



# City Council Agenda

## Minutes

Monday, February 7, 2022 at 7:30 pm

6550 N. High Street, Worthington, Ohio 43085

### 1. Call to Order

**Minutes:**

Worthington City Council met in-person on Monday, February 7, 2022. President Robinson called the meeting to order at or about 7:34 p.m.

### 2. Roll Call

**Minutes:**

**Members Present:** Katherine Brewer, Peter Bucher, Rebecca Hermann, Beth Kowalczyk, Bonnie Michael, Doug Smith, and David Robinson

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

There were twenty-one members of the public in attendance.

### 3. Pledge of Allegiance

**Minutes:**

President Robinson did not lead the Pledge of Allegiance as it was recited during the Joint Meeting.

### 4. Visitor Comments

**Minutes:**

There were no visitor comments.

## Public Hearings on Legislation

### 5. Ordinance No. 03-2022 CRA Boundary Amendment

To Amend Worthington's Existing Community Reinvestment Area Boundaries and to authorize the City Manager to Submit a New Ohio Community Reinvestment Area Program Petition for Area Certification to the Ohio Department of Development.

**Minutes:**

Mr. McCorkle explained how this piece of legislation is for an adjustment to the

boundary of our Community Reinvestment Area (CRA) which is a property tax abatement program. A CRA is an exemption of real property taxes on an assessed value of improvements made to commercial, industrial, or residential parcels. The existing property taxes will continue to go to various taxing jurisdictions, and then the abated property tax load is shifted into the abated value of the project. The State allows up to 100%, 15-year property tax abatements. Jurisdictions must petition the State to create or amend a CRA area. Communities then choose eligible properties, limits, and negotiating procedures, along with the completion of a Housing Survey. There are also a required CRA Housing Council, Housing Officer, and Tax Incentive Review Council (TIRC). Commercial and industrial projects require an agreement negotiated before a project begins. If a CRA is more than 50% or longer than 10 years, school board approval is required. Annual reports are due to the Ohio Department of Development on March 31st of each year. To amend an existing CRA, a new Ohio Community Reinvestment Area Program Petition for Area Certification must be submitted.

He described how Worthington's CRA program consists of one CRA, located along three commercial and industrial corridors of the City, along Huntley and Proprietors Roads, Wilson Bridge Road, and High Street. Resolution 15-2007 amended Worthington's program to only allow commercial and industrial properties to be eligible, with a maximum of 10-years.

President Robinson asked if there was an explanation for excluding residential at the time. Mr. McCorkle replied that he was not sure of the logic of that decision.

Mr. McCorkle explained how Worthington has multiple requirements to be eligible for an abatement. First, you must conduct commercial or industrial activity on the property such as manufacturing, warehousing, wholesale, or office. There must be a minimum investment of at least \$1,000,000 in new construction or improvements to the property. Finally, you must employ a minimum of 25 new employees or incur at least \$1,000,000 in new annual payroll costs in the City. The maximum abatement is 10-years or 100%, we have not gone up to 100% before. The City has approved five CRAs since 2007, 4 were 75% for a period of 10 years and one was 50% for a period of 10 years.

He detailed how pursuant to the ORC and the criteria he previously mentioned, a new Ohio Community Reinvestment Area Program Petition for Area Certification must be submitted to the Ohio Department of Development and include the following: list of active CRAs, housing survey, approval ordinance, proof of public notice for approval ordinance, maps, written description of the CRA boundary, school district participation, and contact information. The steps that brought us here tonight started when the New England Development Company gave a presentation to City Council in December 2021 on a proposed hotel on West New England. They shared that a CRA was needed to make the project financially feasible, and proposed adding the hotel parcel to the existing CRA boundaries. Council directed staff to prepare legislation to consider adding the parcel and other relevant parcels not included in the original 2005 legislation, which has been prepared and is before Council tonight. This

ordinance only amends the CRA boundaries for eligibility purposes and a formal CRA project application and approvals would be needed before any parcel in the CRA received a property tax abatement. Staff identified 22 parcels that are commercially zoned to be added to the CRA boundaries.

Ms. Michael brought up how there has been discussion about the house west of the Worthington Inn, which is not commercial, and whether that has been included in this. Mr. McCorkle replied that the property is slated to come back to Council for rezoning on February 22nd. At the time of this preparation, that was not identified as commercial, however, Council does have the ability to include that. He pointed out how there are rezonings that come up periodically, so perhaps staff could periodically do a sweep of anything that has been rezoned commercial, but we would need to re-do this process to capture any parcels that are not on this list.

