



City Council Agenda

Monday, April 10, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order
2. Roll Call
3. Pledge of Allegiance

Special Presentation(s)

4. Emergency Preparedness

Emergency Response to Natural and Human-Caused Disasters

Executive Summary: Worthington public safety officials will provide information about emergency response to natural and human-caused disasters.

Reports of City Officials

5. Policy Item(s)

a. Pay to Stay

Pay to Stay Background and Proposed Framework for Adoption

Executive Summary: Council has expressed interest in adopting Pay to Stay legislation. Staff will provide an informational presentation and discuss a proposed framework for public engagement and adoption of legislation.

Recommendation: Staff requests Council input and direction on the proposed framework for community engagement and adoption of legislation.

b. Visions Implementation (Ongoing)

Executive Summary: Consideration of the adoption of a profile and job description for the Vision Implementation Teams.

Recommendation: Motion to adopt the documents.

c. Juneteenth Flags

Commemorative Flags- Juneteenth

Executive Summary: Discussion regarding the flying of a Commemorative Flag for Juneteenth.

6. Discussion Item(s)

a. Council Retreat Follow-Up (Ongoing)

Executive Summary: This item provides time to discuss various initiatives that are underway.

7. Information Item(s)

a. HVAC Improvement Program (Update from Staff)

Ordinance No. 07-2023 Funding Project Number 720-21 HVAC Improvement Program

Executive Summary: This item is an informational update on the status of Ordinance No 07-2023 and project number 720-21, City of Worthington HVAC Improvements.

Recommendation: No action needed.

Reports of Council Members

Other Business

Executive Session

8. Executive Session

a. To consider the appointment of a public official.

Adjournment

9. Motion to Adjourn

Contact: Grace Brown, Clerk of Council (grace.brown@worthington.org) (614) 436-3100 | Agenda published on 04/06/2023 at 2:00 PM



STAFF MEMORANDUM
City Council Meeting – April 10, 2023

Date: April 5, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: EMERGENCY RESPONSE TO NATURAL AND HUMAN-CAUSED DISASTERS

EXECUTIVE SUMMARY

Worthington public safety officials will provide information about emergency response to natural and human-caused disasters

BACKGROUND/DESCRIPTION

Since the train derailment in East Palestine, Ohio, we have received questions regarding our preparation and capability to respond to emergencies such as train derailments. Worthington public safety officials will present information and respond to questions.

The City of Worthington has an Emergency Operations Plan which outlines our emergency response. The response strategy is rooted in nation-wide emergency response protocols found in the National Incident Management System (NIMS). NIMS is a standardized approach to incident management developed by the U.S. Department of Homeland Security. Local, state and federal organizations are trained in NIMS which provides for standardization in protocols to allow for the scaling up and down of resources as the incident demands. The response protocols and structure are the same across all kinds of emergency incidents and are designed to bring in the specific skills and resources needed by each incident.

All disasters begin and end at the local level. Local officials are the first on the scene and are trained to manage the incident and request resources. Depending on the size and scale of the incident, local officials may need to call in additional resources and do so utilizing the networks and systems established in NIMS.

Worthington has the benefit of being a part of a metropolitan region. The first resources on the scene may be Worthington's, however we can quickly call in

resources from other cities, counties and the State. This happens on a routine basis with incidents such as structure fires and larger scale vehicle accidents. The system is designed to expand as needed to deal with any number of situations such as flooding, severe weather, hazardous materials spills, pandemics, etc.

Worthington regularly participates with the Franklin County Emergency Management Agency (EMA). Franklin County, like Worthington, has an Emergency Operations Plan which includes specific response protocols for large scale disaster response and management. It is updated annually and reviewed by the Ohio EMA.

Franklin County EMA leads and manages the Local Emergency Planning Committee (branded as CEPAC) which meets quarterly to address such issues as hazardous materials awareness, reporting, planning and response. The County's Hazardous Materials Response Plan is reviewed and updated annually and shared with Ohio EMA, and a hazardous materials response exercise is held annually. CEPAC has also previously conducted a study of the flow of hazardous materials that are moved through or are delivered to facilities within Central Ohio to inform plans and response protocols.

