



# City Council Agenda

## Minutes

Monday, May 3, 2021 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, May 3, 2021, via Microsoft Teams videoconference. President Michael called the meeting to order at or about 7:55 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, Personnel Director Lori Trego, Chief of Police Robert Ware, Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress, Management Assistant Ethan Barnhardt

#### 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.

## Approval of the Minutes

### 5. Approval of Minutes - April 12, 2021

**Minutes:**

**MOTION:** Mr. Bucher moved, seconded by Ms. Kowalczyk to approve the April 12, 2021 meeting minutes as presented.

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

## Public Hearings on Legislation

### 6. Ordinance No. 16-2021 Amend Code Section 529.07(c)(7) - Opened Containers within the DORA

Amending Section 529.07(c)(7) of the Worthington Codified Ordinances (Opened Containers) Within the Designated Outdoor Refreshment Area

**Minutes:**

Mr. Greeson explained how staff is requesting that this ordinance be tabled until June 7, 2021. The purpose of that is so this can be considered concurrently with the resolution that would amend the DORA guidelines, should Council choose to do so. From a process standpoint, in order to initiate the consideration of the amendment of the DORA, it requires that the City Manager submit an application to begin that process, which he is prepared to do tomorrow, to afford the opportunity of changing of the days and hours of the DORA. Mr. McCorkle stated that once the application is filed, that starts the clock because we need to publicly notice the application has been filed and within not sooner than 30 days and not longer than 60 days to hold a public hearing. Mr. Greeson described that this is a change in the DORA that has been suggested by different businesses and entities through the ReBOOT process. The DORA so far has been focused on special events and outdoor dining of qualified establishments. This would potentially consider hours and days where a "sip and stroll" would be allowed with an open container. We are not specifying exactly what days or hours, that is something Council can discuss. Staff is suggesting a 90-day trial of this change to the DORA.

Mr. Robinson asked if there is a public outreach process planned, not only throughout the community but particularly in the surrounding neighborhoods, and if so, what is it. Mr. McCorkle responded that in addition to the public notice that would go to our website, we would have feedback from the downtown merchants, but would also be reaching out to some of the neighborhood residential locations around Old Worthington. He would work with Ms. Brown and the Worthington Partnership to ensure we are reaching out proactively, fielding concerns, and bringing those questions back. Mr. Robinson asked how that will be done and when. Mr. McCorkle explained that the process has not been determined yet on how and what that might look like. The application would be filed first and then there would be outreach. Mr. Greeson explained we would need to finalize how we would measure success after a 90-day trial period. Mr. Robinson commented that he wanted to express his concern, disappointment, and criticism about the way that public outreach is really being given

second thought in this process. If he had not raised some objections a few weeks ago, we would be voting on this without having had public discussion. He contrasts this with the discussion later tonight about Source of Income, a social justice piece of legislation which has been slowly handled, about nine months now, it has been on staff and Council's radar. In the proposal for moving forward with SOI, there is language around how staff has prepared a comprehensive research memorandum along with a proposed framework for public engagement. He wanted to call out the disparity between the approaches for a social justice piece of legislation and the DORA legislation which is being motivated by a handful of businesses that want to increase sales through liquor sales, where there is no planned public outreach. He would ask staff why there is such a difference in approach on these two types of legislation. Mr. McCorkle replied that this is just the application, the next 30-40 days is the outreach process. The standard DORA process when creating or amending, starts with an application and then has a more robust outreach process. We are also suggesting to pilot this, considering that the DORA has been in place for the past four years with zero issues, staff recommended a pilot instead of spending a large amount of time doing public outreach. The legislation tonight was an ordinance to amend a section of the code that was necessary before we could even have a robust dialogue about the specifics of what the DORA would look like. This is more of an administrative piece that needs to occur first, and we would not have voted tonight on the changes, we would have voted on the sections of the open container code just to have this conversation. Mr. Robinson stated that he understands that, but his criticisms remain.

