



# City Council Agenda

Monday, May 15, 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

## Special Presentation(s)

### 5. Franklin County Auditor's Office

*Executive Summary:* A representative of the Franklin County Auditor's Office will provide information on the reappraisal process and results.

### 6. Resolution No. 31-2023- Retirement of Lori Trego, Personnel Director

Expressing the Appreciation and Best Wishes of the Worthington City Council to Lori Trego for 32 years of Outstanding Service to the City of Worthington.

*Executive Summary:* Expressing appreciation and best wishes of the Worthington City Council to Lori Trego for her service to the City of Worthington.

*Recommendation:* Introduce and approve as presented.

## Approval of the Minutes

### 7. Approval of Minutes

April 03, 2023, April 10, 2023, April 17, 2023, May 1, 2023 (Joint Meeting), May 1, 2023, & May 08, 2023

*Recommendation:* Introduce and approve as presented.

## Public Hearings on Legislation

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

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)

*Executive Summary:* This ordinance appropriates funding for the HVAC Improvement Program.

*Recommendation:* Motion to remove Ordinance No. 07-2023 from the Table. Motion to amend to insert the amount of the appropriation (\$2,012,000.00) and the name of the contractor (ABM Building Solutions); approve as amended.

**9. Ordinance No. 12-2023- Municipal Motor Vehicle License Tax Increase**

To Levy the Additional Five-Dollar Annual License Tax for Operation of Motor Vehicles as Authorized by Section 4504.173 of the Ohio Revised Code.

*Executive Summary:* This legislation increases the Municipal Motor Vehicle License Tax (MMVLT) from twenty dollars (\$20.00) per registration, per year, to twenty-five dollars (\$25.00).

*Recommendation:* Approve as presented.

**10. Ordinance No. 13-2023- Acceptance of Sanitary Sewer Improvements for Stafford Village**

Accepting Sanitary Improvements Constructed in a Public Easement Located at the Stafford Village of Worthington Subdivision.

*Executive Summary:* This Ordinance accepts the sanitary sewer improvements for Stafford Village.

*Recommendation:* Approve as presented.

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

**11. Resolution No. 32-2023- Appointment of Angela Harris to Central Ohio Health Care Consortium Board**

Resolution –Appointing Angela N. Harris as the Principal Representative to the Board of the Central Ohio Health Care Consortium.

*Executive Summary:* This Resolution appoints Angela N. Harris to the position of principal representative to the Board of the Central Ohio Health Care Consortium.

*Recommendation:* Introduce and approve as presented.

**12. Resolution No. 33-2023-Acceptance of Grant for Cardiac Monitors and Source Capture**

To Accept a Grant from the Federal Emergency Management Administration – Assistance to Firefighters Grants for Cardiac Monitors and a Source Capture Exhaust System and to Authorize the City Manager to Execute the Necessary Grant Documentation.

*Executive Summary:* This Resolution accepts a grant from the Federal Emergency Management Administration – Assistance to Firefighters Program for cardiac monitors and a source capture exhaust system.

*Recommendation:* Introduce and approve as presented.

**13. Resolution No. 34-2023- Vision Implementation Teams**

Creation of Vision Implementation Teams and Appointment of Team Leaders.

*Executive Summary:* This Resolution creates seven Vision Implementation Teams.

*Recommendation:* Introduce and approve as presented.

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

**14. Ordinance No. 14-2023-Street & Sidewalk Maintenance Program 748-23**

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 2023 Street and Sidewalk Maintenance Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 748-23)

*Executive Summary:* This ordinance funds the Street and Sidewalk Maintenance Program Project Number 748-23.

*Recommendation:* Introduce for Public Hearing on June 5, 2023.

## **Reports of City Officials**

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

#### **a. Flavored Tobacco**

*Executive Summary:* Information will be provided and discussed regarding a proposal to ban flavored tobacco.

*Recommendation:* If Council is supportive of this initiative, a motion directing staff to prepare legislation is appropriate.

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

#### **a. Deer in Worthington**

*Executive Summary:* The initiatives schedule includes the possibility of a task force to evaluate the current situation with deer in Worthington beginning in the third quarter of this year. This item provides time for Council to begin consideration of the purpose and composition of a task force.

## **Reports of Council Members**

## **Other Business**

## **Executive Session**

### **17. Executive Session**

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

## **Adjournment**

### **18. Motion to Adjourn**

RESOLUTION NO. 31-2023

Expressing the Appreciation and Best Wishes of the Worthington City Council to Lori Trego for 32 years of Outstanding Service to the City of Worthington.

WHEREAS, Worthington Personnel Director Lori Trego has served the City of Worthington for over 32 years, beginning in 1990 as an Administrative Assistant in the Service Department; and,

WHEREAS, in 1998, Lori transitioned to the Administration Department as an Assistant to the City Manager, and started taking on additional special projects and personnel duties; and,

WHEREAS, in 2001, Lori was promoted to Human Resources Manager, and in 2009 became the City's first full-time Personnel Director; and,

WHEREAS, Lori has demonstrated outstanding leadership in creating an open and welcoming work culture, overseeing the hiring of hundreds of City employees over the years including several key department director positions, effectively negotiating collective bargaining agreements; and serving as Vice Chair of the Central Ohio Health Care Consortium; and,

WHEREAS, Lori has worked diligently to forward diversity, equity and inclusion for our City team, as well as in the Worthington community through her work on the employee DE&I Team and with the Community Relations Commission; and,

WHEREAS, Lori has been instrumental in organizing and collaborating with community organizations on the Martin Luther King Community Celebration and many other community events; and,

WHEREAS, Lori served on the Bicentennial Planning Committee and helped plan a number of signature events, including the 2003 Wagon Train honoring Worthington's earliest settlers with hundreds of Worthington residents recreating their journey across the state of Ohio; and,

WHEREAS, Lori's enthusiasm, dedication and countless contributions have made a lasting impact on the City of Worthington and Worthington community.

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

SECTION 1. That on behalf of the residents of the community, Worthington City Council hereby expresses to Lori Trego sincere appreciation for her outstanding contributions and years of dedicated service and extends her best wishes in her retirement.

SECTION 2. That the Clerk of Council be instructed to forward a duly certified copy of this Resolution to Lori Trego and to record said Resolution in the appropriate record book.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



# City Council Agenda

## Minutes

Monday, April 3, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

### 1. Call to Order

### 2. Roll Call

#### Minutes:

**Members Present:** Katherine Brewer (via Teams), Peter Bucher, Bonnie Michael, Doug Smith, David Robinson

**Member(s) Absent:** Rebecca Hermann, Beth Kowalczyk

**Also Present:** Acting City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS Mark Zambito, Acting Chief of Police Eric Grile, Clerk of Council Grace Brown

### 3. Pledge of Allegiance

#### Minutes:

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

### 4. Visitor Comments

#### Minutes:

Before welcoming the public to address Council, President Robinson took a moment to recognize Councilmember Brewer by calling attention to a recent article in the Worthington Spotlight. The feature shared the story of Ms. Brewer's recent kidney donation which was recognized as a generous act of giving and sacrifice by Mr. Robinson.

Mr. Mark Gideon, 91 Chaucer Court, addressed Council regarding his concerns about the Northbrook Sanitary Project. He gave a brief overview of his experience and knowledge of Kenyon Brook and Northbrook Sanitary projects dating back to the 1980s. Mr. Gideon highlighted that the Project should be moved out of the Rush Creek Watershed and into the public right of way.

## Public Hearings on Legislation

### 5. Ordinance No. 10-2023 – Capital Transfer and Appropriation for the Purchase of Fire Apparatuses

Amending Ordinance No. 39-2022 (As Amended) to adjust the annual budget by providing for an appropriation from the General Fund and Capital Improvement Fund unappropriated balance.

#### Minutes:

Ms. Stewart indicated that Mr. Barter provided background on the item when he gave his financial report in March, but generally, the City had scheduled the replacement of both a ladder truck and an engine in the division of Fire and EMS. She mentioned that there is an expected timeframe of three to four years due to supply chain issues in the industry.

Chief Zambito confirmed that the City checked for multiple time frames, but that it was an industry-wide manufacturing industry issue. Not a particular manufacturer.

Mr. Robinson asked Chief Zambito if it was the ladder truck 101, and Chief Zambito confirmed that it would be a scaled-back version to get it at a better price. He indicated that the cost of trucks has skyrocketed and that some technological improvements have allowed for the scale-back but still offer some upgrades. He indicated that it would be built in Dublin, Ohio.

**The clerk called the roll on Ordinance No. 10-2023.**

**The motion carried unanimously by the following vote:**

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

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

### **6. Resolution No. 17-2023 Appointment to Board of Zoning Appeals**

Appointing Beth Benzenberg to the Board of Zoning Appeals

#### **Minutes:**

#### **Introduced by Ms. Michael**

Ms. Stewart deferred to Council for additional comments because they were deeply involved in the application selection process and appointment.

Mr. Robinson shared that in Worthington, it was an enviable and common experience for Council to receive applications from the public where the number of qualified and passionate, and experienced people in the community was impressive and affirming.

He thanked the community for their applications and indicated it was not an easy process to narrow down the applications. He encouraged those not selected to apply for additional opportunities in the future.

**MOTION:** Mr. Smith moved, seconded by Mr. Bucher to adopt Resolution No. 17-2023.

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

### **7. Resolution No. 18-2023 New Telecommunication and Utility Permit (City of Hilliard)**

Approving an Agreement and Permit for the City of Hilliard, an Ohio Municipal Corporation, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

#### **Minutes:**

#### **Introduced by Ms. Michael**

Ms. Stewart explained the City codified ordinances required that if a telecommunications or utilities company or organization wanted to have facilities in the city's right-of-way, they had to have a permit with the City in order to do so. The Resolution for adoption was for, the city of Hilliard, but that the city of Dublin had for a number of years had a permit to be in the right-of-way related to their city-owned fiber system. Hilliard wanted the same to benefit their city. Ms. Stewart indicated that the City of Hilliard would be working with Service and Engineering to make sure that there would not be any conflicts with their plans.

Mr. Moorehead confirmed that Ms. Stewart did a good job of summarizing.

Mr. Robinson asked where they would be tapping into.

Mr. Moorehead responded that they would enter through Linworth and go down, travel to 161, go down 161, and then proceed northeasterly up to Sancus. He added that Hilliard was taking the popular route which private providers travel through the City.

**MOTION:** Ms. Michael moved, seconded by Mr. Bucher to adopt Resolution No. 18-2023.

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

## **8. Resolution No. 19-2023 Northeast Area Plan - Consultant Selection**

Directing the Acting City Manager to Finalize the Scope of Work with NBBJ for the Development of the Northeast Area Plan.

### **Minutes:**

#### **Introduced by Ms. Michael**

Ms. Stewart shared that the City had wanted to study the Northeast Gateway area/project and identify effective strategies in the future that as a City might want to utilize in that corridor. With that background, she shared there had been a request issued for proposals to identify a consultant to help with those services, and that a selection process had been completed.

Mr. Brown commented that it was critical for Worthington to remain competitive and see what the corridor could hold in the future. He stated that RFP had been completed and that staff selected NBBJ to move forward in conjunction with the Montrose Group as part of the market study.

Mr. Robinson added that he was intrigued by the plan. He asked Mr. Brown to share why NBBJ was selected.

Mr. Brown responded that NBBJ's projects, plan, team, and their connections were all attributed to the decision that they could help bring about the full potential of the corridor while maintaining the tax base.

Ms. Michael expressed support for the project, especially with chip manufacturing coming to the region.

Mr. Brown indicated that it would be a twelve-month timeline for the work and that there would be a variety of meeting types occurring. Both in-person and virtually.

Mr. Robinson congratulated and thanked the representative of NBBJ for being present (via Teams).

**MOTION:** Mr. Smith moved, seconded by Mr. Bucher to adopt Resolution No. 19-2023.

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

## **9. Resolution No. 20-2023 Job Description - Assistant City Engineer**

Amending the Position Description for Assistant City Engineer and Amending the Pay Resolution and Staffing Chart to Accommodate Said Position in the Department of Service and Engineering.

### **Minutes:**

#### **Introduced by Ms. Michael**

Ms. Stewart provided background that there was a transition in a key position in the City. The proposed Resolution would move the position from range 24 to 25. She indicated that Mr. Moorehead had been working to revamp the job description.

Mr. Moorehead indicated that the previous staff member who held the position for more than 27 years had a variety of duties incorporated into his work. Mr. Moorehead expressed a desire to change the description to a better fit and more similar to other regional communities. He shared that the new role would have grant funding pursuit, added levels of communication with residents

and the community, and permit and plan review added.