There are steps residents and businesses can take to be prepared for disaster situations. While each situation is unique and it is impossible to provide specific guidance in advance, pre-planning and preparation before an incident can help individuals and organizations be better prepared to respond. The Federal Emergency Management Agency (FEMA) provides many guides to planning and preparing for disasters which can be found at www.fema.gov/emergency-managers/national-preparedness/plan. Franklin County EMA also provides guidance on disaster preparedness at <https://fcemhs.org/Citizen-Preparedness>

Incidents involving hazardous materials spills are situation specific. Emergency responders work to quickly identify the product, mitigate the leak, protect waterways and reduce impact on life and environment. The actions to be taken are dictated by the material involved and the location characteristics of the spill site. Responders have access to many resources in this region that can provide assistance as needed to identify the material and the appropriate mitigation strategies.

Emergency response plans include the ability to bring in non-governmental resources as needed. For instance, the American Red Cross takes the lead when people need to be relocated to temporary housing. The American Red Cross has been integral to emergency response in our country for many decades and their contact information and protocols are readily available to responders when the need arises.

Some disasters involve high levels of damage to public and private properties. In larger scale disasters, state and federal disaster designations may be declared. These declarations make funding available from the State and Federal governments to reimburse public and private parties for qualifying expenses associated with the disaster.



STAFF MEMORANDUM
City Council Meeting – April 10, 2023

Date: April 6, 2023

To: Robyn Stewart, Acting City Manager

From: Ethan Barnhardt, Management Assistant/Special Projects Coordinator

Subject: Pay to Stay

EXECUTIVE SUMMARY

Council has expressed interest in adopting Pay to Stay legislation. Staff will provide an informational presentation and discuss a proposed framework for public engagement and adoption of legislation.

RECOMMENDATION

Staff requests Council input and direction on the proposed framework for community engagement and adoption of legislation.

BACKGROUND/DESCRIPTION

In July 2022, Carlie Boos of the Affordable Housing Alliance of Central Ohio spoke to Council overviewing “Pay to Stay” legislation. Since that time, staff has conducted extensive research into what other communities in Ohio have adopted, as well as sourcing records from the Franklin County Municipal Court regarding eviction actions within the City of Worthington. Additionally, legislation to codify the existing pay to stay affirmative defense to eviction has been drafted.

ATTACHMENTS

- Research Memo – Pay to Stay
- Draft Pay to Stay Ordinance
- Pay to Stay Presentation Slides



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.

ORDINANCE NO. XX-2023

To Enact New Chapter 727 “Residential Tenant’s Right to Pay to Stay” 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, unlike mortgage companies, residential landlords are allowed to refuse all future rent payments and commence eviction proceedings even if a tenant immediately recognizes the deficiency of payment and is able and willing to correct it; 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 seeks to decrease the number of evictions by allowing tenants to cure a non-payment of rent by tendering the full amount owed, including reasonable late fees and court costs, during an eviction proceeding to avoid eviction; 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
Residential Tenant's Right to Pay to Stay

727.01 DEFINITIONS

As used in this chapter:

- (a) "Residential Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.
- (b) "Tender" means an offer of payment, or the provision of a voucher from an accredited social service, nonprofit, governmental, or quasi-governmental agency that guarantees the payment of any and all past due rent, reasonable late fees, and court costs.
 - (1) Such tender shall be made to the landlord in any lawful form agreed upon by the landlord, any form provided for by state or local law, or any form approved of by a court with jurisdiction over the eviction action.
 - (2) Where a tenant provides payment to a landlord in the form of a cashier's check, money order, certified check, or cash in an amount which covers all past due rent, reasonable late fees, and court costs, such payment shall also constitute "tender" for purposes of this section.

727.02 TENANT'S RIGHT TO PAY TO STAY

- (a) After the filing of an action for forcible entry and detainer under Ohio Revised Code Chapter 1923 for nonpayment of rent but prior to judgment, the Residential Tenant shall have the right to pay the Landlord all past due rent, reasonable late fees, and court costs incurred by the Landlord, for the purpose of maintaining the tenancy.
 - (1) If the Residential Tenant, or an agency or individual on the tenant's behalf, tenders all past due rent with reasonable late fees and costs to the Landlord prior to the judgment and the Landlord refuses the tender, the Residential 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 Residential Tenant for nonpayment of rent.
 - (2) Payment of reasonable late fees and court costs shall only be required if the parties have a written lease agreement that explicitly

ORDINANCE NO. XX-2023

provides for such fees and costs and, further, Landlord shall set forth the amount of such fees and costs in the notice required by Section 1923.04 of the Ohio Revised Code.

