



City Council Agenda

Minutes

Tuesday, September 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 Tuesday, September 6, 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, 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 ten members of the public in attendance.

3. Pledge of Allegiance

Minutes:

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

4. Visitor Comments

Minutes:

Mr. Eddie Pauline of 949 Robbins Way shared how he wanted to thank the City for sending out the statement against the recent racist activity in the City and to convey the fact that the Community Relations Commission believes there is a lot of interest to continue to move the City towards a community that is in fact diverse and equitable. He is happy that Council has moved forward on some of the CRC's listing of priorities that were developed for this year. Their priorities could serve as a future guide to continue working towards the vision of being a diverse and equitable community.

Ms. Michael noted that the CRC's list of priorities could be put on the agenda for

discussion at a future Committee of the Whole meeting to help guide them on what direction to go.

Mr. Tom Burns of 1006 Kilbourne Drive stated that he is here to discuss again the City's Visioning plan and he wanted to make sure that we underpin everything the City is doing with the Visioning plan. There was so much input and effort put in by the community throughout that entire process. If we are going to undertake an initiative, the Visioning plan should help define what the goals should be and guide our decision-making moving forward.

Mr. Aaron Shearer of 6875 Bowerman Street East prefaced by listing some current events, including that COTA's only public transit line that services Worthington is being reduced to hourly service, which is disgraceful for a City that has had lines serve its neighborhoods historically, every fifteen minutes. House Bill 430 goes into effect this month, removing the City's ability to provide rent stabilization protections against rising rents on residents. It would be great for the City to make a statement on this. He read several quotes regarding the Visioning plan that everyone can agree on. People thought that Visioning was the way to learn what the community wants. It's not that Council doesn't listen. He listed some of the complaints that we have heard from the community about our zoning that has existed for 50 years. The problem here is complex and nuanced. We solve our problems by finishing in ways that we have not before, we finish the process.

Mr. Mark Gideon of 91 Chaucer Court expressed how he prefers not to speak publicly this evening, but the City has declined to meet privately concerning the Northbrook Sanitary Sewer. He shared his concerns about the path of this sewer and the request from the Tonti Organization. The City has never been willing to entertain his request for sewer relocation. In 2020, the City looked to cut down many trees in his backyard without an easement or his permission. The City has not been able to show that alternative routes have even been considered. In 2021, he came to tell Council that the City had not responded to the four proposals he presented, and Mr. Lindsey promised a response that has still not been done. However, it appears that the city has rejected those proposals. The City has never entered into any negotiations with him or his attorney to reach a settlement. The City's lawsuit is unnecessary. He showed a map of the Northbrook Sewer and explained how there is no need for this segment of the sewer to run through this neighborhood, destroying property and requiring the location of many utility lines. He asked that the City look at alternate routes on public right-of-way. Mr. Lindsey shared that Council is aware from discussions about this matter, the City is under an Ohio EPA mandate to study and update its entire sewer system, which began many years ago and has led to recommendations regarding two primary sewer lines. The sewer line that crosses the property of Mr. Gideon has been at that location for over 90 years. The City's original construction of that was based on an easement by the property owner at the time, prior to it being subdivided. The plat indicates an existing sewer line easement at the location at which the sewer line crosses the property owned by Mr. Gideon. The sewer line currently discharges raw sewage in Mr. Gideon's neighbor's yard. The City is

currently in litigation to acquire the additional easements necessary to update the sewer line consistent with the Ohio EPA mandate. Mr. Gideon is represented in the litigation by an attorney, the City is also represented by attorneys, who have been in communication on a periodic basis with Mr. Gideon's attorney. The City's legal team has recommended that any City Council discussion regarding this matter be made in Executive Session as is permitted under Ohio's Open Meetings Law as this is pending litigation. This is best discussed between the appropriate attorneys in an appropriate forum, and not in this particular forum.

