



# City Council Agenda

## Minutes

Tuesday, September 7, 2021 at 7:30 pm

6550 N. High Street, Worthington, Ohio 43085

### 1. Call to Order

**Minutes:**

Worthington City Council met in Regular Session on Tuesday, September 7, 2021. 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:

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 Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Police Robert Ware, Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress

### 3. Pledge of Allegiance

**Minutes:**

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

### 4. Visitor Comments

**Minutes:**

There were no visitor comments.

## Approval of the Minutes

### 5. Approval of Minutes - July 19, 2021 (Special)

**Minutes:**

**MOTION:** Mr. Bucher moved, Ms. Kowalczyk seconded a motion to approve the minutes of the July 19, 2021, Special Meeting.

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

## New Legislation to Be Introduced

### 6. Resolution No. 38-2021 Amendment to Development Plan - Papillon Day Spa (890 & 910 High St)

Authorizing an Amendment to the Final Development Plan for 890 & 910 High Street and Authorizing a Variance (Papillon Day Spa).

**Minutes:**

**Introduced by Mr. Smith**

**MOTION:** Mr. Myers moved, seconded by Ms. Dorothy to adopt Resolution No. 38-2021

Mr. Brown detailed how any time you need a variance associated with a property that has a development plan, it is required to come to City Council for approval. This is for 890 and 910 High Street, the variance is a request for one additional sign. He showed images of the building site. A couple of years ago, Council approved a variance for signage for Clarkson Eyecare on the rear of the building for their entrance. There are also other businesses that have wall signs on the rear of the property. This went before the MPC/ARB and was recommended for approval with the variance for an additional wall-mounted sign.

Ms. Dorothy asked how many tenants are in the building. Mr. Brown listed the Porch Growler, Clarkson Eyecare, Papillon Day Spa, Edward Jones, and the pediatrician on the second floor. The buildings are filled up. Ms. Dorothy asserted that it is good for people to know what businesses are there and she is in support of the signage request.

Mr. Myers explained how it is vital for patrons to know where to go, and the majority enter through the rear entrance. It is a small and tasteful sign that makes a lot of sense.

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

### 7. Ordinance No. 39-2021 Subdivision (848, 851 and 870 Griswold St)

Approving a Final Plat for the Resubdivision of Lot #2, Lot #3 and Lot #4 of the Stepping Stones Learning Center Worthington Adventist Academy and Resubdivision of Lots #18 through #28, Lots #47 through #52 and Portions of Vacated Griswold Street and Alleys of Sunnyview. A Property Located at 848, 851 and 870 Griswold St. (Worthington Seventh-Day Adventist Church)

**Minutes:**

**Introduced by Mr. Robinson**

### 8. Ordinance No. 40-2021 Accept Amounts and Rates

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

**Minutes:**

**Introduced by Mr. Bucher**

### 9. Ordinance No. 41-2021 Appropriation (Downtown TIF and Bond Retirement Fund)

Amending Ordinance No. 44-2020 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Downtown Worthington Municipal Public Improvement TIF Fund and General Bond Retirement Fund Unappropriated Balance.

**Minutes:**

**Introduced by Ms. Kowalczyk**

**10. Ordinance No. 42-2021 Establish the JEDD**

Authorizing and Directing the Establishment of a Fund for the Purpose of Receiving Revenue Derived From the Sharon Township Joint Economic Development District

**Minutes:**

**Introduced by Mr. Smith**

**11. Ordinance No. 43-2021 Authorizing Virtual Meetings (EMERGENCY)**

Amending Section 109.02 "Definitions" and Enacting New Section 109.12 "Virtual Public Meetings" of the Codified Ordinances of the City of Worthington to Permit Members of Council and Other Municipal Bodies to Hold and Attend Meetings Virtually and Declaring An Emergency.