- (b) Limitation of Affirmative Defense: The affirmative defense provided by this Section to the Residential Tenant shall be the exclusive remedy for any violation by the Landlord of this Section. If the Residential Tenant successfully utilizes this affirmative defense, the Residential Tenant shall be prohibited from utilizing the same or similar defense within the twelve months following the tender of payment required to establish such defense. Nothing in this Section shall limit the rights of a Residential Tenant to raise other affirmative defenses more than once during any twelve-month period.
- (c) The provisions of this Section apply to all leases entered into after the effective date of this ordinance.
- (d) This Section in no way limits the ability of a Landlord to seek judgment or the execution of a writ of restitution for forcible entry and detainer under Ohio Revised Code Chapter 1923 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.

Passed _____

President of Council

Attest:

Clerk of Council

Introduced:
P.H.:
Effective:



Pay to Stay

April 10, 2023

BACKGROUND

Building Inclusive Communities

- The City of Worthington has undertaken multiple initiatives that have touched on equity and housing in recent years:
 - 2019 - Non-Discrimination Ordinance
 - 2021 - Council Adoption of Vision Statements
 - 2021 - Source of Income Ordinance
 - 2022 - Sponsorship of Building Inclusive Communities
 - 2023 - Resolution For Staff to Conduct a Housing Assessment
- In July 2022, Carlie Boos of the Affordable Housing Alliance of Central Ohio spoke to Council overseeing ***“Pay to Stay”*** legislation

A flyer for a "Source of Income Discrimination Community Panel Discussion". It features the Worthington logo (Founded 1803) and three circular headshots of the panelists. The text includes the date and time of the event, the names of the panelists, and a link to learn more.

Source of Income Discrimination Community Panel Discussion
Tuesday, June 8, 2021 - 7pm to 8:30pm

Panelists Include:

- Shanette Strickland - City of Reynoldsburg
- Amy Klaben - Strategic Opportunities
- Jerry Valentine - Renter Mentor

Learn More At:
Worthington.org/SOI



PAY TO STAY



- As a refresher, Pay to Stay legislation seeks to codify an existing legal defense used by tenants in response to eviction actions by a landlord due to past-due rent.
 - Ohio is **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.
 - 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.
- Passage of these ordinances began during the pandemic years as a way to mitigate health concerns and avoid homelessness

WORTHINGTON STATISTICS

According to Franklin County Municipal Court records for evictions from August 2021 through August 2022:

