



City Council Agenda

Minutes

Monday, June 6, 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, June 6, 2022. President Robinson called the meeting to order at or about 7:00 p.m.

2. Roll Call

Minutes:

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

Member(s) Absent: Katherine Brewer

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, Management Assistant Ethan Barnhardt

3. Pledge of Allegiance

Minutes:

President Robinson invited those in attendance to stand and recite the Pledge of Allegiance.

Special Presentation(s)

4. Swearing-In Ceremony - Director of Service and Engineering John Moorehead

Minutes:

Mr. Greeson shared his pleasure in performing his Charter duties to swear in new public officials for the City of Worthington. This evening we will be doing that for our new Service and Engineering Director, John Moorehead. Mr. Moorehead joins us from the City of Gahanna where he was the City Engineer, he is a graduate of Ohio University and a licensed PE in the State of Ohio.

Mr. Greeson swore in Mr. Moorehead.

Mr. Moorehead expressed his pleasure in working with the City of Worthington team

and introduced his family. He looks forward to the exciting work here in the City.

Visitor Comments

5. Visitor Comments

Minutes:

Mr. Tom Burns of 1006 Kilbourne Drive shared how every time he comes to speak to Council and lists what he is here to talk about that is not on the agenda, it is poignant that he wants to see an update to the Comprehensive Plan that takes into account the results of the recent Visioning work. Additionally, he would like to see a housing study for current and future residents. Time is of the essence, the Secretary of Housing and Urban Development was in Columbus recently to announce a program to give up to \$10 billion to communities just like ours to implement affordable housing projects which we want to see here. If we do not do something, we will have failed as a community. An obstacle to affordable housing in Worthington is the price of land, and if there is funding available to help with that we should take advantage of that.

Mr. Scott Green of 74 Glen Drive expressed how he wants to discuss the need for a housing study. Currently, the City has very few options for affordable housing for people living in the 50-120% median income. For the City of Worthington, the median income is \$83,900, for 50% that is \$41,950. The average rent level, 22% of rents in Worthington stands at the \$700-\$1000 range. 66% are in the \$1000-\$1500 range, which is quite expensive. Only 1% of rents in Worthington are under \$700. The average rent is \$1284 which is for a unit that is about 950 square feet with two bedrooms and two and a half baths. When describing the 50-150% median area income, you are talking about workforce housing. He looks at his two kids who are in their 20s and it will be quite a while before they will be able to move to Worthington due to the costs. The more compelling part is housing for firefighters and teachers and folks like that. Housing prices in Worthington are outpacing other parts of Central Ohio. Before the Council makes any decisions about the Lifestyle site or the Community Improvement Corporation properties, he recommends doing a housing assessment for the entire community by updating the Comprehensive Plan with significant public engagement. He knows there was talk of a second vision plan last year. He knows people who were asked to be on that and wonders where we are in that process.

Mr. Robinson responded that he does not know of any second vision plan that is underway.

Ms. Michael detailed how it was a steering committee to try to implement what was found in the Visioning report. We had people who were excited to be on it, but it kind of got put on hold.

Ms. Hermann added that the Visioning UMCH was an update to the Comprehensive Plan that was done with a lot of people. Vision 360 was done in 2010. Vision Worthington was the most recent with some ideas like that. That is something she is still interested in, which she said in her candidacy for Council, and she would like to

continue talking about it.

Approval of the Minutes

6. Approval of Minutes - April 8, 2022 (CIC Special Meeting), April 18, 2022, May 2, 2022 (Special Meeting), May 2, 2022 (Joint Meeting), May 2, 2022

Minutes:

MOTION: Mr. Bucher moved, seconded by Mr. Smith to approve the minutes as presented.

The motion carried unanimously by a voice vote.

Public Hearings on Legislation

7. 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:

MOTION: Ms. Michael moved, seconded by Mr. Smith to amend Ordinance No. 13-2022 to insert the amount of the appropriation of \$1,025,000 and the name of the contractor as Strawser Paving Company.

The motion carried unanimously by a voice vote

Mr. Moorehead explained how we had two bids that were opened and Strawser Paving Company was the lowest responsive and responsible bidder. The amount includes a 10% contingency and the base bid of the contract. We hope to get started with them this summer. They are a good contractor that we have worked with before and do good work.

Mr. Robinson asked if this type of work has been experiencing inflationary pressures like so many parts of the economy. Mr. Moorehead replied that yes, inflationary pressures have affected both labor and materials costs. Most dramatically, any product derived from petroleum, such as asphalt and rose by nearly 20%.

