



City Council Agenda

Minutes

Monday, March 7, 2022 at 7:30 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order

Minutes:

Worthington City Council met in-person in Regular Session on Monday, March 7, 2022. President Robinson called the meeting to order at or about 7:30 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: None

Also Present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Assistant City Manager Economic Development Director David McCorkle, Director of Finance Scott Bartter, Director of Planning and Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS Mark Zambito, Chief of Police Robert Ware, Clerk of Council D. Kay Thress

There were six members of the public in attendance.

3. Pledge of Allegiance

Minutes:

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

4. Visitor Comments

Minutes:

There were no visitor comments.

Special Presentation(s)

5. Update on the COVID-19 Pandemic

Minutes:

Mr. Greeson explained how throughout the pandemic, we have been able to partner with Columbus Public Health by contract, led by Dr. Mysheika Roberts who will be updating us tonight on where we stand from a COVID-19 standpoint.

Dr. Roberts overviewed how over the past two years, we have had several waves of infections, stay-at-home orders, and other various public health actions. Worthington has been an excellent public health partner through all of this. The most recent Omicron surge happened quickly and ended quickly, starting in December and falling rapidly in January. Based on the data across the world, the case numbers are down, most people who are infected have mild disease, and as a result, the CDC announced that they were going to change the metrics, focusing on how this virus is impacting available healthcare in our community, rather than focusing on case and positivity rate. Positivity rates are not a good indicator, since people are testing at home and that information is not being captured. There are now three levels: Green which is low, Yellow which is medium, and Red which is high. When you are red, that is when there should be a mask order in place. The CDC now ranks Franklin County as a medium, and we do not need to have a mask order in place. Our hospital admission rates are 10 per every 100,000 and our percent of staffed in-patient beds with COVID patients is 3.5%. We are actually getting close to the green, low level of COVID. Vaccination rates in Worthington are really good, with 82% of eligible persons completing the course of vaccination. 77% of the entire population has completed the vaccine. While indoor mask ordinances can be repealed, masks are still required on public transportation, and businesses can choose to require masks, but it no longer needs to be an order from a government agency.

When asked by Ms. Michael if Columbus has already removed their mask order, Dr. Roberts replied that they did so at their meeting earlier this evening.

Ms. Hermann explained that still of concern is those people who are immunocompromised. She asked what the guidance is for that community during this time. Dr. Roberts replied that while mask orders are not necessary at this time, there are many individuals who will continue to wear a mask and are recommended to still wear a mask. If you are sick or have been recently diagnosed with COVID-19 and need to go out, make sure to mask, particularly during those first 3-5 days. Ms. Hermann asked if it is true that there is a third shot or fourth booster for immunocompromised people. Dr. Roberts said that immunocompromised people should be getting a fourth shot or a second booster.

Ms. Kowalczyk wondered if this also impacts the recommendation on social distancing. Dr. Roberts recommended that people still be aware of the distance with other individuals, and recommends that there be distance in group settings, particularly during cold and flu seasons.

Dr. Roberts explained how in the future, there may be times where masks are recommended again. The pandemic is not over, and we need to learn to live with the virus, but there may be times in the future if healthcare facilities are challenged that we may want to require people wear masks.

6. Ordinance No. 07-2022 Terminating the Requirement for Facial Coverings

Terminating the Requirement for the Wearing of Facial Coverings and Declaring an Emergency.

Minutes:

Introduced by Ms. Michael

Mr. Greeson explained how this ordinance terminates the requirement to wear facial coverings in public places as CPH has recommended. The facial covering requirements, if passed by emergency, would take effect upon passage and publication per the City Charter's requirements. Mr. Lindsey added that the ordinance is written as an emergency and requires six votes to pass.

Ms. Hermann thanked the community, there have been many people who have stepped up to the plate consistently, and since this began people have taken it seriously.

Mr. Bucher shared that it is time to rescind this as Columbus has done and echoed Ms. Hermann's praise of the community. We should follow the guidance of CPH. He asked if there would need to be a decision on City employees wearing a mask in facilities and if that would be separate. Mr. Greeson replied that it is separate in terms of us as a business. Once the requirement is lifted, an individual business can decide on their own to require masks or not. It is his intent to similarly lift the requirements for City facilities once this is approved by Council, making masks optional.

There being no additional comments, the clerk called the roll to pass Ordinance No. 07-2022 as an Emergency. The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

Approval of the Minutes

7. Approval of Minutes - January 10, 2022

Minutes:

MOTION: Mr. Bucher moved, seconded by Ms. Brewer to approve the meeting minutes as presented.

