



City Council Agenda

Minutes

Monday, January 4, 2021 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, January 4, 2021, 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, 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 invited all to stand and join in reciting the Pledge of Allegiance to the flag.

4. Visitor Comments

Minutes:

There were no visitor comments.

Approval of the Minutes

5. Approval of Minutes

Minutes:

MOTION: Mr. Bucher moved, seconded by Ms. Kowalczyk to approve the minutes of the Regular Meeting of December 7, 2020, the Joint Meeting with Sharon Township of December 7, 2020, the Regular Meeting of December 14, 2020, the Special Meeting of December 21, 2020 and the Regular Meeting of December 21, 2020.

The motion passed unanimously by a voice vote.

New Legislation to Be Introduced

6. Resolution No. 01-2021 Appointment of Vice Mayor

Appointing a Vice Mayor to Serve for the Remainder of the 2020-2021 Council Term.

Minutes:

Introduced by Mr. Smith

MOTION Ms. Dorothy moved, seconded by Mr. Robinson to adopt Resolution No. 01-2021

President Michael thanked all of the candidates who applied for the Vice Mayor position. It was a difficult decision for Council to select one person because of so many qualified candidates. She stated that the floor was open for nominations.

MOTION: Mr. Robinson moved, seconded by Ms. Kowalczyk to nominate Joseph Mas for the appointment of Vice Mayor

MOTION: Mr. Bucher moved, seconded by Mr. Smith to close nominations.

The motion passed unanimously by voice vote

MOTION: Ms. Dorothy moved, seconded by Mr. Robinson to amend the resolution to insert the name of Joseph Mas.

The motion passed unanimously by a voice vote

The motion to appoint Joseph Mas to the position of Vice Mayor for the remainder of the 2020-2021 Council term passed unanimously by a voice vote

The motion to adopt Resolution No. 01-2021 (As Amended) passed unanimously by a voice vote

7. Ordinance No. 01-2021 General Fund Approp - SwimInc

Amending Ordinance No. 44-2020 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance for the Purpose of Providing Financial Assistance to SwimInc.

Minutes:

Introduced by Mr. Myers

8. Ordinance No. 02-2021 PUD Zoning Revision - 121 W. Wilson Bridge Road

To Amend the Official Zoning Map of the City of Worthington, Ohio to Modify PUD 01-2018 (Ordinance No. 06.2019) to Permit a New Mixed-Use Building at 121 W. Wilson Bridge Rd. (Parcel #100-006792)

Minutes:

Introduced by Ms. Dorothy

9. Ordinance No. 03-2021 Amend Code Chapter 121

Amending Various Sections of Chapter 121 "Council" of the Codified Ordinances of the City of Worthington.

Minutes:

Introduced by Mr. Robinson

Reports of City Officials

10. Policy Item(s)

a. Vision Worthington Report

Minutes:

Mr. Greeson explained how Councilmembers received the final Visioning Committee report before Christmas, and it is available to the public online. Tonight is an opportunity for Council to formally accept the report, followed by adopting the vision statements at a later date. Additionally, in preparation for the Council retreat, the Visioning Committee members are in attendance tonight to answer questions about the report. There is no formal presentation this evening, it is just an opportunity for Council as a whole to talk about the report and ask questions of the Visioning Committee members.

President Michael thanked the members of the Visioning Committee for the excellent work they did and all of the time and effort put into this endeavor. There are so many great ideas and thoughts included in this report. The Committee has really helped to shape the future of Worthington in a wonderful way.

Ms. Kowalczyk asked about whether the Visioning Committee is willing to continue meeting with groups and talking about the report in an overview type way. She wondered if there would be a roadshow or some other type of initiative to continue outreach now that the report is completed. Mr. Sherman responded that with the COVID environment, it is difficult to say what this process will look like going forward. Each individual member of the Committee will have an opportunity to continue participating. His sense is that the Committee as a whole has completed their job.

Mr. Myers asked about the enabling legislation for the Visioning Committee and whether there is a sunset section. While the Committee's work is done, the hard work of implementation is just now beginning. It is critical that we have some assistance from the Committee so we do not change what was intended. Mr. Sherman noted in the resolution it stipulates that within 60 days of the final report there would be a sunset on the Committee. From his perspective, each individual needs to make that decision. Everyone would be flattered to continue on, but it is ultimately up to each person. Mr. Myers stated that any role would be in an advisory capacity.