There being no additional comments, the clerk called the roll on Ordinance No. 13-2022 (As Amended). The motion carried unanimously by the follow vote:

Vote Results: Ayes: 6 / Nays: 0

8. 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:

Mr. Moorehead explained how this is a request for acceptance of the public sanitary sewers as part of the Worthington Gateway project. Those have been in the ground for a number of months and have passed a series of tests qualifying them to meet the standards of the City. The developer has additionally floated a maintenance bond for a year for those improvements, so that upon acceptance they will continue

maintaining them if anything happens to them over the next year as they settle into place.

There being no additional comments, the clerk called the roll on Ordinance No. 14-2022. The motion carried unanimously by the follow vote:

Vote Results: Ayes: 6 / Nays: 0

9. 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:

Mr. Greeson explained how for about 15 years the redevelopment of the Worthington Mall, has been a strategic priority for redevelopment in Worthington. We have been pleased to work with Direct Retail Partners over the past year to create a strategy for a historic investment in Worthington. This has involved partnering with not only the developer but also the Worthington schools to collaborate extensively to develop a financially responsible approach to incentives for this project. Plans have been in the public domain for quite some time now, and we welcome representatives who are here tonight from Direct Retail Partners.

Mr. McCorkle detailed how it has been a year since Council has discussed High North, where we brought forth the Development Agreement. Tonight we have an updated and amended Development Agreement along with a couple of incentive programs. He provided Council with a historical overview of the Worthington Mall property up to the present day, indicating how currently the mall is struggling, with 45% of the mall financially vacant. Coming up with this redevelopment is an over \$100 million investment, 200,000 square feet of Class A office space, two structured parking garages, a renovated mall space, and new retail, restaurant, and entertainment spaces. Additionally, there will be up to \$2 million in offsite improvements along with High and Wilson Bridge Roads.

The new office building and parking garage cannot be constructed at a cost that results in a competitive rental rate for tenants. Tonight we are here to talk about a grant and Tax Increment Financing to help this project result in more affordable rental rates. The owners have indicated that if they are unsuccessful in obtaining incentives, they will operate the mall as-is with some minor renovations and investments.

However, it will continue to decline if something is not done now. We continue to hear that top employers need places for their employees to go after hours, and we really do not have that here right now. The purpose of the Development Agreement is to detail the obligations of the City and developer and to specify the standards and conditions that will govern the redevelopment of the property. This is an overarching

agreement that ties the rezoning and redevelopment of the property to the financial incentive structure. The grant agreement is intended to generate income tax revenue and is needed to subsidize the cost of the 75,000 square foot Class A office building to reduce lease asking rates and attract employers. The grant is for a 10-year term, only for the south office building at this time, for a total of \$2.5 million payable as \$500,000 per year in years one through five. The first disbursement is made when 66% of the building is occupied by office tenants. However, a New Community Authority charge is levied if \$750,000 of annual income tax revenue is not met. This grant is the City's primary financial contribution to the project.

Mr. Robinson asked for clarification about if there is a shortfall and what would happen. Mr. McCorkle responded that a New Community Authority is something the developer would petition the City to create, levying a tax on some piece of the project such as a sales tax or a charge the developer pays themselves.

Mr. McCorkle explained why we pivoted from considering a debt issuance for a parking garage to the payroll grant because the developer will now be partnering with the Columbus Franklin County Finance Authority to issue the debt. The TIF will actually pay the debt service. Now our only exposure to risk is the grant itself. He overviewed the TIF structure and how it is intended to capture incremental property tax revenues to fund a 375-space parking garage that supports the 75,000-square-foot Class A office building. There will be a new 100%, 30-year TIF with the Worthington Schools participating at 75%. This was approved by the schools already, and there is a compensation agreement with the Worthington School District where we provide income tax revenue to the school when certain thresholds are met, so it will be equivalent to a 50% TIF.

Mr. Robinson asked about the parking garage and whether it would be open to the public 24/7. Mr. McCorkle replied that when you use TIFs, there is a public component to that, so it would be open to the public. He is not sure if certain employers would require certain parking spots for executives so that would no longer fall under the TIF. It is anticipated that it would be a free garage that is open to the public.

Mr. McCorkle explained how redevelopment is expensive and this is a transformational project for the City. Typically transformation requires complete failure of a property, and this is more risk/reward than the City has taken in the past. The Mall is a struggling retail asset and the City has limited alternatives if we do not financially support this project. Phase One will be a catalyst for further development and the initiation of more investment in the corridor, providing quality of life amenities for neighboring employers. The developer here is very strong and has been fantastic to work with over the past year. They are bringing 40% equity to the project. The addition of hundreds of new employees would boost the existing Worthington economy.