**Minutes:**

**Introduced by Mr. Myers**

Mr. Greeson overviewed how with the ongoing pandemic, municipalities throughout Ohio have been exploring using their Home Rule authority to provide themselves the ability to meet virtually or to participate virtually in meetings. That authority was granted for a period of time by the Ohio legislature, but that ended back in July. In order to participate virtually, we need to enact our own ordinance. This is a substantive matter and what we are talking about here is granting the authority to do this, but we would need to work through rules and regulations on how we would exercise that authority going forward.

Mr. Lindsey explained how when the state decided not to extend the deadline to meet virtually, those bodies needed to begin meeting in person to be compliant with the state's open meetings law. The City of Cleveland passed an ordinance prior to that date in late June, allowing their government bodies to meet virtually. Cincinnati enacted an ordinance that allowed their municipal bodies, not City Council, to meet virtually because their charter had language preventing their Council from meeting virtually. It is his understanding that the City of Columbus has not been able to do this due to charter language as well.

With Worthington adopting this ordinance, there will need to be policies and rules established to more clearly delineate the use of the power to meet virtually. Passage tonight does not mean that we will start having virtual meetings, that would be a separate determination of Council. The goal will be for staff to work with any interested Councilmembers in drafting those rules. We have added language in our legislation that the total meeting can be virtual, or individual members could meet virtually as needs dictate. Over the pandemic, we have found that board members have been able to operate well in a virtual environment and members of the public are able to interact effectively.

President Michael asked why this legislation needs to be done as an emergency. Mr. Lindsey replied that it is because if we do not have the emergency language it would need to be introduced and passed in two weeks and then there is the 21-day waiting period before it is effective. There is the possibility of five more weeks before we would have this authority. Given the uncertainty of the pandemic, it was the staff's thought to propose it as an emergency. Council could also choose to hold a hearing in

two weeks, and then pass as an emergency eliminating the waiting period.

Mr. Myers brought up the Cleveland example and asked if there has been a challenge to their authority to do this. Mr. Lindsey stated he was not aware of that. Mr. Myers explained how the uncertainty with the different variants out there, tends to make him think this should be passed as an emergency. We could be lockdown again in another two weeks if case counts rise and people refuse to get vaccinated. When he reads the ordinance, it appears each individual board and commission would decide for themselves how and when they would meet virtually. Mr. Lindsey responded that it is set up with the language of a municipal body controlling its meeting, which all of our bodies, in general, have that authority, but Council can limit that if they choose to. Mr. Myers stated that he would like to see if we will follow up with rules or policies in some way. Hypothetically there could be a board or commission to decide they are only going to meet virtually, but we feel there is not a need for that and would like them to meet in person. He asked how do we express our view that they do meet in person. He also wants to make sure we can also stop board members by proxy who do not attend at all even when the board sits in person. Mr. Lindsey responded that is worth considering in terms of our rules and policies. He anticipates at this point if Council moves forward with this tonight, we bring this as amendments and codify it. Mr. Myers nitpicked in the legislative language, first where "...individual boards and commissions will come up with a method whereby they can meet virtually..." he knows that the City will come up with the method and they will either use that City's version or not. It would seem silly that the board would come up with their own way. Mr. Bucher asked if this would stand in effect until altered or rescinded by a future Council. Mr. Lindsey explained that is correct and it would become part of the City's code and would not terminate without Council action. He did not include any sunset provision in this language. If a later Council decides to revoke it, they can repeal the ordinance. Mr. Bucher agreed that is the appropriate approach. This makes sense giving us another tool to use.

Ms. Kowlaczyk agreed this is a great step forward and she asked if we have the ability to have a single member of a board or commission come in and participate virtually.

Mr. Greeson explained that with groups that meet outside of this chamber it is easier, and could even be done by phone, however, one thing we will need to discuss when considering rules is the technological impacts. In this room, we are streaming and are having participation via phone with a lag, and we would have to explore what is the technological solution to participate.

