



# City Council Agenda

## Minutes

Monday, May 16, 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 16, 2022. President Pro-Tem Brewer called the meeting to order at or about 7:00 p.m.

### 2. Roll Call

**Minutes:**

**Members Present:** Katherine Brewer, Peter Bucher, Beth Kowalczyk, Doug Smith, (Rebecca Hermann arrived just after roll call)

**Member(s) Absent:** Bonnie Michael, David Robinson

**Also Present:** City Manager Matt Greeson, City Manager Robyn Stewart, Assistant City Manager Economic Development Director David McCorkle, Law Director Tom Lindsey, Director of Finance Scott Bartter, Planning & Building Director 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 two members of the public in attendance.**

### 3. Pledge of Allegiance

**Minutes:**

President Pro-Tem Brewer invited those in attendance to stand and recite the Pledge of Allegiance.

### 4. Visitor Comments

**Minutes:**

**Paula Ryan, 1035 Bluffway Drive**, shared that the city completed a visioning process in 2020 and part of the process uncovered that people want to see more housing in Worthington. We are in a lawsuit now because we have not decided what we want to do with housing. People are coming to fill jobs at Intel, a new terminal at Port Columbus, and Nationwide Children's Hospital is preparing to build a new tower. We do not know where everyone will live. She suggested that council do a housing study so that we clearly understand what kind of housing we want in our community. After the housing study is complete, she recommended updating the comp plan

through an open process with public input. There has been some divisiveness recently and she thinks we need to get over those issues and talk about those things as a community.

**Mick Ball, 925 Robbins Way**, asked Council to consider commissioning a housing study. The city needs the study for both external and internal. Externally, central Ohio is facing a housing crisis and he believes that Worthington needs to do our part to deal with it. Internally, he believes we have an opportunity to capitalize on the growth we are experiencing in central Ohio by providing housing that attracts customers to our community. The housing shortage has been the subject of multiple meetings including the Worthington Partnership's annual meeting which he recently attended. Executive Director of MORPC, William Murdoch provided a lot of information about the need for housing. He shared that Columbus lags other cities like Pittsburgh, Indianapolis, St. Louis, and Nashville in addressing the crisis and provided information about what it will take to catch up to capitalize on our strong growth in central Ohio. Mr. Ball became aware of the shortness about seven years ago when he was part of a strategic planning effort for St. Peter's Catholic Church. MORPC provided astonishing numbers around growth projections for central Ohio, Franklin County, and the area of St. Peter on Smokey Row. He began to understand seeing all the apartments all over. He was able to share with others that they are desperately needed. Last November he became part of Worthington's building inclusive community's working group and with each meeting he learned more about diverse housing, both the need and the benefits. The Building group is not an advocacy group but rather about education so he is here to advocate. He has been closely associated with the operations of the McConnell Arts Center (MAC) for about twelve years and has a deep appreciation for the need for customers. Worthington businesses need customers and employees. Internally, Worthington has great housing with great real estate values, but we do not have diverse housing. That wide range of housing that offers us the opportunities to attract those people who can work in our restaurant, shop at High North and even be employed at the MAC. We do not have the housing that allows our kids graduating from college to return to Worthington and we do not have the housing that allows people like he and his wife to sell their four-bedroom home on Robbins Way and downsize to something else in the community they love. He would like to see a housing study done because he believes we need more housing and more types of housing to attract people that we need to continue to energize our community. A housing study will allow the community to build consensus on what kind of housing we need. He believes it will position Worthington as an attractive investment for the best housing developers and it is the first step toward Worthington playing a role in addressing the housing crisis and capitalizing on the inherent opportunities associated with these housing needs.

## **Approval of the Minutes**

### **5. Approval of Minutes - March 21, 2022**

**Minutes:**

**MOTION** Mr. Smith moved, seconded by Mr. Bucher to approve the minutes of March 21, 2022 as presented.

There being no additions or corrections, the motion passed unanimously by a voice vote.