Mr. David Watson of Direct Retail Partners expressed how this has been quite a journey so far and we are just getting started. This has been the most engaging and fulfilling exercise he has had, this staff has been responsive and creative from day one. The City's help is so appreciated. Their history has been that they want to put

their name on the nicest project in Columbus and the City has pulled together to see what they are trying to accomplish and has worked side by side. There are some exciting announcements about upcoming tenants.

Mr. Robinson asked about Phase Two and if Mr. Watson could speak to that project and when it could possibly unfold. Mr. Watson replied that it is opportunity-driven. Attracting office tenants is one of the most difficult things to do when they are two years out on their renewals coming into a building they are not sure will be built. So what you do is enhance the perimeter to show that capital is being invested. There is an opportunity to build a live-work-play environment here, which will be exciting with first-quality retailers and restaurants. If we can break ground on Phase One, they feel that Phase Two is right behind with the momentum.

Ms. Kowalczyk asked about what is expected of the mall and Kroger. Mr. Watson replied that the number one comment they got from Worthington residents and customers of the mall is that the Kroger parking lot is very difficult and hard to navigate. They have a plan that has been approved to fix the parking lot. Kroger has been cooperative and agreed with their basic changes and has asked for them to amend the document which is a good sign. The mall however is very sick, the eastern half functions as a neighborhood service center, and works well, but the western and northern sides are not performing. There will be a lot more pedestrian areas for users of the new redeveloped mall with new amenities as well.

Ms. Hermann commented that as a shopper of the mall, she is excited about what is being brought forward with this project. Mr. Watson remarked how the team with POD Design has great ideas.

Ms. Michael gave her thanks for the work being done on this project, and neighbors are going to be excited about the amenities coming with this.

Ms. Kowalczyk conveyed how this is a big deal and she appreciates the collaboration, creativity, flexibility, and forward-thinking of all parties involved. She appreciates the kind words about the City's staff because they are highly regarded. It is important when looking at the Wilson Bridge Road corridor and the impact and opportunity it will generate.

There being no additional comments, the clerk called the roll on Ordinance No. 15-2022. The motion carried unanimously by the following vote:

Vote Results: Ayes: 6 / Nays: 0

10. 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:

Mr. Greeson detailed how this item has been workshopped and discussed since May, and then subsequently introduced by the City Council. Essentially the state legislature changed Ohio law related to fireworks and previously we relied on fireworks not being addressed in our City Code, and relied on the state's prohibition on possession and discharge of consumer fireworks. The state law change provided permission for that on certain days and under certain situations as promulgated by the State Fire Marshal.

The draft regulations that have been developed are about 67 pages at this point and are rather complex and confusing. The City's public safety officials discussed thoroughly whether we need to institute local regulations to put in place a law that we had previously been enforcing for decades through the state's prohibitions. We thought it was important to do this because we have heard from the Fire Chief previously that we are a relatively dense community, the state regulations are insufficient and confusing and there should be unambiguous regulations that our community understands and can be enforced, finally, this should happen before July 4th when people are inclined to let off fireworks.

Mr. Lindsey explained how this ordinance would preserve the existing status quo not permitting fireworks. There are administrative regulations that will be adopted at the state level, and under those regulations, it would be unlikely there are many people within Worthington who could discharge aerial fireworks due to the distance requirements. This ordinance would make it clear for residents what is and is not permitted. Currently, state law prohibits the discharge of fireworks throughout the state, and the sale of fireworks is permitted to residents only if they indicate they are taking them out of state within a 48-hour period. The prohibition of possession with intent to discharge is consistent with what exists currently.

Ms. Michael asked how many Worthington residents have been injured as a result of fireworks. Chief Zambito replied he does not know the exact answer to that. It is usually children who get a hold of fireworks and their fingers get injured. Injuries are normally around the 4th of July. Ms. Michael asked how we enforce this ordinance. Chief Ware explained that July 4th is one of the busiest times of the year for our patrol units, so the reality is there is little enforcement due to the volume of what is going on during that time. Once the major events are over and the call volume is lower, it is a little easier to hit those known spots and attempt to handle them. He would venture to say the majority of enforcement is through requesting compliance versus strict enforcement. Their major concerns are the use of fireworks near close proximity structures. Worthington is not designed to have enough open space for people to safely use fireworks, so the status quo is what is best for the quality of life and safety of residents.