23

Eviction Actions Were
Initiated in Worthington



7

Resulted in a Judge
Issuing a Writ of
Restitution

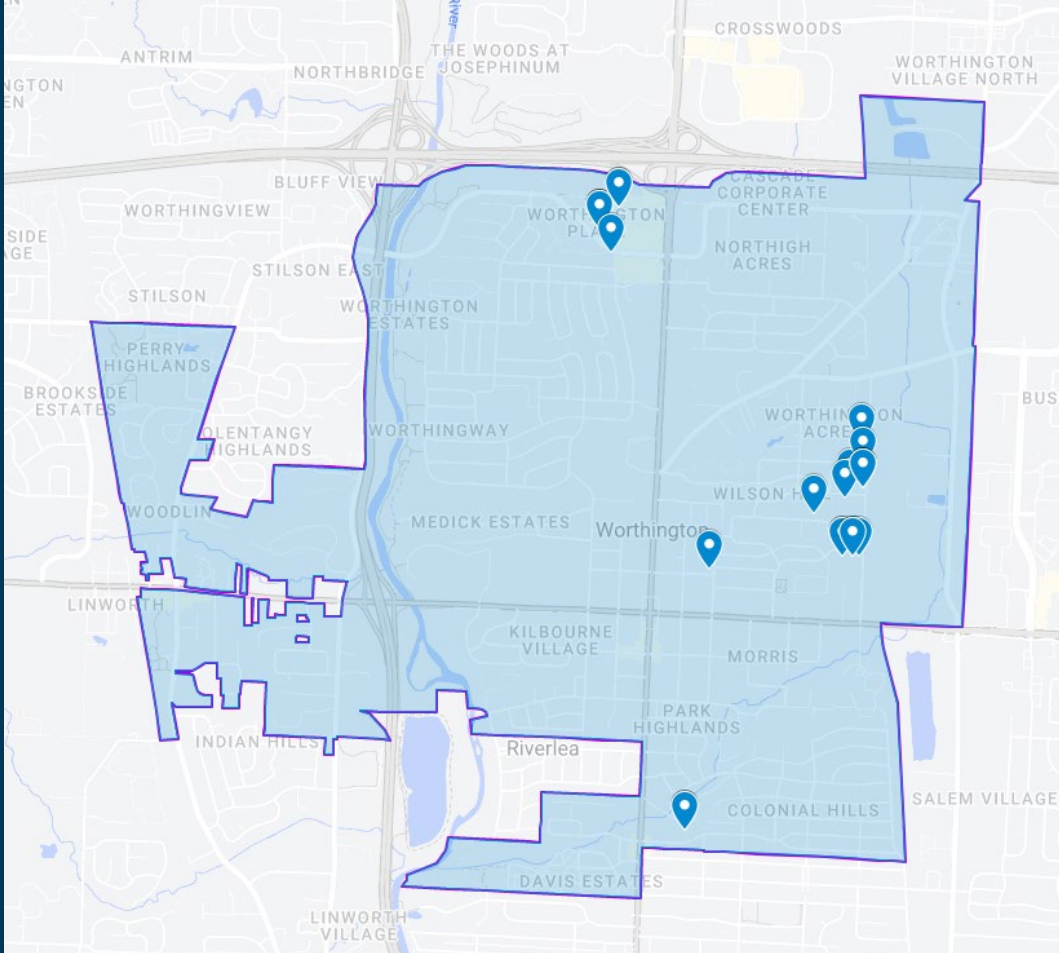


4

Evictions Were
Attributable to the Late
Payment of Rent



WORTHINGTON STATISTICS



- From August 2021 through August 2022:
 - 22 eviction actions were multi-family units
 - One was for a commercial-use property
 - Zero were single family
- Mostly clustered around Worthington's apartment communities:
 - Stafford Apartments
 - Worthington Village
 - The Heights at Worthington Place



DRAFT ORDINANCE

- Staff has researched and examined Pay to Stay legislation passed by other communities throughout Central Ohio.
 - The proposed ordinance provides that a tenant may tender the following in order to maintain the tenancy and have the eviction proceeding dismissed:
 - The full amount of rent owed
 - Reasonable late fees and court costs
 - The ordinance would not be retroactive and applies to leases sign after the legislation is in effect.



PROPOSED NEXT STEPS

April 2023

- Staff presentation and Council input
- Build informational website page with feedback form
- Send letter to Worthington landlords

May 2023

- Hold Q&A session for interested landlords, tenants, and other community members
- Incorporate feedback into draft ordinance as needed

June 2023

- Introduce and hold public hearing on legislation





STAFF MEMORANDUM
City Council Meeting – April 10, 2023

Date: April 3, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: VISION IMPLEMENTATION TEAMS – PROFILE & JOB DESCRIPTION

EXECUTIVE SUMMARY

Consideration of the adoption of a profile and job description for the Vision Implementation Teams

RECOMMENDATION

Motion to adopt the documents

BACKGROUND/DESCRIPTION

On March 13 and March 20, City Council discussed the Vision Implementation Teams (VITs). The two-page summary and job descriptions that were discussed on March 20th have been modified to incorporate the ideas that were discussed. These documents are presented for consideration and approval by City Council.

ATTACHMENT(S)

Profile – Vision Implementation Teams

Job Description – Vision Implementation Team Member

Vision Implementation Team

Purpose

Vision Worthington, in its report adopted by City Council, has set forth a set of principles that seek to capture the core aspirational values of Worthington. City Council has determined that the identification of action steps to realize these values is a high priority.

City Council is creating seven Vision Implementation Teams (VITs), one focused on each vision. The purpose of the VITs will be to assist City Council in implementing the vision statements set forth in the Vision Worthington Report. This should involve the documentation of existing efforts, the evaluation of ideas for action, the formulation of recommendations, the sharing of the recommendations with the public for feedback, and the reporting of the recommendations for Council's review and approval. The work of each VIT will be focused, short in duration, and result in two to three recommended implementation steps to be pursued in the next two years for its assigned vision area.

