



City Council Agenda

Monday, September 18, 2023 at 7:00 pm
6550 N. High Street, Worthington, Ohio 43085

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Visitor Comments

Public Hearings on Legislation

5. Ordinance No. 19-2023 - Accepting Amounts and Rates

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

Executive Summary: This Ordinance accepts the tax rates and amounts as determined by the Franklin County Budget Commission. The property tax rate remains unchanged at 5 mills for collection year 2024.

Recommendation: Motion to amend to insert the amounts and rates included in the attached “as amended” version of the ordinance; Approve as Amended

6. Ordinance No. 20-2023 - Additional Appropriations – General Fund, Water Fund, Capital Fund & W. Wilson Bridge Rd. TIF Fund

Amending Ordinance No. 39-2022 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund, Water Fund, Capital Improvement Fund, and W. Wilson Bridge Rd. TIF Fund Unappropriated Balance.

Executive Summary: This legislation appropriates additional funds in the General Fund for the purpose of funding retirement payout, transferring funds to the water fund, and to fund traffic signal and mast arm repairs. Additionally, this legislation will appropriate \$40,000 in the Water Fund to fund water main repairs. Finally, additional funds are needed in the 2023 New and Replacement Equipment line to fund an increase in the replacement cost of cardiac monitors/defibrillators. A portion of this cost will be offset through a FEMA grant of \$66,267 accepted by Council with Resolution No. 33-2023.

Recommendation: Approve as presented.

New Legislation - Resolution(s)

7. Resolution No. 52-2023 - Resolution for an Amendment to Development Plan with Variances for a Property at 6700 N. High St. – ADP 08-2023

Authorizing an Amendment to the Final Development Plan for 6700 N. High St. and Authorizing Variances (DaNite Sign Co.).

Executive Summary: This Resolution is for an Amendment to Development Plan with Variances for an oversized freestanding joint identification sign that will have six (6) businesses on the

freestanding sign on a property at 6700 N. High St.

Recommendation: Introduce and approve as presented.

8. Resolution No. 53-2023 - Adopting a Position Description for Part-time Community Risk Reduction Service Coordinator

Adopting a Job Description for Part-Time Community Risk Reduction Service Coordinator.

Executive Summary: This Resolution adopts a job description for the position of Part-time Community Risk Reduction Service Coordinator in the Division of Fire and EMS.

Recommendation: Introduce and approve as presented.

New Legislation - Ordinance(s)

9. Ordinance No. 21-2023 - Pay to Stay

To Enact New Chapter 727 "Tenant's Right to Assert Tender of Rent as an Affirmative Defense to Eviction" of the Codified Ordinances of the City of Worthington to Codify an Affirmative Defense in an Eviction Matter for Tenants who attempt to Tender All Past Due Rental Payments

Executive Summary: This Ordinance would ensure that residential tenants are afforded the right to assert tender of rent as an affirmative defense to an eviction action.

Recommendation: Introduce for public hearing on October 2, 2023.

Reports of City Officials

Reports of Council Members

Other Business

Executive Session

- a.) To consider the appointment of a public official, and
- b.) To consider the compensation of public employees

Adjournment

10. Motion to Adjourn



STAFF MEMORANDUM
City Council Meeting – September 18th, 2023

Date: August 18, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 19-2023, Accepting Amounts and Rates

EXECUTIVE SUMMARY

This Ordinance accepts the tax rates and amounts as determined by the Franklin County Budget Commission. The property tax rate remains unchanged at 5 mills for collection year 2024.

RECOMMENDATION

Motion to amend to insert the amounts and rates included in the attached “as amended” version of the ordinance; Approve as Amended

BACKGROUND/DESCRIPTION

This Ordinance is an annual housekeeping item required by each taxing authority within the State of Ohio for the purpose of Accepting the Amounts and Rates as Determined by the Budget Commission. Passage of this legislation is required by Ohio Revised Code (ORC) Section 5705.34, this legislation must be adopted and submitted annually to the Franklin County Budget Commission by October 1. This Ordinance was introduced blank pending receipt of final numbers from the Franklin County Budget Commission. The property tax rate for the City of Worthington remains unchanged for 2023 (collection year 2024) in the amount of 5.0 mills.

FINANCIAL IMPLICATIONS/FUNDING SOURCES

\$3,814,557 in Property Tax revenue (2022 valuations)

ATTACHMENTS

Ordinance No. 19-2023

ORDINANCE NO. 19-2023

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

WHEREAS, this Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year beginning January 1, 2024; and,

WHEREAS, the Budget Commission of Franklin County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio:

SECTION 1. That the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further ordained that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation for tax year 2023 (collection year 2024) as follows:

SCHEDULE A

Summary of amounts required from General Property Tax approved by the Budget Commission and County Auditor's estimated tax rates.

	Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to be Levied Inside Outside Limitation	
	Column II	Column IV	Column V	Column VI
General Fund		\$1,549,808.48	2.03	
General Fund Charter	\$1,906,131.88			2.50
Bond Retirement		\$129,712.54	0.17	
Police Pension		\$228,904.47	0.30	
TOTAL	\$1,906,131.88	\$1,908,425.49	2.50	2.50

SECTION 2. That the Clerk of Council be and hereby is directed to certify a copy of this ordinance to the County Auditor of Franklin County.

SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Municipality due to the need to timely certify the tax levies to the County Auditor and to be effective immediately upon its passage and publication. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council.

Passed _____

President of Council

Attest:

Clerk of Council

ORDINANCE NO. 19-2023

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WHEREAS, the Budget Commission of Franklin County, Ohio has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, Franklin County, State of Ohio:

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SCHEDULE A

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		Amount to be Derived from Levies Outside 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Full Tax Rate to be Levied Inside Outside Limitation	
		Column II	Column IV	Column V	Column VI
General Fund			\$		
General Fund Charter	\$				
Bond Retirement			\$		
Police Pension			\$		
TOTAL	\$		\$		

SECTION 2. That the Clerk of Council be and hereby is directed to certify a copy of this ordinance to the County Auditor of Franklin County.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council.

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – September 18, 2023

Date: August 29th, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Additional Appropriations – General Fund, Water Fund, Capital Fund & W. Wilson Bridge Rd. TIF Fund

EXECUTIVE SUMMARY

This legislation appropriates additional funds in the General Fund for the purpose of fund retirement payout, transferring funds to the water fund, and to fund traffic signal and mast arm repairs.

Additionally, this legislation will appropriate \$40,000 in the Water Fund to fund water main repairs.

Finally, additional funds are needed in the 2023 New and Replacement Equipment line to fund an increase in the replacement cost of cardiac monitors/defibrillators. A portion of this cost will be offset through a FEMA grant of \$66,267 accepted by Council with Resolution No. 33-2023.

RECOMMENDATION

Approve as presented.