Mr. Courtland Bishop of 560 Morning Street expressed that he is nearly a lifelong resident of Worthington and has been around for a long time. In his opinion, it should be a partnership with the City and whoever is applying for one of these abatements, and it truly benefits the community in an ironclad manner, with the developer earning the abatement. It is a gift to the developer and the business that is coming here. His property is one of the ones that is being rolled into this, however, he will not apply for abatement and he does not want one. He thinks that his responsibility as a resident and business owner is to contribute to the community, which should come at a price for anyone who wants to be a part of it. He spent \$1.3 million turning something that was an eyesore into something we could be proud of. He does not regret not getting money or abatement, and those are the types of commitments we should consider who have the true interests of Worthington at heart and not just because they bring a certain number of jobs. We are in a wonderful place where people want to be. We do not need people here to take advantage of the loopholes in the system. He is not opposed to the development proposed next door, but he also thinks that Council has a responsibility to make sure if someone is doing development, the infrastructure is there to support that building. In order to support things such as the hotel, we are going to have to invest in infrastructure. It will cost tax dollars to do these types of things.

Ms. Michael expressed how she supports this ordinance, and we have approved very few abatements. Just because someone is in a CRA area does not mean an automatic abatement is given out. We have been very careful with the abatements that have been given out in the past, making sure that they contribute to the community. She expressed that she wanted to amend the ordinance if the properties she mention earlier are rezoned, that they are included in this package.

**MOTION** Ms. Michael moved, seconded by Ms. Hermann to amend the ordinance if 44-46 W. New England is rezoned later this month, it is to be added to the CRA application, and if it is not rezoned then it should not be included.

President Robinson asked if we acted in this manner, whether the application would be held until after the rezoning vote. Mr. McCorkle nodded that was correct.

Mr. Smith brought up contracts with the CRA application and what specifics we could

contractually obligate the applicant. Mr. McCorkle replied that our contracts typically have a level of investment, job creation, and payroll. We ask for them to report annually, and the TIRC can recommend adjustments if they do not meet those criteria. We have had CRAs where the percentage was adjusted down due to underperformance. Mr. Smith asked what are our limitations to the contract. Mr. McCorkle described how in the past with incentives, we have had a development agreement in place so for example, with the Gateway Project, we had a TIF and an overarching development agreement that tied the zoning and the uses on the site, tying the PUD language to the TIF. A development agreement can be used to help hold the developer to certain criteria, whatever that criteria may be. Mr. Lindsey explained that agreements may include terms not proscribed by the ORC section, so we may include various limitations, but we may not provide the thing expressly called out in the code.

President Robinson noted that Mr. Bucher would not be at the meeting on the 22nd. Due to the importance of this rezoning, he planned to ask that we delay this issue to the first meeting in March. He is not sure of the urgency of submitting the CRA changes to the state. He does not have a problem with Ms. Michael's motion. Mr. McCorkle replied there is not an urgency to submit.

Ms. Hermann summarized that all we are doing tonight is saying where the CRA is going to be, so if it is a home and is residential, it would still come back to us to vote on at a different time. President Robinson said that right now, future additions to the CRA do not include the possibility for residential. Mr. McCorkle said that they could be added to the CRA boundaries, but residential would not be eligible. We have a separate application that would need to be completed and submitted to the City. Ms. Hermann said that if we just add to the CRA right now, we are not doing any harm. Ms. Michael reiterated that her motion says that if the rezoning goes through, it is added to our application, otherwise, it is not added to the application.

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

Mr. Smith followed up on his previous question, and as long as we have a mechanism to hold folks accountable and make clear our intentions, that is what he was getting at and he is in favor of it.

Ms. Kowalczyk emphasized that she supports this amendment to the CRA, and it is an important tool in our toolbox for economic development. All we are voting on today is to expand the area that is inclusive of all the properties that would be eligible for the CRA and you would still need to go through the process of applying through the City and potentially have a development plan. This is a good first step.

President Robinson shared his thoughts that the CRA was a concept created in the 1960s and 1970s to aid with urban blight. He is in support of expanding our ability to offer these incentives but with the thinking, it ought to be done very discreetly and minimally with high standards. Echoing Mr. Myers' comments from last year, the approval of the CRA expansion should not be interpreted as an eventual approval of the proposed project. With that being said, he supports this when we vote as it is an important tool for the City to have.

**There being no additional comments, the clerk called the roll of Ordinance No. 03-2022 (As Amended). The motion carried by the following vote:**

Vote Results: Ayes: 7 / Nays: 0

## **New Legislation - Resolution(s)**

### **6. Resolution No. 06-2022 Community Relations Commission Appointment**

Approving an Appointment to the Community Relations Commission.

