



6550 N. High Street
Worthington, Ohio 43085

T: 614-436-3100

Worthington City Council Agenda

Virtual Meeting

Link through: Worthington.org
Our Government – Live Stream

Monday, April 6, 2020 ~ 7:30 PM

CITY COUNCIL MEMBERS

Bonnie D. Michael

President

Scott Myers

President Pro-Tem

Peter Bucher

Council Member

Rachael Dorothy

Council Member

Beth Kowalczyk

Council Member

David Robinson

Council Member

Douglas Smith

Council Member

CITY STAFF MEMBERS

Matthew Greeson

City Manager

D. Kay Thress

Clerk of Council

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation(s)

5.A. Coronavirus/COVID-19 Situation and Response

Executive Summary: An update will be provided on the current situation regarding the coronavirus/COVID-19 and the response.

6. Approval of the Minutes

6.A. Meeting Minutes - March 9, 2020

6.B. Meeting Minutes - March 16, 2020

Recommendation: Motion

7. Public Hearings on Legislation

7.A. Ordinance No. 13-2020 Appropriation - Diamond Brite Surfacing In Community Center Pools

Amending Ordinance No. 45-2019 (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 Community Center Pools Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 706-20)

Executive Summary: This request funds the replacement of Diamond Brite surfacing in the Community Center Pools.

Recommendation: Motion to Table

7.B. Ordinance No. 14-2020 Settlement - Mondrach

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance and to Authorize the City Manager to Enter into a Settlement Agreement with Dustin and Susan Mondrach.

Executive Summary: This Ordinance authorizes the City Manager to enter into a settlement agreement with Dustin and Susan Mondrach and appropriate the necessary funds.

Recommendation: Approve as Presented

8. Reports of City Officials

8.A. Policy Item(s)

8.A.I. New Liquor Permit - Play CBUS

Executive Summary: The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for Play CBUS

Recommendation: Motion to Not Request a Hearing

8.A.II. Liquor Permit Request - Yappy Greek & Deli

Executive Summary: The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for Yappy Greek & Deli

Recommendation: Motion to Not Request a Hearing

8.A.III. New Liquor Permit - First Watch

Executive Summary: The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for First Watch Restaurants.

Recommendation: Motion to Not Request a Hearing

9. Reports of Council Members

10. Other

11. Executive Session

12. Adjournment



CITY OF WORTHINGTON
Worthington City Council Minutes
March 9, 2020

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, March 9, 2020, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Peter Bucher, Rachael R. Dorothy, Beth Kowalczyk, Scott Myers David Robinson, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent:

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Law Director Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Police Robert Ware, Acting Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress

There were eight visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

Michael Bates, 6560 Evening St.

Mr. Bates stated that he was there on behalf of WARD, who presented Council with a white paper in 2018. With Ohio Health proposing to build on the UMCH site, it seems like a good time to look at that paper again. He understands that UMCH will be discussed at the Council Retreat this weekend. He stated that WARD wants to be able to provide public comments during that discussion and asked if that was acceptable.

President Michael read through the Agenda which members received at tonight's meeting. There was no mention of UMCH specifically.

Mr. Robinson understands that the Comprehensive Plan will be discussed during the retreat.

President Michael commented that the retreat facilitator, Marty Jenkins developed the agenda based on comments he received from Council members.

Mr. Robinson stated that he does not think that public comments are welcome. President Michael acknowledged that comments have not been allowed in the past since the floor would have to be opened for anyone and everyone.

Mr. Myers shared that the retreat is not a public hearing. It is an opportunity for members to speak uninhibited. It is the one time that Council members can just talk. He assured Mr. Bates that there will be multiple opportunities for residents to participate in public comments, but the retreat is not the appropriate time.

Mr. Bates stated that the answer is "no" then. Members agreed.

SPECIAL PRESENTATION

- Community Visioning Committee Update

Joe Sherman, Chair of the Community Visioning Committee stated that he was last before Council on February 2nd. He explained how the Committee has been very busy since that time. They have completed the data gathering part of this process and are now heading into the public engagement and outreach campaign. He emphasized how their goal is to engage at least 80% of the community. They will be reaching out through the website and giving people an interactive opportunity to engage. The Committee will use that information to help see if they are reaching that goal.