**MOTION:** Mr. Smith moved, seconded by Mr. Myers to table Ordinance No. 16-2021.  
**The motion carried unanimously by a voice vote.**

## **New Legislation to Be Introduced**

### **7. Resolution No. 20-2021 CRC Appointment**

Approving an Appointment to the Community Relations Commission

**Minutes:**

**Introduced by Ms. Dorothy**

**MOTION:** Mr. Robinson moved, seconded by Mr. Bucher to adopt Resolution No. 20-2021.

Mr. Greeson explained how there is a vacant CRC appointment and Council need to approve the appointment of Mr. Charles Fannin to the CRC by adoption of the resolution.

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

### **8. Ordinance No. 17-2021 - Sewer Easement Encroachment**

Authorizing the Construction of a Basketball Court Over and Above a Utility Easement Containing a Sanitary Sewer Operated and Maintained by the City of Worthington on the Property Located at 271 Kertess Avenue.

**Minutes:**

**Introduced by Ms. Kowalczyk.**

The Clerk was instructed to give notice of a public hearing on said ordinances in accordance with the provisions of the City Charter unless otherwise directed.

## Reports of City Officials

### 9. Policy Item(s)

#### a. Approve Sale of Surplus Property

**Minutes:**

Mr. Greeson explained how we are seeking to sell this ambulance on GovDeals and if it is over \$5,000, it requires Council approval for the sale of the property.

**MOTION:** Mr. Smith moved, seconded by Mr. Myers to allow staff to move forward with the sale of the Horton Ambulance.

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

#### b. Process to Develop Legislation related to Source of Income

**Minutes:**

Mr. Greeson overviewed how as of last November, the CRC distributed a policy paper on Source of Income. In the beginning of this year, this was determined to be a Council priority at the Council retreat. He previously committed that we would prioritize this for a third quarter process and initiation of the development of legislation and public involvement process we undertake when tackling new regulatory policies. He has tasked Mr. Barnhardt, our Management Assistant, to work with stakeholders and shape a process.

Mr. Barnhardt explained this policy aligns with past legislation and actions undertaken by the City Council. He said that a research memorandum was distributed to Councilmembers that provides an overview of the topic as well as a proposed timeline and framework for adoption of legislation. He presented that Source of Income discrimination is the practice of landlords, owners, and real estate brokers to refuse to rent to prospective tenants seeking to pay for housing costs with lawful income other than job wages. This income varies from things such as housing vouchers, to Social Security benefits, unemployment, and child or spousal support. SOI discrimination is more prevalent in areas with higher rents, quality schools, transportation services, and jobs, affecting a diverse population of prospective renters who receive income from a variety of non-wage sources. SOI discrimination disproportionately affects renters of color, women, and persons with disabilities. For example, Housing Choice Voucher program benefits go to low-income families that are largely female, black, and under the age of 18. SOI legislation is needed because it is not prohibited under the Fair Housing Act of 1968 or the Ohio Fair Housing Law. Municipalities can pass their own legislation under their Home Rule authority in Ohio. Landlords can currently choose not to accept non-wage income and housing assistance for reasons such as perceived bureaucratic red tape, misconceptions about tenants, or personal prejudices. These restrictions of SOI prevent families from being able

to move into higher-opportunity and resource rich neighborhoods.

In Central Ohio, we have a competitive real estate market along with a persistently high poverty rate, which has led families to have difficulties finding housing in their neighborhoods of choice. The recent MORPC Regional Housing Strategy study recommended municipalities adopt SOI legislation as one strategy to aid vulnerable groups struggling to find housing. Bexley, Columbus, Westerville, and Reynoldsburg have already passed SOI discrimination legislation. Due to COVID-19 this is even more important due to the amount of housing assistance that the government has provided, SOI legislation would protect vulnerable communities that have been disproportionately affected negatively by the pandemic.

