



City Council Agenda

Minutes

Monday, May 9, 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 9, 2022. President Robinson called the meeting to order at or about 7:00 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 Economic Development Director David McCorkle, Director of Finance Scott Bartter, Director of Planning and Building Lee Brown, Director of Parks & Recreation Darren Hurley, Personnel Director Lori Trego, Chief of Fire & EMS Mark Zambito, Chief of Police Robert Ware, Management Assistant Ethan Barnhardt

3. Pledge of Allegiance

Minutes:

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

Special Presentation(s)

4. Swearing-In Ceremony - Assistant Fire Chief Jennifer Cochran

Minutes:

Mr. Greeson expressed how it is his pleasure to be a part of this swearing-in tonight, as it is one of his favorite rituals to take part in as City Manager. Additionally, when he is often administering the oath of office, it is for someone who is taking on a greater leadership role. This is our first swearing-in ceremony since before COVID and hopefully, this can become a regular occurrence once again.

Chief Zambito introduced Assistant Chief Jennifer Cochran, explaining how she grew up here in Worthington and is a product of Worthington Schools. She fell in love with

this profession at a young age, deciding she wanted to become a paramedic. She has worked for 25 years at the Delaware County EMS rising through the ranks. In her new role, she will work to improve our already great EMS system, becoming engaged with our citizens through prevention programs and activities. She will lead by example, providing leadership that will inspire all of us.

Mr. Greeson administered the oath of office.

Chief Cochran gave her thanks for putting trust in her and how she is honored to be back in the City of Worthington and supported to do so many great projects.

Visitor Comments

5. Visitor Comments

Minutes:

Mr. Scott Taylor of 440 Medick Way presented that tonight he would like to finish the two asks from Council that they were unable to do at the last meeting he presented at previously. First is borne out of the history of the grassroots organization Project Community Park Worthington (PCPW). In late 2019 they constructed a mixed-use proposal for the UMCH property that was presented to Council in late 2020. They did a lot of research, including interviews with Council, and they brought up the topic of City finances and they were surprised at the answers they got. It was surprising to hear the breadth of views expressed and the lack of consistency about how Councilmembers viewed the City's basic financial abilities. The lack of a common financial baseline is a real obstacle. Ten plus years and no progress at UMCH suggests that maybe it is a show stopper, the good news is that this is a solvable problem. PCPW requests Council acquire the services of a respected, city/municipal finance expert and task them with completing a deep dive into the City's financial capabilities as well as the market history of the UMCH property and complete a comprehensive financial assessment. This would include four critical components. The first is a thorough assessment of the City's options to acquire and develop UMCH. Next is a review of financial best practices, to understand how other towns and cities have succeeded in these types of challenges. The third is to identify risks we would be exposed to from acquisition and development and how to mitigate them if encountered. Finally, to identify opportunities likely to be encountered and provide tactical direction to gain maximum advantage from them. Most importantly, it would be to vet and distribute this report to Council, staff, and then to the citizens of Worthington for 100% transparency. The goal is to achieve a single objective version of our financial truth. We need to move past challenging each other's numbers so we may focus on the merits of each other's case.

Mr. Roger Beck of 6695 Hayhurst Street expressed that over the past four years in his work with PCPW, he made contact with a New Albany planning official and was told at one point a search team was commissioned to look at Ohio and surrounding states for an appropriate town or village to model their brand new development. This planning team decided that New Albany should look like Worthington. Worthington should not