**Minutes:**

**Introduced by Ms. Hermann.**

**MOTION** Mr. Smith moved to adopt Resolution No. 06-2022, seconded by Ms. Michael.

**There being no additional comments, Resolution No. 06-2022 passed unanimously by a voice vote.**

### **7. Resolution No. 07-2022 Council Recommendation to Community Improvement Corporation**

Recommending Rebecca Hermann be Appointed to the Board of Directors of the Worthington Community Improvement Corporation.

**Minutes:**

Mr. Greeson overviewed how the CIC by statute can have an agency relationship with the City and this requires that four City officials be on the CIC board. Those officials are appointed by the CIC, but by practice are recommended by the City Council. Council will be recommending Ms. Hermann, who will be subsequently appointed by the CIC board.

**Introduced by Mr. Bucher**

**MOTION:** Ms. Kowalczyk moved to adopt Resolution No. 07-2022, seconded by Ms. Brewer.

**There being no additional comments, Resolution No. 07-2022 passed unanimously by a voice vote.**

## **Reports of City Officials**

### **8. Policy Item(s)**

#### **a. American Legion Post 239 Liquor Permit Notice to Legislative Authority**

**Minutes:**

Mr. Greeson overviewed how last week, Council heard information about this from staff and the American Legion and then scheduled it for further discussion tonight. The three options available to Council are to request a hearing which is typically done in the form of an objection, making a motion not to object, or Council could do nothing. The advice was provided to Council that we would not have a strong basis to successfully object under the guidelines of the Ohio Division of Liquor Control.

Mr. Daniel Gibson of 701 Morning Street shared how he lives directly across from the American Legion post. He wanted to make clear that he supports the Post and its mission, but he adamantly objects to their plans which are incongruous

with the character of the neighborhood. The Post's closest neighbors also nearly unanimously oppose their plans as well, as indicated by the 20 neighbors who have signed a letter of opposition that has been circulated. He understands that the discussion tonight is whether or not to object to the D-5 permit, but there are good grounds for Council to make that objection. This issue is not and has never been about who is for our veterans and the Post, and who is against them. The residents have felt that it is about how to best support the Post and the financial needs without compromising resident interests and the character of the neighborhood. Neighbors have looked to engage in constructive dialogue and find alternative means to fulfill their financial needs, and meeting with the Post and working to secure ReBOOT funds last summer, and offering to advocate for a recurring City grant of \$5000 in recognition of the contributions they have made to our City, and also exploring options to move to another location in Worthington that might be more suitable for their plans. Even when the Post declined to consider these alternatives, he offered to further discuss ways to find alternatives, which led to a meeting with the former District 12 commander who recommended that the residents and the Post have a meeting again, however the Post indicated they were not in favor of further discussion with residents. He and many residents are ready to recommence a constructive dialogue with the Post to reach an appropriate resolution to this issue. However, if the Post is only interested in pursuing liquor licenses and rezoning, which they are entitled to do, then he would ask the members of the Council to reject the false choice that has been presented to him. Supporting the Post in their mission does not require an endorsement of the Post's plans to become a commercial alcohol sales enterprise and a party rental business in the heart of residential Old Worthington. There is a better way. He believes there are grounds for an objection this evening, and he was heartened to see if the staff memo there were location-based objections, not just applicant-based reasons. In those statutes, it is indicated that location alone can give cause for a reason to reject if it does not fit within the character of the neighborhood. Those location considerations make the zoning issues relevant to this discussion, the rationale to date to allow the Post to obtain a D-5 permit is that the Post already has a license to serve their own members and the changes would not be that significant. But that rationale is at odds with the presumptions of zoning law which rejects the notion that being already incongruous with the neighborhood is an argument for becoming more incongruous. As this Council knows, the Post is a non-conforming use, and with that comes presumptions that are written into the law that they will cease to exist at that location in the future. As long as it does exist, it does not become less conforming. While they stand ready to have further dialogue with the Post to resolve this issue, he would submit that this issue is larger than the question of the D-5 permit and he would ask that Council carefully consider how they choose to proceed.

Ms. Kowalczyk asked for clarity in regards to the case law and the interpretation

of the law regarding residential considerations that zoning is not a consideration in the rejection of a liquor license. Mr. Marc Myers of 300 West Wilson Bridge, explained that for purposes of Ohio Liquor Law, the revised code, precludes the Division of Liquor Control from considering zoning issues in that zoning is considered a local matter and the issuance of a permit and of zoning are two separate issues. Ms. Kowalczyk followed up about the evidence to meet the grounds for denial for things such as the location of the established. Mr. Myers explained that the law provides that if the objecting authority can meet the burden of showing the issuance of the permit would have a substantial or adverse impact upon the neighborhood, then that is a basis for an objection. The burden is higher than if something fits into a neighborhood, it is that the City would have to show that issuance of the permit would have a substantial and adverse impact, which is extremely difficult to do. There is case law that provides that speculation is insufficient. Prior history is relevant, however, and if the City can show that a location has been a trouble spot that would have a substantial impact.