With SOI legislation, landlords are not mandated to accept every prospective tenant and they can still use tenant-qualification processes. It just means that denial solely based on a client's desire to pay with a HCV or other, alternative means is prohibited. To accept public assistance such as HCVs, there are steps required to be taken with the program administrator to be compliant. Landlords who engage in discriminatory behavior would be susceptible to the complaint procedure already outlined under the Non-Discrimination Ordinance.

Mr. Barnhardt overviewed the proposed timeline for adoption of legislation. The process begins tonight with a staff presentation and a determination of the role by Council that the CRC will play. The Law Director will also produce draft legislation. In June, information will go out to the public on the City's website and an FAQ document. A survey will be sent to landlords, seeking feedback and inviting them to participate in the education sessions. The CRC will conduct community education sessions to provide information and answer questions. A panel discussion will be held, inviting individuals involved in affordable housing and SOI advocacy. Information will then be used to refine the legislation before introduction in July for adoption before the August recess. Council tonight will need to provide input on what the desired role of the CRC will be, whether that is more of an organizational role, or one where they are crafting changes to the draft legislation for Council.

Ms. Kowalczyk explained how when talking about types of income, there are a multitude of income sources that are not housing vouchers. Mr. Barnhardt replied that is correct, there a lot of types of incomes that are applicable. He focused on housing vouchers because there was more readily available information with relevant examples, but this pertains to people on unemployment, social security, or other non-wage incomes. Ms. Kowalczyk emphasized that is important to note, especially when discussing what landlords have to do. They do not have to go through the same process with social security or other sources of income, that they would with accepting a voucher.

Mr. Barnhardt stated that he would work with the CRC during the public engagement process to make sure that is made clear in our communications.

Ms. Dorothy asked about what other items can be considered, for example a

listing that states that a renter must make three times the monthly rent and would they be able to continue asking for that requirement. Mr. Barnhardt responded that in order to be compliant, landlords could ask for three times a tenant's portion of the rent if they are a voucher recipient. For example, if the rent is \$1,000 and the tenant was responsible for 30%, the landlord could ask for three times that amount. Ms. Dorothy asked about who verifies compliance, would it be Franklin County who comes out to look, and would it be required for every place that is for rent. Mr. Barnhardt said that it would be triggered if there was an applicant that came with a voucher, beginning the process. You would not have to go through that process up front, it is more in response to someone with a voucher. Ms. Dorothy explained how other communities in the area have enacted SOI legislation, and she was concerned there could be a backlog to become certified. She asked if someone has an issue, they would file a complaint with the City Clerk first. Mr. Barnhardt deferred to Mr. Lindsey to answer that question. Mr. Lindsey detailed how essentially, we would utilize our existing Non-Discrimination Ordinance as the framework for this. Other communities have different definitions for what different types of income are, Westerville's is the most broad. It makes sense that we start with the existing process, starting with someone filing a complaint with the City Clerk. To the extent that the state does not have a SOI discrimination prohibition, that will come to us directly. Until there is something done federally or statewide, it will come to us. Our process would be a person could be subject to a process of mediation to resolve a complaint, if not resolved, then a hearing process will be held to establish whether there a violation would be put in place, and the hearing officer could issue an order to cease and desist. He has reviewed multiple ordinances of other communities and has been contemplating an approach while waiting a sense of direction from Council. In terms of some of the specifics such as best definition of SOI, he will pull examples from other communities. Ms. Dorothy responded she is still confused how this actually works, and if someone is discriminated against they may not get due process in time to move into Worthington. She is concerned whether this is going to protect people using different sources of income to move here. Mr. Lindsey responded that the research indicates that SOI legislation does make a difference. The acceptance of vouchers is higher in communities with SOI legislation. The mere fact that we have legislation is a discouragement for people to discriminate. Over time it could have the effect of weeding out landlords that might be discriminating. However, it would not result in the immediate ability of a person to rent a particular unit within a 30-day window of looking for housing and would not solve the immediate problem of relief for a renter. Ms. Dorothy explained that we might be able to see landlords remove the section-8 language from their websites regardless. Mr. Greeson responded that one of the benefits of this robust process is that we can educate landlords with the hope that we never have to take enforcement action because we have done a

good job educating upfront. Ms. Kowalczyk expressed that this also gives the opportunity to educate renters on their rights and fair housing laws.