Mr. Robinson asked that Council be briefed in the future on the details of this pending litigation in Executive Session. Mr. Lindsey confirmed that the necessary arrangements to do so would be made.

Approval of the Minutes

5. Approval of Minutes - June 13, 2022 (Special), June 13, 2022, June 20, 2022, July 5, 2022, July 11, 2022, and July 18, 2022

Minutes:

MOTION: Ms. Michael moved, seconded by Ms. Brewer to approve the minutes as presented.

The motion carried unanimously by a voice vote

Public Hearings on Legislation

6. Ordinance No. 22-2022 CIP Funding - Park Overlook Waterline Project Design

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 Park Overlook Dr. Waterline Design and all Related Expenses and Determining to Proceed with said Project. (Project No. 737-22)

Minutes:

MOTION: Ms. Hermann moved, seconded by Mr. Bucher to table Ordinance No. 22-2022 until the September 19, 2022, City Council meeting.

The motion carried unanimously by a voice vote

Mr. Ron Sears of 500 Park Overlook Drive detailed how previously, a presentation was given in Colonial Hills where he asked the 50 residents there whether they agreed with the statement that there should not be any additional traffic in Colonial Hills where the streets are currently kid friendly. Basically, 99% agreed with the statement that the streets should not have a large amount of traffic added. The construction which has been part of the potential development of Boundless would cause the addition of at least 400-500 new daily trips to the neighborhood. In terms of the waterline, the size depends on what the consultants recommend, and he wants to know what they will be told about the number of houses and apartments that the waterline would have to serve. If it is going to be hundreds of apartments, he would like to know when or where City Council considered and approved this investment in infrastructure to enable that type of construction which would destroy the central aspect of the environment that many people enjoy about Colonial Hills.

7. Ordinance No. 23-2022 CIP Funding - W. Selby Bridge Replacement Project Design

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 Selby Bridge Replacement Design and all Related Expenses and Determining to Proceed with said Project. (Project No. 736-22)

Minutes:

MOTION: Ms. Michael moved, seconded by Ms. Brewer to table Ordinance No. 23-2022 until the September 19, 2022, City Council meeting.

The motion carried unanimously by a voice vote

8. Ordinance No. 24-2022 General Fund Additional Appropriation

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

Minutes:

MOTION: Ms. Hermann moved, seconded by Ms. Brewer to amend Ordinance No. 24-2022 as reflected in the agenda packet.

The motion to amend carried unanimously by a voice vote

Mr. Greeson provided an overview of the details of this additional appropriation request, noting that this does require some usage of the General Fund balance, however, staff does make it a standard practice to live without our means.

Ms. Hermann asked about investment in the Community Center. Mr. Greeson responded that we have quite a bit of lifecycle maintenance investment that has been made in recent years, and is continuing. All City buildings have a plan for updating our HVAC systems.

There being no additional comments, the clerk called the roll on Ordinance No. 24-2022 (As Amended).

The motion carried unanimously by the following vote: Ayes: 7 / Nays: 0

9. Ordinance No. 25-2022 CIP - Arterial Improvements for Huntley and Schrock

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 Arterial Improvements - Huntley & Schrock and all Related Expenses and Determining to Proceed with said Project. (Project No. 733-22)

Minutes:

MOTION: Ms. Michael moved, seconded by Ms. Hermann to amend Ordinance No. 25-2022 as presented in the agenda packet.

The motion to amend carried unanimously by a voice vote

Mr. Greeson updated the Council on the background of this arterial improvement plan which was included in the five-year Capital Improvement Program.

Ms. Brewer asked if this includes the railroad tracks near the Community Center. Mr. Moorehead stated that it does not include the section at Worthington-Galena.

Ms. Kowalczyk asked when this would begin. Mr. Moorehead stated that it is eligible to begin as soon as this ordinance becomes effective and contract documents are signed. Work would not conclude until June 2023. Tilton's Automotive is conducting construction nearby, so we are aiming to put the new pavement down in the early spring to summer next year.