FINANCIAL IMPLICATIONS

Increases appropriations in the General Fund by \$140,000
Increase appropriations in the Water Fund by \$40,000
Increases appropriations in the Capital Fund by \$70,000
Increases appropriations in the W. Wilson Bridge Rd. TIF Fund by \$41,200

BACKGROUND/DESCRIPTION

Personnel – Retirement Pay

The City has seen nine (9) full-time employees leave service with the City in the first eight months of the year. Additionally, the City anticipates at least two additional retirements

prior to the end of 2023. Many of these employees have a very long tenure with the City of Worthington – and that is reflected in the payout of accumulated vacation and sick time at the time of their separation. Additional funding is required to meet anticipated future separation payment obligations.

Transfers – Operating Transfers

This appropriation from the General Fund appropriates funds that will be transferred into the Water Fund. The Water Fund (Fund 204) appropriation is the budgetary line from which the expense will be paid. The 2023 original appropriation was \$50,000, however, the expense is \$89,823.39.

The current water contract between the City of Columbus and the City of Worthington requires that Columbus maintenance crews repair water main breaks as they occur. The water contract includes a provision stating the City of Worthington will pay for repairs exceeding 150% of the Equivalent Maintenance Ratio (EMR) occurring throughout the City of Columbus water distribution system. The EMR compares the break frequency in Worthington with that in the entire system maintained by Columbus. The EMR is defined as the total length of water mains in the City of Worthington's water distribution system, divided by the total length of water mains maintained by the City of Columbus and multiplied by the total number of water main repairs completed during the previous year.

In 2022, the EMR for Worthington was 18 (eighteen) breaks. A total of thirty-eight (38) breaks occurred in Worthington in 2022, resulting in 20 breaks in excess of the EMR. The total cost to repair the excess breaks was \$89,823.39. Staff has reviewed each break to confirm all 38 breaks occurred in Worthington. This expense can vary significantly from year to year. From a low of \$9,317.74 paid in 2019 (for 2018) to a high of \$142,989.89 paid in 2022 (for 2021).

In addition to water main repairs, the water fund funds half (.5) of a full-time maintenance technician along with half the cost of all applicable fringe benefits (health insurance, life insurance, dental insurance, vision insurance, Medicare, and worker's comp). The other half (.5) of this full-time maintenance technician position is funded from the sewer fund.

This fund is not self-sustaining, meaning there isn't enough revenue to cover the expenses in the fund, the General Fund must subsidize these operations. For this reason, we must appropriate \$40,000 from the General Fund to transfer to the Water Fund, where \$40,000 will be added to the existing appropriation of \$50,000, for a total water main repair appropriation of \$90,000.

Service & Engineering Administration – Traffic Signal

There has been a substantial number of car accidents involving City property. These accidents seem to involve a vehicle hitting either a decorative mast arm or traffic signal equipment (poles or cabinets). The City often recovers payment for damages from the insurance company, and those funds are deposited into the General Fund under the line "property damage claims". As of August 2023, we have received \$92,263 in reimbursements for damaged property. This appropriation provides the additional funding needed to facilitate the repair and replacement of property that has been damaged.

2023 New & Replacement Equipment

An additional \$70,000 is needed to fund the replacement of three cardiac monitors/defibrillators. This expenditure was programmed in the 2023 CIP and the City anticipates receiving \$66,267 in FEMA grants to offset this additional cost. The total purchase is not anticipated to exceed \$145,000. Additionally, because this amount is over the 10% originally authorized, Section 2 of the Ordinance clarifies Council authorization for this purchase.

W. Wilson Bridge Rd. Municipal Public Improvement TIF

This fund receives the PILOT payments related to the TIF at the apartments at 160 W. Wilson Bridge Road (The Heights). For TIF's created on or after January 1, 2006, the political subdivision creating the TIF must compensate the county for lost levy revenues due to the TIF, but only to the extent that the foregone levy revenue is related to an additional or replacement county levy approved by voters after January 1, 2006. Due to this provision, the County Auditor deducted a total of \$81,060.45 for reallocation to Childrens Services, Franklin County Bd. Of Developmental Disabilities, Metro Parks and the Office on Aging. Original appropriations for this expense are insufficient and an additional \$41,200 is needed.

ATTACHMENTS

Ordinance No. 20-2023

ORDINANCE NO. 20-2023

Amending Ordinance No. 39-2022 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the General Fund, Water Fund, Capital Improvement Fund, and W. Wilson Bridge Rd. TIF Fund Unappropriated Balance.

WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there be and hereby is appropriated from the General Fund, Water Fund, Capital Improvement Fund, and W. Wilson Bridge Rd. TIF Fund unappropriated balance to:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<u>General Fund #101</u>		
101.1040.511160	Personnel - Retirement Pay	\$ 50,000.00
101.1110.560985	Transfers – Operating Transfers	40,000.00
101.3010.540571	S&E Administration – Traffic Signal	50,000.00
Total General Fund		\$ 140,000.00
<u>Water Distribution Systems #204</u>		
204.6010.540640	Water Main Repairs	\$ 40,000.00
Total Water Fund		\$ 40,000.00
<u>Capital Improvement Fund #308</u>		
308.8120.533467	2023 New & Replacement Equip.	\$ 70,000.00
Total Capital Improvement Fund		\$ 70,000.00
<u>W. Wilson Bridge Rd. Municipal Public Improvement TIF Fund #920</u>		
920.9020.540910	TIF Fund Reimbursement	\$ 41,200.00
Total TIF Fund		\$ 41,200.00

SECTION 2. That City Council does hereby authorize the purchase of three cardiac monitor/defibrillator units with an amount not to exceed \$145,000 and partially funded by a FEMA grant.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington

Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed _____

President of Council

Attest:

Introduced
P.H

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – September 18, 2023

Date: September 12, 2023

To: Robyn Stewart, Acting City Manager
David McCorkle, Assistant City Manager

From: R. Lee Brown, Director of Planning & Building

Subject: Resolution for an Amendment to Development Plan with Variances for a
Property at 6700 N. High St. – ADP 08-2023

EXECUTIVE SUMMARY

This Resolution is for an Amendment to Development Plan with Variances for an oversized freestanding joint identification sign that will have six (6) businesses on the freestanding sign on a property at 6700 N. High St.

RECOMMENDATION

Introduce and approve as presented.

Staff believes there needs to be a discussion with the applicant on the timing of when the subdivision will occur since the property is subject to a Development Plan prior to approving an Amendment to Development Plan with variances for oversized signage.

City staff has made multiple requests to the applicant that there is a need to go back through the subdivision process to officially create the southern parcel that is currently being marketed as a separate parcel. On November 15, 2021, City Council approved the subdivision and platting of an access easement on the property that included the dedication of public right-of-way along a small portion of the N. High St. frontage. The applicant did not record the subdivision within the required 6-months. City staff has repeatedly reached out to the property owner and the previous property owner to address the subdivision issue since City Council approved the subdivision on November 15, 2021.

On June 27, 2023, the Municipal Planning Commission reviewed and recommended **approval** of an Amendment to Development Plan with Variances for signage.

To view the meeting, please go to the [Video Archives for June 27, 2023, ARB & MPC Meeting](#).