President Michael explained how she participated in a hybrid meeting last Friday, where she was participating virtually and the meeting was in person. The problem was that sometimes the person participating online had difficulty hearing the person speaking in person. It worked out pretty well, but it was not perfect. Mr. Greeson talked about how there is an OWL that can sit in the middle of a table and hear your voice and pan the camera, which works well at times. However, in this room, the issue is the interface with the streaming and there is a little bit of a delay. That is the technological challenge we need to overcome. President Michael asserted that this is

a great idea, if things get bad we can enact it, otherwise, we can keep in-person meetings. It is a good tool in the toolbox.

**There being no additional comments, the clerk called the roll on Ordinance No. 43-2021.**

**The motion carried by the following vote:**

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

**Mr. Smith moved, seconded by Mr. Myers to pass Ordinance No. 43-2021 as an Emergency.**

**There being no additional comments, the clerk called the roll to pass Ordinance No. 43-2021 as an Emergency.**

**The motion carried by the following vote:**

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

## **12. Ordinance No. 44-2021 Vacation of Easement - 365 Medick Way**

Vacating/Extinguishing a Utility Easement on 365 Medick Way at the Request of the Property Owner.

**Minutes:**

**Introduced by Ms. Dorothy**

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

## **Reports of City Officials**

### **13. Reports of City Officials**

**Minutes:**

Mr. Greeson explained how with the virtual meetings we will need to develop ordinance amendments and potentially rules and regulations for how we use this. It would be valuable to have some Council input into procedure and regulation for this, so if anyone is passionate about parliamentary procedure and how rules and regulations work for public meetings, we invite your help. Mr. Smith and Ms. Kowalczyk volunteered to help with this effort.

Mr. Greeson looked ahead and explained how we are experimenting with the layout of the Council chambers and most of the people in attendance tonight are staff members. However, in the future, there may be meetings with larger attendance where they will be considering rezonings on East Wilson Bridge Road. We need to begin thinking about whether or not we are going to use this and allow any of our boards and commissions that may have larger crowd meetings. That decision does not need to be made tonight, but we have one more meeting before advertisements go out for the MPC.

Mr. Myers explained how in October, MPC will not be able to function and social distance without this. There will be an application before MPC that will generate significant interest. If we try to social distance and keep the meeting in person, it will need to be located somewhere else. When we first looked at this, our charter prevents Council from meeting elsewhere and must meet in chambers. MPC will need to meet virtually for the large and contentious meetings for participation by the public while

conducting social distancing. Mr. Lindsey explained you would need to have a rotational setup or alternative viewing to have the sort of participation we are used to. Mr. Myers said we had this discussion at the beginning of the pandemic, such as if you designate proxies to come or have groups rotate through, or speakers leave once they have spoken, and all of them are not attractive options. Mr. Greeson stated that in the absence of some set of the practice of rules and regulations, Council is the arbiter of what is ideal and appropriate. President Michael noted how if someone speaks but cannot stay to listen for what goes on afterward, it limits their ability to participate because they do not get the full hearing of what everyone says. Limiting the number of people can lead to people being upset, but if it is virtually everyone has an equal shot at being able to get on and participate, hearing what everyone is saying.

Ms. Kowalzyk shared her experience of testifying at the Statehouse during the pandemic, they did have a limited number of people where you testify and then leave. They had overflow rooms so you could watch the hearing and know when it was your time to come. If you sign up in advance, you would know when you are going to testify. Mr. Greeson said we have some ability to do that upstairs. Ms. Kowalzyk said she would imagine that the other cities that have a similar type of ordinance have some policies in place or triggers that would then initiate these meetings to occur virtually. Mr. Lindsey replied he is not aware of specific policies, and it was not obvious from the ordinances they passed that they had that. Mr. Lindsey replied to Mr. Myers that it is not a charter requirement to meet here, but is an ordinance requiring that Council meetings be in the Council chamber. That could be something Council could consider exceptions to that.

Mr. Myers explained how we have witnesses coming in from all over the country and they were put off when we told them they had to show up. Virtual has become so engrained and it is now an inconvenience to show up. It is a Catch-22 because it is unhealthy for us to all meet together right now, but it is also unhealthy for us not to meet together. The current pandemic creates a situation where we have to do this, but he wants to see anything we move forward on express affirmatively that our preference whenever possible is to meet in person because it is the best way to accomplish the people's business.