Council did not have questions.

**MOTION:** Mr. Smith moved, seconded by Mr. Bucher to adopt Resolution No. 20-2023.

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

#### 10. Resolution No. 21-2023 Staff Memo - Fire Contract Negotiations with Sharon Township

Authorizing the City Manager to Execute A Memorandum of Agreement with Sharon Township Related to the Provision of Fire and Emergency Medical Services.

##### Minutes:

##### Introduced by Ms. Michael

Ms. Stewart provided background information that the City provided Fire and EMS services to Sharon Township through a contract that was established and went into effect in January 1994. She shared that within the township, there was a property tax levied to pay for Fire and EMS services, which were revenues then transmitted to the City of Worthington in exchange for service. She added the amount of tax levied had not changed since 1994, but the contract provided a system in which the City could request an increase.

The township triggered a negotiation period indicated under the contract in which to have negotiations and discussions about the request for an increase placed in November 2022. The 45-day negotiation period, which started on February 9th, was due to expire on March 24th, but the parties mutually agreed to extend it for another couple of weeks because it was felt an agreement was close.

She explained the current fire levy, which was originally passed in the amount of three mills but is an effective millage of one mill now, will still be collected. She shared it generated a little over \$140,000 a year. She furthered that the newly negotiated agreement agreed to place on the ballot a levy that would provide an additional payment amount of \$500,000 a year.

Ms. Stewart then presented phases 1A and 1B for Council. (In terms of options if the levy were to fail) and necessary increases for year-over-year increasing costs.

The new agreement, as Ms. Stewart shared, would create a period moving forward where the City could look at it every five years.

Ms. Stewart expected to execute a Memorandum of Agreement with the Township consistent with these terms as presented later in the same week.

Mr. Robinson asked for clarification if it was all funded through property tax.

Ms. Stewart replied that it would be tied to the Fire Levy put into place for those in unincorporated Sharon Township and the Village of Riverlea. Not Worthington.

Mr. Bucher offered thanks for the work on the contract.

Mr. Robinson added thanks for work by Worthington Staff and Sharon Township Trustees.

**MOTION:** Mr. Smith moved, seconded by Mr. Bucher to adopt Resolution No. 21-2023.

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

### New Legislation - Ordinance(s)

#### 11. Ordinance No. 11-2023 Time Extension – Food Waste Curbside Collection Program

Temporarily Waiving Section 945.02 of Codified Ordinances of the City of Worthington for Curbside Collection of Household Food Waste.

##### Minutes:



## Reports of City Officials

### 12. Discussion Item(s)

#### a. Worthington Pools Task Force Update

**Minutes:**

Mr. Robinson stated that he spoke with Ms. Stewart about getting the topic on the agenda and that there was a sense of urgency and timeliness to the issue.

Ms. Michael shared that the internal City team had met in the first meeting followed by a meeting with the school board administration. Specifically, those spoke about the priorities of the school, the property itself, including fixtures that were determined that the school owns along with the property, and whether or not the City could use bonding money to be able to fix something it does not own. Ms. Michael concluded that they did not reach any final conclusions in the joint meeting.

She shared that a third meeting was held with SwimInc. where members were given an overview of where they were, specifically on planning. She indicated the school's priority was on the indoor pools. She shared that the outdoor pools were seen as more of a recreational activity. Ms. Michael discussed that the use of joint restrooms, facilities, etc. was still up in the air due to planning decisions. She also highlighted that the school system was about three times the size of the City. She mentioned that perhaps there was a need for a three-tiered structure for those that live in the City, those who live in the school district, and anyone else. She concluded that there were many great discussions, but no final decisions had been made.

Mr. Smith thanked Ms. Michael for her synopsis and that SwimInc. would share recommendations for a bare-bones, medium, and "Tesla" version of price points for plans and design. He said it would come down to the City Council's comfort level of finances.

Mr. Robinson stated he wanted to get the ball rolling in a quick turnaround because of SwimInc. was already engaged in a design process. He indicated that Mr. Douglas Southgate was in the audience from SwimInc.

Ms. Michael indicated that the task force had asked for several design options.

Mr. Hurley indicated that SwimInc was waiting on approaches rather than a final design.

Mr. Southgate approached the podium and gave a verbal overview of where the plans were. He said the designs would be detailed. He stated that the plans would be more than rusty pipes, but a full plumbing project, facility improvements, and more. He stressed it was important to take advantage of opportunities in the present. He had already asked for the costs of more recent projects for comparisons. He underscored the end of May timeline for completed plans.

Mr. Bucher asked if the task force would continue to meet before the full report was done.

Mr. Hurley responded yes and that a tour was already in the works.

Mr. Robinson thanked the task force members for the work being done. He asked that they come back to Council with estimated costs and liabilities as soon as possible.

## Reports of Council Members

### 13. Reports of Council Members

#### Minutes:

Mr. Bucher shared that he attended the MORPC State of the Region event and it was good to see many people from Worthington and around the region. He highlighted the Amtrak Proposal which would be decided in September or October.

Mr. Smith shared that Charter Commission would be upcoming in the year 2026 and wanted to put it on the City's timeline of consideration.

Ms. Brewer asked Mr. Brown to share on her behalf. He shared that five residential projects went before the board during the last ARB & MPC meeting. There was a lengthy discussion regarding the Thomas Worthington High School updates. There was a review of a sign for Fifth Third on High Street. He shared there would be no ABR/MPC meeting on April 13. Mr. Robinson asked Mr. Brown if the school's decision would come before Council. Mr. Robinson said it would be nice for Council to receive an overview.

Mr. Robinson shared that he too attended the MORPC meeting. He echoed words from the MORPC keynote speaker, Charles Small regarding transportation and climate policy and decisions. He also shared that Ms. Stewart and he went to Grandview Heights to share and discuss the aggregation program. He asked for Ms. Stewart's thoughts, and she added that it was a great meeting and conversation. Mr. Robinson added that the timing of the City locking in recent rates to the benefit of citizens.

### Other Business

### Executive Session

### Adjournment

### 14. Motion to Adjourn

#### Minutes:

**MOTION:** Ms. Michael moved, seconded by Mr. Smith to adjourn.

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

**President Robinson declared the meeting adjourned at approximately 8:15 p.m.**



# City Council Agenda

## Minutes

Monday, April 10, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

### 1. Call to Order

#### Minutes:

Worthington City Council met in-person in Regular Session on Monday, April 10, 2023. President Robinson called the meeting to order at or about 7:00 p.m.

### 2. Roll Call

#### Minutes:

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

#### Member(s) Absent:

**Also Present:** Acting City Manager Robyn Stewart, Assistant City Manager and Economic Development Director David McCorkle, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Acting Chief of Police Eric Grille, Chief of Fire & EMS Mark Zambito, Management Assistant Ethan Barnhardt

### 3. Pledge of Allegiance

#### Minutes:

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

## Special Presentation(s)

### 4. Emergency Preparedness

Emergency Response to Natural and Human-Caused Disasters

#### Minutes:

Ms. Stewart overviewed how we have received questions and interest from members of the public about our emergency response protocols in light of recent train derailments in Ohio and elsewhere.

Chief Zambito described how in the past how firefighters used to focus almost entirely on fighting fires, but now almost all are trained as paramedics and also rescue technicians for specialized incidents. In the past 30 years, they have also gotten involved in hazardous materials response. Assistant Chief Craig described how he will be condensing a large amount of material regarding our emergency preparedness for hazardous disasters in his presentation tonight. He presented

how disasters are defined as serious disruptions to the functioning of a community that exceeds its capacity to cope using its own resources. Disasters can be caused by natural, human-made, and technological hazards, as well as various factors that influence the exposure and vulnerability of a community. For their disaster planning, we take an all-hazards approach, looking at everything that can happen and we try to put the response into a framework that can be scaled as needed. They have five mission areas which include prevention, protection, mitigation, response, and recovery. He overviewed how the universal incident command system operates, and how they use this structure on every event they respond to and can expand from a single medic vehicle responding to an accident all the way to the full organization. For special responses, we have Special Purpose Teams which include hazardous material response, fire investigation, and urban search and rescue responding to regional, state, and national level events.

He detailed how hazardous materials from commercial sources may be involved in some of the larger events getting media attention right now, but there are many hazardous materials in everyone's house such as paints, thinners, oils, batteries, and more. The Worthington Division of Fire and EMS has three levels of HazMat response that begin with major leaks and spills, all the way to incidents that are beyond local capabilities and resources and require more resources.

Ms. Brewer brought up how people on social media often ask about the best places to dispose of household hazardous materials, and she asked if those items are things that can be brought to the station for disposal, or where the best place to dispose of those items would be. Assistant Chief Craig explained how through SWACO, they perform hazardous waste collection for residents where materials can be dropped off. Unfortunately, once something is dropped off at the station, they are unable to take those items to SWACO.

President Robinson described how there are often centralized collection dates and if there is any additional information that could be shared about that. Ms. Stewart responded that there are SWACO drop-off events around the region, and the City shares information through our communication channels when those events are being held.

Ms. Hermann asked if the City has a specific HazMat truck. Assistant Chief Craig confirmed that we do have a specific truck designated for that.

Assistant Chief Craig described how Worthington is a member of the Northwest Area Strike Team which is a Type I HazMat Team, which is trained and equipped to respond to unknown chemical releases as well as incidents involving weapons of mass destruction. For our training levels, all firefighters in Ohio are pretty much trained to the First Responder Awareness Level, which means they can identify hazardous materials incidents, however, most of our people are trained to higher levels.

Ms. Michael explained how we had at least one resident write in expressing their concerns about whether we could have an East Palestine-type incident here due to the railroads running through Worthington. Assistant Chief Craig replied that the Franklin County and Delaware County EMA have done studies about what is being transferred along the railways, and the really hazardous materials do not come down these rails. The majority are garbage, coal, and carbon-based products. Ms. Michael discussed what we can do to regulate having an East Palestine here. Ms. Stewart described how the federal government preempts state and local jurisdictions from being able to regulate interstate commerce. She noted that in comparison to the locations of these recent derailments, we benefit from the resources in a metropolitan area and we are able to scale

up more easily if needed. Assistant Chief Craig added that one of our other greatest partners is Columbus Public Health, which has its own emergency response preparedness group. that we can partner with.

## Reports of City Officials

### 5. Policy Item(s)

#### a. Pay to Stay

Pay to Stay Background and Proposed Framework for Adoption

##### Minutes:

Mr. Barnhardt presented how the City of Worthington has undertaken multiple initiatives in recent years that have touched on equity and housing. Previously in July 2022, Carlie Boos of the Affordable Housing Alliance of Central Ohio spoke to Council overviews "Pay to Stay" legislation. He described how 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. 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 as a way to mitigate health concerns and avoid homelessness. He explained how staff pulled eviction records from the Franklin County Municipal Court from between August 2021 and August 2022. There were 23 eviction actions initiated in Worthington during this time, with seven resulting in a judge issuing a Writ of Restitution, and four of those were attributable to the late payment of rent. The majority of eviction actions were clustered around Worthington's apartment communities including the Stafford Apartments, Worthington Village, and the Heights at Worthington Place. He described how the 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 full amount of rent owed and reasonable late fees and court costs in order to maintain the tenancy and have the eviction proceeding dismissed. The ordinance would not be retroactive and applies to leases signed after the legislation is in effect. He overviewed a proposed timeline of the next steps that include outreach to landlords and a community Q&A session before bringing back legislation for the introduction.

Ms. Michael asked how this policy would work because most leases have grace periods built in before a late fee is established, and she wondered if someone hasn't paid their rent for a month, whether they can come in late with a payment and stay without a landlord being able to evict. Mr. Barnhardt replied that a landlord has the right to initiate the eviction action a day late or a dollar short, but in reality, there have been approximately 14 days given before starting an eviction, essentially this would allow if you are going through that process and come to pay their late rent with late fees, a judge could then decide to discharge that eviction process. Mr. Lindsey explained that it is a defense that a tenant can use in response to an eviction. This does not prevent the filing of an eviction. Mr. Barnhardt noted that written into the draft legislation, this defense can only be used once a year and cannot be used over and over again.

Ms. Brewer asked if the 12-month limitation for the use of the defense is similar to what is

seen in other communities. Mr. Barnhardt responded that is standard.