Mr. Robinson asked what communications approach would be used to communicate this to the public. Mr. Greeson responded that we would work with Ms. Brown to put messages about this ordinance out, along with additional safety measures around the holiday.

Mr. Lindsey mentioned how the Phantom Fireworks Company reached out to the City, so there was a conversation with them and it was an informative discussion. They were aware of the limitations on distance and that the bulk of Worthington would not be permitted to have fireworks under these new state administrative rules.

Mr. Bucher asked how best to report violations to the Division of Police. Chief Ware recommended contacting the Police Non-Emergency line, especially in times of mass gatherings and high traffic.

There being no additional comments, the clerk called the roll on Ordinance

No. 16-2022. The motion carried unanimously by the following vote:

Vote Results: Ayes: 6 / Nays: 0

New Legislation - Resolution(s)

11. Resolution No. 28-2022 Right of Way Permit (SCG Fiber)

Approving an Agreement and Permit for and between SCG Fiber, LLC, an Ohio Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

Minutes:

Introduced by Ms. Hermann

Mr. Greeson overviewed how this is a regular step for renewing a permit for companies operating in the City's right-of-way and staff recommends approval.

MOTION: Ms. Michael moved, seconded by Mr. Smith to approve Resolution No. 28-2022

The motion carried unanimously by a voice vote

12. Resolution No. 29-2022 2023 County Tax Budget

Providing for Adoption of the Tax Budget for the Fiscal Year Beginning January 1, 2023

Minutes:

Introduced by Ms. Michael

Mr. Bartter detailed how the County Tax budget is an annual housekeeping item that we must submit to the Auditor. This is merely a planning tool, indicating we do not want to put any property tax levies on the ballot in November. This keeps the allocation of the property tax at the same level it has been for fifteen years.

MOTION: Ms. Hermann moved, seconded by Mr. Bucher to adopt Resolution No. 29-2022

The motion carried unanimously by a voice vote

New Legislation - Ordinance(s)

13. Ordinance No. 17-2022 Additional Appropriations - General Fund & Capital Improvement Fund

Amending Ordinance No. 53-2021 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund and Capital Improvement Fund Unappropriated Balance.

Minutes:

Introduced by Mr. Bucher and set for Public Hearing on Monday, June 20, 2022

Reports of City Officials

14. Policy Item(s)

a. Liquor Permit Transfer - AB Worthington LLC (dba Joya's Café)

Minutes:

Mr. Greeson explained that Council already approved a TREX for the liquor permit for this restaurant to be in Old Worthington. This is the usual exercise to

determine whether or not we are requesting a hearing.

MOTION: Ms. Michael moved, seconded by Ms. Hermann not to request a hearing.

The motion carried unanimously by a voice vote

b. Addressing Gun Violence

Minutes:

Mr. Robinson gave a background overview of this agenda item, detailing how in the immediate aftermath of the shooting in Texas, Ms. Brewer sent an email to Mr. Greeson, Mr. Lindsey, and himself, asking what if anything Council could do. He responded that he believed this Council would want to have a discussion to take actions similar to four years ago after the Parkland shooting at a minimum. He suggested that in Ms. Brewer's absence tonight that we postpone this discussion to next week. However, this evening it would be appropriate to invite initial comments from Councilmembers as to whether we wish to further amend and consider sending a letter to our state-level elected officials, and secondly whether to consider relevant ordinances using firearm-related ordinances passed by the City of Columbus as a guiding discussion point.

Ms. Michael shared that she has no problems sending a letter based on the amendments. The previous letter was well written, and unfortunately has not to be followed upon.

Ms. Kowalczyk stated that we should send the letter to the Governor and our federal delegation. She is unsure there is much we can do as a municipality due to the actions of the state preempting our ability to do anything. We need to at least send a message to those who can legislate on this issue.

Mr. Smith expressed that if there is a way to engage with our elected officials, it would be great to have them here to engage in a robust conversation.

Mr. Robinson explained how the reality is the short-term, immediate effect of sending a letter would be minimal to none. However, to remain passive or silent is to be complicit since we can do something. He is also in support of inviting our state-level elected officials and coming to have a conversation with the Council, providing a forum for focused attention on what they are doing. Change is going to take time to occur, and public awareness of what elected officials are doing is a positive step.

Ms. Hermann agreed that we should send a letter. As part of a family that has used and owned guns, she believes in our Second Amendment rights, but we need to have conversations about this and she would like to see that we engage in those conversations.

Mr. Bucher agreed that a letter at a bare minimum is useful, even if we are hamstrung when it comes to things we can do here.