## Public Hearings on Legislation

### 6. 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:**

Parks & Recreation Director Darren Hurley reported that tonight staff is requesting that council appropriate the funds for the Perry Park playground renovations and design in the amount of two hundred and eighty thousand dollars that would replace the playground that was installed in 2004. As members know we have been going through a cycle of replacing our playgrounds throughout the community. He showed pictures of the current playground structures and explained that while the structures are sounds, the surfacing is deteriorating. The playground has become a cut through for the baseball and softball diamonds as well as the soccer fields. We believe much of the damage is from cleats from those going to and from those fields. Because the most impacted area falls between the large play elements, we believe we can improve the design to assist with those traversing the area. The current surfacing is still safe from falls but has become a tripping hazard by continuing to pull away. There are a few playgrounds that are older that are scheduled for replacement in the five-year CIP, such as East Granville Road Park and Shaker Square Park with Linworth Park a couple of years after that. Those parks were all built in the 1990s but Perry Park became elevated because of the damaged surfacing. It is in a community park with a very heavily used playground.

Mr. Hurley explained that a survey helped determine three design options for the new playground. Instead of a Parks Commission meeting tomorrow night there will be an open house at Perry Park playground where the three designs will be shared, and input requested. The options will also be available for viewing on the Parks page of the website and input available. Mr. Hurley shared the options with Council members, each of which provides a more formal cut through that will be paved and include benches. The surface will be an artificial turf which is easier to fix and looks a little more natural. All the research says it will lasts as long as all of the equipment.

Mr. Hurley said they will take the input from the open house tomorrow night and go back for one final design. We often bring the design and funding request to Council at the same time but because of how long it is taking to get equipment, we did not want to wait because we might not get it in time to have it installed by fall. He will be happy to bring the design back if council wishes.

Ms. Hermann noted the cut through will be concrete and is afraid players might avoid

that area and walk on the Astro turf. Mr. Hurley said it could go either way. Staff thinks the turf will do better than the poured and play so if someone wants to avoid it because of their cleats they can but most of them are going to the parking lot where they are going to walk to their car on the pavement anyway, so it is really something that he thinks kids are used to. He hopes the addition of the benches will also help slow the kids down a little bit.

Ms. Brewer shared that Heischman Park is her neighborhood park, and she loves that Astro turf. She noted that it does not get as hot as that poured element Mr. Hurley mentioned.

Ms. Kowalczyk appreciates seeing the accessible swings and that you are putting thought into that. With Selby Park there was advocacy by a resident to have the communication board installed and she was curious if they were considering that for this park as well. Mr. Hurley thanked Ms. Kowalczyk for sharing that information. A communication board is not in the design because our designer doesn't have those. The board was done as a separate element and is something that staff is looking into because of the positive feedback.

Ms. Kowalczyk knows we have sixteen parks with fourteen playgrounds and a schedule for updating the playgrounds. She asked how the updating is going based on the 2017 Master Plan. Mr. Hurley replied we are making good progress. Thanks to City Council we have been at a good pace since the master plan came out. As stated earlier East Granville Park and Shaker Square are currently in next year's CIP. He does hear from residents who use those parks regularly. They are the last of the mid- '90s era playgrounds. Linworth is a little after those but if we can stick those in the CIP and get through those and get McCord playground this year, we will be in a much better position. It is an on-going challenge because there are fourteen. We are lucky if we get twenty-five years out of them. We really must replace one more than every other year to stay on schedule. No matter how caught up we get it always feels like we are a little behind. Ms. Kowalczyk appreciates all the work he is doing to make that happen.

**There being no additional comments, the clerk called the roll on Ordinance No. 12-2022. The motion carried unanimously by the follow vote:**

**Vote Results:** Ayes: 5 / Nays: 0

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

### **7. Resolution No. 26-2022 CIP Variance of 10% - Wide Area Mower**

Authorizing the Purchase of a Parks Wide Area Mower with a Final Cost in Excess of Ten-Percent (10%) of the Original Estimate.

#### **Minutes:**

#### **Introduced by Ms. Hermann**

Mr. Greeson shared that this may not be as cool as the Perry Park Playground, but it is probably just as important to those who maintain that park. Each year when you adopt the capital improvements plan, we identify the new and replacement equipment and then members appropriate the funds that allows us to purchase those items. The ordinance requires staff to return to Council if the final pricing exceeds 10% of the

estimated costs, which is the case with this wide area mower. The estimate was \$114,000 with the final price coming in at \$145,000.

