building Inspection (Schofield)**

Approving the City Manager's Appointment of Donald W. Schofield as Alternate Chief Building Official and Alternate Master Plans Examiner for the Division of Building Regulation.

**14. Resolution No. 56-2020 Staffing Chart**

**Minutes:**

**Introduced by Mr. Bucher**

Mr. Lindsey noted that Ms. Kowalczyk serves on the Worthington Partnership on behalf of City Council. There is an opinion that suggests that an abstention by her on the vote could be preferable. Either she needs to abstain from all of them, or remove that item and vote on it separately. Ms. Kowalczyk expressed that she is serving as a

liaison from Council, which is different than having a separate interest in it.

Regardless, she has no problem abstaining.

**MOTION:** Mr. Smith moved, seconded by Mr. Myers to adopt the consent agenda.

**There being no additional comments, the clerk called the roll on the Consent Agenda. The motion carried by the following vote:**

**Vote Results: Ayes: 6 / Nays: 0 / Abstention: 1**

## Public Hearings on Legislation

### 15. Ordinance No. 44-2020 2021 Budget Ordinance

Providing for the Adoption of the Annual Budget for the Fiscal Year 2021 and Appropriating Sums for Current Operating Expenses.

**Minutes:**

**MOTION:** Ms. Dorothy moved, seconded by Mr. Robinson to amend Ordinance 44-2020 as distributed with the December 7th agenda.

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

Mr. Greeson expressed his thanks for Council's work over the past two months on the budget. This is the final hearing where Council will adopt the 2021 budget which allocates dollars to our vital services and to the many important programs that the City offers to its residents and visitors. He also thanked his team who helped develop this, in particular Mr. Bartter and his folks at the Finance Department who spent lots of hours putting it together to make sure we have a fiscally responsible and award winning budget. Included in Council's materials, were comments and statistics received as a result of our online budgeting tool called Balancing Act, which allowed people to experiment with our budget and explore how they might balance the numbers themselves.

Ms. Dorothy asked about Balancing Act and how long it would be available for members of the public to use it. Mr. Bartter expressed that we will update the website with revised simulations once we input the adopted budget as opposed to the proposed budget. We will then leave it up year-round for people to utilize and become educated on how these public funds are utilized. He will check it periodically and provide information to Council on an as-needed basis, dependent on how many submissions we receive throughout the year. As we get into October of next year, we will change it again with the 2022 proposed budget to seek input again. It will be a continuous cycle.

**There being no additional comments, the clerk called the roll of Ordinance No. 44-2020 (As Amended). The motion carried by the following vote:**

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

### 16. Ordinance No. 45-2020 Unclassified Pay Plan

Establishing Compensation for Certain Unclassified Positions of the Municipal Service For the Period of January 1, 2021 through December 31, 2021, and Adopting Class Specifications for Said Unclassified Positions.

**Minutes:**

**MOTION:** Mr. Bucher moved, seconded by Ms. Kowalczyk to amend Ordinance No. 45-2020 to reflect the numbers and figures as included in the ordinance distributed

with the December 7th agenda.

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

Mr. Greeson explained how this ordinance and the next resolution essentially outline the amounts that we can pay for various unclassified positions. Employees are considered either classified or unclassified. The unclassified pay plan requires adoption by ordinance. The amounts reflected in this ordinance are consistent with the specific amounts just approved in the 2021 budget.

There being no additional comments, the clerk called the roll of Ordinance No. 45-2020 (As Amended). The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

## **New Legislation to Be Introduced**

### **17. Resolution No. 57-2020 Classified Pay 2021**

Establishing the Compensation Plan, Assigning Compensation Levels for Positions in the Classified Service, Adopting Class Specifications, Providing for Normal Work Weeks, and Repealing Resolutions No. 73-2019, 74-2019, and 14-2020.

**Minutes:**

**Introduced by Mr. Smith**

**MOTION:** Mr. Myers moved, seconded by Ms. Dorothy to adopt Resolution 57-2020.

Mr. Greeson detailed how this establishes the compensation for the classified positions consistent with the 2021 budget Council just adopted and any collective bargaining agreements in place for the upcoming year.