Mr. Greeson overviewed the activities of City staff over the City Council's August recess. The City closed on the issuance of \$9.985 million in Various Purpose Bonds at an all-inclusive interest rate below 1.65%. We also received the Auditor of State Award with Distinction for the 2020 Comprehensive Annual Financial Report. A new fund was created, and we applied for and received the first distribution of funds from the American Rescue Plan Act totaling \$769,401.

Mr. Robinson asked about the term of the bonds. Mr. Greeson replied 20 years. Mr. Greeson overviewed how we conducted multiple new hires, including a Maintenance Technician and Police Officer. We promoted one of the Police Sergeant Positions. The City staff has continued Implicit Bias Training for all full-time employees and approximately 150 full-time employees will have completed that

training by the end of September. For economic growth, we are excited that the Worthington Gateway project is moving forward. The intersection alignment is nearing completion with a new decorative brick wall. Four of the buildings are underway and several retail tenants have been announced and we are ecstatic to see this building coming out of the ground. For community engagement, we have met with property owners and neighbors along the south side of East Wilson Bridge Road to share information about the rezoning proposal/process. We also conducted a family fun ride bike event. With our Bike and Pedestrian efforts, we conducted crosswalk striping at key locations in advance of school and did crossing improvements at giving locations with light heads, span wire, controllers, buttons, and signage. We also did striping, installed yield signs and timing at Worthington Galena and High Street in response to citizen concerns. There are also many infrastructure improvements going on including at McCord Park and the Diamond Brite for the Community Center Pools has been completed. He highlighted that the School Facilities Task Force will be meeting at Perry Middle School to seek input on the next phase of school construction. He is serving on behalf of the Council on that committee. He forecasted that Thomas Worthington is prevalent in all the options discussed. Lastly, this is the 20th anniversary of 9/11 and Worthington has pledged to never forget and partnered with the American Legion in participating in the Patriot Day commemoration. It will begin this upcoming Saturday at 8:46 am when all the churches in town will ring their bells. He encourages everyone to attend.

Mr. Smith asked about Indianola Park and the incident there and whether we will be filing an insurance claim for that. Mr. Greeson confirmed that we would be filing a claim.

## **Reports of Council Members**

### **14. Reports of Council Members**

#### **Minutes:**

President Michael brought up how there is not anyone who has not had an experience with deer and Mr. Robinson has suggested we move immediately to ban the feeding of deer. There should be some research done on how effective the bans are and how to enforce them and to what extent you need to prohibit the feeding of other wildlife for them to work. If we are going to put an ordinance in place, there is a question if someone puts out feed for birds, would that be considered feeding the deer. People plant hostas, but they are also known to be great deer food. It is suggested that staff research successful approaches from other communities and bring that information back for discussion.

Ms. Dorothy stated that she would also like information on how to actively reduce the population if we can look into that too.

Mr. Robinson expressed how he would never suggest that we proceed hastily without considering legislation carefully. His suggestion that we do not delay is that we have all seen periodic emails from the public and conversations that this is a real issue for

many people. The idea of taking an initial step of not enabling or allowing direct feeding of deer seems on the surface as an appropriate initial step that would not take a long time to research like population control programs. The feeding could be something we could do quickly and demonstrate to the public that we take their concerns seriously and are looking for ways to address them. His suggestion was to do something rather than simply study it.

Mr. Bucher echoed Mr. Robinson that it is relatively low-hanging fruit, but we must examine it thoroughly. Our Parks and Recreation Commission has been working on this in some capacity and they would be eager to assist with this to get it to a final product.

Ms. Kowalczyk agreed that we should have a conversation about the deer, but would also like to know the effectiveness of a ban on the feeding of deer and how enforcement would occur.

Mr. Smith expressed that he has been to ODNR conferences on deer in past years and that Mr. Barnhardt's research is still up to date. He would encourage Councilmembers to look at the research and bring that back into the conversation as well.