BACKGROUND/DESCRIPTION

This property was originally developed in the late 1960's as an office for Ohio Medical Indemnity, which was most recently Anthem Blue Cross and Blue Shield. The property is made up of 9 separate parcels totaling 19-acres of land and houses a 200,000 sq. ft. existing building and several acres of parking. First Bank of Central Ohio is currently the only tenant in the building.

On July 2, 2021, City staff issued a Temporary Use Permit – Administrative Approval for a temporary sign for 90-days. City staff is permitted to issue such a permit for no more than a 90-day period for First Bank of Central Ohio.

On September 9, 2021, the property owner requested approval of a different multi-tenant freestanding sign but did not go forward to City Council due to the property being sold. The property has since transferred back to the original owner and a different freestanding sign is now proposed. The proposal was only approved by the Municipal Planning Commission and did not go to City Council for final approval.

On November 15, 2021, City Council approved the subdivision and platting of an access easement on the property that included the dedication of public right-of-way along a small portion of the N. High St. frontage. The applicant did not record this subdivision within the required 6-months. City staff has made multiple requests that the applicant go back through the subdivision process to officially create the southern parcel that is currently being marketed as a separate parcel.

On November 15, 2021, City Council also approved an Amendment to Development Plan with several variances for the southern parcel to be developed as a bank. That proposal did not move forward.

On December 2, 2021, the Board of Zoning Appeals granted a Temporary Use Permit for 6-months for a temporary sign to give the property owner time to go before the Architectural Review Board, Municipal Planning Commission and City Council for approval for new signage for First Bank of Central Ohio. The Board has the ability to approve such a permit for no more than 6-months, subject to an additional 6-month approval.

On July 18, 2022, the previous property owner requested approval for directional signage to exceed the overall square footage and height permitted, more than one wall-mounted sign per business, total signage to exceed 100 sq. ft. per business and two freestanding signs to exceed 60 sq. ft. in size. The Municipal Planning Commission and City Council approved the request (ADP 04-2022); however, the signage was never constructed, and the property has reverted to the previous property owner.

On March 2, 2023, the Board of Zoning Appeals granted another Temporary Use Permit for 6-months for a temporary sign to give the property owner time to go before the Architectural Review Board, Municipal Planning Commission and City Council for approval

for new signage for First Bank of Central Ohio. The Temporary Use Permit expired on September 2, 2023.

Project Details:

1. Location of the freestanding sign would be in front the building, parallel to the street and approximately 50-feet from the edge of the right-of-way for N. High St.
2. A 6'6" high x 9'10" wide x 18" deep sign cabinet is proposed suspended between two 8'10" high x 16" wide x 16" deep brick columns and two 15" wide tinted acrylic panels. There is a 12" high x 16' wide x 22" deep black aluminum trim piece on top of the sign with 16" high address numbers on top. Total sign area would be 8'7.5" x 16' wide = 138 square feet per side. (Although overall sign height is shown as 8'10" plus 21.5" for the address numbers, sign area would exclude the bottom 2' of the brick columns.)
3. The sign faces would be black aluminum with routed business names backed in white being the only elements illuminated at night. Six tenant panels would be on each side.
4. Required variances:
 - Business Listings (3 allowed) – Six panels shown
 - Size – Two signs are allowed at 60 square feet total area each; proposed 138 square feet per side x 2 = 276 square feet total.

Land Use Plans:

Worthington Design Guidelines and Architectural District Ordinance

While the regulations permit a certain maximum square footage of signs for a business, try to minimize the size and number of signs. Place only basic names and graphics on signs along the street so that drive-by traffic is not bombarded with too much information. Free-standing signs should be of the "monument" type; they should be as low as possible. Such signs should have an appropriate base such as a brick planting area with appropriate landscaping or no lighting. Colors for signs should be chosen for compatibility with the age, architecture and colors of the buildings they serve, whether placed on the ground or mounted on the building.

Worthington Code Sections:

[1170.02 Definitions and Provisions.](#)

(j) "Joint identification sign" means a sign displaying more than one business or listing more than one associate, partner, employee or agent of any business.

(1) Freestanding joint identification signs shall display no more than three businesses or listings.

[1170.04 Measurement.](#)

(a) Sign area is calculated by totaling all display areas of a sign, including sign faces, molding and framing, but excluding supporting members less than or equal to twenty-four inches in width.

[1170.05 Commercial and Industrial Requirements.](#)

(e) C-3 and I-1 Zoning Districts – Integrated Institutional, Office or Industrial Uses.

Integrated Institutional, Office or Industrial Uses in the C-3 and I-1 zoning districts as provided for in Section [1175.02](#) shall be permitted a maximum of two freestanding signs per development. Each sign shall not be over fifteen feet in height and shall have a maximum total area of 60 square feet.

Section 1149.05 Existing Lots of Record

If three or more contiguous lots are owned by the same person, firm or corporation at the time of the adoption of this Zoning Ordinance, such lots shall be considered to be an undivided parcel of land for the purpose of this Zoning Ordinance, and no single lot or portion thereof shall be used in violation of the dimensional requirements of Sections [1149.01](#) and [1149.02](#).

Staff Analysis:

The proposed variances for an oversized freestanding joint identification sign that will have six (6) businesses on the sign are not out of character for a property of this size. The draft Sign Code recommends increasing the number of businesses on sign from three to six. The proposal is in keeping with the proposed text.

City staff has made multiple requests that that the applicant go back through the subdivision process to officially create the southern parcel that is currently being marketed as a separate parcel. On November 15, 2021, City Council approved the subdivision and platting of an access easement on the property that included the dedication of public right-of-way along a small portion of the N. High St. frontage. The applicant did not record this subdivision within the required 6-months.

City staff has received numerous emails and calls concerning the look and condition of the temporary signage on the site that is now coming up on 2-years since installation.

The property is subject to a Development Plan and modifications to such plan requires approval from the Municipal Planning Commission and City Council since there are variances associated with the proposal.

The parcel is made up of 9 separate parcels, however Section 1149.05 of the Codified Ordinances for the City of Worthington considers this one parcel.

A discussion on when the subdivision will occur should be discussed at the meeting.

ATTACHMENTS

- Resolution No. 52-2023 & Exhibit A
- Application & Materials

RESOLUTION NO. 52-2023

Authorizing an Amendment to the Final
Development Plan for 6700 N. High St. and
Authorizing Variances (DaNite Sign Co.).

WHEREAS, DaNite Sign Co. submitted a request for an amendment to the Final Development Plan with variances for 6700 N. High St.; and,

WHEREAS, Sections 1175.02(f) and 1107.01 of the Codified Ordinances of the City of Worthington provide that when an applicant wishes to change, adjust or rearrange buildings, parking areas, entrances, heights or yards, following approval of a Final Development Plan, and variances are included, the modification must be approved by the City Council; and,

WHEREAS, the proposal has received a complete and thorough review by the Municipal Planning Commission on July 27, 2023 and approval has been recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the amendment to the approved Final Development Plan with variances at 6700 N. High St. as per Case No. ADP 08-2023, Drawings No. ADP 08-2023 dated July 12, 2023, attached hereto as Exhibit “A” be approved.