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

No. 25-2022 (As Amended).

The motion carried unanimously by the following vote: Ayes: 7 / Nays: 0

10. Ordinance No. 26-2022 CIP - Colonial and Foster Waterline Improvements

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 Colonial & Foster Waterline Improvement and all Related Expenses and Determining to Proceed with said Project. (Project No. 718-21)

Minutes:

MOTION: Ms. Hermann moved, seconded by Ms. Brewer to table Ordinance No. 26-2022.

The motion to table carried unanimously by a voice vote

New Legislation - Resolution(s)

11. Resolution No. 42-2022 Amend Position Description - Battalion Chief

Amending the Position Description for Battalion Chief.

Minutes:

Introduced by Ms. Hermann

Mr. Greeson and Chief Zambito provided a report on the changes being made to amend the Battalion Chief position description.

MOTION: Ms. Michael moved, seconded by Ms. Brewer to approve Resolution No. 42-2022

The motion carried unanimously by a voice vote

12. Resolution No. 43-2022 Right of Way Permit Renewal - Columbia Gas

Approving an Agreement and Permit for Columbia Gas of Ohio Inc., Ohio Corporation, to Operate and Maintain a Natural Gas Distribution 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. Brewer

Mr. Greeson described the work that Columbia Gas is doing in the City and the need for a permit to continue that work.

MOTION: Ms. Hermann moved, seconded by Ms. Michael to approve Resolution No. 43-2022

The motion carried unanimously by a voice vote

13. Resolution No. 44-2022 New Right of Way Permit - Cogeco US Finance LLC

Approving an Agreement and Permit for and between Cogeco US Finance LLC, a Delaware LLC, 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 Mr. Smith

Mr. Greeson provided a description of the request for a new right-of-way permit for Breezeline, who purchased WOW!.

MOTION: Mr. Bucher moved, seconded by Ms. Brewer to adopt Resolution No. 44-2022.

The motion carried by a voice vote, with Ms. Michael abstaining

New Legislation - Ordinance(s)

14. Ordinance No. 27-2022 Accepting Amounts and Rates - Franklin County Budget Commission

Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

Minutes:

Introduced by Ms. Michael for public hearing on September 19, 2022

15. Ordinance No. 28-2022 Accepting Dedication of Right-of-Way - 6670 Huntley Road

Accepting the Deed of Dedication for Additional Right-of-Way at 6670 Huntley Road.

Minutes:

Introduced by Ms. Brewer for public hearing on September 19, 2022

16. Ordinance No. 29-2022 Village Green Improvements - 773 High Street

Approving the Installation of New Sidewalks/Walkways, Brick Pavers and Landscaping on the Northwest Village Green in the Area Associated with the Worthington Presbyterian Church.

Minutes:

Introduced by Ms. Hermann for public hearing on September 19, 2022

17. Ordinance No. 30-2022 Granting an Easement - 777 High Street

Granting a Non-Exclusive Easement to the Worthington Presbyterian Church and Authorizing the City Manager to Enter into an Easement Agreement to Allow for the Use of a Portion of the Griswold Center Property at 777 High Street, Worthington, Ohio 43085.

Minutes:

Introduced by Ms. Brewer for public hearing on September 19, 2022

Reports of City Officials

18. Discussion Item(s)

a. Begin conversation regarding a process for updating the Comprehensive Plan

Minutes:

Mr. Robinson expressed that the Comprehensive Plan has historically been an important planning document for the City, and it has been 17 years since a comprehensive review and update has been made. There is widespread recognition that we review, assess, and update the plan, and Council needs to discuss what we are going to do with our Comprehensive Plan. There are many divisive issues and contrary ideas as it relates to the plan within the community, so engaging it is going to be a very delicate and very important thing for us to do. His thinking is that it would be fruitful for Council to approach it very deliberately and thoughtfully and he proposed that this discussion be viewed as the very beginning of what could be a long and sensitive process.