Mr. Bucher asked about who is the check on reasonable late fees if a landlord chose to be vindictive or something along those lines, and if it is the judge that would determine what is reasonable. Mr. Lindsey replied that courts are familiar with determining reasonableness. Ms. Kowalczyk asked about the number of residential rental properties that would be affected by this. Mr. Brown replied that he would have to look into that to get a good number. Ms. Kowalczyk remarked that the timeline and process proposed are excellent and she is comfortable moving forward.

#### **b. Visions Implementation (Ongoing)**

##### **Minutes:**

Ms. Stewart detailed how the Vision Implementation Teams description and job profile have been discussed several times by Council, and comments have been incorporated into revised versions included in the packet, focusing on the scope as discussed by Council.

Mr. Robinson added that he appreciates the focused duration of the teams that Ms. Kowalczyk brought forward previously. For the record he wanted to say that the deliverable for each team is meant to be 2-3 implementation steps, and he wanted to make sure that it is agreed that these are just recommendations. He is excited to see what creative ideas are brought forward.

Ms. Stewart explained how she has been in discussions with a facilitator to draft documents to help guide the teams and provide standardization, as well as provide assistance to the leadership of the teams.

**MOTION:** Ms. Brewer moved, seconded by Ms. Kowalczyk to adopt the documents as presented

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

#### **c. Juneteenth Flags**

Commemorative Flags- Juneteenth

##### **Minutes:**

Ms. Stewart detailed how previously, Council adopted a commemorative flag policy and under that policy, requests to fly commemorative flags need to come from a Councilmember. She noted that Ms. Kowalczyk has specifically requested flying a Juneteenth Flag at a previous Council meeting. The City has designated Juneteenth as a holiday this year, and the CRC is involved in events recognizing Juneteenth. For Council's consideration tonight, staff put forth several strategies for managing flying the Juneteenth flags along with the American Flag for Flag Day and the Pride Flag for Pride Month which are flown in the month of June.

Staff have identified a few options that are detailed in the agenda packet. 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 presumes the Commemorative Flags will be taken down for Flag Day, which falls on June 14th, so the U.S. flag can be flown. 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.



Council had a robust discussion vetting the different options for flying the Juneteenth flag along with managing the other flags. Ultimately, Councilmembers endorsed "Option C" where 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.

**MOTION:** Ms. Kowalczyk moved, seconded by Ms. Hermann to direct staff to bring back legislation that implements "Option C" as presented in the packet materials.

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

## 6. Discussion Item(s)

### a. Council Retreat Follow-Up (Ongoing)

Follow Up On Initiatives Underway

#### Minutes:

Ms. Stewart explained it was discussed that there would be a check-in during most Committee of the Whole meetings so we can touch on the current initiatives that are underway and the work plan associated with those. The updated timelines have been included in the agenda packet, she highlighted Art in Public Spaces and Flavored Tobacco which are policies that will be coming back to Council soon for discussion.

President Robinson mentioned Deer Management and how his concern is that if we do not move forward before the third quarter, we really will not dig into it until the fall. He expressed that there should be a preliminary forming of a group to begin slowly moving forward so we do not lose another year. Ms. Stewart responded that she sees deer management as a potentially large topic depending on where discussion in the community goes. Other communities have seen that it can take quite a bit of time and a lot of different opinions. She suggested that one of the ideas is to create some sort of task force, and suggested thinking about the backgrounds and perspectives we might want to be represented, it does not hurt to begin thinking about that. President Robinson said that he expects deer management to become a significant issue, and he appreciated the idea of thinking about the task force. He expressed that the timeline Gantt Chart that was provided is a very useful tool.

Ms. Michael asked about the Griswold Events Center idea and whether that would be worked on in the third or fourth quarter. Ms. Stewart replied that we are discussing that and what policies may need to be put in place.

## 7. Information Item(s)

### a. HVAC Improvement Program (Update from Staff)

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

#### Minutes:

Mr. Moorehead described how 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.

The staff has worked with our HVAC consultant, Prater Engineering Associates to review bid results. Based on that review, the 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, the complexity of the project, the 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. Staff intends to move forward with the modified bid and hopes to receive positive news.

## Reports of Council Members

### 8. Reports of Council Members

#### Minutes:

Ms. Hermann gave an update on the progress of the Worthington Pools working group and provided information on how West Wilson Bridge is closing soon for repairs.

Mr. Smith discussed how the Parks and Recreation Foundation screening committee met and they have a good framework for moving forward.

Ms. Michael also discussed the Worthington Pools working group. President Robinson asked about if we go the Joint Recreation District route, and how much time would be needed to execute that approach. Mr. Bartter said he was not prepared to answer that question fully tonight and he is not sure the timing would work to have it on the ballot this year. Ms. Michael described how it is also uncertain who would be a willing partner in creating a JRD with Worthington.

Ms. Brewer provided an update on the upcoming MPC/ARB meeting. She asked about whether there are any programs for active shooters in the community and what things can be done to educate ourselves better. Chief Grille replied that they do ALICE training, which can be offered to organizations and civic groups, and there are other programs out there such as Stop the Bleed which gives people useful skills when assisting someone when there are injured persons.

## Other Business

## Executive Session

### 9. Executive Session

#### Minutes:

**MOTION:** Ms. Michael moved, seconded by Ms. Hermann to enter Executive Session for the purposes of considering the appointment of a public official.

**The motion carried unanimously by a roll call vote.**

**City Council recessed at 8:27 p.m.**

**Members returned to open session at about 8:46 p.m.**



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## Adjournment

### 10. Motion to Adjourn

**Minutes:**

**MOTION:** Ms. Michael moved to adjourn, seconded by Ms. Hermann

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

**President Robinson declared the meeting adjourned at approximately 8:46 pm.**

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Contact: Grace Brown, Clerk of Council ([grace.brown@worthington.org](mailto:grace.brown@worthington.org)) (614) 436-3100 | Minutes published on  
05/11/2023 at 2:25 PM



## City Council Agenda

### Minutes

Monday, April 17, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

#### 1. Call to Order

##### Minutes:

Worthington City Council met in-person in Regular Session on Monday, April 17, 2023. President Robinson called the meeting to order at or about 7:00 p.m.

#### 2. Roll Call

##### Minutes:

**Members Present:** Katherine Brewer, Peter Bucher, Rebecca Hermann, Beth Kowalczyk, David Robinson

**Member(s) Absent:** Bonnie Michael, Doug Smith

**Also Present:** Acting City Manager Robyn Stewart, Assistant City Manager and Economic Development Director David McCorkle, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Acting Chief of Police Eric Grille, Chief of Fire & EMS Mark Zambito, Management Assistant Ethan Barnhardt

#### 3. Pledge of Allegiance

##### Minutes:

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

#### 4. Visitor Comments

##### Minutes:

Mr. Mark Gideon of 91 Chaucer Court detailed how he has looked at the viewpoints on transparency by City Council members and he explained how they have described themselves and their qualifications. He described how a recent poll found that a majority of Americans do not speak freely because of fear of criticism and a majority of residents are afraid to engage with the government due to fear of retaliation. Only 34% of Americans said they believe that all Americans have freedom of speech, something has been lost. He hopes that Council is up to the challenge and that nothing less than the success of our City and country hangs in the balance.

### Approval of the Minutes

#### 5. Approval of Minutes

**Minutes:**

**MOTION:** Ms. Brewer moved, seconded by Mr. Bucher to approve the minutes of January 17, 2023, February 06, 2023 (Special Meeting), February 06, 2023, February 13, 2023 (Special Meeting), February 13, 2023 as presented.

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

## Public Hearings on Legislation

### 6. Ordinance No. 11-2023 Time Extension – Food Waste Curbside Collection Program

Temporarily Waiving Section 945.02 of Codified Ordinances of the City of Worthington for Curbside Collection of Household Food Waste.

**Minutes:**

Mr. Lindsey described how Section 945.02 of the Codified Ordinances restricts who may collect or remove solid waste, including household food waste, from residential units. Only the City or a company having a contract with the City is permitted to engage in residential garbage. City Council previously passed Ordinance No. 15-2021 waiving the requirements of Section 945.02 until May 1, 2022, to permit The Compost Exchange and/or GoZERO to offer curbside collection of household food waste without having a contract with the City. The proposed ordinance would waive the requirements of Section 945.02 until May 1, 2025. This will allow additional time for staff and City Council to evaluate the curbside collection of food waste before recommending any permanent amendments to Section 945.02.

Ms. Kowalczyk asked about the City's thoughts about implementing a program in the future. Ms. Stewart explained how one of the challenges is where to take the food waste for composting, which is a regional challenge. Mr. Moorehead explained how it is difficult for large-scale haulers to accommodate food waste due to weight. Our City-wide waste contract expires in 2026, so this extension would give us time to explore whether citywide pickup would be beneficial for our residents. We still have the drop-off program at the Community Center complex, but that is limited to a number of residents who signed up years ago.

**There being no additional comments, the clerk called the roll on Ordinance No. 11-2023**

**The motion carried unanimously by the following vote:**

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

## New Legislation - Resolution(s)

### 7. Resolution No. 22-2023 Approving Arts Grant Funding

Approving 2023 Grant Funding for Worthington Community Arts Programming.

**Minutes:**

**Introduced by Ms. Hermann**

Ms. Stewart described how annually, the City appropriates \$5,000 in grants for Community Arts programming. The City utilizes the McConnell Arts Center to run a program that recommends to the City how these funds should be distributed and the McConnell Arts Center has recommended the funds be distributed as listed in the attached Resolution.

**MOTION:** Mr. Bucher moved, seconded by Ms. Brewer to adopt Resolution No. 22-2023

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

**8. Resolution No. 23-2023 Confirming the Appointment of Angela Harris as Director of Personnel**

Confirming the Appointment of Angela N. Harris to the Position of Director of Personnel and Amending the Position Description for Director of Personnel.

**Minutes:**

**Introduced by Ms. Brewer**

Ms. Stewart detailed how the City's longtime Personnel Director will retire on May 31st. Per the City Charter, the City Manager appoints unclassified officers of the City subject to confirmation by City Council. She stated that she has appointed HR Manager Angela Harris to become the next Director of Personnel effective June 1, 2023, and this Resolution confirms the appointment. She has served the City for almost 10 years, first as Finance/Personnel Analyst, and then as HR Manager. She has assisted with all functions of the Personnel Department, including hiring, promotions, discipline, benefits administration, and labor relations. In addition, Ms. Harris managed the City's transition to a timekeeping system and has been an active participant in employee diversity, equity, and inclusion initiatives. She has a B.S. degree in Business Administration/Management and a Master's degree in Human Resources Management.

**MOTION:** Ms. Hermann moved, seconded by Mr. Bucher to adopt Resolution No. 23-2023

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

**9. Resolution No. 24-2023 Commemorative Flags - Juneteenth**

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

**Minutes:**

**Introduced by Ms. Kowalczyk**

Ms. Stewart reviewed how this item was thoroughly discussed by the City Council last week and was originally brought up by Councilmember Kowalczyk. This Resolution is consistent with the conversation had last week, authorizing the flying of the Juneteenth Flag on the green city-owned lamp posts along High Street between 161 and South Street to be flown annually from June 15th and June 20th.

Ms. Kowalczyk gave her thanks to the staff for giving thought to the logistical considerations on how to accomplish this and she is happy to see this move forward.

President Robinson provided his thought process around the Juneteenth holiday, reflecting on how long, historic struggles continue to make this a much better nation. He is thrilled that we are doing this.

Ms. Stewart noted that within the packet is also the proposed Juneteenth flag to be flown as recommended by staff.

**MOTION:** Ms. Hermann moved, seconded by Ms. Brower to adopt Resolution No. 24-2023

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

**10. Resolution No. 25-2023 Commemorative Flags - Progress Pride**

Authorizing the Progress Pride Flag to be Displayed on City Owned Property at Specific Locations and for Specific Periods of Time.

**Minutes:**

**Introduced by Ms. Hermann**

Ms. Stewart described how this is an amendment to the resolution passed last year regarding the flying of the Progress Pride flag and is needed due to the passage of the previous legislation.

**MOTION:** Ms. Kowalczyk moved, seconded by Mr. Bucher to adopt Resolution No. 25-2023

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

#### 11. Resolution No. 26-2023 Renewal of NRECC Agreement for Dispatch Services

Authorizing the City Manager to Enter into an Agreement with the City of Dublin for the Northwest Regional Emergency Communication Center to Continue to Provide Public Safety Dispatching Communication Services.

##### **Minutes:**

##### **Introduced by Ms. Brewer**

Ms. Stewart overviewed how this resolution would authorize the City Manager to enter into an agreement with the City of Dublin for the Northwest Regional Emergency Communication Center to continue to provide public safety dispatching communication services. She described how in 2019 City Council adopted Resolution No. 31-2019 determining that contracting with the City of Dublin (Dublin) for the Northwest Regional Emergency Communication Center (NRECC) to provide public safety dispatching communication services was the best interest of the City and its residents for the provision of 911 call answering and public safety dispatching services.