SECTION 2. That there be and hereby is granted a variance from Code Section 1170.02(j)(a), 1170.04 and 1170.05 to permit the installation of an oversized freestanding joint identification sign that will have six (6) businesses on the sign on a property located in the C-3 District.

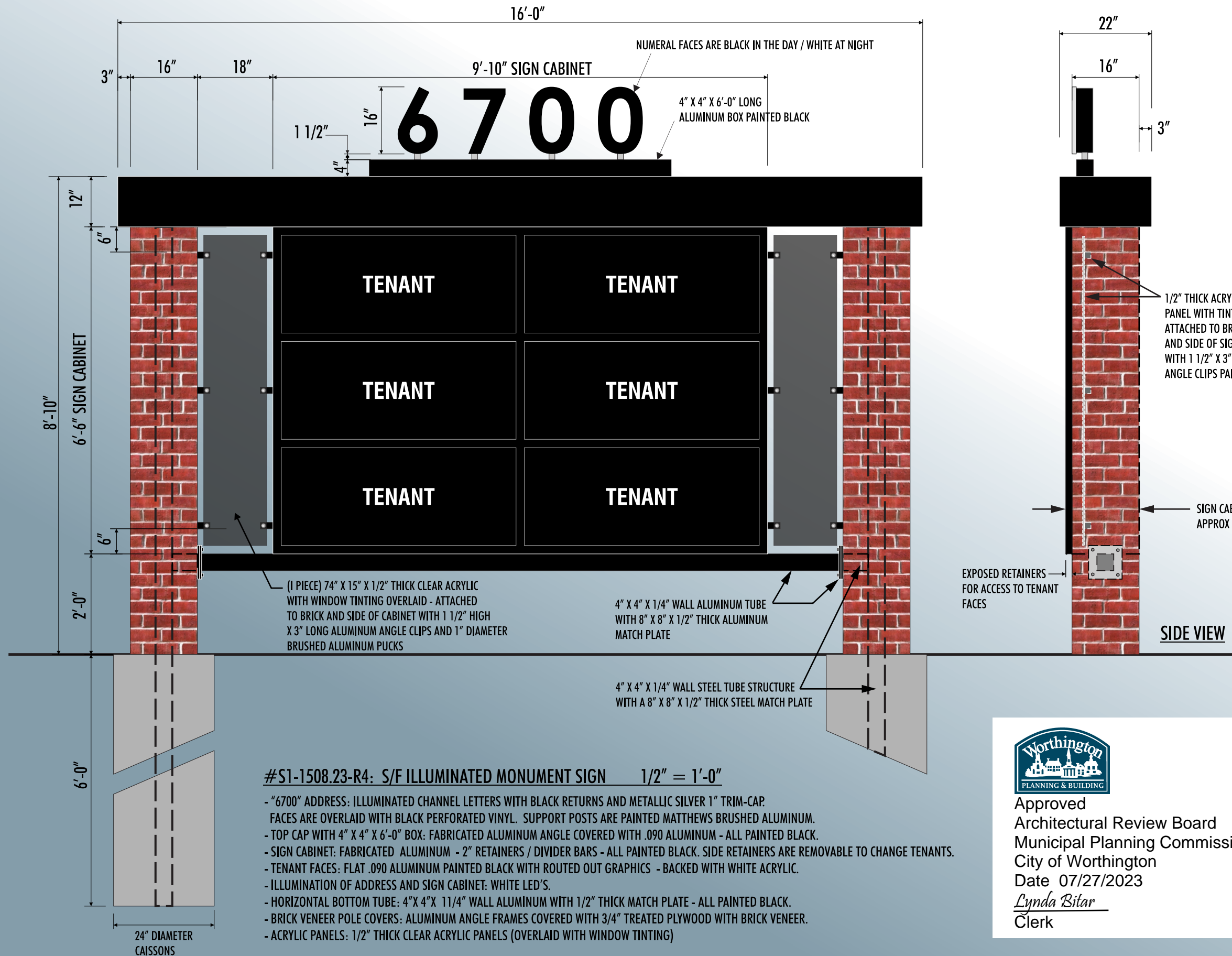
SECTION 3. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted:

President of Council

Attest:

Clerk of Council



Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk



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FILE NO: E60042 DaNITE SIGN CO.

UL APPLIES TO ILLUMINATED SIGNS ONLY.



CITY OF WORTHINGTON
DRAWING NO. ARB 0057-2023
ADP 08-2023
DATE 07/12/2023

COLORS

- BLACK
- WHITE
- METALLIC SILVER TRIM-CAP

APPROVED-CUSTOMER

DATE



JOB NAME	6700 BUILDING	#S1-1508.23-R4
STREET	6700 W DUBLIN GRANVILLE RD.	
CITY, STATE	DUBLIN, OH	
SIGN TYPE	S/F ILLUMINATED MONUMENT SIGN	

DATE	3/27/23	REV. DATE: 7/10/23
FILE NAME	6700 BUILDING.CDR	
DIRECTORY	THAD > 2023 > S	

SCALE AS NOTED SALE OH DESIGNER TK

This project is an original unpublished design concept protected by copyright laws of The United States of America. Prior to sale or paid design fees, all visual materials, specifications, annexes and revisions remain the exclusive property of DaNite Sign Company. The use of any part herein to manufacture, sell or adapt this concept to other mediums by unauthorized parties constitutes an actionable plagiarism.

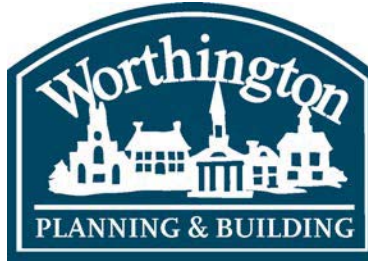




Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk



CITY OF WORTHINGTON
DRAWING NO. ARB 0057-2023
ADP 08-2023
DATE 07/12/2023



ARB & MPC APPLICATIONS
ARB 0057-2023 & ADP 08-2023
6700 N. High St.

Plan Type: ARB & ADP	Project:	App Date: 07/12/2023
Work Class: Certificate of Appropriateness Amendment to Development Plan	District: City of Worthington	Exp Date:
Status: In Review		Completed:
Valuation: \$40,000.00		Approval
		Expire Date:
Description: Install new LED illuminated monument sign with 6 tenant panels		

Parcel: 100-002642	Main	Address: 6700 N High St Worthington, OH 43085	Main	Zone: C-3(Institutions and Offices)
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Applicant	Owner
DANITE SIGN CO	Dan O'Harra
Oliver Holtsberry	50 W. Broad St.
1640 Harman Ave.	Columbus, OH 43215
Columbus, OH 43223	Mobile: (614) 813-8727
Business: (614) 444-3333	
Mobile: 4192963664	

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004218	Architectural Review Board	\$40.00	\$40.00
Total for Invoice INV-00004218		\$40.00	\$40.00
Grand Total for Plan		\$40.00	\$40.00

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00004219	Amendment to Development Plan	\$50.00	\$50.00
Total for Invoice INV-00004219		\$50.00	\$50.00
Grand Total for Plan		\$50.00	\$50.00



Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk

6700 N. High St.



Supporting Statement

Address: 6700 N High Street Worthington, OH 43085

We are proposing to install (1) single-sided new monument sign. LED Illuminated with 6 tenant panels.