Ms. Hermann shared she is very familiar with the current Comprehensive Plan and is aware of the different nuances that this document brings to the table. It is

a living document and there are updates that should be maintained and taken care of. Other communities do strategic planning that readdresses a comprehensive plan, and specific points are examined and engage newer people within the community so that things are ever updated. We know from Insight 2050, that 80% of new household growth in the next 40 years will be in those households of one or two persons with no children. Today we had Mr. Shearer discuss zoning, which also needs to be addressed. This all comes down to what is the next best step. We talk about affordability and sustainability, while MORPC talks about density, if we want LinkUS funding we need to know our participation in our region which also comes down to housing. If we want to do a Comprehensive Plan, that is going to be rather expensive, but the next best step is a housing study. She noted previous comments by Mr. Robinson that visioning should discuss the development and it should include all stakeholders, including people who work here, and development is the 800-lb gorilla in the room. That goes back to housing which is our 800-lb gorilla. We have to follow through with the vision plan and take the step forward with a housing study.

Mr. Bucher conveyed that this is a needed effort that has been a point of conversation in the community. It is an outdated plan and this is as good of a time as any to pick this up. We have heard from the community that we need to discuss this, and we should dive deeper into what a comprehensive plan is and how this will be a critical tool for our community twenty years down the line. The focus of a comprehensive plan should be well rounded and housing is a key pillar and will unveil other things. We are a landlocked community and every decision moving forward is critical.

Ms. Kowalczyk brought up how she drafted a resolution that calls for a housing study and includes a review of the comprehensive plan to look at whether it voices the consensus viewpoint of the entire Worthington community and aligns with current demographics and economic trends. Also, whether it should be better aligned with the vision statements and principles that were adopted by Council. We have a lot of work done already and data gathered from the community to build upon. It is important to have the experts in on this project so we are objective in this planning process. The Comprehensive Plan is a plan among many that we have with the City, and there needs to be a discussion of how it all fits together. We have had an acceleration of potential growth from the Intel announcement and we need to move more quickly in terms of looking at that and the housing piece. We need to really look at housing which will be critical if we want to take advantage of opportunities that will come our way as a result of the development occurring now.

Mr. Smith agreed we have a lot of reports and assessments, especially regionally from groups like MORPC, and our aspirational Visioning process. While housing is at the center of everything, there is also a burst of impact with commercial, environmental, and other land uses that need to be considered. He would like to see taking what already exists and matching it up with more of a

fact-based examination of what it looks like regionally and in Worthington. Worthington may have something that is a bit more unique than in the greater region. Taking the Visioning process concept that was thwarted by COVID, they did the best job they could, he would like to see more of a community census document that revolves around housing and how it fits into a Comprehensive plan. The final level is the desires of the community and the questions to ask them that would be less fact-based and more opinion-focused.

Ms. Michael explained that the Comprehensive Plan is very important but very time-consuming and would be a good project for the start of next year. We already had staff table several things tonight because staff did not have enough time. In the document that was sent out from Mr. Greeson, we have a multitude of plans and statements that need to be synthesized into a Comprehensive Plan. The staff has such limited time, that discussion about a Comprehensive Plan should be the main goal in 2024 and perhaps this budgeting season, putting in funds for a consultant because she cannot see staff or Council having the time or ability to do this without some consultant help to do it right. A housing study needs to be finished in order to be incorporated into a Comprehensive Plan. There is work that needs to be done in zoning and there needs to be a discussion at a retreat. We should respect what came out of this year's Council Retreat which was the housing study, but moving forward should put a plan together on how to do it. Our Planning and Development staff are swamped with what is already going on right now. It is a good idea, but it should wait for next year.