Mr. Greeson explained how Mr. Barnhardt asked a specific question about the CRC, and how we often rely on them to provide a facilitative role in my community conversations which they are expected to do here. However, less often we ask them to play a particular role in reviewing and making recommendations on modifications to legislation, the non-discrimination ordinance is the only example of that. The question is what role Council wants them to play.

Mr. Smith asked about the listing of rentals and how many organizations were on the list that was pulled. Mr. Barnhardt replied that he is not 100% sure because the list includes properties in the entire 43085 area code. Mr. Smith explained how if the number is pretty small, he is comfortable with the CRC running with this, getting feedback and making recommendations. If it is a larger number, he may reevaluate his thinking.

Mr. Robinson agreed with Mr. Smith's thoughts and would be pleased to have the CRC provide recommendations as long as the basic data and information that informed their recommendations is provided to Council to form their own judgments.

Mr. Myers explained how the CRC started this and it makes sense for them to continue with it. When we go out to do the public outreach, which will be as much educating our citizens as our landlords, they will have discussions about SOI. He wondered how we focus the CRC's mission here. Mr. Greeson replied that we are charging Mr. Lindsey with drafting legislation that starts the process, then we would take it to the CRC and launch the process that Mr. Barnhardt outlined. A number of Councilmembers have expressed interest in this, so we wanted to determine what role that Council wanted to play. Either way, it will start with a draft from Mr. Lindsey that is an amendment to our non-discrimination work that is inspired by the work done by Westerville. Mr. Lindsey explained how Westerville's model most closely aligns with us, however he may use some of the work from Reynoldsburg or Columbus. Columbus and Westerville have attempted to add more descriptions around how one might discriminate based on SOI. So this is both the definition of SOI and what is that action taken. It is his goal to put the ordinance together and distribute to Council and the CRC as a working draft of which the CRC solicits input on. Mr. Myers expressed that it makes sense for the CRC to make changes, and then the Council would then look at it anew with those recommendations of which they make their own changes at that point.

Council agreed on this approach for the CRC.

Mr. Greeson explained how for the Committee of the Whole meeting we typically do not introduce legislation, but we may be looking to move along development agreements for the High North project that was recently approved. He highlighted that he would be filing the DORA application with no objections from

Council, and put Council in the position of considering that issue and desire to do a pilot. We want to come back and have the Chief discuss some of the work we have been doing on the body worn cameras. From a process standpoint, we will work to provide additional information, in particular the better quote that has been negotiated, and attempt to discuss many of the matters that have been raised in previous conversations with the goal of putting it before Council at the third meeting in May for a vote. Lastly, we requested and obtained an extension to object to the American Legion liquor permit. The last meeting before the 30 days expires is the next meeting, and should Council want to consider that issue we will need to place it on the Committee of the Whole agenda. President Michael stated that it needs to be on next week's decision to make a decision one way or another.

He explained how he takes to heart anytime Council shares a criticism on our efforts to reach out to the public and that is a priority of ours. In this instance, we will think about that and how to approach public input on this issue in advance of any decision. There is a consideration because staff was thinking about a pilot, where we want to try something and see how it works, and then get the community's reaction to it as opposed to taking a lot of public testimony and shaping the policy on the input. To him the approaches are different and we need to think about the type of public engagement we need for a potential pilot. Our attempt was to try something and see what the community thinks since this is a modification of something that has been in place for four years. He appreciates feedback from Council and how to measure success and suggestions for people to reach out to, to at a minimum inform that we are doing this pilot.

## **Reports of Council Members**

### **10. Reports of Council Members**

#### **Minutes:**

Mr. Bucher explained how the E-SID meeting this month was canceled due to no pressing business. He gave a shout-out to staff for an issue that was promptly addressed by a City team, which has resulted in a very happy resident.