The overall building frontage is 443.1 feet. The closest point of the building to the right-of-way is 114.8 feet with the other parts of the building setting back even farther. There are also 3 separate drive-way entrances onto the property here.

With so much frontage & access to this property, we feel it is sufficient enough to ask for a variance here:

- The variance would be to have 6 tenants on the new monument sign. I believe the code typically only allows for 4 tenants on a monument sign.
 - With such a large property here, the owner is going to have many different storefronts with nearly all of them needing a sign out by the road. With allowing 6 tenants on the sign, it will help these businesses have success & the building owner to more easily rent the spaces available. Also, it will keep tenants from pursuing their own ground signs down the road which will keep the property much more clean & less cluttered with signage.

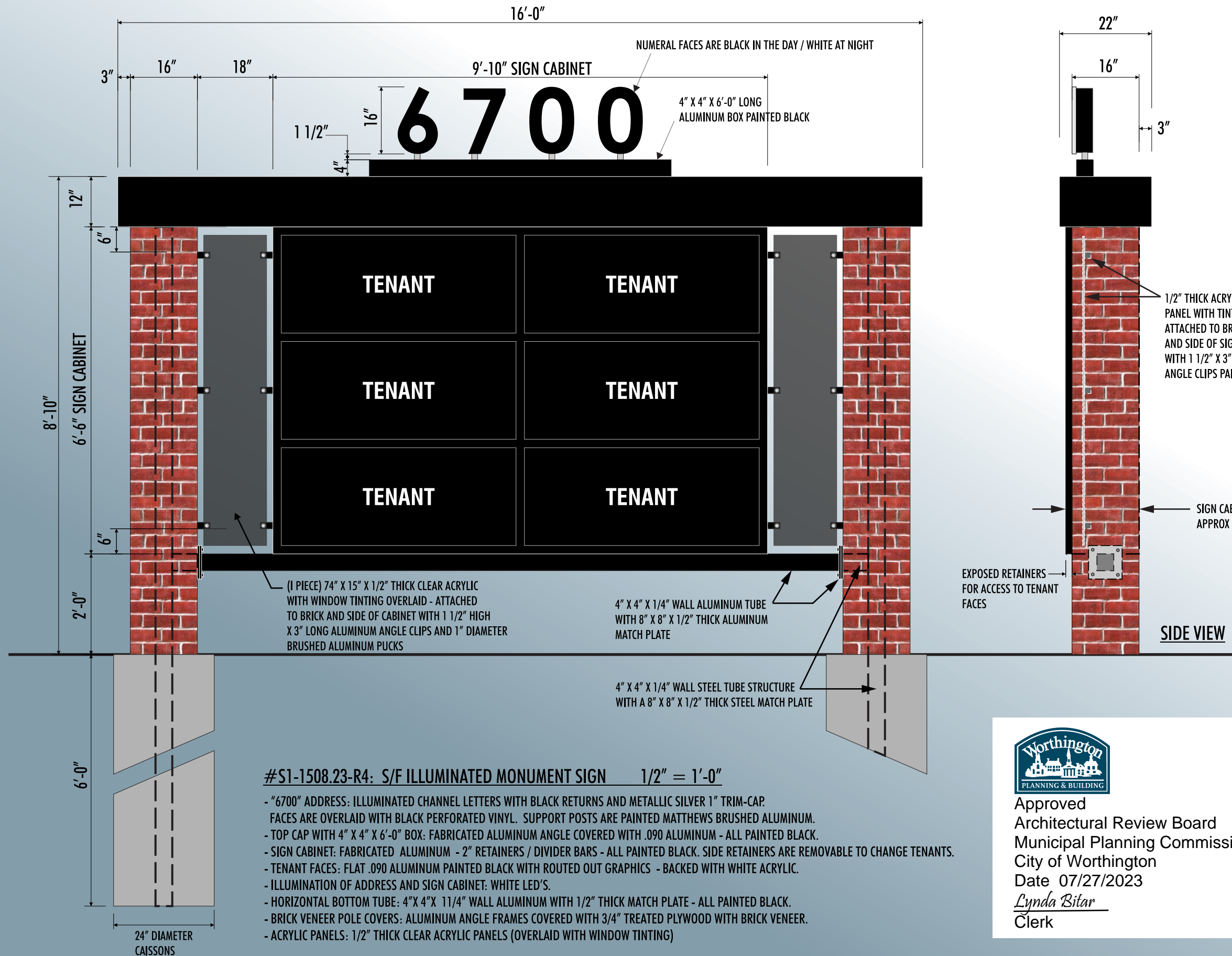
We hope you will consider our request as we have tried hard to balance the line between the allowable signage via the zoning code & what makes sense for the property. We strive to achieve a greater success rate for the tenants in the building & the signage plays a big role. Thank you for your time!



CITY OF WORTHINGTON
DRAWING NO. ARB 0057-2023
ADP 08-2023
DATE 07/12/2023



Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk



Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk



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CITY OF WORTHINGTON
DRAWING NO. ARB 0057-2023
ADP 08-2023
DATE 07/12/2023

COLORS

- BLACK
- WHITE
- METALLIC SILVER TRIM-CAP

APPROVED-CUSTOMER

DATE



JOB NAME	6700 BUILDING	#S1-1508.23-R4
STREET	6700 W DUBLIN GRANVILLE RD.	
CITY, STATE	DUBLIN, OH	
SIGN TYPE	S/F ILLUMINATED MONUMENT SIGN	

DATE	3/27/23	REV. DATE: 7/10/23
FILE NAME	6700 BUILDING.CDR	
DIRECTORY	THAD > 2023 > S	

SCALE AS NOTED SALE OH DESIGNER TK

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Approved
Architectural Review Board
Municipal Planning Commission
City of Worthington
Date 07/27/2023
Lynda Bitar
Clerk



CITY OF WORTHINGTON
DRAWING NO. ARB 0057-2023
ADP 08-2023
DATE 07/12/2023



STAFF MEMORANDUM
City Council Meeting – September 18, 2023

Date: September 12, 2023

To: Robyn Stewart, Acting City Manager

From: Angela Harris, Personnel Director

Subject: **Resolution – Adopting a Position Description for Part-time
Community Risk Reduction Service Coordinator**

EXECUTIVE SUMMARY

This Resolution adopts a job description for the position of Part-time Community Risk Reduction Service Coordinator in the Division of Fire and EMS.