The motion carried unanimously by a voice vote

Public Hearings on Legislation

8. Ordinance No. 01-2022 Rezone 44-46 W. New England Ave. from the R-10 District, Low Density Residential to C-5, Central Commercial.

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from R-10, Low Density Residential to C-5, Central Commercial at 44-46 W. New England Ave. (Parcel Number: 100-000679).

Minutes:

Mr. Brown overviewed how this Ordinance is to rezone 44-46 W. New England Ave. from the R-10 District, Low-Density Residential to the C-5 District, Central Commercial. The parcel is approximately 0.26 acres and is situated on the north side of W. New England Ave. Utilizing the property for commercial use is logical considering the site is completely surrounded by the municipal parking lot and commercial uses on the south side of W. New England Ave. The proposed use is a Conditional Use that is subject to Municipal Planning Commission review and approval.

This parcel was previously a duplex; however, is currently being used as a single-family home. The applicant has stated that the purpose of this request is to enable the redevelopment of the property into additional hotel rooms. Such redevelopment would be done in conjunction with the development of a new hotel and restaurant at the Worthington Inn and the Snow House. Any development on that site will require Architectural Review Board, Board of Zoning Appeals, and Municipal Planning Commission review and approval to permit a hotel on the site. Staff is recommending approval of the proposed rezoning. It went to the MPC and was recommended for approval by a 4-1 vote.

Ms. Hermann noted that one of the conditional uses is that it could be residential use. Mr. Brown said that is correct, it could be residential, bed and breakfast, hotel, or any type of entertainment use.

Ms. Michael commented that this just makes sense. The parcel has been sitting out there for years and has been surrounded, as long as we are not tearing down the structure, she thinks it makes sense. It is difficult to be a residential property there, and as long as the historic integrity of the structure is kept that is wonderful. Mr. Brown added that was one of the main comments heard from the MPC/ARB, what was going to happen to the structure. The applicant stated that it was not to be torn down. It is in the Architectural Review District, so any modification to the exterior would still require them to come before the board for approval.

Ms. Brewer asked if there was any indication from the applicant when we might see the application come forward for what is next. Mr. Brown replied that he has not heard an update from the applicant within the past month.

Mr. Smith asked for a refresher on the boundaries of this property and the City presumably owns the adjacent east and west property. Mr. Brown responded that we own the property to the west that is zoned R-10 as well as the property to the north zoned S-1 that wraps around to the east.

Mr. Robinson expressed that one concern is the commercial category which has very different setbacks and height requirements. If it is rezoned to C-5, he asked if the owner would be able to expand, build, or add on to in conformity with the C-5 structures and would it be subject to the ARB/MPC. Mr. Brown explained that it would be subject to ARB review and approval. In the C-5 district, your setbacks can go from lot line to lot line and can build up to the right-of-way. For this property, to build up to the property line, you cannot have any openings such as doors or windows to meet the fire code. If you are doing any additions, we will never approve a blank wall. It does have a higher height, but with our guidelines and recommendations, it would push through the review and would be sensitive to the structure itself and the surroundings. Mr. Robinson asked if there was a discussion at the ARB/MPC meeting about the connection of this rezoning with the yet to be proposed hotel in terms of one being dependent on the other. Mr. Brown conveyed that one member looked at it separately, there was some discussion of what could happen at the Snow House property and the Worthington Inn itself. Four of the five MPC members looked at the zoning itself for the parcel. With a straight zoning category, many applicants will state

their use, but when it comes down to it, they are not always tied to that. The MPC looked at the other uses and worst-case scenarios, making their decision on that. Ms. Brewer agreed that four of the five agreed they should be looked at separately, and agreed that it makes sense, and it is surrounded by other commercial property. Ms. Hermann explained that Mr. Clevenger wrote in today that he long thought that this would be commercial use and she remembers in 2017 there were candidates running for Council, and one, in particular, mentioned he had spoken with him in 2017 and considered razing it to add on to the parking there, which she is glad did not happen because it is a beautiful building. She is glad to see it utilized in a way that is beneficial, preserving the building, and increasing our income.

Ms. Michael expressed that she views this as a way to revitalize, this building is not being used and is not even a residence. It is so close to downtown and contiguous with what we are hoping to be a revitalized restaurant at the Worthington Inn, and this could be a great overflow to work together. If this is not rezoned, then any possibility like that is not possible.