abandon its historic look and feel. In the past, developers have sued smaller cities, betting they would raise the white flag because they could not fight these lawsuits. He asked Council not to panic, LC has just implemented its standard developer playbook. They are only concerned with feeding their bottom line and not concerned with the citizens. We do not need to cave to corporate influence at the expense of livability and equal opportunity just so corporations can reap massive profits and move on. What we do need, is a large and significant green space at the UMCH property that increases the health and livability of our citizens. He thanked Council for their leadership and for pushing back on the bullying lawsuit filed by LC. There are those that falsely claim that any large development is a good development. The truth is that Worthington is not alone in blocking bad, inappropriate overdevelopment. Westerville just recently blocked a LC project that was to be placed on land that was also not earmarked for that purpose. He and Mr. Taylor represent 1200 grassroots citizens who are in total support of the City acquiring the former UMCH property and thus heed Worthington's original zoning intent. Their plan is mixed-use with 24 acres of green space to be called the Worthington Commons that would be open to all, for all time. Their plan is for the public good that mimics the original zoning intent of the UMCH property. With the backing of these 1200 resident voices, their second ask is for the City to pass a resolution to acquire the former UMCH property so homage can be paid to the New England town tradition of a democratic, community-owned commons.

New Legislation - Resolution(s)

6. Resolution No. 24-2022 Preservation Month

Recognizing May 2022 as Preservation Month in the City of Worthington and Expressing Gratitude to the Many Dedicated Individuals and Community Partners for their Ongoing Efforts to Showcase and Preserve Worthington's Rich History.

Minutes:

Introduced by Ms. Brewer

President Robinson shared how tonight there will be a discussion about what the Worthington Historic District means and why it is important to our shared life here in Worthington. He explained how the purpose of this is to publicly give thanks and celebrate the people and institutions who have been involved in doing public work for the public good. There is something particular about history and preservation that makes our continual mindfulness essential, our history embodied in our built environment can be lost in a moment due to forgetfulness or a lapse in judgment, never to be here again. Hence, constant stewardship is needed if we are to maintain the history of Worthington. For him, living in a historic community broadens and deepens our sense of place in time, we are living literally in the midst of the work of those who preceded us and can provide invaluable perspective. He explained that he is going to ask Kate LaLonde with the Worthington Historical Society, Virginia McCormick the well-known historian and author, and Jim Ventresca of the former Old Worthington Association, who have previously and currently played a significant role in our historic preservation efforts to come up and be presented with copies of this

resolution.

MOTION: Mr. Bucher moved, seconded by Ms. Kowalczyk to adopt Resolution No. 24-2022.

The motion carried unanimously by a voice vote

President Robinson read the text of Resolution No. 24-2022 and presented Ms. LaLonde, Ms. McCormick and Mr. Ventresca with a copy.

Ms. McCormick shared her thanks and explained the privilege it is that we have a City that supports our heritage and the work of the Historical Society. She explained how she has been motivated to make sure that others have the chance to understand how people now are walking in the same place that people were 7,000 years ago, which is really quite impressive. Everyone has a part in building our history and it is not over, there is no end. She challenged everyone about our excellent school system that came from the commitment of New England pioneers. At their first meeting, they set up a subscription school and a library in 1803, which is indicative of how important education was to them. We can take great pride in the fact that education was a priority from the very beginning. She wants to see the leadership of Worthington create a special ceremony whereby each school would have a selected scholar ring the bell at the Kilbourne building for the first day of school, which would unite the community and recommit ourselves to the importance of education.

Ms. LaLonde expressed that tonight is an exciting meeting that recognizes Worthington's many historical assets. The object of Preservation Month is to remember our historic past through our historic places. Thanks to the efforts of many people over the year, Worthington has been able to maintain a unique character as it has changed and grown. When looking around the entire City, the idea of being linked to the past and preserving places with good use left is easily noticed. The Historical Society is currently leading hundreds of third-grade students through their field trips regarding local history, where they can encounter history where it actually happened. It is due to the efforts of many people over many decades that we are able to celebrate the Worthington Historic District being put on the National Register. The creation of the Architectural Review Board in the 1960s is uniquely important because it gave the entire community the responsibility and the opportunity to contribute their voices to the development of the district. She gave thanks to Ms. McCormick and Mr. Ventresca for their contributions and work over the years in documenting and preserving Worthington's history.