RECOMMENDATION

Introduce and Approve as Presented

BACKGROUND/DESCRIPTION

A new position of Community Risk Reduction Service Coordinator was created within the Division of Fire and EMS during the 2023 budget process and included in the 2023 staffing chart. This position will provide residents with a connection to social services, resources, and assistance outside of an emergency response. This position will be part-time, approximately 24 hours a week. The CRR Service Coordinator will also accept referrals from the Division of Police and the Worthington Community Center. The adoption of this job description will enable the hiring process for this position.

ATTACHMENTS

Resolution No. 53-2023
Part-time Community Risk Reduction Service Coordinator Job Description

RESOLUTION NO. 53-2023

Adopting a Job Description for Part-Time Community Risk Reduction Service Coordinator.

WHEREAS, City Council wishes to adopt a job description for the classified position of Part-time Community Risk Reduction Service Coordinator,

NOW THEREFORE, BE IT RESOLVED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That the job description for the position of Part-time Community Risk Reduction Service Coordinator (Class Specification No. 262) as per the description attached hereto be and the same is hereby adopted.

SECTION 2: That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted _____

President of Council

Attest:

Clerk of Council

CITY OF WORTHINGTON

POSITION DESCRIPTION

POSITION TITLE: PART-TIME COMMUNITY RISK REDUCTION SERVICE COORDINATOR

CLASS: 262

Department: Division of Fire
Date: September 2023
Reports To: Asst. Chief of EMS and CRR
FLSA Status: Non-Exempt

General Statement of Duties

Under the direction of the Assistant Chief of EMS and CRR as a member of the Division of Fire and EMS, the CRR Service Coordinator will perform a variety of tasks related to community outreach, facilitating communication and client empowerment in interactions with health care/social service systems, coordinating and scheduling home visits, visiting residents in their homes, placing phone calls on behalf of residents, ensuring organization of paperwork and files, answering phones, preparing presentations, public speaking, matching clients with appropriate services, and any other similar tasks.

Essential Functions of the Position:

Assists residents by connecting them with available social services through service coordination; schedules and conducts in-home visits and assessments;

Attends I-Team Franklin County meetings and works with other Service Coordinators to ensure services are up to date, appropriate, and effective to maintain a healthy lifestyle in Worthington;

Assists in planning, organizing, and conducting community outreach programs, community events, and discussion groups to promote risk reduction and healthy behaviors; speaks to community groups and individuals to promote social service programs and educate residents about available services;

Maintains paperwork and confidential patient information, keeping it organized and up to date;

Serves on the City of Worthington Age Friendly committee;

Serves as the liaison with the Worthington Police Division, Parks and Recreation, Sharon Twp, and Perry Twp Police Departments by overseeing processes, referrals, coordination with officers and paramedics, and facilitating meetings;

Represents the Division of Fire and EMS and the City of Worthington regarding community involvement and social service workgroups;

Maintains licenses and certifications as required, if any;

Demonstrates regular and predictable attendance;

Meets all job safety requirements and all applicable safety standards that pertain to essential functions;

Performs other duties as assigned/required.

Knowledge, Skills and Abilities:

Knowledge of applicable laws, regulations, City policies, procedures, and requirements, including Ohio Ethics law and Public Records law;

Knowledge of Fire department operations, specifically the Worthington Division of Fire and EMS and its policies and procedures;

Knowledge of the geographical layout of the service area;

Adeptness in diversity, equity and inclusion practices, strategies, systems, and policies as it relates to area of work;

Knowledge of Medicare/Medicaid, other health insurance benefits and of local, state, and national resources for at-risk populations

Proficient use of applicable technology and software; Microsoft 365;

Ability to manage grants;

Strong interpersonal skills that demonstrate awareness of and an ability to use communication that overcomes socio-cultural and lingual barriers effectively and to be aware of verbal and nonverbal forms of communication.

Effectively use and understand a variety of written and/or verbal communications including and understanding of radio communications;

Ability to exercise sound judgment under stressful circumstances;

Ability to follow oral and written instructions, identify existing or potential problem areas and recommend corrective measures;

Effectively manage time and capability to stay on task;

Ability to travel to residents' homes and work in a mobile setting;

Provide high level of customer service to both internal and external customers.

Maintain confidentiality when working with sensitive information (HIPAA); develop and maintain working relationships with associates and the general public;

Ability to collect, analyze, interpret, and record data;

Adeptness in identifying existing or potential problem areas and recommend corrective measures;

Minimum Requirements of the Position:

Completion of secondary education (high school diploma or GED); possession of a Bachelor's degree from an accredited college or university in gerontology, social work, or equivalent work history preferred; extensive experience assisting the elderly and vulnerable populations; or any combination of training, education, or experience which provides the desired knowledge, skills, and abilities to perform the essential functions of the position.

Possession of a valid state of Ohio motor vehicle operator's license and maintain insurability under the city's vehicle insurance policy; CPR certification.

The characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This job description does not list all of the duties or functions of the job. The individual in this position may be asked by supervisors to perform other duties. The City has the right to revise this job description at any time.

Adopted by Resolution No. __ -2023; Effective _



STAFF MEMORANDUM
City Council Meeting – September 18, 2023

Date: September 14, 2023

To: Robyn Stewart, Acting City Manager

From: Tom Lindsey, Law Director

Subject: Pay to Stay Update

EXECUTIVE SUMMARY

This Ordinance would ensure that residential tenants are afforded the right to assert tender of rent as an affirmative defense to an eviction action.

RECOMMENDATION

Introduce for public hearing on October 2, 2023.

BACKGROUND/DESCRIPTION

In July 2022, Carlie Boos of the Affordable Housing Alliance of Central Ohio spoke to Council requesting Council to consider adopting “Pay to Stay” legislation. Currently under Ohio law, a landlord is able to evict a tenant even if they are able to pay the full rent as long as it occurs after the due date. “Pay to Stay” legislation allows renters to present the full past due rent and reasonable late fees to obtain the dismissal of an eviction action.

In April 2023, staff provided Council a comprehensive research memo providing additional information regarding “Pay to Stay” legislation adopted by other Ohio communities and details concerning eviction actions filed in Franklin County Municipal Court.

In June 2023, staff provided Council the results of public engagement regarding possible Pay to Stay legislation.

Staff has prepared the proposed ordinance based on Pay to Stay legislation recently adopted by the City of Columbus to provide consistency for tenants, landlords, and the courts.