Mr. Smith asked about Mr. Gibson's point about non-conforming use and if Mr. Myers could interpret that as more of a local zoning issue. Mr. Myers replied that would be a zoning issue. Ohio has plenty authority over liquor permits, but local issues like zoning are a local authority.

Ms. Michael explained that because it is a non-conforming use, for there to be any change besides their current operations and what they are doing, will require going through the MPC and changing the zoning. Based on that, if they get the D-5 permit they will not be able to do anything differently without going through the zoning. She does not see why we should be filing an objection because we would not win. There will be a full discussion at the MPC level and then the issue would still come back to Council before anything happens. She does not understand why we would make the Legion jump through all of these hoops when the real hoops are coming at the MPC level.

Mr. Bucher echoed Ms. Michael's comments and expressed that the best course of action is to have no objection and then have a discussion when the rezoning application comes.

**MOTION:** Ms. Michael moved, seconded by Ms. Kowalczyk for the City to not object to the liquor permit

Mr. Smith agreed with this course of action and spoke to the Legion saying that there are neighbors in the audience and a City who supports you, asking them to lean on that moving forward with these discussions.

President Robinson expressed that regardless of the ultimate decisions to be made here, this is not the proper forum or place for the City to weigh in, that will be at the MPC level and again at Council for the issues to be explored fully. He wanted to encourage further dialogue between the Post and neighbors and believes an outcome can be achieved that protects the interests of the Post firmly, while also fully acknowledging the rights of the neighborhood.



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

**b. Discussion Item - UMCH Focus Area Moratorium**

**Minutes:**

Mr. Greeson detailed how at the January 18th meeting, an ordinance that is included for reference, was introduced as an emergency that did not receive the necessary 6/7ths vote and did not pass. Council then discussed placing this dialogue and the issue of a moratorium back on the agenda for this meeting. Going back and looking at the record, the legislation was not re-introduced, and so this has been put on as a discussion item for the agenda rather than a public hearing. In addition, Council asked staff to collect input and possibly re-draft, which staff did. We concluded that the issue was of a lot of import and would benefit from having more dialogue and direction from Council prior to or before attempting to redraft the prior ordinance. Action is not necessarily required tonight.

Ms. Michael expressed that doing this is premature and also not following our Council expectations for 2021. Except for the two newest members, the other five Councilmembers agreed to Section 8 of those expectations to be clear about the decision-making process, and Section 8C states that when decisions are made, to move on, and that there is an appropriate time to revisit issues such as during budget time and goal setting. We are going to be doing goal setting this weekend, so she feels it is premature to discuss this tonight when we will examine our top priorities in the goal-setting. If we are going to have Council expectations that are approved, then we should follow them, otherwise, why do we have them.

Mr. Aaron Scherer of 6875 Bowerman Street East shared how he is a longtime resident and he house hunted for two years to be able to move to Worthington. This City has major housing issues and needs inclusive housing, which is what he is here to talk about. He does not like a lot of what has happened this year, but he does agree with one statement shared by President Robinson, which is that this property presents an extraordinary opportunity. It is an opportunity to address the needs of those people who cannot afford to move to Worthington, which was borne out in the Visioning process results. Going back to visioning, it should guide us because all Worthington residents should be represented in this process, and indicates that we want to be a more inclusive and connected city. His question is that the goal of this moratorium is to start a dialogue, but who is that dialogue with, and is that only those who are most vocal and can afford and have the flexibility to come to these meetings and sit for hours, or is it with all people. Worthington is not diverse, and Worthington was built on a housing and zoning policy to exclude people from this city. Most of the people who live here do so on the back of inequality built into the systems of this country. He urges Council to aim higher and to continue the process started with Visioning to hear from all residents of Worthington, and move forward to write a comprehensive



plan, and then work to rezoning. Let us work to rezone the City and actually address the needs of the City of Worthington now and into the future.

Mr. Tom Hamer of 160 Longfellow Avenue read a statement from WARD regarding Council's decision on January 18th to amend the Comprehensive Plan. On January 18, 2022, Worthington City Council made decisions with significant impact on efforts to develop the property at 1033 High Street, currently owned by LC Worthington Campus (Lifestyle Communities, LLC).