Ms. Dekker with Experience Worthington shared how her job as Tourism Director is to invite and encourage visitors to experience and enjoy our City. They are often drawn here by our green spaces, to attend events, or to experience the heart of our City. When she speaks to people about our City, they note how unique and charming the downtown is and how much they enjoy the Village Green, shopping at the Farmer's Market, or enjoying our many unique restaurants and shops. We are fortunate that many of our historic structures are preserved while remaining open and accessible to visitors and residents with our thriving businesses. One of their roles is to invite people to engage with our City and its history. Our community embraces the

importance of maintaining Worthington's commercial center while encouraging our roles as stewards of historical buildings. The passion from our community of caretakers flows to our businesses and their many patrons. During this month, we celebrate the work of the members of the Old Worthington Association, she thanked them for their dedication so future generations will enjoy our history.

Ms. Powers from the Ohio History Connection shared her congratulations on the ongoing work to celebrate and recognize Worthington's history. The National Register of Historic Places is the cornerstone of the National Historic Preservation Program which is the official list of properties worthy of preservation for their significance to American history, archaeology, architecture, engineering, and culture. Ohio ranks third in the nation for the number of National Register entries. The National Register encourages the recognition of the places of our past to create livable and viable communities for the future. The Worthington Historic District shows its evolution from early settlement to a post-War suburban community. The Village Green is Worthington's heart and soul and indicative of its being a New England-style planned community. It also includes the commercial corridor on High Street and adjacent tree-lined residential streets encompassing a variety of styles.

Mr. Ventresca stated that the Worthington Historic District is historical because it exists in history and is worthy of preservation. It is the Worthington Historic District because all Worthingtonians benefit from having a historic district in its midst. Becoming a Historic District is not an end, but a rededication to the period of continuous improvement, where we must be willing to criticize our efforts as we work on improvement. An example is the proposed demolition ordinance, which should have teeth because when you tear down a historic property, it is gone forever. He gave his appreciation to all of the volunteers and involved persons and organizations who contributed to the application document.

a. Policy Item - Citywide Demolition

Minutes:

Mr. Greeson explained how we received a request from the Worthington Historical Society to consider approaches to regulating the demolition of structures, primarily outside of the Architectural Review District. The primary purpose of this evening's discussion is to consider whether or not Council wants to direct staff to discuss this with the Municipal Planning Commission. This would potentially be a change to the Planning and Zoning Code, and the MPC is responsible for developing and making recommendations on changes to Council. Mr. Brown conveyed that the overall goal is to try to document our past as we move forward. There have been discussions with the Historical Society on how other jurisdictions handle citywide demolition policies, and in our current framework, there is room to make changes. This could potentially apply to properties above a certain age threshold, such as over 50 years so that the Historical Society can document them. There could also be situations where properties could be moved in the midst of this process. In the ARB, this is easier

because any demolition or modification goes to our boards and commissions, but outside that, there are fewer avenues to document what is happening. This was partially prompted by the demolition of an 1800s house just outside the ARB, and if there had been notification to the Historical Society, they could have documented so there was a history and preservation of what was there.

Ms. Hermann asked if it needs to be a demolition or if it would be good to make a catalog of properties rather than waiting until the demolition to look at these properties. Mr. Brown replied that there are ways to document what we have now, even to document a 1960s house, they might look the way they did in 1960. There are ways to structure an ordinance based on the extent of the demolition, but we would at least be able to document it. A full catalog of what we have would be a significant undertaking. Ms. Hermann wondered if, by the time a resident wants to get to demolition, they have already invested time and resources, she wants us to be proactive so that person knows that this is a possibility. Mr. Brown replied that there will need to be outreach and education to our residents, the overall intent is to be able to document and not prohibit development.

Mr. Brown asked Council that if there are any specific goals they desire to see, we would appreciate any general guidance as this goes to MPC.

Ms. Kowalczyk said a notification process is fine as long as it is not burdensome to the homeowners and people know it is a requirement. She would like to see a notification requirement when someone moves into the Architectural Review District. Going beyond this, such as relocation, she would need more discussion and information.

Mr. Robinson remarked that the National Church Residences development on Stafford deliberately notified us of the demolition of the small houses there. However, nothing should be onerous on property owners.