Mr. Lindsey explained that this will continue the ongoing relationship that we have had with the City of Dublin for NRECC.

Ms. Hermann asked about when we started this, there was a concern about the knowledge level of the community for the dispatchers, and we encouraged residents to reach out to get on a database. The thought was with renewing this, we could put that information out once again for people in the community. Ms. Stewart explained that if you have certain special characteristics around your property or residents have special needs or considerations, that is information that can be provided to the dispatching center, but it should be updated every 12 months. Chief Grille stated this tool is underutilized, and we need to conduct better outreach so folks know it is available.

**MOTION:** Ms. Hermann moved, seconded by Ms. Kowalczyk to adopt Resolution No. 26-2023

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

#### 12. Resolution No. 27-2023 Designation for Worthington Resource Pantry

Designating Ethan Barnhardt to Represent the City of Worthington on the Worthington Resource Pantry Board of Directors.

##### **Minutes:**

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

Ms. Stewart overviewed how this Resolution will formally designate Ethan Barnhardt, Management Assistant with the City Manager's office, as representative of the City on the Worthington Resource Pantry's Board.

**MOTION:** Ms. Kowalczyk moved, seconded by Mr. Bucher to adopt Resolution No. 27-2023

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

Ms. Stewart explained how MORPC and the City of Columbus are going to be pursuing a Climate Pollution Reduction Grant to do some climate action planning for the region, and MORPC has asked for other jurisdictions to send letters of support. This is an opportunity for Worthington to send a letter of support and she has put a draft at Councilmember's place.

President Robinson remarked that when he first saw this he was excited because the

Administration recognized that municipalities need to be specifically identified as recipients of grants in order for some state funding to move down. If we get this grant, it would mean a lot for the City and the world.

Mr. Bucher explained that this is the right approach to partner within the region and he hopes that we can partner to provide support.

Ms. Stewart also highlighted that a draft for the proposed Street and Sidewalk Maintenance Program is at Councilmembers' places. We are gearing up to send that out to bid. President Robinson asked for more information about the sidewalk program to be presented at the first meeting in May.

Ms. Stewart pointed out that the prepared Annual Operating and CIP budget documents are also at Councilmembers spots. She also provided an update on recent meetings she attended.

## Reports of Council Members

### 13. Reports of Council Members

#### **Minutes:**

Mr. Bucher noted how there is going to be an open house near his neighborhood for the Shaker Square Park improvements, so the public is welcome to attend to give input for the design and improvements.

Ms. Kowalczyk provided an update on several community events that are coming up soon including the Worthington Partnership Annual Meeting and the Green on the Green Event, as well as the Picture Worthington Art Walk.

Ms. Brewer gave an update on the upcoming MPC/ARB meeting.

## Other Business

## Executive Session

### 14. Executive Session

#### **Minutes:**

**MOTION:** Ms. Hermann moved, seconded by Ms. Brewer to enter Executive Session for the purposes of considering the appointment of a public official and conferences with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action.

**The motion carried unanimously by a roll call vote.**

**City Council recessed at 7:47 p.m.**

**Members returned to open session at about 8:13 p.m.**

## Adjournment

### 15. Motion to Adjourn

#### **Minutes:**

**MOTION:** Ms. Brewer moved, seconded by Ms. Hermann to adjourn.

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

**President Robinson declared the meeting adjourned at approximately 8:13 pm.**

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Contact: Grace Brown, Clerk of Council ([grace.brown@worthington.org](mailto:grace.brown@worthington.org)) (614) 436-3100 | Minutes published on  
05/11/2023 at 2:22 PM

# Worthington, OH

## Worthington City Council & Sharon Township Trustees Joint Meeting Agenda

### Minutes

Monday, May 1, 2023 at 7:00 pm

### Order of Business

#### 1. Call to Order

##### Minutes:

Worthington City Council met in Joint Session with the Sharon Township Trustees on Monday, May 1, 2023, and President Robinson called the meeting to order at or about 7:00 p.m.

#### 2. Roll Call

##### Minutes:

**Members Present:** Katherine Brewer, Peter Bucher, Rebecca Hermann Beth Kowalczyk, Bonnie Michael, Doug Smith, David Robinson, John Oberle, Tony Palmer

**Member(s) Absent:** Laura Kunze

**Also Present:** Acting City Manager Robyn Stewart, Assistant City Manager and Economic Development Director David McCorkle, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Acting Chief of Police Eric Grille, Chief of Fire & EMS Mark Zambito, Clerk of Council Grace Brown

#### 3. Pledge of Allegiance

##### Minutes:

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

### Introduction of Legislation

#### 4. Resolution No. 28-2023 Levying Tax for Maintenance of Union Cemeteries

Levying Tax for the Maintenance of Union Cemetery dba Walnut Grove and Flint Cemetery for the Tax Collection Year 2024.

##### Minutes:

##### Introduced by Ms. Michael

Ms. Stewart noted that this joint meeting is held each year on the first Monday in May to address the levy associated with the Flint and Walnut Grove cemeteries.

Mr. Oberle introduced himself and explained how the Cemetery Board of Trustees is requesting the continuation of the 5 tenths of one mill for 2024 for the maintenance and development of the Worthington and Sharon Township cemeteries. He described the mission for the team and staff which is for the Walnut Grove and Flint Union Cemeteries to provide places that are respectful of the passing of life as well as its continuation, a peaceful environment in which persons may grieve, meditate, and be renewed, and a staff that provides high-quality cemetery services. He gave an update on the activities of the cemeteries, and the board has been very involved in the



community which has included being involved with the St. John's AME Juneteenth Celebration and A Time to Remember which is a reflection on people who have had losses due to COVID. He explained how they are currently updating the Flint Office/Historic Gardner Homestead property which will house their operations. They are going to be bidding on the project soon and will be inviting everyone out to view it. He is excited to see all the progress that will be coming up this year. Looking forward to strategic planning, their top priorities include staff development and succession planning, Phase 2 for their facilities, and also organizational capacity building. It was noted that Courtney Chapman is serving as the Grand marshal of the Memorial Day Parade and leading the Memorial Service at noon.

Ms. Kowalczyk remarked how working with the board has been a wonderful experience and they really make sure to follow their mission and vision. There is so much history and beauty in the cemeteries and they really are a treasure.

President Robinson shared how visiting the facilities is a memorable experience and both sites are very different with wonderful features.

Ms. Michael remarked on the growth and changes at the facilities over the years, and she cannot give enough thanks for the work that has been done.

**MOTION:** Ms. Kowalczyk moved, seconded by Ms. Hermann to adopt Resolution No. 28-2023.

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

## 5. Other

## 6. Adjournment

### Minutes:

**MOTION:** Mr. Oberle moved, seconded by Ms. Brewer to adjourn the Joint Meeting.

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

**President Robinson declared the meeting adjourned at 7:17 p.m.**



## City Council Agenda

### Minutes

Monday, May 1, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

#### 1. Call to Order

**Minutes:**

Worthington City Council met in-person in Regular Session on Monday, May 1, 2023. President Robinson called the meeting to order at or about 7:20 p.m.

#### 2. Roll Call

**Minutes:**

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

**Member(s) Absent:**

**Also Present:** Acting City Manager Robyn Stewart, Assistant City Manager and Economic Development Director David McCorkle, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Acting Chief of Police Eric Grille, Chief of Fire & EMS Mark Zambito, Clerk of Council Grace Brown

#### 3. Pledge of Allegiance

**Minutes:**

The Pledge of Allegiance was not recited as it was recited before the Joint Meeting with Sharon Township.

#### 4. Visitor Comments

**Minutes:**

Mr. Mark Gideon of 91 Chaucer Court explained how the proposed Northbrook Sanitary Sewer Phase Two is a new sanitary sewer and not a repair or replacement. Being a new sewer, the City has choices as to the location. He asked a series of questions about the choices made by the City regarding the location of the sewer and why it is not placed in the public right-of-way instead. He respectfully asks that the City recognize that this project represents a significant and unnecessary cost and liability to the taxpayers.

### Approval of the Minutes

#### 5. Approval of Minutes

**Minutes:**

**MOTION:** Ms Michael moved, seconded by Ms. Brewer to adopt the minutes of February 20, 2023, February 27, 2023, Special Meeting, March 06, 2023, March 13, 2023, March 20, 2023 as presented.

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

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

### **6. Resolution No. 29-2023 – Sharon Township Joint Economic Development District Board**

#### **Appointment**

Sharon Township Joint Economic Development District Board Appointment

**Minutes:**

**Introduced by Ms. Hermann**

Ms. Stewart that this Resolution will reappoint Ethan Barnhardt, Management Assistant with the City Manager's office, to a four-year term, as the City's representative on the Sharon Township JEDD board.

**MOTION:** Ms. Michael moved, seconded by Ms. Brewer to adopt Resolution No. 29-2023.

Mr. Robinson asked for an update on the experience of serving on the JEDD board. Mr. Barnhardt explained that it is a collaborative relationship with the Township and the JEDD revenue has been greater than what was originally anticipated.

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

### **7. Resolution No. 30-2023- Appointment of Members to Various City Boards and Commissions**

Re-appointing Members to Various City Boards and Commissions.

**Minutes:**

**Introduced by Ms. Brewer**

Ms. Stewart overviewed how City Council is aware there are expiring terms on both the Community Relations Commission and the Bicycle and Pedestrian Advisory Board and this Resolution is to reappoint those individuals to those seats as listed.

**MOTION:** Ms. Michael moved, seconded by Ms. Kowalczyk to adopt Resolution No. 30-2023.

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

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

### **8. Ordinance No. 12-2023- Municipal Motor Vehicle License Tax Increase**

To Levy the Additional Five-Dollar Annual License Tax for Operation of Motor Vehicles as Authorized by Section 4504.173 of the Ohio Revised Code

**Minutes:**

**Introduced by Ms. Brewer for public hearing on May 15, 2023**

### **9. Ordinance No. 13-2023-Acceptance of Sanitary Sewer Improvements for Stafford Village**

Accepting Sanitary Improvements Constructed in a Public Easement Located at the Stafford Village of Worthington Subdivision.

**Minutes:**

**Introduced by Ms. Hermann for public hearing on May 15, 2023**

## Reports of City Officials

### 10. Policy Item(s)

#### a. Proposed 2023 Street and Sidewalk Maintenance Program

##### **Minutes:**

Mr. Moorehead provided an overview of the Street and Sidewalk Maintenance Program and how each year, city staff evaluates the condition of the streets in Worthington to identify those in greatest need of maintenance work. That work is captured within the annual Street and Sidewalk Maintenance Program.

Once streets have been identified for inclusion in the program, staff inspects the condition of adjacent curbs and sidewalks. This is not for the total reconstruction of a roadway and it is not an enhancement, it is maintenance of the existing features of the street network. We rate our streets using PASER, explaining how it is far more expensive once a street is decayed to repair or replace, versus acting proactively sooner before dropping off into failed or serious condition. By being proactive, we are able to save significant amounts of money. By ordinance, adjacent property owners are responsible for curb and sidewalk maintenance. Within the program, curb repairs are funded by the City. Adjacent property owners are notified of sidewalks in need of maintenance. City staff inspect all sidewalks on streets to be renovated and informational letters are sent out if repairs are needed. Property owners can complete work themselves or have the City's contractor complete repairs at their expense. Also, new this year is a pilot "sidewalk violation" allowance. Over the past few months, staff has seen an increase in the volume and concentration of citizen reports of sidewalks in disrepair. To help incentivize property owners to complete repairs, the staff is recommending that a limited portion of the program budget be allocated towards expanding our contractor's sidewalk maintenance efforts to the City at large, which will be reimbursed by adjacent property owners.

Ms. Kowalczyk asked if there have been instances where residents have indicated that it is a hardship to pay for the sidewalk repairs. Mr. Moorehead stated that he has not seen that here. Mr. Bartter said that we work very hard to allow people to set up payment plans over a long period of time, and using that we have not had any hardship cases. Ms. Kowalczyk said she was interested to know how many people are on a payment plan and how much they are paying a month.

Mr. Moorehead described how new to this year's program is a pilot sidewalk gap-filling effort. City staff, in coordination with the Bicycle and Advisory board, have worked to secure agreements with two property owners to bridge gaps in the sidewalk network. This includes sidewalk gaps on Morning and Stafford, an enhanced crosswalk at Linworth and Beechview, and the Community Center entrance.