The WARD Planning Group (WARD PG) presents the following responses to decisions made by Worthington City Council, the process for presenting this business at Worthington City Council's meeting on January 18, 2022, and anticipated strategies now that new actions have been taken.

1) WARD Planning Group is strongly supportive of the four Guiding Principles on the update of the Comprehensive Plan approved by Worthington City Council. We affirm the decision to consider the whole parcel as an integrated property development initiative, rather than a piecemeal parceling which may maximize profit for the property owner, but neither serve the long-term interests of the city and its residents nor provide a visionary approach for this unique parcel. In the clearest terms possible, we strongly support language that any approach be harmonious and compatible with the fabric of surrounding neighborhoods and the environment. We have long maintained that this parcel, centrally located, should only be granted a zoning change when it is expressive of the will of the citizens of the city. We believe it is irresponsible to seek a zoning outcome that negatively impacts the citizenry, and are encouraged that our city council has moved forward toward more responsible development. We believe that corporations have a moral obligation to consider stakeholders rather than simply the shareholders. This is especially true when seeking permission to change existing zoning.

2) Since September 18, 2012, WARD PG has examined and explored the preferences of the citizenry, with multiple open meetings and surveys whose response rate surpassed even official city surveys and prior developer's efforts to survey our city's residents. Through these multiple initiatives, WARD PG has determined that our community's residents oppose high density and height for housing on this property. Significant green space beyond simply the Tucker Creek ravine (which cannot be developed regardless) has also been long seen as desirable. Residents have long supported High Street commercial development and creative housing space that meets the needs of the city and surrounding communities. WARD PG does not oppose housing, but does oppose high-rise, high-density housing. We applaud City Council's decision to amend the Comprehensive Plan to better align it with the will of the citizenry. Based on unanimous negative decisions from both the Municipal Planning Commission and City Council, it is clear to WARD PG that the language of the prior plan was too vague, and greater clarity would assist both the property owner, and the developer who might choose to ignore the will of the citizens while seeking a

zoning change. In either case, WARD believes that this amendment will spur better decision making.

3) Regarding process, WARD PG made the decision to understand the facts before weighing in on the process by our city council. Based on public statements, community meetings, blog posts and other information gathering, WARD has determined that the swift action on the part of City Council was strategically sound in seeking positive outcomes. We also believe that these decisions were driven by the views of the majority of the citizenry. Further, we believe that claims of acting arbitrarily and without knowledge of the citizenry's opinions and beliefs about this property lacks substance and suggests political tactics at best, and character assassination at worst. We implore individual citizens as well as community groups to focus on issues rather than ad hominem attacks. We look forward to a more civil and appreciative process.

4) Finally, the WARD Planning Group believes that we are already moving into a new phase. We anticipate new groups will begin to lobby the citizenry to shift their perspectives to support high density development to maximize profits for the property owner. Regardless of whether these efforts are funded by the property owner or pursued by individuals in the property development industry, we urge you to explore the funding, leadership constituency, and vested interests as you make your decisions and express your values and hopes for our whole community.

Mr. Joe Miller of 52 East Gay Street in Columbus, expressed he is here on behalf of Lifestyle Communities and Worthington Campus LLC, the actual property owner and applicant at issue here. The proposed moratorium and amendment to the City's comprehensive plan made without notice to his client whatsoever, are both illegal and unenforceable for numerous reasons. First, this Council is not permitted to single out and target this land with arbitrary restrictions as it has. Singling out and unilaterally amending this comprehensive plan, solely to impose restrictions on the development of this particular property is spot zoning, unlawful under the Equal Protection Clause. That resolution passed and the ordinance that may be passed tonight are not law of general application, they only apply to this one development and as such, due process requires that notice and opportunity to be heard is owed to the property owner. Yet, this Council has admitted publicly that it intentionally refused to provide notice to the property owner or the general public and move forward near midnight at the last meeting with no notice whatsoever. He gives Ms. Michael credit for acknowledging that she has never seen anything like that in decades of municipal government, nor has he in decades of land use litigation. Citizens certainly should not expect their Councilmember act so contrary to law. The so-called amendment to the comprehensive plan that it intends to impose of future development plans on this particular property, in disagreement with the prior speaker, is so utterly vague and repressive, they provide no objective criteria whatsoever to develop this property. A landowner cannot be subject to arbitrary