MOTION: Ms. Michael moved, seconded by Ms. Kowalczyk to forward this to the Municipal Planning Commission.

The motion carried unanimously by a voice vote

Mr. Robinson called upon a resident to speak who submitted a late speaker slip. Mr. Aaron Shearer of 6875 Bowerman Street Eat shared that there has been a lot of discussion about our history tonight, but it is also imperative for this body to think about the future. He encouraged Council not to take the red herring of not trusting our own financial staff and spending money on some sort of third-party audit of our finances. He encouraged putting together a new citywide comprehensive plan and following that through with a new zoning map to move this City into the future. It is not mutually exclusive to look to the past, but not also look to the future. We can do great things if we stop looking at the past and proactively look at what all residents want, not some 1200 people who signed a petition. We did visioning work to get a picture of the whole City.

Public Hearings on Legislation

7. 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:

Mr. Lindsey overviewed how the staff has worked to draft an ordinance that closely mirrors what was implemented in Granville, a slightly different community than Worthington. We have looked at a lot of deer feeding ordinances, which vary across the state. He wanted to make sure that if this is something that we go forward with, would serve the City well in regards to enforcement. He pointed out that the focus has primarily been one of education and those initial efforts would be focused on that so that a resident feeding deer would understand that it is a violation of the City Code. The bulk of that work would be handled by our Code Enforcement Officer in Planning and Building who has a lot of experience working with residents with code enforcement issues. The challenge is when we have an uncooperative property owner and how to move forward with enforcement. The prosecution could be difficult because we would need someone to be willing to testify as a witness. The language we included in the ordinance makes clear that it would be a violation of the general offenses code, which is where the police usually enforce matters, so we made it clear that the City Manager has the authority to make someone other than the police able to enforce. A delayed effective date was also implemented, effective July 1, 2022, so there is more time to distribute information on the ordinance, along with a one-month grace period before any fines or penalties are implemented. This approach is similar to the process used when the City adopted Tobacco 21. He also included a second offense of reckless feeding of the deer, with a lower standard of proof to meet and would be a minor misdemeanor. For the purposely violation, it starts as a minor misdemeanor so as to not overly criminalize the offense, but if someone repeatedly offended, it would move up to a fourth-degree misdemeanor as a maximum penalty. It is not anticipated that the max penalties would be imposed, particularly for a second offense.

Mr. Robinson asked if there are any other ordinances such as masking or bamboo, that carry fines or jail time for reference. Mr. Lindsey replied that in other contexts, we have created an ability to have another process other than criminal enforcement. With the Tobacco 21, since Columbus Public Health is our contracted health agency with a process of involvement, they were involved with that. The bamboo requires engagement by the homeowner who feels impacted by someone else's bamboo, which spread easily. The intent was to put the onus on the property owner who has bamboo, in that situation they must send a letter via certified mail, and if they do not stop, the Director of Service and Engineering is notified before another enforcement process is started.

Ms. Michael remarked about what is the point of putting something in place if there is no method of enforcing it. There needs to be some progression in enforcing the ordinance, and in the absence of that, there is no reason to have an ordinance. Mr.

Lindsey added in the context of police enforcement, noise complaints do not typically result in anyone being charged after going to have a discussion with residents.

Mr. Bucher asked about definitions for exemptions, and whether a common compost pile would be covered since many residents have them. Mr. Lindsey replied that he would not have a problem if Council wanted to make an amendment to insert compost pile for clarity.

MOTION: Mr. Bucher moved, seconded by Ms. Brewer to add "Compost Pile"

The motion carried unanimously by a voice vote

Mr. Bucher commented that this is a good initiative, but it is not a silver bullet. This could be a good tool for education and getting rid of some outliers who do put out food for deer near high-speed corridors.