President Michael asked if this is the point where Council has a motion to formally accept the report. Mr. Greeson responded that there is exact way to do this. It has been envisioned that Council would do a motion tonight to accept the

report and then, discuss how to move forward with implementation. Once we are able to articulate and have agreement how to move forward, we would bring back a formal resolution adopting the vision statements themselves.

Ms. Dorothy asked if we found out what percentage of the community participated in the Visioning process. We still have a heavy lift to make sure people are aware of the visions and how to implement it. Mr. Sherman replied that we met the goal of 80% that Council put forward. We reached every household twice through mailers which was a contact point. Mr. Mitchell described how one of the challenges was balancing the amount of information collected, and documenting touch points. Some people participated multiple times. The report tells a great story about the engagement steps. Mr. Robinson explained how in the executive summary over 200 community members participated through public input events, and over 2000 members online. Looking at that as a percentage of the population, that works out to 2% and 13.3%.

Mr. Smith asked if Committee members have any guidance for Council regarding any points of education that could be provided to the community that might be helpful to get from the City. Mr. Sherman expressed that there is a lot of education that can be done, but he is not prepared to give a list out right now. Getting back to the fact we reached every household and how we go forward with the education would be something to be considered as these vision statements are implemented. Mr. Smith wondered if there were any glaring definitions that needed to be worked out, are any parts that are weighted as more important sooner rather than later. Mr. Sherman stated that it comes down to that they reported what was heard. As far as weighting these things is something that will be a job going forward. There are low hanging fruit that can have action taken upon, but he cannot begin to answer that until work begins. It is a matter of getting started and doing something with what you see. Mr. Mitchell added that there was a lot of debate about what should be the best next steps. The final vision statements goes back to putting the hook back into City Council, detailing the expectation of City leaders. That is really a good challenge to Council about how these visions are balanced, and how to work together about the best direction from this. The focus of the Committee was on what are the underlying things that the community aligns on, and one thing that came out clear was that people want Council to work to bring these visions to life. There is a natural tension that exists among all the vision statements that is meant to be worked out by the leaders of our community.

Mr. Bucher asked that since the Committee-members were so intimate with this process and that if you are hearing things from the community, to please share with Council going forwards.

Ms. Kowalczyk said that she assumes the City will be putting out some information on our platforms about the visioning document on social media, the website, and email newsletter. Mr. Greeson explained that the report has

already been posted on the website, but he is unsure if it has been emailed to all of the participants of the process. Ms. Stewart noted that Ms. Brown has been promoting that we have received the report and it is available online.

MOTION: Mr. Bucher moved, seconded by Ms. Kowalczyk to accept the receipt of the report of the Visioning Committee

The motion passed unanimously by a voice vote.

b. Permission to Bid - Pingree Crossing Improvements

Minutes:

Mr. Greeson described how Council may recall that this was an early 2020 CIP item that was bid and we did not receive bids that fit the budget. It was also tabled due to questions about the impact of COVID on our financial situation. We want to move forward with this project with several other projects that Council will hear about this evening.

Mr. Hurley explained how this project bubbled up from the Bicycle and Pedestrian Advisory Board and we were able to go through a process with DLZ to do some design of the crossing. It was recommended to do the rectangular flashing beacon and the refuge island in the middle. It is believed this is the best timing to go ahead with this to get the best pricing. This would be taking us back to the 2019 Bike and Ped funding. Once this project is complete, they are working on the prioritization for the remainder of 2019, 2020, and 2021 funding.

MOTION: Ms. Dorothy moved, seconded by Mr. Robinson to give staff permission to bid for the improved crossing at State Route 161 and Pingree Drive

The motion passed unanimously by a voice vote

c. Permission to Bid - Griswold and Municipal Building Windows and Doors

Minutes:

Mr. Greeson stated that this is a self explanatory project, if you are around either of these buildings it is evident that the windows and doors need to be replaced. We have been kicking this project down the road each year, but it cannot be postponed any further.

Mr. Whited described how the doors and windows are nearly 30 years old and the typical life is 20 years. There are about 48 windows and one door at the Griswold, and at City Hall there are 34 windows and a couple doors. One point that is important is that this will also help improve energy efficiency in both buildings.