Ms. Hermann commented that she knows the asphalt was laid at Reiber and although she was nervous because it was right before school, it was handled wonderfully. She commended the effort to find solutions to our sidewalk situations, especially considering how we want to be a walkable community.

**MOTION:** Ms. Kowalczyk moved, seconded by Ms. Michael to bid on the 2023 Street and Sidewalk Maintenance Program

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

## **11. Information Item(s)**

### **a. Vision Implementation Teams-Consulting Assistance**

#### **Minutes:**

Ms. Stewart described how this is an informational item for Council, she wanted to highlight the fact that we have been discussing some consulting assistance for the VITs, and she has been in conversation with Jane Dockery who facilitated the Council Retreat earlier this year to potentially help to provide that support. Her assistance would focus on developing a standardized process for the teams to use for their work including the creation of some templates for meeting agendas and deliverables from those teams. She would also facilitate a kick-off meeting with the leadership of each of the teams to talk through what the process will look like and how to use the templates. Additionally, she would help with developing the process for public feedback by the teams.

President Robinson asked whether or not Council needed to approve the use of Ms. Dockery or not. Ms. Stewart replied that the way we are structured, the City Manager can execute the agreement and contract given the dollar amount, and the funds are already available. If Council wants to officially act on the proposal that is fine, but the purpose tonight was to see if there were any comments or questions before moving forward.

Ms. Michael expressed that she is fine moving forward with this consultant.

President Robinson asked what the budget allocation range is. Ms. Stewart replied that the proposal is for \$5,000. President Robinson said that he was in support of moving ahead with Ms. Dockery.

Mr. Bucher asked how soon a kick-off for the VITs would be. Ms. Stewart responded that it is anticipated she will circle back with the consultant in the next couple of days to start thinking through the process.

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

### **Reports of Council Members**

## **13. Reports of Council Members**

#### **Minutes:**

Ms. Hermann reported how the City has supported her in attending the Voinovich Institute for Newly Elected Officials, which she recently completed. She recommended it to anyone else interested in attending next year and commended Worthington's onboarding process for newly elected officials.

Mr. Bucher updated how he was able to join Sustainable Worthington on Earth Day for some species removals at the Moses Wright Nature Area.

Ms. Kowalczyk described how May is Older Americans Month, noting how older adults provide many services on our boards and commissions throughout the City. She updated how Age Friendly Worthington is currently doing work on what our plan is going to look like. She gave an update on the Worthington Partnership's Annual Meeting, including the new lids to the garbage receptacles in Old Worthington, as well as the content of the keynote speaker that spoke about

the Intel project. She conveyed how we need to be forward-thinking and make sure not to be shortsighted about this project and how it will affect our future.

Mr. Smith stated how as he promised in a message to Council last month, he is going to make a motion tonight regarding changes to the City's chicken ordinance.

**MOTION:** Mr. Smith moved, seconded by Mr. Robinson to direct staff to bring back an ordinance to Council by the end of 2023 considering changing the current chicken ordinance to be less restrictive, but still considerate of the concerns mentioned at the previous Council meetings.

President Robinson explained that he believes with this motion, there will be ample opportunity to discuss and provide feedback. The question is whether the issue is deemed important enough to consider early next year for potential passage.

Ms. Kowalczyk gave her thanks to Mr. Smith for all of his work on this, but she does not think we should be asking for an ordinance, rather having a process to seek community feedback before looking at an ordinance.

Ms. Hermann described how we are having another retreat this summer and that is a place for us to hone in and provide more direction to staff.

President Robinson stated that the work of staff on this would be fairly modest, and it is just the modification of existing code and Mr. Smith has bent over backward providing information. There will be plenty of time for public input and Council discussion.

Ms. Michael stated that we have enough on the plate right now and this is not something we should bring forward at this point.

Mr. Bucher said that the way to get input is to have something to react to and hearings which is the best way to do that.

**The motion carried by a voice vote**

Ms. Michael described how Live Government is coming back this month and several schools are scheduled to finish up the year.

Ms. Brewer gave an update on the last MPC/ARB meeting.

## **Other Business**

## **Executive Session**

### **14. Executive Session**

**Minutes:**

**MOTION:** Ms. Michael moved, seconded by Mr. Smith to enter into an Executive Session for the purposes of conferencing with an attorney(s) for the City concerning pending or imminent litigation, concerning details of security arrangements or emergency response protocols, and to consider the appointment of a public official.

**The Clerk called the roll on entering into Executive Session**

**Council adjourned for Executive Session at 8:15 p.m.**

**Council returned to open session at 10:23 p.m.**

## **Adjournment**

## 15. Motion to Adjourn

### Minutes:

**MOTION:** Ms. Michael moved to adjourn, seconded by Ms. Hermann.

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

**Council adjourned at 10:23 p.m.**

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Contact: Grace Brown, Clerk of Council ([grace.brown@worthington.org](mailto:grace.brown@worthington.org)) (614) 436-3100 | Minutes published on  
05/11/2023 at 2:28 PM



# City Council Agenda

## Minutes

Monday, May 8, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

### 1. Call to Order

#### Minutes:

Worthington City Council met in-person in Regular Session on Monday, May 8, 2023. President Robinson called the meeting to order at or about 7:00 p.m.

### 2. Roll Call

#### Minutes:

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

**Member(s) Absent:** Katherine Brewer

**Also Present:** Acting City Manager Robyn Stewart, Assistant City Manager and Economic Development Director David McCorkle, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Service & Engineering Director John Moorehead, Planning & Building Director Lee Brown, Director of Parks & Recreation Darren Hurley, Acting Chief of Police Eric Grille, Chief of Fire & EMS Mark Zambito, Management Assistant Ethan Barnhardt

### 3. Pledge of Allegiance

#### Minutes:

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

## Special Presentation(s)

### 4. Thomas Worthington High School Briefing

#### Minutes:

Ms. Stewart explained how Thomas Worthington High School has a major reconstruction project that is about to start, and the project has been making its way through the Architectural Review Board for some time. Staff thought that Council would benefit from having an overview of the project and what it entails.

Mr. Nathan Gammella of Schorr Architects provided an overview of the timeline of community meetings and hearings at the Architectural Review Board (ARB) and the Board of Zoning Appeals. Approval was granted at the most recent meeting of the ARB on April 27th. He showed a series of slides that show the progression of the design of the building. There has been a lot of discussion



about lighting and making sure that it is respectful to neighbors. He overviewed the pedestrian pathways around the site. There are a lot of windows and open areas that will allow for a large amount of natural light to come into the building.

Mr. Paul Miller with Schorr Architects described how the different phases of demolition and construction for the building and showed illustrations of how that will be managed logistically. Demolition and construction will be phased and chunked, with modular classrooms temporarily being used to help make up for lost space. They are also working to make sure that HVAC, electrical, and IT services continue to be provided throughout this rebuilding process as well. Ms. Hermann commented on this process and how she is proud of the way this has all been conducted.

President Robinson stated that the renderings are everything he could have hoped for this project. In Worthington we care not only about substance, but the form and aesthetics.

## Reports of City Officials

### 5. Policy Item(s)

#### a. Worthington Public Arts Program

##### Minutes:

Ms. Stewart described how this has been on the list of initiatives that staff is working on, and the discussion about public art in Worthington has been an ongoing discussion that is of particular interest to the Worthington Partnership and the McConnell Arts Center.

Mr. Barnhardt detailed how the discussion tonight is meant to provide a high-level overview of the research that was provided in the agenda packet as well as to seek the Council's feedback and thoughts on the staff recommendation. This topic is an extension of a policy discussion that has been had over the years regarding allowing murals within the City of Worthington, which are currently regulated as signs. In 2018, a Mural Task Force was formed in response to two mural applications that were denied by the Architectural Review Board. The Task Force did not make recommendations but rather formulated potential policy options for the City to pursue. Since the Task Force completed their work, there has not been significant movement on making changes to allow for murals. However, in 2022, the Worthington Partnership and the McConnell Arts Center sent a letter to the City urging for the creation of a Public Arts Committee to identify the City's public arts philosophy and to make recommendations on arts-related investments.

Establishing a comprehensive process for creating and displaying public art such as murals and sculptures would enable the City to have in place a system that ensures public artwork meets a high standard of quality, with a positive impact on the Worthington community.

When looking at best practices and how other communities have handled public arts successfully. Some communities have adopted easement programs, such as Portland, Oregon, and Georgetown, Texas, which allow for a City to have greater control over the design, content, location, and placement of a mural on a building. Additionally, many cities appoint review committees that are created to vet public art projects, while other communities collaborate with local arts organizations to facilitate public art review.

Communities that have successfully implemented public art programs have done extensive

research and created policies and procedures that address how and when public art is displayed in their communities, and the application and vetting process to do so. Considering the scale of the effort in creating a successful and well-managed public art program, and the number of outstanding questions that need to be considered, the staff is recommending referring this to the Vision Implementation Team for “Worthington is dedicated to the vibrancy of its downtown” to be further considered and prioritized. Ms. Kowalczyk described how she was on Council when the Mural Task Force was doing that work, and she expressed how Council was supportive of pursuing a public art committee. Unfortunately, this has not been moved forward since that time and there has already been a lot of work done. She understands that are significant things that need to occur to move this forward in terms of staff work, but she is disappointed to see this considered a potential priority when it was thought to already be on the list. She has full faith that the VITs will look at this idea seriously and bump it to the top of the list because the research has already been done. She is on the board of both the Worthington Partnership and the McConnell Arts Center, and this is an important project that we should consider seriously and push it forward.

Ms. Michael agreed with Ms. Kowalczyk and described how COVID derailed getting a public art commission put together. She does not think that it would take a lot of staff time to push forward because a lot of the work has been done already and the Partnership and McConnell Arts Center can take on the work.

Mr. Smith said that he is in agreement, and if Council wants to provide staff with things to do, it is up to the staff to come back with suggestions on how to add more bandwidth.

Ms. Stewart said that she has specifically recommended this to go to the Implementation Team for downtown because the Partnership and McConnell Arts Center will be involved with that. She described how we are launching seven visioning teams, we are talking about launching a deer task force, and now talking about a public art commission in addition to the many other advisory boards and commissions that staff manage. Looking at the capacity to do all of these things and do them well is the concern, and with this, the code rewrites and legal work to go into creating an easement program would fall on staff.

Mr. Bucher explained that considering where we are with the visioning implementation, this makes sense so this is most likely an idea that comes back, but he does think it is necessary to set up this program and he would like to see it happen in 2023.

President Robinson explained how we are enthusiastic about a public art program. He expressed that with a public art program, it should be envisioned for the entire City and not just downtown. He noted that if it does not rise up from the visioning, the Council is free to move it up on its own accord at that time.

Ms. Hermann noted how she is excited about this, and she was involved in work in downtown Bucyrus and their work on murals.

Ms. Kowalczyk emphasized how we should honor the fact that this is something that has been talked about and both the Partnership and McConnell Art Center have put a lot of work into it.

**MOTION:** Ms. Kowalczyk moved, seconded by Ms. Michael to refer the potential creation of a Worthington public arts program to the Vision Implementation Team “Worthington is

dedicated to the vibrancy of its downtown” to be further considered and prioritized.

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

**b. March & April 2023 Financial Reports**

**Minutes:**

Mr. Bartter noted that in March we had a software conversion and we intentionally limited our expenditure to primarily only payroll in order to keep the number of transactions down. We also received the first half settlement for property taxes, which created an artificially inflated fund balance for March. In April we resumed transactions as normal and also had an over \$2 million transfer to the CIP which dropped the General Fund balance. He also brought up how we received our updated bond rating from S&P last week, and we reaffirmed a AAA bond rating, which is the highest rating, for the upcoming debt issuance. President Robinson asked about our income tax collections, noting how in both reports our year-to-date collections are above estimates by 3-4%, however, the General Fund revenue is higher than that. Mr. Bartter explained how multiple revenue lines are performing well such as interest and Parks and Recreation revenue which has really bounced back.

**MOTION:** Ms. Hermann moved, seconded by Ms. Kowalczyk to accept the March 2023 and April 2023 Financial Reports as presented.

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

**6. Information Item(s)**

**a. Shaker Square Playground Final Design**

**Minutes:**

Mr. Hurley described how The 2023 Capital Improvements Program (CIP) included \$200,000 for the replacement of the existing Shaker Square Park Playground. The current playground was installed in 1994. The safety surfacing is worn, and the equipment is aging making it a priority for replacement. The playground is a popular neighborhood attraction. The replacement project was one of the most critical park improvements identified in the 2017 Parks Master Plan.