Ms. Hermann suggested the price has increased like everything else and the timing. Mr. Hurley agreed that it is an inflationary issue. These wide area mowers are not quite as common as the smaller mowers we use much of the time, but this mower allows us to get the larger sports fields mowed. It seems our current mower is down more than it is operational. Even with this price, it may not get to us until August. It is just a difficult market right now.

In answer to Mr. Bucher's question about what happens with the current mower, Mr. Hurley replied it will be traded in.

**MOTION** Ms. Kowalczyk moved, Mr. Bucher seconded a motion to approve Resolution No. 26-2022 as presented.

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

## **8. Resolution No. 27-2022 Adopting and Approving the First Amendment to the Joint Economic Development District Contract**

Adopting And Approving The First Amendment To The Joint Economic Development District Contract By And Between The City Of Worthington, Franklin County, Ohio And Sharon Township, Franklin County, Ohio.

### **Minutes:**

#### **Introduced by Mr. Smith**

Mr. Greeson shared that the Joint Economic Development District is with Sharon Township generally in the Worthington Hills area that was created approximately a year ago. Two parcels were identified in that agreement and later combined into one. We need to go back and conform our agreement to reflect the one parcel number. He understands that it did not affect our ability to collect income tax in the JEDD district, but this is an important clean up measure. He believes it will be before Sharon Township Trustees for consideration Wednesday night.

**MOTION** Mr. Bucher moved, Ms. Kowalczyk seconded a motion to approve Resolution No. 27-2022 as presented.

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

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

### **9. Ordinance No. 13-2022 CIP - 2022 Street & Sidewalk Maintenance Program**

Amending Ordinance No. 53-2021 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the 2022 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 732-22)

### **Minutes:**

**Introduced by Ms. Hermann and set for public hearing on June 6, 2022 .**

### **10. Ordinance No. 14-2022 Accept Sanitary Sewer in Public Easement (Worthington Gateway)**

Accepting Sanitary Sewer Improvements Constructed in a Public Easement Located at the Worthington Gateway Subdivision.

### **Minutes:**

**Introduced by Mr. Bucher and set for public hearing on June 6, 2022 .**

### **11. Ordinance No. 15-2022 High North Project - Incentive Support**

Amending Ordinance No. 53-2021 (As Amended) to adjust the annual budget by providing for appropriations from the General Fund Unappropriated Balance; Declaring Improvements to Real Property within the City to be a Public Purpose Pursuant to Ohio Revised Code Section 5709.40(B); Declaring such Improvements to be Exempt from Real Property Taxation; Describing the Public Improvements to be Made that will Directly Benefit the Parcels of Real Property; Requiring the Owners of the Real Property to Make Service Payments In Lieu of Taxes; Authorizing the City Manager to Enter Into a Restated and Amended Development Agreement, Tax Increment Financing Agreement, and Economic Development Grant Agreement with the Property Owner and a Compensation Agreement with the Worthington City School District; Terminating the Existing Tax Increment Financing Agreement; and Establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the Deposit of Service Payments.

**Minutes:**

**Introduced by Mr. Smith and set for public hearing on June 6, 2022 .**

### **12. Ordinance No. 16-2022 Enact New Chapter 551 "Fireworks"**

To Enact New Chapter 551 "Fireworks" of the Codified Ordinances of the City of Worthington to Regulate the Possession and Use of Fireworks.

**Minutes:**

**Introduced by Ms. Hermann and set for public hearing on June 6, 2022 .**

## **Reports of City Officials**

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

### **14. Discussion Item(s)**

## **Reports of Council Members**

### **15. Reports of Council Members**

**Minutes:**

Ms. Kowalczyk reminded members that Building Inclusive Communities will have a session on Wednesday, which will be in person and include a streaming option. The meeting will include Lee Brown, Kate LaLonde from the Historical Society, and a professor from OSU to talk about the history of development in Worthington. She encouraged members to sign up or watch the streaming. She also announced that on June 5th the Worthington Partnership will host their first Sunday Funday that will be Rainbow Pride in honor of Pride Month. She encouraged members to come out for that as well.

