



City Council Agenda

Minutes

Monday, May 2, 2022 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order

Minutes:

Worthington City Council met in-person in Regular Session on Monday, May 2, 2022. President Robinson called the meeting to order at or about 7:22 p.m.

2. Roll Call

Minutes:

City Council Members Present: Katy Brewer, Peter Bucher, Beth Kowalczyk, Bonnie D. Michael, Doug Smith, David Robinson

Also present: City Manager Matthew 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:

The Pledge of Allegiance was not recited as it was delivered during the Joint Meeting.

4. Visitor Comments

Minutes:

Ms. Shawna Moraille of 385 Riley shared how she has two reasons for addressing Council tonight, first is the Pride Flag, universally our community has welcomed LGBTQI families and individuals which is one reason she chose to live in Worthington. The CRC and Council have discussed the flag for many years, when it was discussed last year, the CRC used its budget to put a sign on the Village Green for a pride event which they will do again. Given the SCOTUS ruling today regarding the Boston flag policy, she is unsure what this body will decide tonight, but regardless a supportive statement to the LGBTQI community should be considered for Pride Month. Secondly, she is a national affordable housing expert with two decades of experience and a ten-year resident of this community. She spoke at this spot during the approval of the National Church Residences Stafford Village proposal was being voted upon. Because

of that she was unsure if it would move forward, and their project is a mid-market type product, there is a little affordable housing. NCR is a local non-profit that went through many processes as part of the design process, but what inspired her to apply to be on the CRC was that a non-profit had to go through all of this and still could not do affordable housing in the City she loves. Now fast forward, we have a relationship that has not gone well with a for-profit developer. She is concerned that we have not moved on from that experience and learned our lesson.

At the CIC that she attended on April 8th, she learned about some properties that the CIC owns on the Wilson Bridge Corridor that are industrial. She is concerned that now we are looking at that as a potential affordable housing site, which as an advocate, she should be jumping up and down but it is zoned business and is the same size as the NCR site. If an affordable housing developer that is nationally known and has been doing this for 50 years cannot make affordable work on that site, she sees the CIC property and the proposal as a red herring because we are not following what development and financial experts who do this every single day recommend. She is concerned about people who do not understand how development works, this body continues to turn away transportation hubs and development. She is concerned about the CIC location and we send a message that people are not welcome here, wanting to put people over in an industrial area which is common in communities across the country. She will not let that happen here in Worthington, we need to get back to what is not the red herring which is the LC property, and to move us forward to a Comprehensive Plan and hopefully not pay out a bunch of money that we do not need to do thanks to the poor decisions of this body.

Mr. Aaron Scherer of 6875 Bowerman Street East expressed how he is also here to talk about housing. We are voting on ways to allocate money tonight, and his question is about how people have been discussing housing and floating ideas on CIC-owned properties, but a common refrain he hears is that we need a housing study. He has yet to see a housing study, if we need one, then let's fund it. Let's do the right processes so that we get housing that is inclusive so that our City does not continue to creep into the housing crisis that already exists.

Public Hearings on Legislation

5. Resolution No. 23-2022 Confirming the Appointment of John T. Moorehead to the Positions of Director of Service and Engineering and City Engineer

Minutes:

Mr. Greeson explained how we undertook a search and interview process to find our next Service and Engineering Director following Mr. Whited's departure last year. He is pleased to report that he has appointed John Moorehead, the current City Engineer for the City of Gahanna and a Worthington resident to the position of Service and Engineering Director. The City Charter provides for the City Manager to appoint people to the unclassified officer positions like that of the Service and Engineering Director, however, those appointments are subject to the confirmation of the City

Council. He is respectfully requesting that Council approve this resolution which would confirm Mr. Moorehead's appointment.

Introduced by Ms. Brewer

MOTION: Ms. Michael moved, seconded by Ms. Brewer to adopt Resolution No. 23-2022

The motion carried unanimously by a voice vote

6. Ordinance No. 09-2022 American Rescue Plan Act (ARPA) Fund Appropriation

Amending Ordinance No. 53-2021 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the Coronavirus American Rescue Plan Act (ARPA) Fund Unappropriated Balance.

Minutes:

Mr. Bartter overviewed how the City has been awarded about \$1.5 million in federal ARPA funds, we will need to treat these similarly to CARES Act funds where we move General Fund expenses into the ARPA fund to properly comply with federal regulations around these funds. The savings in the General Fund will be used to fund capital improvements, specifically the Park Overlook waterline improvements in 2023.

Ms. Hermann expressed her thanks because some villages and townships missed out on funds because it was a difficult process, and we were able to take these funds in.