The staff has been gathering public input through a community process that started with a survey that had sixty-four responses. The survey feedback was provided to a playground vendor who created two designs based on the input which were shared at a public open house at the park on April 16. Parks and Recreation Commission members were present and participated. The designs were also available on the city's website for one week after the open house for additional public comment. Based on the feedback received, staff have worked from the most popular option to finalize a design and are ready to order the equipment. He showed renderings of the playground design to Councilmembers.

Ms. Hermann shared her excitement at seeing the accessible swing included in the design. She asked how accessible the rubbery surface will be for a wheelchair. Mr. Hurley responded that it has only a little bit of texture to it and does not impact mobility.

Mr. Bucher gave his compliments to the Parks team and described how there is a lot of enthusiasm for this project and the designs. He asked what the total expected construction time would be for this. Mr. Grant Greiwe with DWA Recreation explained that it would be about three weeks for demolition and installation, the only delay could be for the bonding

process which requires near-perfect weather.

Ms. Michael provided her congratulations on a great job and that this park is much adored by neighbors.

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

### **a. Visions Implementation Teams**

#### **Minutes:**

Ms. Stewart stated she had nothing specific on this item and explained that she wanted to see if Council had any questions or comments.

President Robinson asked if we need to formalize which Councilmember is assigned to what team. Ms. Stewart said that is a near-term step when the Council is ready to appoint the leadership of those teams. She already has a resolution drafted for when Council is prepared to move forward.

Ms. Kowalczyk said that she thinks we talked about a timeframe for moving forward but she was not sure. Ms. Stewart responded that she is not sure if all of the co-chairs have been determined yet.

### **b. Current Initiatives**

#### **Minutes:**

Ms. Stewart stated that she included the updated timeline for initiatives in the packet and is available to discuss anything Council would like to go over.

Ms. Michael stated that she would like to see the Griswold Event Center come through before her time on Council ends. She wondered if that was something that could be accelerated. Ms. Stewart stated she would work with staff to get more information on what a detailed schedule looks like.

President Robinson asked that an informational overview be provided in the packet when it is ready so that way he can form his own judgment about whether it should be a high priority or not.

## **Reports of Council Members**

## **8. Reports of Council Members**

#### **Minutes:**

Ms. Hermann reported that the West Wilson Bridge work is moving along well.

Ms. Kowalczyk gave an update on how the Age Friendly Worthington initiative has been getting positive inclusion with other organizations as an example for other communities.

### **a. Reports of Council Members**

#### **Minutes:**

Ms. Hermann reported that the West Wilson Bridge road project is moving along nicely.

Ms. Kowalczyk brought up how the National Center to Reframe Aging has adopted and been utilizing the materials that Age-Friendly Worthington has created in their presentations. She gave credit to Beth Mirmelstein and Kathryn Paugh for their work on the Age Friendly Worthington project. She noted that there are communications happening in

Columbus about their Zone-In initiative, and there is an upcoming session on modernizing zoning regulations to support housing. She discussed how the Picture Worthington art walk has launched in Old Worthington with vinyl art that exemplifies Worthington.

Ms. Michael gave an update on the schools that participated in Live Government this past week. She noted how the recent Green on the Green was a nice event.

Ms. Stewart updated that staff held a kick-off meeting for the Northeast Corridor Area Plan with the consultants last Thursday. A steering committee will be forming very soon. She gave an update on the most recent COMMA meeting in Bexley, where Lisa Patt-McDaniel discussed workforce issues in Franklin County and resources that are provided for businesses and job seekers.

## **Other Business**

## **Executive Session**

### **9. Executive Session**

#### **Minutes:**

**MOTION:** President Robinson moved, seconded by Mr. Bucher to enter into Executive Session for the purposes of the appointment of public officials and the conference with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action.

**The Clerk called the roll on entering into Executive session**

**Council adjourned for Executive Session at 8:13 p.m.**

**Council returned to open session at 8:40 p.m.**

- a. Appointment of public officials
- b. Conference with an attorney for the City concerning disputes involving the City that are the subject of pending or imminent court action

## **Adjournment**

### **10. Motion to Adjourn**

#### **Minutes:**

**Council adjourned at 8:41 p.m.**



**STAFF MEMORANDUM**  
**City Council Meeting – May 15th, 2023**

Date: May 10, 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

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**EXECUTIVE SUMMARY**

This ordinance appropriates funding for the HVAC Improvement Program.

**RECOMMENDATION**

Motion to remove Ordinance No. 07-2023 from the Table. Motion to Amend to insert the amount of the appropriation (\$2,012,000.00) and the name of the contractor (ABM Building Solutions); Approve as Amended

**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. A single bidder responded to our advertisement with a bid much higher than expected. On March 19, 2023 staff requested this ordinance be tabled to allow an investigation into the limited response and higher than expected bid. Based on staff's review, the initial bid was not awarded, and the project was advertised for bid a second time.

On Wednesday, May 10, 2023, at noon staff again opened bids for the HVAC Improvement Program. Three firms submitted acceptable and verified bids. The lowest and best bid was submitted by ABM Building Solutions in the amount of \$1,828,937.00. Staff is requesting an appropriation of \$2,012,000.00, which includes the bid amount and a contingency of 10%, and permission for the City Manager to enter into a contract with ABM Building Solutions.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES** (if applicable)

\$1,525,000.00 from the Capital Improvements Program provided funding for these HVAC projects. Additional funding, as 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 (As Amended)

ORDINANCE NO. 07-2023  
(As Amended)

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 Two million, twelve thousand dollars (\$2,012,000.00) 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 ABM Building Solutions 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





**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: April 24, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance 12-2023 – Municipal Motor Vehicle License Tax Increase

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**EXECUTIVE SUMMARY**

This legislation increases the Municipal Motor Vehicle License Tax (MMVLT) from twenty dollars (\$20.00) per registration, per year, to twenty-five dollars (\$25.00).

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

As authorized under Ohio Revised Code (ORC) § 4504 the City of Worthington currently levies a \$20 license tax, charged annually for each vehicle registered in the City of Worthington. As shown below, the license tax of \$20.00 is the sum of four \$5.00 taxes:

1. \$5.00 – ORC 4504.02 – These funds are held by Franklin County and utilized on a reimbursing basis to fund arterial street improvements. We are currently utilizing \$448,500 of these funds for improvements on Huntley Road.
2. \$5.00 – ORC 4504.15 – These funds are distributed monthly by the County and are allocated to the Street Improvement Fund 202 (92.5%) and the State Highway Fund 203 (7.5%).
3. \$5.00 – ORC 4504.16 – 100% of these funds go to the County if the vehicle is registered to the City.
4. \$5.00 – ORC 4504.172 – 100% of these funds go to the City. These are the funds that come directly to the City and are receipted into the City's MMVLT Fund (215). The amount received in 2022 was \$119,408. We transfer these

funds to the Capital Improvement Fund to offset a portion of the cost of the annual street improvement program.

Effective July 2019 the Ohio General Assembly amended the ORC to include Section 4504.173 which further authorizes a municipal corporation to levy an additional five dollars per motor vehicle. The authorized purpose of these funds includes:

- Planning, constructing, improving, maintaining, and repairing public roads, highways, and streets;
- Maintaining and repairing bridges and viaducts;
- Paying the municipal corporation's portion of the costs and expenses of cooperating with the department of transportation in the planning, improvement, and construction of state highways.

The City would plan to utilize these funds to assist in the funding of the City's annual street program.

A certified copy of this legislation is required to be submitted to the registrar of motor vehicles not later than July 1<sup>st</sup>. If passed, the additional \$5.00 would be effective starting in 2024.

#### **FINANCIAL IMPLICATIONS/FUNDING SOURCES**

Additional MMVLT revenue to the MMVLT Fund estimated to be approximately \$120,000 annually. The 2023-2027 Capital Improvements Program anticipated this increase in the amount of revenue projected.

#### **ATTACHMENT**

Ordinance No. 12-2023

ORDINANCE NO. 12-2023

To Levy the Additional Five-Dollar Annual License Tax for Operation of Motor Vehicles as Authorized by Section 4504.173 of the Ohio Revised Code.

WHEREAS, Section 4504.173 of the Ohio Revised Code authorizes municipalities to levy an additional five-dollar annual tax upon the operation of motor vehicles on public roads and highways in the municipality to be used for certain authorized purposes; and

WHEREAS, City Council has determined that levying the additional five-dollar motor vehicle registration tax is in the best interest of the City to provide additional resources for the maintenance and repair of public roads, bridges, street signs, and traffic signals so as to further the public safety and welfare of its residents.

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

SECTION 1. That City Council hereby levies the additional five-dollar annual license tax upon the operation of motor vehicles on the public roads and highways in the City of Worthington pursuant to Section 4504.173 of the Ohio Revised Code.

SECTION 2. That all moneys derived from this levy shall only be used for the authorized purposes designated in Section 4504.173 of the Ohio Revised Code.

SECTION 3. That the tax imposed by this Ordinance shall apply to and be in effect for registrations pursuant to the provisions of Chapters 4503 and 4504 of the Ohio Revised Code and shall continue in effect unless and until this Ordinance is repealed by City Council.

SECTION 4. That the City Manager, Finance Director, and Law Director are hereby authorized and directed to take any and all necessary actions to implement the levying and collection of the tax imposed by this Ordinance.

SECTION 5. That the City Clerk is hereby authorized and directed to certify a copy of this Ordinance to the Ohio Registrar of Motor Vehicles on or before June 15, 2023.

SECTION 6. 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.

Date Passed:

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Introduced:

Public Hearing:

Effective Date:



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: April 27, 2023

To: Robyn M. Stewart, Acting City Manager

From: John Moorehead, Service & Engineering Director  
Tom Lindsey, Law Director

Subject: Ordinance – Acceptance of Sanitary Sewer Improvements for Stafford Village

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**EXECUTIVE SUMMARY**

This Ordinance accepts the sanitary sewer improvements for Stafford Village.

**RECOMMENDATION**

Approve as presented.

**BACKGROUND/DESCRIPTION**

City Council previously passed Ordinance No. 35-2020 accepting the dedication of a new sewer easement for the Stafford Village redevelopment project. Traditions at Worthington dba National Church Residences has completed construction of the new sanitary sewer line in the sewer easement. The sewer line was inspected by the Department of Service and Engineering during construction and was completed in accordance with the approved plans and specifications and has passed the required tests for leakage and deflection. Traditions at Worthington has provided the required maintenance bond guaranteeing the improvements for a one-year period. Staff recommends that City Council accept the sanitary sewer line as a public sewer.

**ATTACHMENT(S)**

Ordinance No. 13-2023

ORDINANCE NO. 13-2023

Accepting Sanitary Sewer Improvements  
Constructed in a Public Easement Located at the  
Stafford Village of Worthington Subdivision.

WHEREAS, the public sanitary sewer improvements constructed in the sanitary sewer easement at the Stafford Village of Worthington Subdivision as shown on the subdivision plat, instrument #202011040174139 Franklin County Recorder's Office, are substantially complete, and;

WHEREAS, the public sanitary sewer improvements were inspected by the Department of Service and Engineering during construction and were completed in accordance with the approved plans and specifications and have passed the required tests for leakage and deflection, and;

WHEREAS, the developer has provided the City a maintenance bond guaranteeing the improvements against any defects in materials or workmanship for a one-year period, and;

WHEREAS, the City staff has recommended acceptance of the public sanitary sewer improvements.

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

SECTION 1. That the sanitary sewer line constructed in the sanitary sewer easement at the Stafford Village of Worthington Subdivision as shown on the subdivision plat, instrument #202011040174139 Franklin County Recorder's Office, is hereby accepted as a public improvement.

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 \_\_\_\_\_

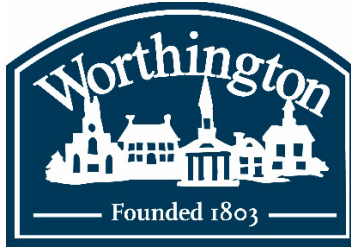
\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Introduced: May 1, 2023  
P.H.

Effective



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: May 10, 2023

To: Robyn Stewart, Acting City Manager

From: Lori Trego, Personnel Director

Subject: **Resolution –Appointing Angela N. Harris as the principal representative to the Board of the Central Ohio Health Care Consortium**

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**EXECUTIVE SUMMARY**

This Resolution appoints Angela N. Harris to the position of principal representative to the Board of the Central Ohio Health Care Consortium.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

The City of Worthington provides health insurance benefits to employees through membership in the Central Ohio Health Care Consortium (COHCC). As a member of the COHCC, the City may appoint one principal representative and one alternate representative to the Board of Directors. Finance Director Scott Bartter serves as the alternate, and I have served as the principal representative. With my upcoming retirement, it is appropriate to appoint the City's next Personnel Director to this position. This Resolution would appoint Angela Harris as the City's principal representative to the Board.