Ms. Kowalczyk updated how the Farmer's Market that was back in outside in Old Worthington and how there were no reported issues. The Partnership will be monitoring things. The City staff worked hard to coordinate this effort, dealing with all the different protocols. She explained how in efforts to expand the revenue base of the Partnership, they have engaged in a fundraising effort to get support and show their value, so they are not reliant on one source of income in the future.

Mr. Myers explained how he will not be at the next meeting, but he wanted to express his support for the American Legion's requests. Typically, denials of permit requests are due to some sort of nuisance, which there is no nuisance here. The issue of supporting veterans is personal and long-lasting, with a family history of service,

including his sons. He is forever indebted to those who serve. If we can help the Post, he is in favor of Mr. Robinson's suggestion to provide ReBOOT dollars to them.

Ms. Dorothy attended the Bike and Pedestrian meeting as an observer, and she noted that there are a lot of improvements occurring. The Safety Committee has put in leading pedestrian intervals for increased walker safety at High and Crandall, Worthington-Galena, and Larrimer. They are looking at other methods of slowing down traffic. We have done a study showing there are physical ways of reducing the traffic speed along all of our right-of-ways, to make it safer for all people in Worthington. She is so happy to see the Safety Committee taking steps to protect the safety of all people in Worthington. There have also been resident concerns about deer and people's safety, she hopes that there will be a Council discussion about the deer. She went to the first Sunday Funday that was a DORA event downtown and she had a very good time. While attendance was not huge, it was a fun event. She did observe quite a few people running the red light at our pedestrian crossing, she does not know if there needs to be more education and enforcement.

Mr. Robinson expressed his appreciation that the Post is being placed on the agenda for next week. He brought up how he reached out Command Luksik who he has met with and learned more about the Post and their members and what they do. He became more aware of the financial position and how COVID has negatively impacted their ability to hold fundraising events. The Commander was not aware that the City had grant funding programs. There is about \$14,000 leftover from the ReBOOT program. The Post provides a great deal of services and activities in the area, and he suggests that we provide the residual ReBOOT funding to the Post.

President Michael brought up how we have not given grants larger than \$5,000 to ReBOOT recipients, with the goal of keeping people employed. There is the question of whether we want to do triple that for the American Legion. Ms. Kowalczyk noted that we did provide funding to community organizations as well, it seems like it would be appropriate to consider them in light of those grants. Mr. Bucher expressed he is supportive of providing funds to the Legion. He asked if the funds could be repurposed as a community grant, rather than ReBOOT. Mr. Greeson explained how Council created the guidelines for ReBOOT and can change them. Council can also decide what is important and if there is an organization that has been impacted by COVID that did not fit neatly in one of our programs and is worthy, it is Council's prerogative to help them. We will need to determine what will be the best way to do this with our appropriations and in compliant with audit requirements. Mr. Smith expressed he always wondered why we do not support the American Legion on an ongoing basis, surely there is something we can do on an annual basis to support them.

Mr. Greeson asked for clarification for next week to bring back appropriate legislation to allow Council to consider or allow spending up to \$14,000 in grant funds for the American Legion. President Michael agreed that was correct.

## **Other**

## Executive Session

### 11. Executive Session

**Minutes:**

**MOTION:** Mr. Bucher moved, Ms. Kowalczyk seconded a motion to go into Executive Session to consider board and commission appointments.

**The clerk called the roll on Executive Session.**

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

**Council recessed at 9:20 p.m. from the Regular meeting session.**

**MOTION:** Mr. Smith moved, Mr. Myers seconded a motion to return to open session at 9:37 p.m.

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

## Adjournment

### 12. Motion to Adjourn

**Minutes:**

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

**President Michael declared the meeting adjourned at 9:38 p.m.**

---

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 05/13/2021, adopted on 05/17/2021

    /s/ Ethan C. Barnhardt      
Management Assistant

Attest

    /s/ Bonnie D. Michael      
President