Ms. Brewer stated that the principles in the Vision report are amazing, but we need to ask what to do with them, and where we prioritize. There needs to be a narrowing down of what the visioning process means in regard to our other plans and how these documents all work together.

Mr. Robinson conveyed how the Comprehensive Plan is different than other plans in that it serves a regular, practical function of guiding boards and commissions, particularly the Municipal Planning Commission and Architectural Review Board. It is in our interest to make sure it is current and reflects our thinking and intentions as best as possible. He is on guard about the worth, intention, and usage of various plans, yet it is crucial that we consciously consider what our policies are so we are not just led by circumstances and events and control our own destiny. Council's approach to the Comprehensive Plan should be comprehensive. Yes, housing is first and foremost, but to examine it in isolation would lead us to make imbalanced decisions. The Comp Plan is a land use document and there are three basic components to our land use: residential, commercial, and public space. If we are looking at housing, we should also do that for other significant topics that inform the Comp Plan. He has proposed some specific actions we can and should take now related to housing, and a housing study could be carried out concurrently with other ones that when they are all completed would give us the facts and information to

have a common language on updating the plan. Whatever studies or reports that we develop should not be agenda-driven and ought to be aimed at generating, assembling, and presenting facts and data that we do not have in usable form. Another core principle of his would be that ultimately this needs to be a Council driven project and not a consultant-driven project. It may be convenient to defer to a consultant, but then that plan becomes an authoritative plan without direct accountability to Council. The Comp Plan needs to reflect the broad community interest, so if someone is advocating for something there should be broad support. Lastly, our perspective ought to be long-term, not short-term. The built environment has an enduring and perhaps irreversible impact on our community. It ought to articulate what we aspire to, but also serve a constraining function.

Mr. Aaron Shearer came up to speak again to articulate that he agrees with much of what has been said. Housing studies are important, but it's not that we don't listen but we do not finish. He read a quote from Mr. Robinson's blog post that we are letting an old plan be dogma for our City and that we need to update something that is 50 years old. If we do not improve affordability as part of the Comprehensive Plan, we will have a community where people cannot stay. People will be forced to migrate from Worthington because it is unaffordable.

Reports of Council Members

19. Reports of Council Members

Minutes:

Ms. Kowalczyk added to the information shared earlier about the change in service for the COTA 102 line. The change is due to staffing. Unfortunately, people do not take advantage of the line here either. She wondered how we can continue to give input on the importance of public transit and having Worthington be part of the discussions. She conveyed her appreciation for the statement put out regarding the racist flyers that were distributed. She expressed her appreciation to the staff for the quarterly reports.

Ms. Michael expressed that she would like to make a motion to put the CRC priorities on the agenda before the end of the year. They gave those priorities to us a long time ago and we owe discussing them.

MOTION: Ms. Michael moved, seconded by Ms. Kowalczyk to put the CRC priorities on the agenda before the end of the year.

The motion carried unanimously by a voice vote.

Ms. Brewer provided her update on the upcoming agenda for the MPC/ARB.

Other Business

Executive Session

20. Executive Session

- a. To conference with attorney(s) for the City concerning pending or imminent litigation.**
- b. To consider the appointment of a public official.**
- c. To consider the compensation of public employees.**

Minutes:

MOTION: Ms. Hermann moved, seconded by Ms. Brewer to meet in Executive Session to conference with an attorney(s) for the City concerning pending or imminent litigation, to consider the appointment of a public official, and consider the compensation of public employees.

The clerk called the roll on Executive Session with the motion carrying unanimously by a roll call vote. Council recessed at 8:38 p.m. from the Regular meeting session.

Council returned to open session at 9:05 p.m.

Adjournment

21. Motion to Adjourn

Minutes:

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

President Robinson declared the meeting adjourned at 9:05 p.m.

Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Minutes published on 09/13/2022, adopted on 09/19/2022

/s/ Ethan C. Barnhardt

Management Assistant

Attest

/s/ David Robinson

President of Council