Ms. Dorothy stated that she appreciates that we have been doing what we can within our budget, but asked if we have a overall, global idea about the liabilities for our assets. We seem to have quite a bit of liability for our buildings, roads, and waterlines. Mr. Whited replied that is something we are putting together currently. Our new Building Supervisor Scott Treadway is beginning that process, and we are looking at buying some software to aid with that putting all

the information in one database.

Mr. Myers asked if the windows and doors will be of the same style that they are currently. Mr. Whited replied that they are, and are aluminum clad windows that are acceptable to the architectural review standards.

Mr. Bucher noted that the budget allocation is \$100,000 more than the estimate, and asked if there is a way we will get to the upper cap that is allocated. Mr. Whited replied that it relies on the quantity and quality of bids as well as unknown conditions that could be encountered in the process. The hope is that we will get the lower price but that is unknowable. Mr. Myers asked if there is any rot in the windows, and he would be surprised if there was not rot in the sills. Mr. Whited replied is contemplated in the estimate that we got. Ms. Stewart brought up that the CIP estimates often include additional design and inspection costs under contract beyond the construction cost that gets charged to the project amount in the CIP.

MOTION: Mr. Smith moved, seconded by Mr. Myers to allow staff to advertise for bids on the Griswold Center and Municipal Building window and door replacement project.

The motion passed unanimously by a voice vote

d. Permission to Bid - Diamond Brite Project for the Community Center Pools

Minutes:

Mr. Hurley detailed how this project was in the CIP last year and deferred due to COVID. Over time, there is pitting and abrasions in the diamond brite surfacing in the pools, and this re-does the surfaces of the pool. The bidding is tricky due to many contractors not doing this type of work. We have been in touch with some contractors already and are confident there will be bids received.

MOTION: Mr. Bucher moved, seconded by Ms. Kowalczyk to grant staff permission to bid the Diamond Brite project for the Community Center pools.

The motion passed unanimously by a voice vote

e. Permission to Bid - Huntley Bowl Retrofit Project

Minutes:

Mr. Greeson explained how there was an extensive study of Rush Creek conducted and one recommendation was improvement of our existing Huntley Bowl.

Mr. Whited said that the approach is to re-grade the bottom and sides of that basin, retrofitting the outlet structure to attenuate flow at a different weight which would help to reestablish and stabilize the stream banks. This is not nearly as expensive of a project as it could be, and is a good deal if successful. Ms. Dorothy commented that doing something to mitigate the storm water at Rush Run is something we have needed to do and she is excited to move forward.

MOTION: Mr. Smith moved, seconded by Mr. Myers to give permission to staff

to advertise to bid for the Huntley Bowl Retrofit Project

The motion passed unanimously by a voice vote

f. Permission to Apply - ODOT Funding for Bridge Repairs

Minutes:

Mr. Whited brought up how in early 2020 we signed an agreement with the Ohio Department of Transportation to evaluate bridges, and they found the majority to be in good to great shape. However, the bridge at West Selby Boulevard has some structural degradation and is in need of repair in the next couple years. ODOT also has an opportunity to apply grant funding for the construction of such projects. They do not fund design, which would need to be self-funded, but they have invited us to apply for that funding for this project.

Ms. Kowalczyk asked when if we get this funding, the work would begin. Mr. Whited replied that we reduced the load limits on the bridge to limit potential problems but the bridge should last for another five or more years. However, this project would not come to fruition for at least another three years for building a replacement bridge.

Mr. Bucher asked when they may make awards. Mr. Whited replied he was not aware of when, but would imagine within a few months.

MOTION: Ms. Dorothy moved, seconded by Mr. Robinson to allow the City to apply for the ODOT funding to complete bridge repairs to the bridge on West Selby Boulevard.

The motion passed unanimously by a voice vote

Mr. Myers asked anyone had been to Park Boulevard Park to look at the bridge located there, some of the decking is getting suspect in addition to the pavers on both sides. It is not critical, but he would appreciate an answer at some point. Mr. Hurley said they are aware of it and will be doing some work on it soon.