**ATTACHMENTS**

Resolution No. 32-2023

RESOLUTION NO. 32-2023

Appointing Angela N. Harris to the Position of Principal Representative for the City of Worthington to the Board of the Central Ohio Health Care Consortium.

WHEREAS, the City of Worthington is a participating member of the Central Ohio Health Care Consortium; and,

WHEREAS, each participating jurisdiction of the Central Ohio Health Care Consortium may appoint one principal and one alternate representative to the Board of the Consortium;

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

SECTION 1. That Angela N. Harris be and hereby is appointed to serve as the principal representative to the Board of the Central Ohio Health Care Consortium.

SECTION 2. That the Clerk of Council be and hereby is instructed to record this Resolution in the appropriate record book and to forward a duly certified copy thereof to the Central Ohio Health Care Consortium.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: May 10, 2023

To: Robyn Stewart, Interim City Manager

From: Mark A. Zambito, Chief of Fire & EMS

Subject: **Resolution – Acceptance of Grant for Cardiac Monitors and Source Capture**

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**EXECUTIVE SUMMARY**

This Resolution accepts a grant from the Federal Emergency Management Administration – Assistance to Firefighters Program for cardiac monitors and a source capture exhaust system.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

The City of Worthington's Division of Fire and EMS applied to the Federal Emergency Management Administration for an Assistance to Firefighters Grant. We asked for this grant to help with the purchases of cardiac monitors and a source capture exhaust system. These projects were selected to receive Federal grant funding totaling \$126,290.47 with a minimum non-Federal contribution of at least \$6,314.53.

It is my recommendation the City of Worthington accepts the grant and you receive permission to execute the necessary paperwork for the grant (reimbursement) funding.

**ATTACHMENTS**

Resolution No. 33-2023



RESOLUTION NO. 33-2023

To Accept a Grant from the Federal Emergency Management Administration – Assistance to Firefighters Grants for Cardiac Monitors and a Source Capture Exhaust System and to Authorize the City Manager to Execute the Necessary Grant Documentation.

WHEREAS, the City of Worthington made an application to the Federal Emergency Management Administration for a grant to fund the replacement of cardiac monitors and a source capture exhaust system; and

WHEREAS, the City of Worthington was notified by the Federal Emergency Management Administration that these projects were selected to receive Federal grant funding totaling \$126,290.47 with a minimum non-Federal contribution of at least \$6,314.53; and

WHEREAS, the City of Worthington must follow the steps outlined by the Federal Emergency Management Administration to receive the funds.

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

SECTION 1. That the City of Worthington accepts the grant from the Federal Emergency Management Administration's Assistance to Firefighters Grants for the Cardiac Monitors and Source Capture Exhaust System.

SECTION 2. That the City Manager is hereby authorized to execute the necessary paperwork for the grant (reimbursement) funding.

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

Adopted

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: May 10, 2023

To: City Council

From: Robyn Stewart, Acting City Manager

Subject: RESOLUTION - VISION IMPLEMENTATION TEAMS

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**EXECUTIVE SUMMARY**

This Resolution creates seven Vision Implementation Teams

**STAFF RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

City Council has previously discussed the creation of Vision Implementation Teams (VITs), one for each vision from the Vision Worthington initiative. The VITs will have the following tasks:

1. Creation of an inventory of actions already being pursued in support of the vision statements
2. Evaluation of the action ideas suggested during the visioning process and identification of new ideas that could help achieve the visions
3. Engagement of people knowledgeable about the subject area to prepare recommendations to be shared with the public for feedback
4. Finalization of two to three actions that are recommended to City Council

Each VIT will be led by a Council member and another individual connected to the vision area. This Resolution creates the VITs and names the leadership of each team.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)**

Funds are available for consulting assistance for the work of the teams in the current Operating Budget.

**ATTACHMENT(S)**

Resolution No. 34-2023  
VIT Profile

## RESOLUTION NO. 34-2023

### Creation of a Vision Implementation Teams and Appointment of Team Leaders

WHEREAS, in 2019, City Council decided to engage in a citizen-led comprehensive visioning process to include all stakeholders to gain a thorough understanding of a broad cross-section representing the will of the people (Resolution No. 10-2019); and,

WHEREAS, the City Council appointed 13 community members to a Visioning Committee to steer the visioning process, engage and listen to community members and develop a well-grounded articulation of the community's aspirations for the future of Worthington (Resolution No. 40-2019); and,

WHEREAS, the Committee presented the final vision statements and supporting principles to City Council on November 9, 2020 and subsequently submitted the full report of the visioning effort the City Council on December 22, 2020, and

WHEREAS, City Council adopted and approved the vision statements and supporting principles on March 1, 2021 (Resolution No. 09-2021)

WHEREAS, City Council desires to create seven Vision Implementation Teams, one focused on each vision, to assist City Council in implementing the vision statements set forth in the Vision Worthington Report, and

WHEREAS, each Team will be led by a City Council Member and another person designated by City Council.

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

SECTION 1. The City Council creates seven Vision Implementation Teams to assist the Council in implementing the vision statements through the inventory of actions already being pursued, the evaluation of action ideas suggested during the visioning process, the engagement of people knowledgeable about the subject area to prepare recommendations to be shared with the public for feedback, and to identify and recommend two to three actions that Council could choose to pursue to achieve the vision.

SECTION 2. The leadership of the Vision Implementation Teams will be comprised of the following individuals:

Worthington is a diverse and equitable community: Katy Brewer & Maria Ramirez

Worthington offers a high quality of life: David Robinson & Ed Hoffman

Worthington is dedicated to the vibrancy of its downtown: Rebecca Hermann & Annina Parini

Worthington's economy is balanced and resilient: Bonnie Michael & Rebecca Princehorn

Worthington's leadership is open, forward-thinking and collaborative: Beth Kowalczyk & Mikel Coulter

Worthington is a model for environmental stewardship: Pete Bucher & Rob Wendling

Worthington is connected: Doug Smith & Rebecca Green

SECTION 3. The City Council has separately provided additional details on the purposes of the Vision Implementation Teams as set forth in Exhibit A.

SECTION 4. The Vision Implementation Teams shall cease to exist, and all terms of members will expire, 60 days after issuance of their final reports unless otherwise provided by City Council action.

SECTION 5. 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

# **Vision Implementation Team Profile**

## **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.



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: May 10, 2023

To: Robyn Stewart, Acting City Manager

From: John Moorehead, Director of Service and Engineering

Subject: Ordinance No. 14-2023 Street & Sidewalk Maintenance Program 748-23

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**EXECUTIVE SUMMARY**

This ordinance funds the Street and Sidewalk Maintenance Program Project Number 748-23.

**RECOMMENDATION**

Introduce for Public Hearing on June 5, 2023.

**BACKGROUND/DESCRIPTION**

City Council gave permission to bid the 2023 Street and Sidewalk Maintenance Program on May 1, 2023. This year's program will include asphalt pavement and concrete maintenance in those areas designated on the 2023 Street and Sidewalk Program Map. This ordinance is being introduced with blanks pending the results of the bid opening. The program was advertised for bid with the opening scheduled for May 30, 2023 at noon. Information regarding appropriation amount and contractor will be provided for the public hearing.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)**

The 2023 CIP budget included \$950,000 for the Street & Sidewalk Maintenance Program and \$35,000 for Community Center Sidewalk Replacement – Phase 1.

Funding for sidewalk gaps and the crossing at Linworth Road and Beechview Drive will be drawn from prior year allocations to Bike and Pedestrian Improvements.

**ATTACHMENT(S)**

Proposed Street and Sidewalk Maintenance Program Map

Ordinance No. 14-2023





# 2023 Street and Sidewalk Maintenance Program, Project 748-23

## Repairs

- Pavement Repair
- Renovation (Mill & Overlay)
- Asphalt Rejuvenation
- Pedestrian



ORDINANCE NO. 14-2023

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 2023 Street Improvement Program and 2023 Bicycle & Pedestrian Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 748-23)

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. 308.8150.533477 an amount not to exceed \_\_\_\_\_ (\$ \_\_\_\_\_) to pay the cost of the 2023 Street Improvement Program (Project No. 748-23)

SECTION 2. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533478 an amount not to exceed \_\_\_\_\_ (\$ \_\_\_\_\_) to pay the cost of the 2023 Bicycle & Pedestrian Improvements (Project No. 749-23)

SECTION 3. 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 4. 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 5. 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.



**STAFF MEMORANDUM**  
**City Council Meeting – May 15, 2023**

Date: May 11, 2023

To: Robyn Stewart, Acting City Manager

From: Ethan Barnhardt, Management Assistant/Special Projects Coordinator

Subject: Flavored Tobacco

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**EXECUTIVE SUMMARY**

Information will be provided and discussed regarding a proposal to ban flavored tobacco.

**RECOMMENDATION**

If Council is supportive of this initiative, a motion directing staff to prepare legislation is appropriate.

**BACKGROUND/DESCRIPTION**

The City of Columbus has taken steps to ban flavored tobacco products beginning in 2024. Columbus Public Health has approached the City of Worthington to determine our interest in implementing a similar ban which would be enforced by Columbus Public Health. This approach would be similar to the process we utilized when adopting Tobacco 21 which banned tobacco sales to individuals under the age of 21.

City of Worthington Public Policy Intern Sam Roberts will present background on the proposed flavored tobacco bans. He will be joined by representatives from Columbus Public Health to answer any questions from Council. If Council is supportive of moving forward with this action, legislation will be prepared for consideration by Council at a future meeting.

**ATTACHMENTS**

Research Memo – Flavored Tobacco Ban



## **MEMORANDUM**

TO: Robyn Stewart, Acting City Manager  
Ethan Barnhardt, Management Assistant/Special Projects Coordinator

FROM: Sam Roberts, City of Worthington Public Policy Intern

DATE: May 11, 2023

SUBJECT: Flavored Tobacco Ban

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### **Background**

The sale and consumption of flavored tobacco products in the U.S. is considered a major health crisis that particularly effects youth and African American populations. These products include vaporable nicotine solutions that are sold in thousands of flavors that appeal to young people, and menthol cigarettes that have historically targeted certain populations in their marketing. Tobacco use remains the leading cause of preventable death in the U.S. and between 2011-2015, the Centers for Disease Control and Prevention (CDC) estimated an 800% increase in e-cigarette use among middle and high school students.<sup>1</sup> Of the two million U.S. students estimated to be consuming flavored cigarettes in 2021, 8/10 of those students were smoking flavored products.<sup>1</sup>

Of all U.S. African American smokers, 85% of them smoke menthol.<sup>2</sup> Menthol tobacco products have historically targeted certain minority populations and lead to issues of social equity and health. While some historians note that it is somewhat of a mystery as to how exactly menthol cigarettes became so heavily targeted towards these populations in their advertising, in terms of whether targeted advertising efforts were made before or after consumer trends in African Americans, the facts are that menthol cigarette marketing is significantly more prevalent in predominantly African American neighborhoods and media. This can be seen in the form of proportionally higher rates of exterior advertisements and price discounts for menthol cigarettes at retailers in these communities, and with African American media sources like Ebony and Jet

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<sup>1</sup> Columbus, OH., AMENDED ORDINANCES, Ch. 715 (2022)

<sup>2</sup> Biddle, M. The historical 'messy, moral dilemma' of marketing menthol cigarettes to black communities.  
<https://why.org/articles/fda-menthol-ban-history-marketing-menthol-cigarettes-black-communities/>

magazine running only menthol brand advertisements instead of other non-menthol brands and flavors.

The inclusion of menthol products in a flavored tobacco ban would help address these issues of social equity by reducing the consumption and exposure of these products. It is projected that menthol bans would lead to reductions in overall smoking in African Americans by ~35% by 2026, and ~25% by 2060.<sup>3</sup> Social justice and health organizations have already fought and called for the ban of menthol cigarettes to address issues of social equity surrounding affected populations, and the proposed ban would not target individuals, only retailers.