Mr. Robinson asked about the rationale for moving forward on this prior to the hotel proposal. To him, it seems like the cart going before the horse. Mr. Royhans responded that there is no big reason, they purchased the property last year and as part of the conceptual ideas for the hotel, they decided they would seek rezoning to use this property in conjunction with that project. The Snow House is already zoned C-5 and so is the restaurant, this would complete the zoning piece of the puzzle.

Ms. Brewer asked if there would be a timeline for when we may see an application for the proposed hotel. Mr. Royhans explained how last time they were before Council, they were discussing a CRA expansion, and that this property may be included as well. So once the CRA paperwork can be completed, it will be completed soon.

Mr. Robinson commented that he would support this rezoning tonight, but that does not mean that he is supportive of the hotel concept as presented so far. There are some real fundamental questions about the hotel proposal that he would need to have adequately addressed, including the CRA, infrastructure, parking, traffic, and massing of the proposed building.

Ms. Kowalczyk pointed out that this is a duplex, and brought up missing middle housing and that we should continue to think about it in the future.

There being no additional comments, the clerk called the roll of Ordinance No. 01-2022. The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

9. Ordinance No. 02-2022 Rezone 650 Andover St. from S-1, Special to R-10 District, Low Density Residential.

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from S-1, Special to R-10, Low Density Residential at 650 Andover St. (Parcel Number: 100-000779).

Minutes:

Mr. Brown explained how this request would bring the parcel into compliance with how the property has been utilized for decades as a single-family home and would match with the predominant zoning and uses found along Andover St. and E. New

England Ave. The property exceeds the minimum lot size and road frontage requirements required in the R-10 District. This parcel is currently being as residential with an existing 2,400 sq. ft. single-family home constructed in 1940. For some unknown reason, the property was rezoned along with the former Harding Hospital site (Boundless) to the S-1 District. Staff is recommending approval of the proposed rezoning. It went before the MPC and was recommended unanimously for approval. Ms. Michael expressed that it makes common sense, it is a single-family home, surrounded by single-family homes. The uses are not changing here, since it has been used as a single-family residence.

Mr. Robinson asked if this was zoned anything before it was established as S-1. Mr. Brown replied that it was zoned S-1 when the zoning code was established in 1971. It has always been a single-family home.

Mr. Christopher Cline with Haynes Kessler Myers & Postalakis of 300 West Wilson Bridge Road, is here representing the applicant. One of the problems that we started out with, since it is a non-conforming use, under the current guidelines, is in a non-appropriate zoning category. With this, they are subject to the restrictions that accrue from the non-conforming status. It was an interesting journey through history to determine how this zoning occurred, and the property has never been a part of the Harding campus. This has always been in private ownership, not institutional. Now, it is time to match with the R-10 residential zoning consistent with the rest of the community.

There being no additional comments, the clerk called the roll of Ordinance No. 02-2022. The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

10. Ordinance No. 05-2022 Amend Code - Section 121.05(a) Meeting Start Time

Amending Section 121.05(a) of the Codified Ordinances of the City of Worthington to Establish a New Meeting Time for City Council Meetings.

Minutes:

Mr. Greeson overviewed that one thing discussed as a beneficial change by Council was changing the start time of Council meetings to an earlier time in the evening. This ordinance has been prepared to change the start of Council meetings to 7:00 pm, and Council will need to amend to the version going into effect on April 4th.

Ms. Kowalczyk asked what the next step would be in terms of announcing this change to the public. Mr. Greeson replied that anything advertised would have the 7:00 pm start time and we will work to distribute information through our communications channels.

Ms. Hermann detailed how this was overviewed at the retreat and Director Lee Brown shared how other boards and commissions had moved from a 7:30 pm start time to a 7:00 pm start time. This makes sense that we are moving in the direction that other boards and commissions have adopted.

Mr. Bucher expressed his support for this.

MOTION: Ms. Brewer moved, seconded by Mr. Bucher to amend Ordinance No. 05-2022 to insert the April 4th, 2022 into Section Two.

The motion carried unanimously by a voice vote

There being no additional comments, the clerk called the roll of Ordinance No. 05-2022 (As Amended). The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

11. Ordinance No. 06-2022 Approving the Collective Bargaining Agreement (Fraternal Order of Police 2022-2024)

Approving the Provisions of a Collective Bargaining Agreement Between the City of Worthington, Ohio and the Fraternal Order of Police, Capital City Lodge No. 9 and Authorizing the City Manager to Execute Same on Behalf of the City.