and capricious zoning restrictions like this. Respectfully, what has been already enacted and maybe enacted tonight, does not even serve the stated purpose. As a result of the prior application, his client's right to develop this property pursuant to the 2014 Comprehensive Plan has already been vested and cannot be taken away from this landowner. His client tried to work with the City and its staff consistently with that comprehensive plan but was denied the opportunity to do so. The prior speaker asked for dialogue, but that is what they ever wanted with the City, yet to date, it is undisputed that the City has refused to even talk with Lifestyle Communities about the development of this property, which is unlike any municipality in central Ohio or anywhere else. Instead, this Council's prior meeting and this proposed moratorium only further establish the City's clear refusal to work openly and honestly with Lifestyle and its animus towards his client. This City and its citizens and its property owners deserve better than public officials operating in secret, passing resolutions near midnight, that violate the constitutional rights of one of its stakeholders. This City should rethink its approach consistent with other municipalities that are growing in Central Ohio that have economic vitality, robust economies, and tax bases. A good start would be to respect private property rights in the City and drop this illegal, targeted, moratorium.

President Robinson stated that for reasons not necessarily agreeing with Ms. Michael, he agrees with the statement about the wisdom of not acting on the moratorium tonight. The motivation behind the moratorium discussion on the 18th was in his judgment, which has been met through other means and there is no desire on his part to pursue a moratorium at this time.

Ms. Michael conveyed that numerous people sent in comments regarding this that have been received through email and the majority were not in favor of a moratorium. People who spoke tonight discussed having a robust discussion and public dialogue, but nobody said that we really need to have a moratorium. Nowhere as part of this, has there been discussion we should look at this as part of the Council retreat. If we are talking about having public discussions and debates, nobody is going to have a problem with having those discussions.

Ms. Kowlacyzk expressed that she does not believe that the comprehensive plan now as amended reflects the will of the citizens as was very well stated by Mr. Scherer. There has been a visioning process that was conducted and a goal of that was to understand the will of the community, which was done through an extensive process, led by citizens who volunteered their time to complete it. We need to respect that process. Where we are now is her question, we have talked about a retreat, and there is this amended comprehensive plan, she would be interested to know if there is an actual plan for moving forward with this property where we are going to consider what should be done. Contrary to what Mr. Hamer and WARD assert, in her discussions with residents there is not a consensus. The only consensus she hears is no apartment, which is a separate discussion that we should have. We need to have a conversation about our

housing needs for our workforce, our older adults, and for promoting diversity and inclusion in the City. She recommends having a professional housing study conducted that uses the resources that MORPC has put together with their housing study, and looking at our visioning plan. There is also the question of where we are now and what we are doing with this discussion we are supposed to be promoting between residents and the developer.

President Robinson replied that these are vastly complicated issues and it is important to revisit the choice that this Council faced coming into this new year. There were three options before us related to UMCH as he sees it. We could as a new Council have done nothing and accepted the status quo, based on years of experience with the community and many conversations and surveys. We had a comprehensive plan written in 2014 that was the basis of us receiving and assessing development plans. The proposed plans that came before the public were roundly criticized and rejected. Most recently, the plan submitted in October of 2020 about ten days following an initial conversation by the Council about rescinding or updating the comprehensive plan, led to a 14-month process committing a significant amount of time to ultimately result in a denial by the MPC and Council of that proposal. He believed it was time the City recognize that the 2014 comprehensive plan was not reflective of public opinion and committed the City to a repeating process that is not productive for anyone. When coming into this new Council in January, we faced a choice to do nothing or to announce in advance the intention to discuss this, which would involve hazards for the public where any application or proposal would freeze our ability as a community to write our own plans, which is also unacceptable. The third option is the one we pursued, where we did not announce that we would discuss and potentially act. The discussion was open to the public and there was no attempt to discourage as much conversation that Council or the public wanted to make. The purpose was the enable us to proceed unbound by the 2014 comprehensive plan, and with an update that does in general principles embrace public opinion. This is not the end, but rather the beginning of the process. The choice we made was the right choice.

Ms. Hermann expressed how the reason she was so prepared at the last meeting was that she also wanted to update the comprehensive plan based on the Vision Worthington plan. In reading it, it says that very few respondents mentioned no more apartments. 12 out of 594 respondents said they did not want apartments. Very few respondents mentioned parks only at the UMCH development, with only 11 out of 594 saying so. When asked by President Robinson where she was reading that from, Ms. Hermann replied that it was from the Vision Worthington report that she asked everyone to read. She said in there, as she is looking, by stating what we did on the comprehensive plan, the S-1 which is special, institutional, hospital, church, and education, all of the things that are not mentioned in the updated comprehensive plan, the only thing mention is greenspace. She is not certain where this is supposed to