It is Council's intent to set forth, as outlined below, a general process framework for the VITs to accomplish their purpose. Council acknowledges that as the work progresses, some modification of the process may prove beneficial. City Council will coordinate the activities of the seven VITs and encourages the VITs to work together in engaging the public. Towards this end, a City Council Member will serve as a co-lead for each VIT and City Council will receive regular detailed reports from the VITs. City Council will provide the VITs with further guidance as the process continues.

The City will prepare templates for meeting agendas and reports/deliverables for use by the VITs. City Council will provide timelines for the VITs to complete their work.

Process

Each VIT will first create an inventory of actions already being pursued in support of the vision statements and will report its inventory to Council before proceeding to the next step.

Each VIT will next evaluate the action ideas suggested during the visioning process and identify new ideas that could help achieve the visions.

It is anticipated that each VIT will engage people knowledgeable about the subject area to prepare recommendations to be shared with the public for feedback. The public feedback efforts should be coordinated with the other VITs to identify opportunities to work together. Regardless of the measures taken, City Council expects the VITs to report back to Council in a timely fashion their implementation plans and measures.

The VITs will identify and recommend two to three actions that Council could choose to pursue to achieve the vision. The VITs will consider the public input received, the current resources available and the potential to obtain additional resources and/or partner with other organizations when identifying recommended action steps.

Timeframe

The action planning will focus on steps to be taken in the next 12 months as well as the next 12-24 months.

Deliverables

The VITs will advise City Council on potential performance metrics that can be used to track progress toward achievement of the visions.

Vision Implementation Team Job Description

Vision Worthington, in its report adopted by City Council, has set forth a set of principles that seek to capture the core aspirational values of Worthington. City Council has determined that the identification of action steps to realize these values is of the highest priority.

The purpose of the Vision Implementation Teams (VITs) will be to assist City Council in implementing the vision statements set forth in the Vision Worthington Report. This should involve the documentation of existing efforts, the evaluation of ideas for action, the formulation of recommendations, the sharing of the recommendations with the public for feedback, and the reporting of the recommendations for Council's review and approval. The work of each VIT will be focused, short in duration, and result in two to three recommended implementation steps to be pursued in the next two years for its assigned vision area.

It is Council's intent to set forth, as outlined below, a general process framework for the VITs to accomplish their purpose. Council acknowledges that as the work progresses, some modification of the process may prove beneficial. City Council will coordinate the activities of the seven VITs and encourages the VITs to work together in engaging the public. Towards this end, a City Council Member will serve on each VIT and City Council will receive regular detailed reports from the VITs. City Council will provide the VITs with further guidance as the process continues.

The City will prepare templates for meeting agendas and reports/deliverables for use by the VITs. City Council will provide timelines for the VITs to complete their work.

Tasks

1. Create an inventory of actions already being pursued in support of the vision statements and report the inventory to City Council.
2. Report regularly to City Council to provide an opportunity to receive information about priorities related to the visions and any other direction City Council wishes to provide.
3. Evaluate the action ideas suggested during the visioning process.
4. Engage people knowledgeable about the subject area to prepare proposals for action steps.
5. Identify recommendations and share them with the public for feedback.
6. Finalize two to three actions to recommend to City Council.

Expected Time Commitment

The VITs' work is expected to take three to six months. Each VIT is expected to report regularly to City Council, will determine the frequency of its meetings and utilize the templates provided by the City for its work.

Desired Skills and Abilities

Members of the VITs should be good process and organizational thinkers who can effectively facilitate and manage the variety of input and ideas generated and shape them into workable actions. While VIT members may be connected with specific organizations, the intent is for them to be liaisons to share information back and forth rather than delegates of those organizations.