Ms. Hermann expressed that there is something in the state laws that it is against the law to purposely feed deer on public property and asked if that was correct. Mr. Lindsey replied that is correct as to public property, but not private property. He does not know historically whether we have had any situations in which we sought enforcement of that. Ms. Hermann said that as a follow-up the verbiage of public property is included in the ordinance and asked if there was anything we could do that would trigger a state response greater than what we would impose. Mr. Greeson explained in that situation we could charge under our code or the state's code. If we charge under our code it would go to Mayor's Court. Ms. Hermann stated that at some of the schools there are apple trees and under this proposed law, would they be charged with picking up the apples. Mr. Lindsey explained how there are exemptions for naturally growing materials, so in that instance, it would not require the picking up of something naturally falling from trees.

Ms. Kowalczyk asked whether there are other communities in Central Ohio, particularly contiguous to us that have a similar ordinance. Mr. Barnhardt responded that not that he was aware of, the closest would be New Albany. Ms. Kowalczyk asked for clarification on what recklessly feeding the deer means. Mr. Lindsey replied that the culpable mental states are overviewed in our City code and read the text of the code section. Ms. Kowalczyk expressed that she finds it hard to envision a situation where we would charge someone with recklessly feeding the deer as opposed to purposefully. What else could someone do other than intentionally leaving food out that could be considered a violation of this ordinance. Mr. Lindsey replied that thought was to provide the ability if the facts were at a level there was a pattern but our ability to prove the purposefully standard, we could then charge under recklessly. By having a lower standard, you have the potential that a fact finder could find the lesser offense if they did not find enough to meet the higher offense. Ms. Kowalczyk expressed that this gets to the point about this ordinance, this is an issue people have had concerns and opinions about, but if this is a problem we have the time to spend the brainpower on, we are pretty lucky in this community. She wanted to put on the record something that was in Mr. Barnhardt's memo in a big yellow box titled Assessment of No-Feeding Ordinances, which she then read and commented on how of the communities surveyed with no-feeding ordinances, they reported no difference

in the deer population. Let us be clear, this will not stop deer from eating people's hostas and gardens, this is a complaint-driven process, and under this code feeding the deer is a crime and the police will ultimately be the enforcement mechanism. She struggles with that for something like this that really does not have a public safety issue. She would rather see what was recommended about a robust education campaign about deer, which she would like to see more of, including informational community meetings for people to really understand what is happening. No other communities have really done anything like this for the reasons stated, that they are not effective. There will also be an expectation out there that this will impact the deer population when it is likely not to.

Mr. Robinson expressed how this problem did not exist, but they do not self-regulate. There are no easy answers here. What he has witnessed on Council the past four years, there have been an increasing number of emails from the public that issue complaints and our response has been that we have conducted research. However, that makes him feel like a hapless public servant. The research white paper is not a policy document. He agrees that the no-feed ordinance is not going to solve the problem but it will demonstrate to the public that we are taking this seriously. While it may not impact the population of the deer in the City, it has to reduce the concentration and congregation of deer around the feeders. The individuals who live next to the feeding would have some redress if the feeders were removed. This is just the beginning, and he will propose that the City Manager form a task force to address the issue, charged with developing a comprehensive deer management plan by year-end that could be brought back to Council with numbers to show what a plan would look like and then vote it up or down.

Ms. Michael asked who would fund a task force and their work. Mr. Robinson replied that there would be no funding requirements, it would be formed by staff, public safety persons, members of the public, along with Gary Comer from the Ohio Department of Natural Resources. It would consist of staff and volunteers.

Ms. Hermann emphasized how she thought we had information already regarding the costs for these deer management programs. She thinks that a lot of the answers may already be in the white paper that was put together and would like to know what more information and numbers we would need.

Mr. Barnhardt brought up that an email came in before the meeting from Karin Demaree who had a couple of questions. She asked:

"What about people who leave bird feeders outside? I've seen deer eat out of bird feeders.

What about people who leave food out for their outside dogs or cats (or feral / semi feral cats)? Deer can come at any time of the day, people forget, and it's not always practical to remove food at a specific time. (Or, neighbors feeding pets for someone, etc)? As far as feral or semi feral cats, people are working with rescue groups to trap and spay / neuter.