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

### **18. Resolution No. 58-2020 Adoption of 2021-2025 Capital Improvements Program**

Approving the 2021-2025 Capital Improvements Program for the City of Worthington

**Minutes:**

**Introduced by Mr. Robinson**

**MOTION:** Mr. Bucher moved, seconded by Ms. Kowalczyk to adopt Resolution No. 58-2020.

Mr. Greeson explained how this along with the budget that Council adopted earlier are our two main financial documents that guide the work of the City throughout the year. In this case the CIP spells out in 2021 what we will spend for equipment, what we will borrow money to implement, and what projects we plan to accomplish. Additionally, it outlines a four year plan in the years after 2021 for what we anticipate accomplishing. It is both an action document as well as a planning tool. He thanked all the departmental directors for their work on this, the Finance Department, and in particular Ms. Stewart who has for many years shepherded the compilation of all our capital work.

Ms. Stewart noted that there was one change, the Community Center doors were included originally, which were a 2020 project that were put on hold. However, that project has been authorized to move forward with 2020 funds so this resolution deletes that from the proposed CIP. Otherwise, it is the same as when presented in October.

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

**19. Resolution No. 59-2020 Notification of Police Operations Related to Protests and Demonstrations**

A Resolution Requiring Notification of City Council Members of Police Operations Related to Protests and Demonstrations.

**Minutes:**

**Introduced by Mr. Smith**

**MOTION:** Mr. Myers moved, seconded by Ms. Dorothy to adopt Resolution No. 59-2020

Mr. Lindsey explained how with this resolution, it was an issue originally brought to Council by Mr. Robinson who had some thought that he shared regarding the potential resolution. Council had a discussion about it last month and indicated an interest in having something drafted to consider. Mr. Myers made suggested language about the operative language. In the drafting process, he credited Mr. Robinson, Mr. Myers, and Ms. Kowalczyk for their work on this along with other police related issues. He was a part scrivener, but defers to Council for any changes they believe are appropriate if necessary.

Mr. Robinson described how this resolution formalizes a straightforward principle that the elected officials of Worthington should be aware of in a timely manner when their police forces are engaged in operations related to protests and demonstrations. The precipitating events that prompted his thinking on this matter go back to May 29th of this year when in a very peripheral way, Worthington Police assisted the Columbus Police during the Black Lives Matter operations. He was unaware of that until two weeks after the fact, and that is when it occurred that we should formalize the protocol whereby Councilmembers would learn quickly when deployments are made. A companion ordinance that is not being presented tonight, relates to an updating of how special meetings are called on short notice. The notification of Council and the ability to meet quickly if three want to do so, would be good policy. He added this does not relate to recent events in Worthington specifically where the City Manager worked hard to apprise Council of the deployment of Worthington Police in Worthington during the protests and street demonstrations this past summer. He believes this resolution makes for good policy and he hopes that Council will pass it tonight.

Ms. Kowalczyk emphasized that this resolution does reflect what has happened in practice, but we desire it to also be codified to demonstrate we have civilian oversight to ensure that police resources are being deployed in accordance with what we believe to be appropriate. She supports the resolution and asks that Council support it.

Mr. Myers stated that in concept he does support the resolution, he believes that it memorializes what is already being done. With the exception of the Columbus issue, which Mr. Greeson has acknowledged, we were informed and given opportunities to observe the protests in Worthington. This resolution communicates to the public what we do and the way we do things in Worthington. He commented that some of the

"Whereas" clauses are possibly unnecessary in Worthington. He does not want to single out one particular group. Council oversight goes to all departments. This resolution is as applicable to administration, as it is to parks and recreation, as it is to the service department. Our responses to the citizen protests involve at least four different departments. Oversight goes well beyond just the police department, and goes over all city government.

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

**20. Ordinance No. 51-2020 Appropriation - New and Replacement Equipment & Various Projects**

**Minutes:**

**Introduced by Mr. Robinson**

**21. Ordinance No. 52-2020 CARES Act Appropriation**

**Minutes:**

**Introduced by Mr. Bucher**

## **Reports of City Officials**

**22. Reports of City Officials**

**Minutes:**

Mr. Greeson noted that we have been working hard that all of these pieces of legislation were adopted no later than the 14th, which affords Council the opportunity to cancel the third meeting in December if desired.