STAFF MEMORANDUM
City Council Meeting – April 10, 2023

Date: April 5, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: COMMEMORATIVE FLAGS - JUNETEENTH

EXECUTIVE SUMMARY

Discussion regarding the flying of a Commemorative Flag for Juneteenth

BACKGROUND/DESCRIPTION

In April 2022, City Council adopted guidelines regarding the display of flags on City property, including Commemorative Flags (Resolution No. 19, 2022). Commemorative Flags are “a flag that identifies with a specific historical event, cause, theme, nation, or group of people that the City Council chooses to honor, recognize, or commemorate consistent with the City’s policies and priorities.: Under the guidelines, Commemorative Flags may be displayed only as authorized by resolution of City Council as an expression of the City’s official government speech. Request to display a Commemorative Flag must be made by a member of City Council. Requests made by members of the public are not considered.

Council Member Kowalczyk has requested the flying of a flag to recognize Juneteenth. Juneteenth commemorates the emancipation of enslaved African Americans. The U.S. Government, State of Ohio and the City of Worthington designate June 19th as a holiday honoring Juneteenth in recognition of the day in 1865 when Union troops arrived in Galveston Bay, Texas and announced the enslaved black people in the state were free by executive decree.

Juneteenth celebrations began as community and state level events, which included unique traditions and symbols. Through the work of advocates including Dr. Ronald Myers and the National Juneteenth Observance Foundation, the flag designed by Ben Haith became recognized as the Juneteenth Flag. Staff recommends that flag be considered for display in Worthington.

Last year, City Council authorized the flying of the Progress PRIDE flag on the green city-owned lampposts on the immediate north side of the intersection of Granville Road and High Street to the intersection of South Street and High Street during the month of June, except for Flag Day when the U.S. flag is flown. If Council decides to authorize the request by Council Member Kowalczyk to fly a flag in recognition of Juneteenth, direction needs to be provided regarding when and where. This may necessitate the amendment of Resolution No. 25-2022 authorizing the flying of the Progress PRIDE flag.

Staff have identified a few options below. Given the complexity of ensuring the U.S. flag is flown higher than other flags, staff recommends that no other flags be flown on the green lampposts when the U.S. flag is being flown on the lampposts. Each of the options below presume the Commemorative Flags will be taken down for Flag Day, which falls on June 14th so the U.S. flag can be flown.

- A. The Progress PRIDE flags flown as designated in Resolution No. 25-2022 beginning June 1st until they are taken down for Flag Day. After Flag Day, the Progress PRIDE flags are flown on the sidewalk side of the green lampposts and the Juneteenth flags are flown on the street side of the lampposts.
- B. The Progress PRIDE flags are flown as designated in Resolution No. 25-2022 beginning June 1st until they are taken down for Flag Day. After Flag Day, the Progress PRIDE flags and the Juneteenth flags are flown on alternating green lampposts.
- C. The Progress PRIDE flags are flown as designated in Resolution No. 25-2022 beginning June 1st until they are taken down for Flag Day. After Flag Day, Juneteenth flags are flown on both sides of all green lampposts until June 20th, when Juneteenth flags are taken down and Progress PRIDE flags are flown for the remainder of June.
- D. The Juneteenth flags could be flown throughout the month except for Flag Day in the locations designed in either A or B.
- E. Other patterns or distributions of the flags could be designated as determined by Council.
- F. City Council could designate the creation of area(s) in prominent location(s) in Worthington for the installation of flag poles to create a Commemorative Flag display instead of flying the flags on the green lampposts to allow for the flying of the U.S. flag (at the higher spot) along with Commemorative Flags. This may be more of a long-term consideration, particularly if City Council authorizes multiple commemorative flags in multiple months to more easily integrate them with the U.S. flag.

If City Council would like to authorize the Juneteenth flag, staff needs direction on the locations and timeframes to include in a resolution to be brought forth for action.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The City's costs will be associated with the purchase of the flags, fabrication of mounting hardware, and the staff time to put them up and take them down. The Service and Engineering Department's operating budget funds the purchase of flag materials.

ATTACHMENT(S)

Resolution No. 19-2022 – Adopting Guidelines Regarding the Display of Flags on City Property

Resolution No. 25-2022 – Authorizing a Commemorative Flag to be Displayed on City Owned Property at Specific Locations and for Specific Periods of Time

Juneteenth Flag

RESOLUTION NO. 19-2022

Adopting Guidelines Regarding the Display of Flags on City Property

WHEREAS, City Council desires to establish clear guidelines regarding the display of all flags flown on City owned property; and,

WHEREAS, City Council declares that flagpoles on property owned by the City of Worthington are not intended to serve as a forum for free expression by the public, but rather as a non-public forum only for the display of flags authorized by City Council either as required by law or as an expression of the City's official government speech.