11. Reports of City Officials

Minutes:

Mr. Lindsey expressed that he wanted to make Council aware prior to the public hearing at the third meeting of this month, of two additional possible changes to Section III and Section IV of Code Chapter 121 changes being proposed in Ordinance No. 03-2021. The current language in 121.06(A) refers to a request stating the purpose for which a special meeting might be called, it does not indicate a time or place for that meeting. He advised that this is a change worth making, inserting time, date, and place as well as purpose for the request and the Clerk's call of that meeting. In 121.06(E), one of the proposed changes, adding the word, "Only" to make sure it is clear when cancelling a meeting you have to be the person or persons that originally requested the meeting. The other change relates to Section IV of the ordinance pertaining to 121.07, there was a question in the current language defining a quorum, the question becomes whether "currently serving" needs to be added to that

language. He thinks we should consider having "elected or appointed" because there could be a vacancy filled. Looking at the charter language, it does define a vacancy as an election, so he was less worried, and may not need the qualifier "elected to". Upper Arlington uses language, "current Councilmember". There are cities that refer to a specific number of Councilmembers. He is not a fan of identifying a number because there is the potential due to an event there could be few Councilmembers. Unless he hears objection from Council, he will be making the changes he has suggested improving the language. He did not want to change the quorum language without some direction from Council.

Mr. Greeson reminded Council that there would be a virtual retreat held on Saturday, beginning at 8:30am, finishing hopefully before 3:00pm. It will be facilitated by Marty Jenkins, who is a Worthington resident and who has facilitated Council retreats in the past. The agenda package was sent out today.

Ms. Kowalczyk asked about the updated Use of Force policy that will be implemented by the Division of Police, she wanted a brief summary of the changes and rationale for making the changes. She assumes there is nothing Council must do, but this is just for informational purposes. Mr. Greeson described how this is a policy that has been issued by the Chief of Police and is a Division level policy that he has the authority to issue. We have been reviewing various police policies as a part of our ongoing professional review process that we do all the time, as well as a Presidential executive order that we are required to comply with to be able to access Department of Justice federal funds for law enforcement purposes that we do receive periodically. That Presidential order also requires that compliance be done by a credentialed entity as designated by the Department of Justice, who designated the Ohio Collaborative in Ohio. The updates are a variety, some are for clarity, there was some language updated to clarify the responsibilities for officers to intercede and report, language about alternative tactics such as de-escalation, and clarifying language about the reasonableness of force. One important thing that was talked about was regarding chokeholds. Essentially, we sought to more explicitly restrict or limit those techniques to only those instances where deadly force is authorized. There is a lot of other language to clarify warnings, moving vehicles, clarifications and updates on reporting the use of force and how supervisors are notified, clarification about the duty to provide medical assistance, and training requirements on de-escalation.

Ms. Kowalczyk asked if there was a plan on how we would be training officers on implementing these changes. Chief Ware replied that our policy was silent before on the vascular neck restraint, so we did not recognize it as a control technique, and the proper terminology for chokehold is the respiratory neck restraint. What we found is that some publications and orders comingled those two terms. We felt in order to be clear and in compliance, and still provide the officer and the City some protection from liability if they were to engage in a lethal encounter using those techniques, that it needed to be in our policy explicitly spelled out. In the process of doing so, we are going to train to those techniques, so that the officers fully understand what they do, how they are applied, and what happens if you were to apply those in a lethal force

encounter. He has instructed his use of force team to develop a training curriculum and a schedule to get that out to the officers this year.

Reports of Council Members

12. Reports of Council Members

Minutes:

President Michael described how she, along with Mr. Myers and Mr. Greeson spent time with Eddie Pauline from the Community Relations Commission, and there are a couple things she wants to mention as a report back on that meeting. City Council adopted a resolution last summer that recognizes the impacts of racism, condemning racism in all forms, and committing to promoting racial equity. The CRC's efforts are to provide educational and other programs and opportunities to foster understanding, positive relations, and a strong sense of community from diverse educational, racial, ethnical, cultural, and economic backgrounds. The CRC has two upcoming programs. First, on January 12th there will be a showing of Cincinnati Goddamn, a CRC documentary discussion focused on racism and the power of grassroots activism. Details can be found of the CRC section of the City's website. Second, the annual Martin Luther King, Jr. celebration will be presented virtually on MLK day on January 18th, 2021. The program will include music, remarks, and video reflections about Dr. King's legacy from community members. Everyone is encouraged to participate in these events. The CRC is going to continue conducting educational programs and will post on their website as new programs are developed.