There being no additional comments, the clerk called the roll to pass

Ordinance No. 09-2022. The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

7. Ordinance No. 10-2022 McCord Park Caboose Renovations Appropriations

Amending Ordinance No. 53-2021 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Special Parks Fund Unappropriated Balance to Pay the Costs of the McCord Park - Phase 1 - Caboose Renovations and all Related Expenses and Determining to Proceed with said Project. (Project No. 716-21)

Minutes:

Mr. Hurley explained how this is part of our McCord Park renovations, and this is going to be at the new and exciting train observation deck. When we budgeted the project, we had a lot of partners who helped us on this project. Both the exterior and interior need renovations. We are thinking that the renovation is going to be \$45,000 and the intention is to fundraise the majority of the funds. The ask tonight is to fund this through the Parks Fund which does have the funds to cover this and we will put the already pledged dollars with any other money back in the fund to reimburse it. This will allow the project to move forward.

There being no additional comments, the clerk called the roll to pass

Ordinance No. 10-2022. The motion carried by the following vote:

Vote Results: Ayes: 7 / Nays: 0

New Legislation - Ordinance(s)

8. Ordinance No. 11-2022 Enact Code Section 505.16 (Feeding of Deer Prohibited)

To Enact New Section 505.16 "Feeding of Deer Prohibited" of the Codified Ordinances of the City of Worthington.

Minutes:

Introduced by Ms. Brewer for public hearing on May 9, 2022

9. Ordinance No. 12-2022 Perry Park Playground Appropriation and Design

Amending Ordinance No. 53-2021 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvement Fund Unappropriated Balance to Pay the Costs of the Perry Park Playground Replacement and all Related Expenses and Determining to Proceed with said Project. (Project No. 734-22)

Minutes:

Introduced by Ms. Michael for public hearing on May 16, 2022

Reports of City Officials

10. Policy Item(s)

a. Economic Development (TREX) Transfer Form - Joya's Cafe

Minutes:

Mr. McCorkle explained how this is a transfer of a liquor permit into the City of Worthington when we are at our quota. Per state law, a liquor permit can be transferred into the community when you identify it as an economic development project. Joya's Cafe is in the former Sassafras Bakery space and is a Bengali restaurant open for breakfast and lunch, and available in the evenings by reservation. They have received their conditional use permits already. Per a TREX, this body would need to recognize the transfer as an economic development project. We are expecting \$685,000 in total investment, 20 full-time jobs, \$225,000 in payroll, and the estimated sales taxes. Worthington Police and Law have expressed no opposition to the applicant.

MOTION: Ms. Michael moved to recognize the liquor permit transfer as an economic development project, seconded by Ms. Brewer

The motion carried unanimously by a voice vote

b. Flag Policy Discussion

Minutes:

Mr. Robinson detailed how a month ago he received a phone call from Nikki Hudson who has been involved with an emerging group called Worthington Pride and she asked what his personal sentiments would be along with those of Council to fly the Pride Flag during Pride Month. He immediately expressed his own personal support of the idea, and there does seem to be a week that goes by that he does not read both nationally and internationally about assaults on LGBTQ rights and progress. So he believes that if we do proceed with flying the Pride Flag, it won't be without relevant purpose today. At the last Council meeting, we passed a resolution regarding a flag policy, carefully differentiating between City speech and public speech.

Mr. Greeson explained how Council adopted Resolution 19-2022 which essentially declared that property owned by the City, would be a non-public expression authorized by the City Council. There are a few things that have to happen under that policy for us as staff to be authorized to move forward with the placement of flags. The first thing that has to happen is for it to come

forward via a Councilmember, which has been done by President Robinson's request to fly the Pride Flag. We need to identify the duration of that and where specifically we intend to fly it. Staff endeavors to get all of the details figured out. Once the resolution was adopted and we had a framework for City expression and a policy around that, we started examining the necessary factors to consider in order to fly the Pride Flag during the month of June, including how it relates to the US Flag Code and the protocols we would need to adhere to as we place non-US flags in Worthington. There seems to be an interest in flying it in our business area in Old Worthington, so we focused on the physical aspects of Old Worthington. There are some practical difficulties in flying the Pride Flag and the US flag at the same time in lots of parts of Old Worthington because everything is generally at the same level when Flag Code requires that the US flag be flown higher than all other flags. We also got some input on the type of Pride Flag, there are many different Pride Flags and we received a recommendation that we look at the Progress Pride Flag. The US Flag Code advises that the US flag be flown on Flag Day and Father's Day in June which might conflict here. Council will need to decide on these issues.

Mr. Robinson asked if the same stipulation is made for Mother's Day. Mr. Greeson confirmed that it is.

Mr. Greeson described how he has been discussing options with President Robinson, which he will frame for Council. One option would be to consider lamp posts in a particular area and to do 161 to South which is our busiest, most populated area. The flag pole at the Village Green would allow us to continue flying the US flag higher than the lamp post flags, as well as the mast post flags in the area.