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

SECTION 1. Flags displayed on City owned property shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to, United States Code, Title 4, Chapter 1 and Ohio Revised Code Section 5.012.

SECTION 2. The City of Worthington flag shall fly at half-staff if either the United States Flag or Ohio Flag is at half-staff. The City Manager may order the City of Worthington Flag to fly at half-staff at the death of a current or former Council Member, current or former City employee, or a historically significant member of the community.

SECTION 3. That Council adopts the following guidelines regarding the display of commemorative flags on City owned property:

1. As used in these guidelines, a "Commemorative Flag" shall mean a flag that identifies with a specific historical event, cause, theme, nation, or group of people that the City Council chooses to honor, recognize, or commemorate consistent with the City's policies and priorities.
2. The City Manager may order the Commemorative Flag of any duly recognized Sister City of the City of Worthington to be flown on property owned by the City of Worthington during official visits of representatives of the Sister City provided that City Council has not authorized another Commemorative Flag for the same location and period of time.
3. The City Manager may order the Commemorative Flag recognizing the City of Worthington as a Tree City USA on property owned by the City of Worthington during the week before and the week following National Arbor Day provided that City Council has not authorized another Commemorative Flag for the same location and period of time.
4. Except as provided above, Commemorative Flags may be displayed only as authorized by resolution of City Council as an expression of the City's official government speech.

RESOLUTION NO. 19-2022

5. City Council shall only consider a request to display a Commemorative Flag made by a member of City Council. Requests to fly a Commemorative Flag made by members of the public will not be considered.
6. City Council shall set forth in the authorizing resolution the specific location and period of time that the Commemorative Flag shall be displayed.
7. Commemorative Flags must be the same size or smaller than the United States or Ohio flags being flown.
8. If any other flag is being flown at half-staff, the Commemorative Flag will also be flown at half-staff.
9. The following are not allowed as Commemorative Flags and will not be considered by City Council:
 - a. Flags of a particular religious movement or creed to avoid the appearance of the City government endorsing religion or a particular religious movement or creed; or
 - b. Flags of a political party or candidate to avoid the appearance of City government endorsing a political party or candidate.

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

Adopted April 18, 2022

/s/ David Robinson

President of Council

Attest

/s/ D. Kay Thress

Clerk of Council

RESOLUTION NO. 25-2022 (As Amended)

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

WHEREAS, City Council adopted Resolution No. 19-2022 declaring that flagpoles on property owned by the City of Worthington are not intended to serve as a forum for free expression by the public, but rather as a non-public forum only for the display of flags authorized by City Council; and,

WHEREAS, Resolution No. 19-2022 provides that Commemorative Flags may be displayed only as authorized by resolution of City Council and that the authorizing resolution shall set forth the specific location and period of time that the Commemorative Flag shall be displayed.

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

SECTION 1. The City Manager is authorized and directed to display the Progress PRIDE flag at the following specific locations and periods of time:

<u>Location(s)</u>	<u>Period of Time</u>
Flag holders on green city-owned lampposts from the lampposts on the immediate north side of the intersection of Granville Road and High Street to the intersection of South Street and High Street.	Annually during the month of June, except on Flag Day.

SECTION 2. That the City Manager may modify the above locations and times as necessary to comply with federal or state law or to meet the operational needs of the City.

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

Adopted May 9, 2022

/s/ David Robinson
President of Council

Attest

/s/ Ethan C. Barnhardt
Management Assistant





STAFF MEMORANDUM
City Council Meeting – April 10, 2023

Date: April 5, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: FOLLOW UP ON INITIATIVES UNDERWAY

EXECUTIVE SUMMARY

This item provides time to discuss various initiatives that are underway

BACKGROUND/DESCRIPTION

Following the City Council Retreat last February, staff developed timelines for the various initiatives that are underway and are planned. This agenda item provides time for staff to provide updates on items of note related to the initiatives and to answer questions from Council regarding the work plan.

Criteria for Policy Agenda Revisions

On March 13th, Council continued a discussion of the criteria to be considered when changes or additions to the policy agenda are proposed. These criteria are listed below for Council to continue to refine, if desired, or simply as a reminder of the agreed upon items to consider when determining whether to add to the policy agenda (also referred to as work plan or timelines).