represent our community, because of this 18-month visioning process, and the time people put in, she does not see where the rest of the over 500 people are being represented here. She is here for her community. WARD said back in 2013, they reviewed the PUD and stated public support for the PUD. When we walk through the past 9 years, it has been confusing because things have shifted, things have changed. WARD was on board for quite some time, she spoke with them personally. As far as the comprehensive plan in 2014, LC was not even a thought at the time. For the comprehensive plan, they met with all kinds of people, including kids at the high school, college students, and stakeholders. UMCH at the time actually wanted to have a win-win solution, where they could get fair market value for their land. There was no developer in mind. We as a community wanted to know what the possibilities were. It was actually asking the community, the same way that Poggemeyer asked the community through the visioning process. It is fair to use this visioning to update the comprehensive plan, but they are extremely similar. If we get a professional in here, it will not take too long because what the visioning says is similar to our Vision 360 in 2010 and extremely similar to the 2014 comprehensive plan update. If we are not all willing to read this as a Council and pay attention to all of the hours and the volunteers, and everyone who put their time into this, that is disrespectful. She is happy to sit down with everyone and go over every year, because she is tired of this too and why we are having this conversation. LC came out in January and set up Zoom calls with WARD, and one member said that they were not going because they do not want apartments or anything they may offer. This is important to our City, she is doing the research and taking her time to make the dialogue and make the initiative. We need to talk about this vision plan and we need to talk.

Mr. Scherer came up to the podium again, asking if anyone was aware of when this property was last rezoned and the current zoning was put in place. He said it was at least 30 years ago. Ms. Michael explained that it goes back to when it was the orphanage and it was S-1 zoning, a lot of the initial zoning goes back to then when it extended all the way to the river. Mr. Scherer said that his question to Council is whether that zoning was prescriptive or descriptive because he agrees with what Ms. Hermann has said about the visioning, the 2014 comprehensive plan, and also all the work that went in the 2005 comprehensive plan. Citizens have been engaged in this process. There is a sense people are frustrated with the lack of urgency, but the problem is people have been engaged, but they just disagree. In that sense, he commends that Council is taking action and someone has to make a choice. His desire for Council is they truly listen to the broader swatch, even putting in a caveat of not just listening to the "majority" because as we learned in 2020, sometimes people cannot be part of the majority for a lot of reasons. Please think broadly when you address this.

President Robinson commented on the history of the zoning, and that the S-1

was established with the rest of the zoning map in 1971. The C-2 and C-3 parcels were subsequently created along with the unusual-looking continuation of the S-1 near Larimer and High as a result of UMCH as an institution creating a master plan including a vision where they could lease commercial space, providing a revenue source to support their mission and operations. It was both descriptive and prescriptive for the UMCH institution.

Mr. Smith asked a legal question to Mr. Lindsey, and Council should address the legal representative who is here tonight representing LC. He agrees with Mr. Scherer's comment and how visioning was meant to engage the broader public and how we can do that going forward. The retreat is a good place to start with that conversation.

President Robinson continued that since he was first on Council four years ago, he has thought that we should do studies such as a housing study, that would enable us to look at facts based on different scenarios. He thinks that he will advocate that we engage in some studies that will provide information for us to not just be talking about concepts and individual passions for specific outcomes. Mr. Bucher echoed support for figuring out where we go from here with stakeholder engagement, it is absolutely critical.

Ms. Kowalczyk shared that if you were not at the Chamber luncheon to hear the Ohio Director of Development talk about the new Intel project and the impact it will have on the greater Columbus community, that is something we need to consider as well when thinking about a housing study. There will be a significant amount of direct and indirect jobs and resources needed to support the project and there will be a lot of opportunities there. However, they will need access to housing, education, and other things. We have an opportunity to build our tax base by thinking about how we can incorporate and welcome people to our community.

Ms. Hermann added that in regards to Intel, they anticipate being up and running in three years. The average job salary will be \$135,000 and it is fifteen minutes away from us. When Honda came online in Marysville, one of the major beneficiaries of that was Timken Company in Bucyrus, Ohio which is 45 minutes away. She hopes that something would happen at UMCH within five years and agrees with Ms. Brewer on that point. We need to look at other commercial sites as well and consider what things we can do.

Mr. Lindsey responded to Mr. Smith's question, that in general, Council takes action as a body here. This weekend we will be in a public meeting elsewhere, and Council acts in public meetings as a majority. Individual actions and statements are not those of the City, but they can have consequences. Mr. Miller's role and primary part of his practice area is litigation, and Mr. Bo Brownlee has indicated through Columbus Business First, that they intend to seek legal recourse. Mr. Miller's comment indicates concern about action taken by the City in the past. He would encourage not speaking directly to the lawyer, but to speak through your lawyers. However, you can talk to anyone you please,

which is within your discretion. Over time, he would encourage working with Mr. Greeson and staff in terms of your thoughts regarding this property and engaging the public.