I'm hoping that any law would take into consideration unintentional results from things that were not intentionally feeding deer."

Mr. Lindsey responded that the definition of what feeding or making food available in regards to this ordinance means is the act of placing food on the ground or within five feet of the ground, so both bird feeders and feeding other pets, would need to be five feet from the ground or otherwise shielded.

Ms. Hermann asked for clarification on whether birdfeeders would be against this. Mr. Lindsey replied that birdfeeders would be against if not screened or protected from consumption by deer. Looking at individual fact patterns would be part of the process if we are to receive a complaint to determine if we were to pursue prosecution. Ms. Hermann stated that if a fence is three feet, a deer would just jump over it, she feels like this is just a slippery slope of a lot of things. Mr. Lindsey indicated many offenses are modified over time due to unsuccessful prosecution of an offender that violates the initial intent of what was to be a crime but was not a crime because of the evidence presented. He does not anticipate many criminal prosecutions of this that would get to a court determination.

Ms. Brewer shared a couple of items from the CRC capturing resident concerns. One was concern over building good neighbor relations and if there is a way to build in something to put the onus more on City officials. She asked about the limited police involvement and not wanting to put our police force in danger, but she is not sure if there is a way to remove that and make the City the last line of defense with the Planning and Building. If there is a way to do those things, we should consider doing so. Ms. Michael asked if we wanted to table this for rewriting. Ms. Brewer said that is not necessary.

Mr. Greeson conveyed that he understands the spirit of the CRC's feedback but he is unsure if it is practical. Most code enforcement is reactive where just by virtue of driving by or the hours of operation of the City, or the day-to-day operations of City staff, we are not going to be aware of or see somebody feeding the deer on private property where only friends, family, and neighbors would observe it happening. That is where most code enforcement types of complaints come from. What is different in this case compared to our normal code enforcement process, is that we can visually see the violations, but what is different here is that we are not able to do that and will need to rely on resident neighbors to testify to the violation as a witness.

Mr. Robinson asked for a description of the process for implementing this legislation and the complaint steps. Mr. Greeson explained that someone would call in as a complainant to report a neighbor feeding the deer, we would send an educational letter with a FAQ to the person doing the feeding. The next phase is if the behavior would continue via complaint, it would progress to enforcement through the violations in the ordinance. Mr. Lindsey explained if we take the step of filing a charge, we must have a witness who has seen the activity to establish the violation. Mr. Robinson asked if this were to pass, what would be done to educate the public. Mr. Greeson responded that City staff would work to put together a FAQ, City newsletters, social media, and the City's website with information about the no-feeding ordinance.

Ms. Hermann asked about Mr. Smith's survey results about the deer. Mr. Smith said there were 84 respondents with the question about support for an ordinance

prohibiting the intentional feeding of deer in Worthington, and the results showed 74% saying yes, 19% no, and 7% not sure.

There being no additional comments, the clerk called the roll to pass Ordinance No. 11-2022 (As Amended). The motion carried by the following vote:

Vote Results: Ayes: 5 / Nays: 2

New Legislation - Resolution(s) continued

8. Resolution No. 25-2022 Commemorative Flag Display

Authorizing a Commemorative Flag to be Displayed on City Owned Property at Specific Locations and for Specific Periods of Time.

Minutes:

Introduced by Ms. Kowalczyk

Mr. Greeson detailed how the resolution form is the same one that Council has seen previously, he made some attempts to craft a proposal for consideration that Council could react or agree to. At the last meeting, it seemed like something was created that enjoyed some conceptual support, which is written here to consider. He may have previously created a misconception about Father's Day and days such as that, and he did some further consultation on flag protocols, and according to the US Flag Code, he believes it does not preclude the flying of other flags like commemorative flags. It is just that in all instances on the days where the US Flag is encouraged to be flown, it must be flown higher than any other flag.