In 2022 the FDA proposed bans on flavored cigar and menthol cigarette products, marking a major win for public and societal health. Other states and municipalities have been implementing their own bans on flavored tobacco products. The City of Columbus voted to institute its own ban starting January 1<sup>st</sup>, 2024. This policy is aimed at reducing the harm to city residents created by flavored tobacco products and address social equity concerns as the City of Columbus considers racism to be a public health crisis. While smoking rates among African Americans has declined overall, Columbus Public Health recorded an 8% increase in smoking rates among African American residents in Franklin County.

In 2019 it was estimated that ~29% of Ohio high schoolers and ~12% of middle schoolers reported to using an e-cigarette tobacco product.<sup>4</sup> Last year in 2022, smoking illnesses cost Ohio Medicaid \$1.8 billion dollars, pointing to some of the fiscal implications of enacting a ban.<sup>5</sup> California as a state has similarly banned flavored tobacco products and while they are projected to see losses in tobacco product and cigarette tax revenues, these losses are offset by savings in state MediCal activity and increases in economic activity.<sup>6</sup>

In February, the United States Supreme Court declined to hear a case challenging a ban on flavored tobacco products in Los Angeles County.<sup>7</sup> Similarly, in January Governor DeWine vetoed a bill proposed by the Republican-led state legislature that called for a ban on communities' ability to ban flavored tobacco products, demonstrating his own stance on the issue. DeWine called vaping among young Ohioans an epidemic with long-term consequences, and called for a State-wide ban, but stopped short of demanding one. Columbus is the third city in Ohio to institute its own ban, following the cities of Toledo and Bexley. Other central Ohio cities are following suit, with the

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<sup>3</sup> Issabakhsh, M., Meza, R., Li, Y., Yuan, Z., Sanchez-Romero, L. M., & Levy, D. T. (2022, June 13). *Public health impact of a US menthol cigarette ban on the non-Hispanic black population: A simulation study*. Tobacco Control. <https://tobaccocontrol.bmj.com/content/early/2022/06/12/tobaccocontrol-2022-057298>

<sup>4</sup> Tobacco Use Among Youth in Ohio, 2019. ohio.gov. <https://odh.ohio.gov/know-our-programs/youth-risk-behavior-survey/high-school-data/2019-yrbs-survey-summary>

<sup>5</sup> The Statehouse News Bureau | By Karen Kasler. DeWine vetoes Bill Banning Ohio communities from banning flavored tobacco. statenews.org. <https://www.statenews.org/government-politics/2023-01-05/dewine-vetoes-bill-banning-ohio-communities-from-banning-flavored-tobacco>

<sup>6</sup> Tobacconomics. Potential effects of a ban on the sale of flavored ... <https://www.tobacconomics.org/files/research/671/ca-flavor-ban-and-revenues-27-feb-2022.pdf>

<sup>7</sup> Fritze, J. Supreme Court declines challenge to flavored tobacco ban, leaving prohibition in place. USA Today. <https://www.usatoday.com/story/news/politics/2023/02/27/supreme-court-flavored-tobacco-ban/11354548002/>

cities of Grandview Heights and Westerville working to discuss potential legislation at future council meetings.<sup>8</sup>

Like the recent Tobacco 21 legislation, this policy aims to prohibit the sale and distribution of products and not target the individual consumer. This legislation does not include a ban on hookah bars or their associated flavored tobacco products so long as the retailers are compliant with state and local laws and licensing and the customers purchase and consume any tobacco products on site. The Columbus Board of Health was tasked with promulgating the rules and regulations relating to the ban.

### **Flavored Tobacco Ban – City of Columbus**

- On December 5th, 2022, the City Council of Columbus voted unanimously to enact the ban starting January 1<sup>st</sup>, 2024.
  - Columbus Public Health held a period of ongoing public feedback regarding the ban from November to December.
  - The start date of 1/1/2024 is to allow time for affected retailers to transition their stock and mitigate the impending economic effects from sales prohibitions.
  - In addition to the ban, the council announced \$1 million to go to a smoking cessation education and awareness program.
    - “The 2023 Comprehensive Tobacco Cessation Education and Awareness Campaign would provide access to resources and programs through community events, youth education, and training for medical professionals”.<sup>9</sup>
    - Additional funds will be invested into cessation programs for youth and targeted communities. This will include disseminating information to middle schools and high schools. Local community health organizations, low-cost health clinics, and other providers will be engaged to ensure they have sufficient information and materials.
- No Licensee, agent, employee, or representative shall do any of the following at a Retail Tobacco Establishment:<sup>10</sup>
  - Give, sell, or distribute tobacco products to anyone under the age of 21.
  - Give, sell, or distribute tobacco products to anyone under the age of 30 without checking for proof of age.
  - Give, sell, or distribute tobacco products while under a license suspension.
  - Give, sell, or distribute flavored tobacco products.
  - Give, sell, or distribute tobacco products out of a vending machine.

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<sup>8</sup> Landers, A. K.. As Columbus plans to ban flavored tobacco, where do other Central Ohio Cities Stand? <https://www.10tv.com/article/news/local/as-columbus-plans-ban-flavored-tobacco-where-do-other-central-ohio-cities-stand/530-8c75196d-20d1-40f3-b435-1a7eab019461>

<sup>9</sup> City of Columbus - City Council and Community Partners Announce Proposal for \$1 Million Tobacco Cessation Effort. <https://www.columbus.gov/Templates/Detail.aspx?id=2147528329>

<sup>10</sup> Columbus, OH., Columbus Public Health Codes, RESOLUTION No. 23-08, (2023)

- Columbus Public Health may conduct inspections, which may include underage buy attempts and/or Flavored Tobacco Product buy attempts for all Temporary and annual Retail Tobacco Establishments that have retail sales licenses.
- If Columbus Public Health observes a violation(s) at a Retail Tobacco Establishment with either an annual or temporary license, the following civil penalties shall be imposed, in addition to the sanctions specified in Section 248.03 of the Columbus Public Health Codes:
  - A fine of **\$1,000** for a first-time violation.
  - A fine of **\$5,000** for a second violation within two years of the first.
  - For a third and any subsequent violations within two years of the first violation:
    - A fine of **\$10,000** per violation and revocation of any existing Retail Tobacco Product Sales license and the imposition of a two-year period of ineligibility to obtain a new one.
- Civil penalties may be appealed to Columbus Public Health.

### **Products Included in Flavored Tobacco Ban Legislation**

- **Electronic Smoking Device** refers to any device that can be used to deliver aerosolized or vaporized nicotine or other products to the user. Includes, but not limited to, electronic cigarettes, electronic hookahs, or vape pens.
- **Flavored Tobacco Product** refers to any tobacco product that imparts a taste or smell other than that of tobacco. Includes, but not limited to tastes like chocolate, vanilla, mint, or candy. It shall be assumed that a tobacco product is flavored if:
  - The product uses texts or images indicating that it imparts a taste or smell other than tobacco.
  - The product has a public statement or claim associated with it reporting that it imparts a taste or smell other than tobacco.
  - There are actions directed at the consumer indicating that the product imparts a taste or smell other than tobacco.
- **Flavored Shisha Tobacco Product** refers to any flavored tobacco product that is smoked out of a Hookah and can include Hookah tobacco, waterpipe tobacco, and maassel. These products are not included in the flavored tobacco ban when appropriately consumed.
  - **Hookah** refers to a type of waterpipe used to smoke flavored shisha tobacco products.
  - **Hookah Bar** refers to an establishment that derives revenue from the consumption of on-site flavored shisha tobacco products. Must be compliant with state and local laws and regulations.

### **Flavored Tobacco Bans in Ohio**

- *City of Toledo*
  - Was the first city in Ohio to pass flavored tobacco related legislation.



- On December 10<sup>th</sup>, 2019, the City Council enacted a ban on the sale and distribution of flavored tobacco products from any business/retailer NOT designated as a “Retail Vapor Product Specialty Business”.<sup>11</sup>
  - These are considered businesses that derive at least 60% of their gross receipts from e-cigarette and vapor product sales.
  - This bans many retailers from selling and distributing flavored tobacco products but does not ban those products in totality.
- Penalties for individuals/businesses that violate this policy:
  - First time offenders receive a misdemeanor of the fourth degree, subsequent offenses lead to a misdemeanor of the 3<sup>rd</sup> degree.
  - Minimum fines shall be fixed by the courts as follows:
    - Offenses from organizations:
      - First time offenses result in a \$250 fine.
      - Subsequent offenses result in a \$500 fine.
    - Offenses from individuals:
      - First time offenses result in a \$50 fine.
      - Subsequent offenses result in a \$100 fine.
- *City of Bexley*
  - Was the first city in Ohio to pass a flavored tobacco ban, which did not initially include menthol cigarettes.<sup>12</sup>
  - Amended ordinance #48 - 22 passed on March 7<sup>th</sup>, 2023, introducing chapter 837 to their codes. Purpose is to ensure that retailers comply with federal, state, and local tobacco control laws and standards to protect the public health. This resolution also removed section 636.16 of their codified ordinances, which related to the illegal distribution of tobacco products.
    - Amended ordinance #48 – 22 updated the definitions and penalties associated with the licensing and sale of tobacco products. These are similar to the promulgated rules and regulations made by CPH regarding their flavored tobacco ban.
      - “Flavored tobacco product” refers to any product imparting a smell or taste other than that of tobacco. Includes but is not limited to fruit, menthol, mint, etc.
      - Flavored Tobacco Product Sales Prohibition
        - “It shall be unlawful for a tobacco retailer ... to sell or offer for sale any flavored tobacco product.”
  - Penalties for violating this policy:
    - Any tobacco retailer found to have violated this ordinance shall be subjected to:
      - First time offence results in a fine of no less than \$1,000.
      - For a second violation within a 36-month period there is a fine of no less than \$2,500 and the retailer shall be prohibited from distributing their products for a minimum of 30 days.

<sup>11</sup> Toledo, OH., AMENDED ORDINANCES, Ch. 537, (2019)

<sup>12</sup> Bexley, OH., AMENDED ORDINANCE No. 48 – 22, Ch. 837, (2023)

- For a third violation within a 36-month period there is a fine of no less than \$5,000, revocation of their retail sales license, and a prohibition from distributing their products for a period of three years.

**Implementation Discussion with City of Columbus Public Health** – April 27<sup>th</sup>, 2023, at 12:30pm

In attendance from City of Worthington: *Acting City Manager Robyn Stewart, Management Assistant and Special Projects Coordinator Ethan Barnhardt, and Public Policy Intern Sam Roberts*

In attendance from CPH: *Assistant Health Commissioner for Public Affairs Edward Johnson, and Environmental Health Administrator Luke Jacobs*

- Columbus Public Health inspectors are already in place and will continue making routine inspections at Worthington retailers.
  - Would include a minimum of two visits and one “buy attempt” per year. Buy attempt would include a secret shopper visit where the retailer is prompted to sell to an underage person or sell a flavored tobacco product.
  - Penalties will not be “double-stacked” i.e., a retailer cannot be simultaneously charged for selling to an underage person and selling a flavored tobacco product.
- Columbus Public Health will be working with retailers over the next six months to help them transition by 1/1/2024.
  - Any concerns that retailers have can be directed to CPH.
  - Something that retailers should note is that Columbus has instituted some major tobacco related ban once every decade for the last 20+ years (indoor smoking ban, tobacco 21, now flavored tobacco). These policies are not novel to the city and haven’t driven all the business out of it.
- Licensing system is much stricter with its fines than was incorporated at the time Tobacco 21 was launched.
  - Previously fines started at \$500 and maxed out at \$1000 for subsequent violations.
  - A primary goal of this policy is to get compliance from tobacco retailers to ~90%. Compliance is currently around ~75% in Columbus.
  - Worthington is doing fine regarding its own compliance according to CPH.
    - According to CPH, compliance is 100% for 2023 year to date.
- There is an accompanying 2023 Smoking Cessation and Education Program.
  - Program has a particular minority focus and can coordinate to have informational resources distributed to Worthington via booths at community events, for example.
  - This is a potential avenue for addressing Worthington’s youth on this issue.
- There will be updated signage that will be required to be displayed by retailers.

- Signage updated to include the prohibition of selling electronic smoking devices.
- The intention would be for Worthington to adopt the regulations to maintain consistency in its language and definitions.

**Affected Tobacco Retailers in Worthington**

DUCHESS WORTHINGTON	7141	HIGH	WORTHINGTON	OH	43085
GURU WINES	2285	DUBLIN GRANVILLE	WORTHINGTON	OH	43085
HOUSE OF CIGAR	7099	HUNTLEY	COLUMBUS	OH	43229
KROGER #273	60	WORTHINGTON MALL	WORTHINGTON	OH	43085
WORTHINGTON MARATHON	911	HIGH	WORTHINGTON	OH	43085