Reports of Council Members

15. Reports of Council Members

Minutes:

Mr. Bucher gave kudos on how the City received \$450,000 from the State Capital Bill appropriation for Phase Two of McCord Park.

Ms. Kowlaczyk extended her thanks to the American Legion and all who made the Memorial Day Parade the wonderful event that it was. She was also excited to volunteer at the Pride event this past weekend with the Worthington Partnership, it was very well done and wonderful to see the flags flying. The Building Inclusive Communities' latest presentation is now online on the website. The session went really well with engaged participants and good comments. As shared in a recent Columbus Dispatch article based on research conducted by the Ohio State University Age-Friendly Innovation Center and the County's Auditor's Office, "...data shows more people are aging with mortgages, with more debt and less savings than previous generations, and many older homeowners rely on Social Security for their income, which hasn't kept pace with housing and cost of living increases." Preliminary data from the Age-Friendly Worthington assessment is consistent with regional and national data that shows that a large majority of older adults want to remain in their homes as they age, but many of them are housing cost-burdened, with more than 30% of their income going towards housing costs. Improving affordable, accessible housing options for older adults to downsize into, for families who want to raise their children here, promoting our desire to be an inclusive and diverse community, and to support a growing workforce, should be one of the highest priorities for our community.

Mr. Smith circled back on the chicken issue from the previous meeting. He hopes that his presentation was informative, and he would like to see if he could work with staff to propose a change in the ordinance from 150 feet scaled back to 30 feet. He would also propose including an additional sentence also noting ten feet from a boundary.

Ms. Michael brought up the prior discussion from over ten years ago, where people expressed they did not want chickens as next-door neighbors, or fears over dogs killing chickens. There were a lot of people on both sides of the issue, and we had a robust discussion with various neighbors.

Mr. Smith brought up that there has been a shift in resident mentalities, and this will boil down to neighbors being good neighbors to each other. If he were to have chickens, the first thing he would do is talk to his neighbors to have it cleared.

Ms. Kowlaczyk shared her appreciation for the issue, but this could become something that is a lot more work than anticipated. We went through a retreat and came up with priorities, that she does not believe this was at the top of the list. She is not in favor of having the discussion now, while it is an interest, it is not a priority for us to be discussing it.

Mr. Bucher said he was interested in exploring this a little bit further. Timing is the key factor in when we do this.

Mr. Robinson presented that the no-feeding ban goes into effect in July, so how about we let that go in place and then post-August we look at whether we want to tackle

this topic before the year's end.

Ms. Michael shared how wonderful the Memorial Day Parade was this year, and the Legion did a beautiful ceremony and open house. She expressed how she would like to get a status report on our retreat goals, and where we are before we start looking at adding more to our plate. In addition, she would like to know what happened to our Visioning steering committee, as implementing the visioning statements was a high priority of the community. Mr. Robinson asked when the report was submitted to and approved by Council. Mr. Greeson replied in early 2021. Mr. Robinson said he was not prepared to comment on what happened last year. Ms. Michael said that it is something we need to look at because we used community resources of time and money, and looking at the report implementation is something we need to look at. Mr. Robinson said he is happy to talk about the nature of the visioning report and what we want to do with it. He is fine putting it on the agenda. Mr. Greeson explained staff would share the previous work about the steering committee, and there are other approaches as well. Ms. Michael asked what it would take for some proposal to come through on what a housing study would look like, she is unsure of the costs going into something like that. We keep hearing people talk about it, and she would like to see that move forward. Mr. Robinson said that one way to advance that was to come up with a proposal on how that would move forward. Ms. Michael also brought up the idea of the Griswold Center becoming an event center and what would go into doing that, she hopes we can put that on a future agenda.

Mr. Greeson conveyed that we need to take all of these competing ideas, and have a meaningful conversation about which one's Council collectively wants to move forward, and in what order. There needs to be a sense of priority developed, and he owes to Council a discussion about the retreat dialogue, and some feedback on the things that are most important now, what can happen later, and what is important but not urgent. Very few of these items were budgeted and staffed for the 2022 capital plan or budget goals that were developed. However, he does not want Council to feel like we are not accomplishing things.

Mr. Robinson shared the news that Dr. George Harding who contributed much to our community over many decades passed away recently.

Other Business

Executive Session

16. Executive Session

Adjournment

17. Motion to Adjourn

Minutes:

MOTION: Ms. Michael moved, Mr. Bucher seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Robinson declared the meeting adjourned at 8:43 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes
published on 06/23/2022, adopted on 07/05/2022

/s/ Ethan C. Barnhardt
Management Assistant

Attest

/s/ David Robinson
President of Council