Ms. Dorothy said she would like to see a report holistically, not just feeding. She is concerned about how effective just banning feeding is and how that would be enforced. She would like to do something that has proven to be effective.

Mr. Smith said that an alternative to a ban would be an aggressive campaign of public outreach.

Mr. Greeson acknowledged that Mr. Barnhardt will continue his work on this topic, expanding his research. If we move towards a culling program, we need to think about how to do that and really need to create a task force and have the Parks Commission really be engaged. It is an education initiative. We will have Mr. Barnhardt look at programs that have implemented culling programs and determine how they have built community consensus around those efforts.

Ms. Dorothy expressed interest in researching birth control options as well. Mr. Greeson stated that if he is not mistaken, those options are not authorized by the state at this time.

Ms. Dorothy thanked everyone with the City who was involved with the Rotary Family Picnic. It was a successful event. She also attended the Bike and Ped meeting a couple of weeks ago and they had some study reports from the City of Columbus for the Collins Drive into our Perry Park. It has a speed limit of 35mph and the average speed for all vehicles was in excess of over 65% of vehicles traveling. It only takes one car to wipe out an entire playground. She would like to emphasize there is a need for us to do something at that intersection, along with many other places in Worthington to slow down vehicles. We need some physical modifications to our street design to make it safer for people using our public right of way.

Mr. Myers explained that this Thursday's MPC meeting will have two applications that will be of interest. First involves the parcel to the south of Anthem, it is a second hearing on a bank that is proposed to go in there. It has been discussed in the past and it appears the applicant will be putting in a 3,000 sq ft bank. The Board tried to



convince them to do something different, but he is unsure if it worked. The second is a tree on the Stafford Village property, the tree turned out to be unhealthy and we have had three arborists examine it. Mr. Brown explained how Mr. Daughtery examined it, and you can see a large crack and recommended removing the tree for safety reasons. Mr. Myers said he was in Virginia this weekend and attended a Sunflower Festival in a tiny town. They had an unbelievable park that has generated a ton of activity with ballparks and creates revenue for the City as a park. We could do the same thing with McCord Park.

Mr. Smith expressed how he and his children have enjoyed the new Selby Park. The CIC met in August and had some good discussions.

Ms. Kowalczyk thanked everyone who has met with members of the Worthington Partnership to discuss their upcoming budget. She encouraged everyone to go to the Dog Days of Summer coming up. She asked for a discussion at the next meeting to have Dr. Roberts from Columbus Public Health come in to update us on the Delta variant.

Mr. Bucher gave kudos to the staff for all their work listed in the progress report. President Michael reported that Parks and Recreation Commission is moving forward on recommending a parks foundation for the City. This would be an excellent opportunity to raise private funds for our parks. She gave credit to the Park Board and Celia Thornton for all the work they put into this and getting it ready to go. There is also a grant available to help pay for the 501(c)3 application and some of the other preparation work. COMMA met and one thing they brought up is that the state legislature has been looking to restrict the use of broadband, restricting what cities can and cannot do in using broadband. COMMA is going to have members serving on a statewide organization to protect Home Rule and broadband use. There was a discussion on how communities are using ARPA funds. The Franklin County Health Commissioner provided an update on COVID and masking.

## Other

### Executive Session

#### 15. Executive Session

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

**Minutes:**

**MOTION:** Mr. Smith moved, seconded by Mr. Myers to enter Executive Session to consider the appointment of a public employee or official.

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

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

Council recessed at 8:49 p.m. from the Regular meeting session.

**MOTION:** Ms. Dorothy moved, Mr. Robinson seconded a motion to return to open session at 8:55 p.m.

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

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## Adjournment

### 16. Motion to Adjourn

**Minutes:**

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

**President Michael declared the meeting adjourned at 8:56 p.m.**

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Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 09/15/2021, adopted on 09/20/2021

/s/ Ethan C. Barnhardt  
Management Assistant

Attest

/s/ Bonnie D. Michael  
President of Council