When asked by Ms. Michael how much the flags would cost, Mr. Greeson explained when factoring in cost, parts, and labor they are around \$70 each.

Mr. Robinson shared that he has received communication from folks who would be interested in volunteering the flags, but in discussion with staff, it is not advisable in order to keep it strictly City speech. The cost is an important consideration as well as staff time. He asked if we are flying the Pride Flag during June, on Flag Day, and on Father's Day would the Pride Flags need to come down for US flags to be put up. Mr. Greeson responded affirmatively. Mr. Robinson asked if US flags have been historically flown during the entire month of June. Mr. Greeson responded that we put them up for Armed Forces Day and are up past July 4th.

Mr. Lindsey detailed the Boston SCOTUS case, where the City of Boston allowed private individuals to request flags and no flag had been rejected until a request was made to fly the Christian Flag. The decision about whether to let the Christian Flag fly was thought to promote concerns about religion and establishment by the City, so the determination was to not permit it. However, it was the first flag rejected after allowing numerous other flags to be flown. The Supreme Court ruled that Boston by its past practices had made it a public

forum. In regards to Worthington's purposes, this case specifically referred to the flying of flags as government speech. So, it is his opinion that the flag resolution would meet the standard set forth by the Court. The draft resolution displayed tonight could be used to fill in the blanks to authorize flying flags. Mr. Bucher commented on the cost that the City should buy them which would be logistically easier. He imagines we would put the US flags back up for the July 4th holiday and asked when we would want to take the flags down and back up and if there is enough time. Mr. Greeson expressed he wants to avoid calling people in for overtime. Ms. Stewart explained that our service crews are quite busy with July 4th so it may be beneficial to have more time to take the flags down beforehand.

Ms. Hermann asked if this would be 9-5 hours our people would be working. Mr. Greeson responded the flags would be put up either the day before or the morning of. Ms. Hermann wanted it to be clear that we would not be doing overtime so we set an expectation.

Ms. Brewer asked if start with the proposed resolution, can we go back and amend this if we find out that the location does not work. Mr. Greeson replied that as long as we can get the resources to fly the flags, we can do so. Mr. Lindsey said that the challenge of this draft resolution is wanting it to be clear that Council is providing direction to the City Manager. We can continue to improve this process moving forward.

President Robinson asked about the timing for putting Pride Flags up and taking them down to replace them with US Flags. Mr. Greeson responded it is anticipated to put the Pride Flags up from June 1st to June 30th with the exception of Father's Day weekend and Flag Day. President Robinson expressed that there should be language included about staff flexibility. Mr. Greeson replied that staff would work on that additional language to bring back to Council.

Reports of Council Members

11. Reports of Council Members

Minutes:

Ms. Kowalczyk brought up that May is Older Americans Month and this year's theme is "Age My Way". She is excited that there is a sign on the Village Green in support of this month and Age-Friendly Worthington. On May 18th there will be the second of a series of presentations from Building Inclusive Communities and this is focused on Worthington and the history of zoning and development. On May 19th the McConnell Arts Center is opening a new exhibit featuring aviation-inspired couture fashion and fiber artwork. She thanked members of staff and Ms. Hermann for expanding the Worthington Partnership annual meeting where they presented their annual report and heard from MORPC about what is to come in Central Ohio. She thinks that it would be beneficial to hear that same presentation at Council so members can hear how

Worthington fits in with the growth and development in Central Ohio.

Mr. Smith reported that the CIC subcommittee met to determine what to do with the demolition of the CIC-owned properties and we gave the authorization to move forward with that. Additionally, the remaining tenant has been given an extended date to vacate the property.

Ms. Michael explained how we have Live Government this Friday with Liberty Elementary School, she hopes to expand it again this coming school year.

Ms. Brewer provided updates on the next MPC/ARB meeting. She mentioned how May is Mental Health Awareness Month and wanted to bring that to everyone's attention.

Other Business

Executive Session

12. Executive Session

Minutes:

MOTION: Ms. Brewer moved, Ms. Michael seconded a motion to go into Executive Session to consider the appointment of a public official, and to conference with an attorney for the City concerning pending litigation and the purchase of property for public purposes or the sale of City property and competitive bidding.

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

Council recessed at 8:21 p.m. from the Regular meeting session.

Council returned to open session 10:12 p.m.

Adjournment

13. Motion to Adjourn

Minutes:

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

President Robinson declared the meeting adjourned at 10:12 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 05/27/2022, adopted on 06/06/2022

/s/ Ethan C. Barnhardt
Management Assistant

Attest

/s/ David Robinson
President of Council