## **Reports of Council Members**

**23. Reports of Council Members**

**Minutes:**

Ms. Kowalczyk stated how she was a participant in the meeting for the Joint Recreation District along with Councilmembers, staff members, SwimInc, and the school board. We are making some progress in that discussion. Also, she participated in a meeting with the Community Relations Commission to hear from the new Director of Diversity and Inclusion for the Worthington Schools. She is really impressive and will do a fantastic job. She is trying to understand where the district is at and the history of Worthington. Hopefully we can use her expertise as we work through our own diversity, equity, and inclusion issues. Finally, she pointed out that the Worthington Partnership is doing their best through this time, and she encourages everyone to visit small businesses in Worthington so we can ensure they are viable while we are in this pandemic. The Partnership continues to find ways to engage with the community and support our small businesses.

Mr. Greeson asked Mr. McCorkle to give an update on the ReBoot grant program. Mr. McCorkle described how this is the third round of funding, we have about \$220,000 to give out. Grantees that have participated already are eligible for \$2,500 and new

grantees are eligible for \$5,000. We received approximately 56 grant applications totaling right at the \$220,000 in a couple days. This week, we will be in the process of getting a majority of those checks out. Mr. Greeson noted that these are businesses that have had 25% or more in revenue losses. We are also in the process of getting in applications for the \$100,000 set aside for non-profits, catering to human service needs. Our team pulled together a number of non-profits to respond with proposals on how they would address some of the survey results we saw that indicated food insecurity, mental health challenges, and other social service needs.

Mr. Myers brought up how he hoped everyone got the ARB agenda for this Thursday's meeting. We have a second hearing on a new home that is going up immediately south of the entrance to the Methodist church on Hartford. We have new signs for what used to be Jack Maxton, which is now Mark Wahlberg. He encourages any feedback for him. There will be another discussion regarding the Holiday Inn site and the potential development by Trillium Development. For those who have lived in Worthington for a while, the luminary display will be in Colonial Hills.

Ms. Dorothy reported that she sat in on the Bicycle and Pedestrian meeting, it was exciting to hear them discuss what their next project may be. We did lose a longtime member who resigned, so another spot will need to be filled. She has a cemetery board meeting next Wednesday, and will have a report on that next Monday.

Mr. Robinson thanked Council for supporting the resolution regarding notification of police operations, expressing his gratitude to Mr. Myers and Ms. Kowalczyk for working together on this. It has been satisfyingly to work with a group that has not always seen eye to eye, but have been able to find common ground for the good of the City.

President Michael mentioned she attended the Joint Recreation District meeting, and they talked about the challenges of creating a district. One concern is if the JRD is the same size as the school district, and if someone is going for a bond issue to rehab and renovate the school, will that be taking funds away from the school's renovation.

There is a discussion going on about finding a good balance between the pools and the schools. There was a general feeling that we do need to have a renovated pool and natatorium, and that it might be the outdoor pool is completed first and the rest be done in a second phase. It was a good discussion and we are moving forward in a good direction. Mr. Greeson described how there was a discussion about doing the work in phases. He will be finalizing a memo and circulating that as well as some draft legislation that would create the JRD for both Council and members of the schools to contemplate. There will then be some further discussion before it is brought forward. We are at a juncture where it would be important to create and then appoint and begin working with those people collaboratively as opposed to answering every question ourselves.

President Michael explained she attended the Central Ohio Mayors and Managers Association on Friday and there was a good update from the health department, but they also discussed the state's collection of net profit taxes and their charging of a service fee for doing so. The question came up whether the state would provide a

refund for that. The general consensus was that this was not the right time to push for a refund. They are deliberating writing a letter to the Governor about the money that was taken from the municipalities. Officers were also elected for next year and she will serve as the chairperson. Lastly, she has worked with Ms. Brown on an article in the ThisWeek newspaper, encouraging people to shop locally and do things for businesses downtown.

## Other

### Executive Session

Executive Session

#### 24. Executive Session

**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 and pending litigation.

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

Council adjourned to executive session at 9:44 p.m. from the Regular meeting session.

**MOTION:** Ms. Dorothy moved, seconded by Mr. Robinson to return to open session at 10:00 p.m.

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

## Adjournment

#### 25. Motion to Adjourn

**Minutes:**

**MOTION:** Mr. Bucher moved, seconded by Ms. Kowalczyk to adjourn. President Michael declared the meeting adjourned at 10:01 p.m.

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Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org 614-436-3100) | Minutes published on 12/29/2020, adopted on 01/04/2021

/s/ Ethan C. Barnhardt  
Management Assistant

Attest

/s/ Bonnie D. Michael  
President of Council