Mr. Miller encouraged the City Council to talk to his client. There is a lot of talk about dialogue and engagement, why not engage with Lifestyle, they are ready and willing. Staff was instructed not to work informally with the applicant, only in public hearings which is something he has never seen in his career. There are things he has never seen in his career that expose the City to liability. You should be talking to his client, rather than avoiding working with a major stakeholder in this community. Before Intel was announced, MORPC was already saying this region would grow by 1,000,000 people by 2050. All new housing helps with the housing crisis. It is not Worthington's job or any other suburb's place to refuse to deal with this. Every city in the urban core has to deal with this reality.

Mr. Smith conveyed how at the December 13th meeting where we voted on the property at UMCH, former Councilmember Scott Myers had a nice monologue about the history that course corrects what Mr. Miller has said here tonight. He would advise everyone to go back and review that statement from Mr. Myers.

**c. Set Public Hearing for Ordinance No. 01-2022 (44-46 W. New England Ave.)**

**Minutes:**

**MOTION:** President Robinson moved, seconded by Mr. Bucher to set the public hearing for Ordinance No. 01-2022 for March 7, 2022

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

**d. Set Public Hearing for Ordinance No. 02-2022 (650 Andover St.)**

**Minutes:**

**MOTION:** President Robinson moved, seconded by Mr. Bucher to set the public hearing for Ordinance No. 02-2022 to be March 7, 2022

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

Mr. Greeson gave kudos to our Service and Engineering Department as well as our Parks Maintenance Team who worked tirelessly to clear the snow and ice from our roadways and public walkways last week under less than desirable conditions. Secondly, we do have a retreat this weekend and the agenda has been sent out. On a somber note, we lost a couple of retirees recently, our former firefighter Bill Noble who retired in 2008, and Bill Halfen who was our longtime traffic signal technician who retired a few years ago. On a happy note, Mr. Barnhardt and his wife welcomed their new baby over the weekend and we are happy for them.

## **Reports of Council Members**

### **9. Reports of Council Members**



**Minutes:**

Mr. Bucher commended the Service and Parks crews for their work during the snowstorm, they did as good of a job as possible in the elements.

Ms. Kowalczyk echoed the positive sentiments about our snow warriors, it is incredible the work they do. Mentioning walkability, she brought up sidewalk cleaning and asked that if the staff has not already, to notify property owners to clear their sidewalks per our City Code. If we can think of a way to either aid, encourage, or incentivize property owners to get the sidewalks clean, that would be desirable because they are un-walkable. Unfortunately plowing the streets will block sidewalks, so as we remind property owners of what they need to do, they cannot block sidewalks. She also reported as a member of the board of the McConnell Arts Center, how much she was impressed by the Lance Johnson exhibit. Additionally, the Farmers Market has resumed at the Worthington Mall and will be opening outdoors in April. The Chocolate Walk will be on March 3rd. She was excited that SWACO announced they are accepting, paper, plastic, and aluminum cups in recycling which is a big deal.

Ms. Brewer echoed her thanks to City staff for their job clearing the snow and ice. She reported on the January 27th ARB/MPC meeting, everything that was on their consent agenda was accepted with no issues, and some of the main issues coming to Council are the Tiltans Automotive plans, and the 44-46 West New England Avenue rezoning which was approved by a 4-1 vote of the Commission and will be coming to Council along with the Andover Street rezoning. She asked if there is anything that Council would like her to bring back to the ARB/MPC. The High North project is up on the next agenda and will be looking at the access drive and the Kroger parking lot.

President Robinson brought up an email from John Rist regarding Amtrak and their consideration of Columbus, suggesting that we send a letter to our state reps endorsing the idea is a good one. Mr. Greeson replied that staff would be happy to prepare a letter, as we already did one when this was known as the "Three C" project under the Strickland Administration. We will dust off that letter and modernize the language. President Robinson discussed the possibility of talking about deer, including Mr. Barnhardt's research and a feeding ordinance, and noted that has been delayed until Mr. Barnhardt can come back. However, he wanted to raise that issue for interested members of the public. Lastly, he has had a couple of conversations with Matt Lofy, the new Executive Director of the Chamber of Commerce and he is excited about the prospect of reenergizing that organization. He mentioned the opportunity to come before Council to speak and he is enthusiastic about doing so. We spend a lot of time talking with developers, but the business community in Worthington is sprawling, and it could be beneficial to get an overview from Mr. Lofy.

**Other Business****Executive Session**