- Consider how the initiative aligns with the current policy agenda
- Consider whether the new initiative is so time-sensitive that it must be considered immediately
- Consider whether the initiative is related to an opportunity that recently arose
- Consider the potential impact or magnitude of the initiative
- Work with the City Manager to discuss staff's time availability to review the initiative in advance and consider the relevant staff member's existing workload

ATTACHMENT(S)

Initiative Timelines – Projected

4/10/2023

2023				2024				2025			
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4

Age Friendly Plan Development	10%
Aging Infrastructure (sewer capacity, water lines)	100%
Art in Public Spaces	10%
Bike & Ped - Pursuit of External Funding	20%
CIC Properties	20%
Comp Plan Update	40%
Compensation Study	10%
DEI	100%
Deer Management	25%
Flavored Tobacco	20%
Griswold Events - Liquor License	20%
Hiring - CM, Chief, Public Safety	20%
Housing Assessment	30%
Juneteenth Flags	5%
MMVLT Increase	10%
Northeast Area Plan	40%
Outdoor Pool Task Force	40%
Parks Foundation	20%
Pay to Stay	10%
Sharon Fire Levy	20%
Sign Code Update	20%
Vision Work Groups	20%

Affordable Housing Bonds
Business Retention & Expansion - Expanded Efforts
Chickens
Coordinated Efforts w/ Columbus in Border Areas
Designated Economic Corridors

- Grants - Expanded Efforts
- Parking in Downtown
- Micro Transit/Trolley
- Restaurant Incentives

- Sidewalk Clearance Policy
- Speed Limits Along Major Corridors
- Sustainability - Expanded Efforts
- Village Green - Enhanced Amenities



STAFF MEMORANDUM
City Council Meeting – April 10th, 2023

Date: April 5, 2023

To: Robyn Stewart, Acting City Manager

From: John Moorehead, P.E. Director of Service & Engineering

Subject: Ordinance No. 07-2023 Funding Project Number 720-21 HVAC Improvement Program

EXECUTIVE SUMMARY

This item is an informational update on the status of Ordinance No 07-2023 and project number 720-21, City of Worthington HVAC Improvements.

RECOMMENDATION

No action needed.

BACKGROUND/DESCRIPTION

This Ordinance was introduced with blanks for the amount and the firm pending the results of the bid opening. On Wednesday, March 15, 2023, at noon, staff opened bids for the HVAC Improvement Program. One firm, H&A Mechanical, submitted a bid in the amount of \$2,081,000. The amount is well above the engineer's estimate of \$1,564,956. Staff requested that this ordinance be tabled while an investigation into the limited response and higher than expected bid could be completed. On March 20, 2023, City Council placed Ordinance No. 07-2023 on the table.

Staff has worked with our HVAC consultant, Prater Engineering Associates to review bid results. Based on that review, staff is recommending that the City Manager not accept the bid from H&A Mechanical as it exceeds 10% of the engineer's cost estimate. Volatility in the bidding market, complexity of the project, duration of the project, and a perceived lack of competition are believed to have contributed to the bid results.

Completing these critical facility improvements is still a high priority for the City. A revised bid package will be re-advertised with the goal of gaining more contractor

interest. An increased cost estimate and schedule clarifications will accompany the revised bid to reflect shifts in the HVAC marketplace.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

\$1,525,000.00 from the Capital Improvements Program provided funding for these HVAC projects. Additional funding, if required, will be pulled from the Intersection Improvements: Old Wilson Bridge & West Wilson Bridge project. That project was allocated \$700,000 in the 2023 CIP but is not likely to proceed this year as planned.

ATTACHMENTS

Ordinance No. 07-2023

ORDINANCE NO. 07-2023

Amending Ordinance No. 39-2022 (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 HVAC Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 720-21)

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 Capital Improvements Fund Unappropriated Balance to Account No. 308.8130.533447 an amount not to exceed _____ (\$_____) to pay the cost of the HVAC Improvement Program (Project No. 720-21)

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with the firm of _____ for the provision of the aforementioned services.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an "Ordinance Determining to Proceed" with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 4. 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 March 6, 2023
P.H.

Clerk of Council