MOTION: Mr. Bucher moved, seconded Mr. Robinson to adopt Resolution No. 25-2022 Ms. Brewer brought up a question from a resident about a concern about flying the flags from Flag Day and Fathers Day, and now the resolution says Flag Day through Father's Day. Mr. Greeson responded that should be a through.

Ms. Kowalczyk followed up by describing the issue of flags flying at a certain time, and she is hearing that as long as the American Flag is flying higher, those flags on the light posts can have other flags since they are below the American Flag. Mr. Greeson noted that he has done the research and consulted with knowledgeable people who confirm that is the case. It encourages the flying of American Flags on all the days listed, but he did not read it to preclude the flying of a commemorative flag as long as it is lower.

Mr. Robinson said that the issue rose previously about the American Flags on the lamp posts north of 161, and he thought that the understanding was that we would not fly American Flags on the lamp posts north of 161 in the month of June while the Progress Pride Flags are flying on the lamp posts south of 161. Mr. Greeson confirmed that is correct, we should not fly the American Flag on the lamp posts. It is a grey area for him regarding how far apart something needs to be considered a different display of flags. Out of an abundance of caution, if a commemorative flag is flown in one lamp post area, that American flag not be flown in the other lamp post area. We can fly the US Flag on the mast arms higher than the green lamp posts.

Ms. Michael brought up an email sent to Councilmembers asking why the City is flying

the Pride Flag, but not flying a Juneteenth Flag. Ms. Kowalczyk noted that under our current policy, a Councilmember would need to bring that forward, which she has mentioned previously, and suggested we have that conversation though we may not be able to do that this year. She was excited to hear this interpretation because in terms of the lamp posts we have a lot of opportunities that we could fly a flag or several flags during a month as long as they are not the American Flag at that level. She also wondered if it is necessary to have in this resolution the language noting Father's Day, and if we could leave the Pride Flags up.

Mr. Robinson asked about the language and why it reads Flag Day through Father's Day. Mr. Greeson responded that it was a practical consideration given the logistics of taking flags up and down. Mr. Lindsey explained how this is a drafting process with multiple tracks on both the Pride Flags and Flag Day, so the thought was that any other flag would go down and the American Flag would go up. Subsequent to that as this has evolved when looking at various factors, and how to take up and put down Flags for the dates listed in the US Flag Code.

Mr. Robinson commented that in the details of this, he celebrates we have discussed this and the flying of a flag is a big deal. Our City has voiced in many ways that we want to be an inclusive community, to him that means more than simply celebrating things, it means really entering into the struggles that people have which is part of being inclusive and relating to them. We know that the LGBTQ struggle is not over and so he is proud that if this passes, Worthington has made an important statement that we are with the LGBTQ on their continuing struggle for justice and equality.

MOTION: Ms. Kowalczyk moved, seconded by Ms. Brewer to amend the resolution to read, "Annually in the month of June except on Flag Day"

The motion carried unanimously by a voice vote

The motion to pass Resolution No. 25-2022 (As Amended) carried unanimously as a voice vote

Reports of City Officials

9. Policy Item(s)

a. Permission to Bid Street and Sidewalk Maintenance Program

Minutes:

Mr. Greeson detailed how annually the City evaluates the streets and sidewalks where they are planned to be repaired and this is the important night when Council is asked for permission to be the Street and Sidewalk Maintenance Program. This is a sizeable allotment of money in the Capital Improvement Program and one of the larger projects that we conduct each year that touches a lot of residents.

Mr. Wetmore overviewed statistics about the pavement in the City of Worthington and how there are 167 lane miles of road pavement in Worthington and of that 100 lane miles are residential streets. The Street Program includes maintenance of residential streets, repairing and preserving the arterials,