ATTACHMENTS

- Ordinance No. 21-2023 – Pay to Stay – 9-14-23
- Research Memo – Pay to Stay (April 2023)
- Staff Memo – Pay to Stay Update (June 2023)

ORDINANCE NO. 21-2023

To Enact New Chapter 727 “Tenant’s Right to Assert Tender of Rent as an Affirmative Defense to Eviction” of the Codified Ordinances of the City of Worthington to Codify an Affirmative Defense in an Eviction Matter for Tenants who attempt to Tender All Past Due Rental Payments

WHEREAS, on May 20, 2019, City Council adopted Ordinance No. 14-2019 to enact Chapter 539 of the Codified Ordinances to prohibit discriminatory practices in housing, employment, and public accommodations based on race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, marital status, familial status, genetic information, or military status; and,

WHEREAS, on July 19, 2021, City Council adopted Ordinance No. 32-2021 to amend Chapter 539 “Discriminatory Practices, Civil Rights, Disclosure” of the Codified Ordinances of the City of Worthington to Prohibit Discrimination in the Rental or Leasing of Housing Accommodations Based on Source of Income; and,

WHEREAS, the State of Ohio is one of only five states in the country that permits a residential landlord to file for eviction immediately upon non-payment of rent and after providing proper notice; and

WHEREAS, evictions for non-payment of rent lead to regional vulnerabilities that prolong economic instability, create educational impairments for children displaced by evictions, increase costs to the homeless system, and negatively impact community stability and relationships; and

WHEREAS, the City Council desires to ensure that tenants are afforded the right to assert tender of rent as an affirmative defense to an eviction action.; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Part Seven of the Codified Ordinances of the City of Worthington, “Business Regulation Code,” be and the same is hereby amended to add new Chapter 727:

CHAPTER 727

Tenant’s Right to Assert Tender of Rent as an Affirmative Defense to Eviction

727.01 DEFINITIONS

As used in this chapter:

- (a) "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.

- (b) "Tenant," as applied to dwellings, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such dwellings, alone or with others.
- (c) "Tender" means the payment of rent. Tender may be made in any lawful form authorized pursuant to a written rental agreement, provided for by city code or state law, or approved by a court of competent jurisdiction.

727.02 TENANT'S RIGHT TO ASSERT TENDER OF RENT AS AN AFFIRMATIVE DEFENSE TO EVICTION

- (a) If a tenant, or an agency or individual on the tenant's behalf, tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code Chapter 1923 and the landlord refuses to accept the payment tendered, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.
- (b) If a tenant, or an agency or individual on the tenant's behalf, tenders all past due rent with reasonable late fees to the landlord prior to a judgment and the landlord refuses to accept the payment tendered, the tenant's tender of all past due rent, reasonable late fees, and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.
- (c) A tenant's tender of payment pursuant to this section does not limit the ability of a landlord to initiate an eviction action for reasons other than solely for non-payment of rent.

SECTION 2. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.



MEMORANDUM

TO: Robyn Stewart, Acting City Manager

FROM: Ethan Charles Barnhardt, Management Assistant/Special Projects Coordinator

DATE: April 6, 2023

SUBJECT: Pay to Stay Background and Proposed Framework for Adoption

Throughout Central Ohio, housing issues have been top of mind for many communities, including consideration of policies that address equity and availability. This memorandum is meant to provide a comprehensive background on Pay to Stay legislation, which is a policy approach to help keep tenants in stable housing as well as make sure that landlords are paid what is owed to them. Currently, under Ohio law a landlord has no legal responsibility to accept a late payment from a tenant. Ohio is currently **one of only five states** where a single missed payment can lead to a tenant being evicted even if the tenant can tender the full amount of rent and other fees. This legislation would work to standardize and codify an existing defense currently used in response to eviction actions.

What Is Pay to Stay Legislation?

Pay to Stay legislation provides protections so that landlords are not able to evict a tenant for being just a day or two late on rent. Currently under Ohio law, a landlord is able to evict a tenant even if they are able to pay the full rent as long as it occurs after the due date. This allows a landlord to be able to reject late rent from tenants who may be vulnerable due to circumstances that are out of their control, such as illness and resulting lost wages. With the implementation of Pay to Stay ordinances, a renter may present the full rent due and reasonable late fees to obtain dismissal of an eviction action.

Ordinances have been passed in many locations across the state of Ohio, particularly in the northeastern part of the state where Cleveland and Akron have been joined by the suburbs of Lakewood, Cleveland Heights, Euclid, Newburgh Heights, and Maple Heights. Additionally, Cincinnati, Yellow Springs, Dayton, and Toledo have passed legislation containing Pay to Stay

components. Currently, Reynoldsburg and Gahanna are the only communities in Central Ohio that have adopted legislation that incorporates Pay to Stay provisions.

Why is Pay to Stay Legislation Needed?

Landlords in Ohio are able to issue a notice to leave and begin the eviction process for a tenant if that person is a day late, or a dollar short, on their rent payment. Even if a renter offers to pay the missed rent the day after it becomes late, the landlord can choose whether or not to accept the late payment. Adoption of a local ordinance that requires landlords to accept a late payment made in full, with applicable late fees and costs, would permit renters to defend against an eviction filing.

Pay to Stay legislation provides protection for renters to maintain housing stability and to curb the burdens on the social safety net. Additionally, with the cost of rent rapidly growing in the region due to increased demand and low supply, along with limited tenant protections, there appears to be the potential for some landlords to evict a late paying tenant in order to bring in someone who is willing to pay a higher market-rate rent.

What Does the Eviction Process Look Like?¹

- A Notice to Leave the Premises (“Three-Day Notice”) is left on the tenant’s door or personally delivered that includes the language:
 - *“You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance.”*
- At this point, a tenant has three days to attempt to find a solution to avoid court, including:
 - Negotiating a payment of back rent
 - Resolution of other, non-payment related issues that has led to the notice
 - Coming to an agreed-upon move-out date with the landlord
- If a resolution cannot be made, the landlord can then file an eviction case in court
 - The tenant will be sent a summons by the court with the date, time, and location of the eviction hearing, which is usually in about two weeks.
 - The landlord may also sue for back rent, utilities, or other damages.
- The parties then prepare for the eviction hearing
 - Tenant can enlist a lawyer to help fight an eviction action.
- At the eviction hearing, the Court can then decide whether the tenant should be evicted or not.
 - If the tenant has already moved out, or if a resolution has been negotiated with the landlord, a dismissal can be requested
 - A tenant may also ask for a continuance if additional time is needed to help with the eviction case.

¹ *Eviction timeline in Ohio*. Ohio Legal Help. (2022, August 1). Retrieved August 25, 2022, from <https://www.ohiolegalhelp.org/eviction-timeline>

- If a court decides to evict, a Writ of Restitution is issued and a “Red Tag” will be posted on the door, telling the tenant how long they have to vacate the property, typically five days.
 - After that, a landlord can ask for the sheriff to come and set out the tenant’s belongings.

Eviction Statistics for Worthington

Evictions have a number of costs to both renters and landlords. Evictions for non-payment of rent can lead to economic instability, educational impairments for children displaced by evictions, and increased costs to the homeless system. Landlords also may incur court costs, attorney fees, and costs associated with tenant turnover.

Staff pulled records from the Franklin County Municipal Court between August 2021 through August 2022, to analyze data for Worthington rental properties where eviction actions were initiated and a notice to leave premises was issued.