Mr. Myers brought up how on January 14th, the Lifestyle Communities application for rezoning the UMCH property will be on the MPC's agenda. That agenda has been reorganized and will be the only item on the agenda that night. There is a project page created on the City's webpage. The development text is quite lengthy and onerous for the project. If this proceeds as anticipated, this will be a first reading where LC will present, there will be questions and feedback, and there will be at least one more meeting before a vote is held. We have received over 100 letters regarding this, and they have been forwarded to the MPC.

Ms. Dorothy asked to talk about the mountain biking proposal submitted by Kelly Shaw. She thought that it was a very well researched proposal, and got significant support from existing community members. One thing that was researched was the potential for a grant to get matching funds for new trails and/or design work. She wondered if we were actively looking into that. Mr. Hurley responded that they were very impressed with the presentation, and they are familiar with the grants that were suggested. The challenge is that the cycle for those are in the first quarter, and we would need to move quickly to apply in this cycle. It is a little premature to say we would recommend applying this year, but it is something we could pursue. Staff will be further assessing the proposal, circling back with the Parks Commission for recommendations. Ms. Dorothy expressed that she hoped we were looking into whether this proposal was viable for not.

Mr. Robinson brought up the SwimInc ordinance to be discussed on the 19th, asking if Council will be expected to vote on their request, or if that will be an introduction of some sort. Mr. Greeson explained that it was introduced this evening, and they will most likely be available to present on the 19th. Council could act upon it that night, or it could be tabled and acted upon at another meeting. Over the last month since the request was made, Mr. Bartter has reviewed their financials and we believe their request has merit. If their mission is important and their financial sustainability is important, then it is worthy of consideration. Mr. Robinson expressed he supports the mission of SwimInc, but this issue has been going on for years and it is a complex situation. We have asked for years for a new business plan from them, if we are being asked to grant \$85,000, he would like to see what their plans are moving forward. Mr. Greeson described how there are conversations ongoing with the schools regarding a Joint Recreation District, and it is anticipated that issue will come back to Council in the first quarter. Maybe there can be a brief update on a more urgent timeline. This request from SwimInc is due to COVID, and the loss of revenues they have suffered. Mr. Robinson expressed that he has had the pleasure of riding over at the Gator Mountain Bike Park off of Hard Road near Granby Elementary, and it is a spectacular asset. He would like to see something constructed off the Olentangy Path. Lastly, he noted that on the Use of Force policy he is disappointed that this issue was brought to Council in the form of a staff memo. He does not know if it would have been discussed had Ms. Kowalczyk not asked the question, and it is a missed opportunity for Council, staff, and the Division of Police. The stated mission of the Division of Police is to foster a partnership with the community, and he does not think we do that by not talking very proactively and thoroughly about an issue of such magnitude and importance such as use of force. Specifically the use or misuse of force that precipitated the Black Lives Matter protests. He personally has asked repeatedly this last fall that we discuss Use of Force policy, how it is developed, and why it is shaped the way it is, publicly. The public deserves to know how this critical policy is developed and enacted in our community. He would like to see this topic on a City Council meeting agenda so the public can see how this policy is developed and what exactly its contents are. He would like to have a question and answer session to dig into this vital matter.

Other

Executive Session

13. Executive Session

Minutes:

MOTION: Mr. Bucher moved, Ms. Kowalczyk seconded a motion to go into Executive Session to discuss land acquisition.

The motion carried unanimously by a roll call vote.

Council adjourned to executive session at 8:49 p.m.

MOTION: Mr. Smith moved, Mr. Myers seconded a motion to return to open session at

9:01 p.m.

The motion carried unanimously by a roll call vote.

Adjournment

14. Motion to Adjourn

Minutes:

MOTION: Ms. Dorothy moved, Mr. Robinson seconded a motion to adjourn. The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:02 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org 614-436-3100) | Minutes published on 01/14/2021, adopted on 01/19/2021

 /s/ Ethan C. Barnhardt
Management Assistant

 /s/ Bonnie D. Michael
President of Council