Minutes:

Mr. Greeson overviewed how we have reached an agreement with our police union, the Fraternal Order of Police Capital City Lodge #9. Before entering into formal negotiations, the City team held four informal, off-the-record discussions with the FOP and were able to narrow the issues of mutual importance to wages and lateral hiring. There are a couple of key provisions that have been agreed to, which are wage increases of 3.5% for each of the three years of the agreement, which helps keep Worthington competitive, second is the ability to hire at any step is important for recruitment and attracting high-quality officers. Staff believes this simple, but mutually beneficial agreement is a fair deal for the City and our officers. One other provision is a lump sum of \$2500, which is in lieu of retroactive pay. The ordinance as introduced needs to be amended to insert Section E. of the "As Amended" version included in the agenda package. The new section provides the appropriations necessary to fund the terms of the agreement.

Mr. Bucher added his compliments and that this process seemed to go very smoothly. He appreciates the effort to move this through seamlessly.

Ms. Michael thanked all of the staff and our police officers who were all involved in putting this together.

MOTION: Ms. Michael moved, seconded by Ms. Brewer to move to amend Ordinance No. 06-2022 to insert Section 3. of the amended version included in the agenda package.

The motion carried unanimously by a voice vote.

There being no additional comments, the clerk called the roll of Ordinance No. 06-2022 (As Amended). The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

New Legislation - Resolution(s)

12. Resolution No. 10-2022 Funding for Community Arts Programming through the McConnell Arts Center

Approving 2022 Grant Funding for Worthington Community Arts Programming.

Minutes:

Introduced by Ms. Michael

Mr. Greeson explained how we contribute about \$5,000 a year in small grants to community organizations that conduct arts activities in the community. A number of

years ago, we decided to have the McConnell Arts Center begin to decide where those dollars are distributed. In some instances, these folks turn around and want to rent the McConnell Arts Center with these grant dollars and there has been a decision we should issue the checks and the process should be different where the City Council approves this. They ran a process and made a series of recommendations, the dollar amounts being distributed are \$15,000 because some dollars have accumulated over several years during the pandemic.

MOTION: Ms. Hermann moved, seconded by Ms. Brewer to adopt Resolution No. 10-2022

The motion carried unanimously by a voice vote

New Legislation - Ordinance(s)

13. Ordinance No. 08-2022 Authorizing the Installation of a Drinking Fountain on the Village Green

Approving the Installation of a Drinking Fountain with a Water Bottle Filler on the Southwest Village Green.

Minutes:

Introduced by Ms. Kowalczyk and set for public hearing on March 21, 2022

Reports of City Officials

14. Policy Item(s)

a. Set Public Hearing for Ordinance No. 62-2021 (Nonconforming Uses)

Minutes:

Mr. Greeson described how we introduce legislation and refer to the Municipal Planning Commission for Planning and Zoning code changes, and they make recommendations back to Council. A public hearing needs to be set to hear the ordinance that they are recommending. Staff recommends that it be set for March 21, 2022, and that Council make a motion setting that public hearing.

MOTION: Ms. Hermann moved, seconded by Ms. Michael to set a public hearing date of March 21, 2022, for Ordinance No. 62-2021 (Nonconforming Uses)

The motion carried unanimously by a voice vote

Mr. Greeson shared how he would be transmitting the retreat report to Council later this week along with a memorandum including follow-up thoughts on how we might progress forward with that information. Secondly, the men's 4X400 Thomas Worthington Indoor Relay Team won the state championship this weekend, and we hope to recognize them for their accomplishment.

Reports of Council Members

15. Reports of Council Members

Minutes:

Ms. Hermann provided a reminder that the Olentangy is closed between 315 and Wilson Bridge, so anyone looking for the detours to look on our website. That will be

going on for about 90-days, running through the end of the school year. Everyone be careful and patient.

Ms. Michael reported that there are three Live Government programs set up already including Slate Hill, Bluffsview, and Liberty Elementary Schools.

Ms. Brewer updated on the last MPC/ARB meeting, noting that none of the items will come before Council, however, she wanted to report on the hard work of those bodies and the work of our residents maintaining their properties.

Other Business

16. Other Business

Executive Session

17. Executive Session

Minutes:

MOTION: Mr. Robinson moved, seconded by Ms. Brewer to enter Executive Section for the purposes of land acquisition.

The clerk called the roll on Executive Session with the motion carrying unanimously.

Council recessed at 8:45 p.m. from the Regular meeting session.

Council returned to open session at 9:34 p.m.

Adjournment

18. Motion to Adjourn

Minutes:

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

President Robinson declared the meeting adjourned at 9:34 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 03/29/2022, adopted on 04/04/2022

/s/ Ethan C. Barnhardt
Management Assistant

Attest

/s/ David Robinson
President of Council