Takeaways from the data include:

- During this time frame, 23 eviction actions were initiated in Worthington proper.
 - 22 were multi-family units
 - One was a commercial-use property
 - Zero were single-family
- Of those actions, **seven resulted in a judge issuing a Writ of Restitution**, ordering the tenant to vacate the property.
- **Four of the seven** evictions were attributable to the late payment of rent.
- The other three evictions were due to unsanitary conditions of the rental properties and criminal activity taking place on premises.
- When looking at the number of days given between rent being due and a notice to leave being issued, and accounting for outliers, landlords give tenants approximately **12 days** on average before issuing a notice and beginning the eviction process.
- Of the eviction actions taken within Worthington, there is an average court cost of approximately **\$150**.

What About Worthington Landlords?

The potential Passage of Pay to Stay legislation would bring Worthington’s laws in line with what is common for tenants and landlords nationwide. Pay to Stay would codify and standardize an existing affirmative defense to eviction action. Additionally, it could provide greater stability for renters who are given the opportunity to pay any late rent along with applicable costs and fees.

While there have been some concerns expressed by apartment and realtor associations across the state, overall, there has been little pushback. In Cincinnati, there was close cooperation with the

Greater Cincinnati Northern Kentucky Apartment Association to pass their legislation.³ The Akron Cleveland Association of Realtors noted that Pay to Stay, “...on the surface...appears to be a win-win situation for all involved. The housing provider receives owed rent and presumably avoids a vacancy, and the tenant remains in the home.”⁴ Their concerns mainly centered around whether the legislation was a valid exercise of home rule authority, and how amounts for fees and costs were determined.

Proposed Legislation

The proposed ordinance provides that a tenant may tender the full amount of rent owed, reasonable late fees, and court costs during an eviction proceeding and prior to judgment to maintain the tenancy and have the eviction proceeding dismissed. As a result, courts will be required to dismiss an action if the affirmative defense is proven. Notably, the late fees required to obtain dismissal of the action must be reasonable, as determined by the court.

The proposed ordinance does not include language preventing the filing of an eviction action due to questions of constitutionality in light of R.C. Chapter 1923. This proposed ordinance is modeled after the Pay to Stay components of several Ohio cities’ ordinances. Further, the proposed ordinance is not retroactive so that it does not interfere with pre-existing contracts entered into without knowledge of the impact of this legislation.

Proposed Framework for Community Engagement and Adoption of Legislation

Below is a proposed framework and timeline for adopting Pay to Stay legislation:

- April 2023
 - Distribute staff memorandum providing background research to and share draft ordinance with City Council
 - Staff presentation for April 10, 2023, Committee of the Whole meeting on background research, proposed legislative timeline, and next steps.
- April through May 2023
 - Build website informational page to provide background information and engagement opportunities.
 - Send letter to Worthington landlords, informing them of proposed Pay to Stay legislation and opportunities for engagement.
 - Create a form on the website for landlords & residents to submit questions and/or concerns.
- Mid-to-Late May 2023

³ Hart, J. (2022, July 19). *Hamilton County tenants facing eviction can use 'pay-to-stay' as a new legal protection*. WCPO. Retrieved August 25, 2022, from <https://www.wcpo.com/news/local-news/hamilton-county/cincinnati/hamilton-county-tenants-facing-eviction-can-use-pay-to-stay-as-a-new-legal-protection>

⁴ City of South Euclid, Ohio Legislative Meeting Packet – March 8, 2021. Retrieved August 25, 2022, from <https://www.cityofsoutheuclid.com/wp-content/uploads/2021/03/03-08-21-Legislative-Committee.pdf>

- Hold Q&A session of staff for interested landlords, tenants, and other community members to learn and ask questions about Pay to Stay
 - Incorporate feedback into draft ordinance and prepare for Council introduction
- June 2023
 - Come back to Council with legislation for introduction and passage.



STAFF MEMORANDUM
City Council Meeting – June 12, 2023

Date: June 8, 2023

To: Robyn Stewart, Acting City Manager

From: Ethan Barnhardt, Management Assistant/Special Projects Coordinator

Subject: Pay to Stay Update

EXECUTIVE SUMMARY

Staff will provide an update on public engagement efforts around draft Pay to Stay Legislation and potential options for how best to move forward with this policy.

RECOMMENDATION

Staff requests Council input and direction on the desired approach moving forward.

BACKGROUND/DESCRIPTION

HISTORY

On April 10, 2023, staff provided a comprehensive overview of “Pay to Stay” legislation, which would allow renters to present the full rent due and reasonable late fees to obtain the dismissal of an eviction action. Currently under Ohio law, a landlord is able to evict a tenant even if they are able to pay the full rent as long as it occurs after the due date. This allows a landlord to be able to reject late rent from tenants.

City Council expressed general support for the legislation and supported the public engagement framework outlines by staff with steps to reach out to residents and Worthington landlords to seek their feedback, which City Council expressed their approval of. Letters were sent to approximately **230** Worthington landlords, with background information and different public engagement opportunities including an online survey and a Q&A session held on May 17, 2023.

FEEDBACK

The online form received nine submissions from different landlords expressing their perspectives on potential Pay to Stay legislation. Below is a summary of the results

from the survey:

- **Four** respondents were negative and questioned the need for this legislation and expressed that this eroded the rights of property owners.
- **Two** respondents expressed neutral opinions, specifically expressing that it is already standard practice for most landlords to accept reasonable late rent, or that there are already some protections in place under state law.
- **Three** respondents were positive, expressing their support for adopting Pay to Stay legislation.

Additionally, staff received several phone calls from landlords who expressed their concerns about this legislation, sharing similar concerns as what was heard from the online survey. Most comments revolved around the erosion on landlord property rights, and how the vast majority of landlords exhaust all options before having to resort to the eviction process, including accepting late payments of rent.

The online Q&A was conducted via Microsoft Teams with Law Director Tom Lindsey and Management Assistant Ethan Barnhardt serving to lead the session. There was one participant, who was a Worthington property owner, for the session and staff spent the entire hour answering their questions and listening to their concerns. The primary takeaways included questions about the number of complaints that the City has had regarding this particular problem, and that the legislation appeared to seem like it was solving a problem that may not exist within Worthington, as well as concerns about some of the terminology used in the draft legislation.

NEXT STEPS

Previously, staff had proposed bringing back legislation in June, however several discussions have influenced that thinking. From a legal perspective, there are some lingering concerns about the constitutionality of Pay to Stay, and it has not faced a legal challenge to consider it settled law at this point. Additionally, the City of Columbus has begun having conversations around adopting Pay to Stay legislation as part of their efforts around housing solutions. As a larger municipality, there may be benefits to seeing what their legislation looks like, and what their legal review looks like.

Staff sees three options for Council to consider on how to move forward:

1. Move forward as originally proposed, bringing back Pay to Stay legislation for consideration and potential adoption.
2. Table this policy until such time that the City of Columbus has made progress on their legislation to take into consideration the components of their legislation, and then bring it back for further discussion and consideration.
3. Table this policy until Pay to Stay has been established as settled law and there is greater certainty regarding the constitutionality of the legislation moving forward.