repairing City parking lots, sidewalks, and walkways, as well as repairing and preservation of City paths. Not included are total reconstruction or modification, or a renovation or major preservation of arterials, large City parking lots, or paths. Preservation is the attempt to lengthen the life of the pavement, where we try to get to the pavement early on to preserve its life. With sidewalks, while we are on the street we want to help homeowners get their sidewalks in proper condition as well. We will look at the costs to repair the sidewalks, and notify residents after non-compliant sidewalks are marked for replacement. The letter provides an estimate for the cost of repairs if it is included in the program area and residents have the option to hire their own contractor to make the repairs, or include them in the City's project. He overviewed the concept of PASER ratings for asphalt surfaces and the attempt to flatten the degradation curve and extend the lifespan of the surfaces. He overviewed the PASER Ratings for Worthington, noting that 76% of roads are either in excellent or good condition. Only 1% are in poor condition. We also look at the use rate that notes the relative importance of a street to determine which streets need to be treated and have their life extended. The third component is whether there is a current project going on in the location or if there are future projects that could damage the surfaces. We strive to keep our streets in Worthington in great condition. He showed the map of roads we are going to renovate, and the ones we will use asphalt rejuvenation which is typically done a year after paving.

Ms. Brewer shared how two years ago, her street was done and they were discussing their driveway, and got the letter with options, commenting how the process the City utilizes is great.

Mr. Robinson conveyed that when entering Worthington, the quality of the streets are obvious.

MOTION: Ms. Michael moved, seconded by Mr. Bucher to bid the 2022 Street and Sidewalk Maintenance Program

The motion carried unanimously by a voice vote

Ms. Michael noted that when looking at future budgets, we may need to increase our dollars because the price of materials and labor continues to increase.

b. Fireworks Discussion

Minutes:

Mr. Greeson shared how the State Legislature has essentially repealed some of the regulations related to the display of fireworks, laying out certain days they would be allowed. The City of Worthington has relied on state law for the prohibition of fireworks displays. Now municipalities can use their Home Rule authority to regulate if desired. Staff would like feedback from Council on how to move forward.

Mr. Lindsey explained that the state law changes go into effect on July 1st, so needing to take action if the Council desires, needs to be done to be in effect for

July 4th. The staff has put together a draft ordinance based on maintaining the status quo as has been allowed under state law. Some cities have already had prohibitions in their codes, however, we relied upon the state law regarding fireworks. The Division of Fire has concerns about the discharge of fireworks, particularly in Worthington's built-out environment.

Chief Zambito shared how he would not want to change our current usage of fireworks within the City. This state legislation is changing daily, and as it writes currently, Worthington is too dense of an area to use these fireworks safely. He pointed out the number of injuries that come from fireworks, summarizing how he does not want to allow fireworks in Worthington.

Ms. Michael asked if the past year or two there was a significant increase in the number of fireworks, particularly in the Worthington Estates area. Chief Zambito said yes because people were penned up in their houses over the past two years and were having their own displays.

Council generally agreed that staff should draft legislation that maintains the current status quo.

c. Financial Report - April 2022

Minutes:

Mr. Bartter reported that income tax collections remain strong and refunds are surprisingly low at this point.

MOTION: Ms. Hermann moved, seconded by Ms. Brewer to accept the April 2022 Financial Report as presented

The motion carried unanimously by a voice vote

Reports of Council Members

10. Reports of Council Members

Minutes:

Ms. Hermann reported that she attended the Worthington Police Citizens Academy's annual alumni association meeting this evening. Regardless of not being able to have their class for two years or some of their events, they are still doing well financially. They did conduct National Night Out and Shop with a Cop and will do the 4th of July Picnic and Market Days. Our Division of Police has also made multiple vehicle and building investments, as well as implemented a new records management system. Body cameras are still being implemented, as there are a lot of logistics involved to roll that out successfully.

Mr. Bucher noted that Power a Clean Future Ohio is going to unroll a six-month peer-to-peer-elected official sustainability cohort to provide sessions going forward for folks to learn and brainstorm with each other.

Ms. Brewer provided an update on the upcoming MPC/ARB meeting.

Other Business

Executive Session

Adjournment

11. 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 9:48 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 06/21/2022, adopted on 07/05/2022

/s/ Ethan C. Barnhardt

Management Assistant

Attest

/s/ David Robinson

President of Council