Mr. Smith shared that he had a brief presentation around the topic of backyard chickens. He spoke briefly about this at the retreat and wanted to bring it up as a concept tonight by providing a little bit of history, a little research, and a little overview of what he thinks could be next steps.

A backyard chicken policy already exists for noise complaints, odor issues, etc. The main takeaway from the current code is that chickens can't be within 150 feet of any residential structure. The Council discussed this topic in 2009 and 2010 and he was asked about it during the candidate's night in 2011 at the MAC. He reported being pro-chickens, and he still stands by that comment ten years later. He has done a little outreach over the last few months. Most comments on social media were positive but there were several with opposing valid points. He tried to look at the information as

objectively as possible to determine who is saying what and why are they saying it. Where do they live? That got him thinking about the distance requirement. One of the questions he asked in his non-scientific survey was if people support chickens on residential properties with no space limits (with the context of a blog he wrote on the spacing currently being 150 feet). The results were 60%/30% in favor with 10% undecided. He also asked if people would be interested in having chickens on their property to which people were 40%/40% but it at least gives us a pulse as to what people are saying. People desire the support of chickens on residential property even with no space requirements. Communities are doing many different things. Some require permitting, and some have limitations on how many chickens can be housed. Bexley and Independence are probably most like Worthington in demographics and size. Bexley has ten feet from nearest property line while Independence permits a maximum of six female chickens within 15 feet of the side yard lot line. He would be happy to provide all his information if members are interested but he thinks these two made the most sense. We are talking hens and not roosters, a big difference. To his question about why someone would not support chickens in residential areas, the biggest response was smell, noise, and unsanitary conditions. The good news is that the mechanism already exists that we can handle those concerns. He thinks much of it boils down to neighbors being good neighbors. He thinks it would be up to council to communicate what any new law might be if we decided to go that direction, what and who that impacts.

He shared some of his analytical work that provided a feel for what 150 feet looks like in relates to random properties throughout Worthington. He discovered that there are very limited numbers of properties in Worthington that would be allowed to have chickens under today's code. None of the properties in the Estates area, Wilson Hill or Colonial Hills were 150 feet from their neighbor's properties.

He is aware of folks who would like to have chickens but can't currently because of the 150 feet requirement. He is not going to ask anything of Council tonight but rather just to have members think on it. He would like to come back at the next meeting and maybe propose something, at least in concept about changing the distance from 150 to "x". He feels good about that "x" being 30 or 40 feet but is open for discussion.

Ms. Hermann understands that 150 is currently on the books. She asked what group polices this if there are any issues. Mr. Lindsey replied that the specific provision falls under our general offenses code and the police have general enforcement authority over all items in that section of code. However in this context, the Department of Planning and Building is where most complaints regarding housing or property maintenance issues are raised. He believes historically that those sorts of complaints would come to Mr. Brown. There is not a separate inspection. Ms. Hermann concluded that this falls under Planning and Building much like the deer ordinance.

Mr. Smith added that the CIC did meet on Friday and discussed moving forward with drafting language for an RFP to bring to Council in July for review.

While unable to attend the MPC/ARB meeting last week, Ms. Brewer received the update from Mr. Brown and shared it with members.

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## Other Business

### 16. Other Business

**Minutes:**

Ms. Brewer reported that members received an email from a resident about continuing their discussion on our commemorative flag policy. She thinks it would be prudent to include that on the June 6th Agenda so members can continue that important discussion. Ms. Kowalczyk agreed that from a next steps perspective that would be a good time to have a discussion. She would however like to discuss the topic with the Community Relations Commission during their next meeting.

## Executive Session

## Adjournment

### 17. Motion to Adjourn

**Minutes:**

**MOTION** Mr. Bucher moved, Ms. Hermann seconded a motion to adjourn.

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

President Pro-Tem Brewer declared the meeting adjourned at 7:45 p.m.

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Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 06/14/2022, adopted on 07/05/2022

*/s/ D. Kay Thress*

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Clerk of Council

Attest

*/s/ Katerine B. Brewer*

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President Pro-Tem of Council