The Committee's activities have also been showcased in the Village Talks newsletter with a great front-page feature talking about who they are, where to find the website, and inviting people to the outreach meetings and upcoming workshops. We also have a committee member going out into the community and distributing the Vision Worthington brochure to fifteen predetermined spots. We will be monitoring those location to track how many people are picking them up. There have also been individual business cards printed up with committee member's names, contact information, and a QR code that will take you to the website.

Mr. Sherman detailed how the Committee wants to reach out to as many people as possible and asked if they could have a listing of all the people who have applied to serve on various boards and commissions for the City. They would like to put out an email asking them to be a part of a working group. There are eleven neighborhood areas, and they would like to take the group and have them become teams that will be assigned to each of these

individual neighborhoods. These neighborhoods also have Facebook pages where they will begin to reach out to them.

Mr. Sherman detailed how currently the website is undergoing a redesign where it will be reinvented. There will be improved navigation and areas showcasing upcoming events in the community. There will be new features that will be targeted to drive specific questions around the past, present, and future of Worthington.

He explained how they have also had tee shirts created so that people who are part of the group will be visible and accountable.

Mr. Sherman presented how there are upcoming in person events. They will be working on having focus groups with two in April and two in May. There will also be the visioning charette which will be more intense in June. The interviews and applicant surveys have also been completed.

President Michael expressed her thanks for the work of the Visioning Committee and Mr. Sherman's leadership. It is wonderful the work you are accomplishing and how quickly you are doing so. She appreciates all the community outreach. It is great that Council is informed as to what the Committee is doing so when they talk to people in the community, they can point them to the different ways to engage in the visioning process. This is one of the most important things we are doing this year.

Mr. Sherman brought up one point he forgot to mention and that is in July, they will dive into the website and find out what neighborhoods they have not been getting feedback from, and they will go door to door.

President Michael asked if it is okay to give out the contact information of the people who applied for positions with the city. She does not want us to violate anything as far as a promise of confidentiality. Mr. Greeson responded that he views this as being an appropriate City purpose, but we will take this request under further advisement.

President Michael noted that she has talked to different individuals and groups and that the Speakers Bureau will be an excellent way to let people know what opportunities are out there and how to learn more about the process.

Mr. Sherman brought up how he has also talked with Dr. Bowers with the Worthington Schools about how to get in front of the seniors at both high schools. He wants to develop five questions that would go out for them to answer. The questions are going to be based on what they want to see.

President Michael brought up the ambitious goal of 80% engagement with the community. She asked what exactly engagement means. Mr. Sherman replied that means having a meaningful conversation with people.

Mr. Robinson expressed how he likes the business card idea. He asked if they created a generic card that Councilmembers and others could carry and handout to people. Mr. Sherman responded that they created 250 generic cards and he can bring some to the upcoming Council Retreat. Mr. Robinson asked about the survey that will be going out and when they will be able to see the survey. Mr. Sherman explained that it is part of the engagement plan. They are looking at May 1st realistically. Mr. Robinson expressed that the questions are important in terms of what answers and data will be obtained.

Mr. Bucher thanked Mr. Sherman for the presentation. He said that he has completed his phone interview and he thought that the questions were thoughtful. He then asked about the Committee's work with the schools. Mr. Sherman explained how Dr. Bowers has presented to the Committee and has been very gracious helping with this process. Their involvement so far has been about getting the seniors involved. They are hopeful that the information from the seniors will be something they can build on. Mr. Greeson noted that information could be pushed out through the school newsletters and other materials if it is an option. President Michael mentioned the option of sharing information on the school's website. A lot of people might not go to the City's website who do go to the school website.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 17-2020

Amending the Staffing Chart of the City of Worthington to Provide for Seven (7) Fire Lieutenant Positions in the Division of Fire for up to a One Year Period.

Introduced by Mr. Bucher.

MOTION

Ms. Kowalczyk made a motion to adopt Resolution No. 17-2020. The motion was seconded by Mr. Smith.

Mr. Greeson explained how there are exciting things happening in our Division of Fire and EMS. We currently have a vacancy for Fire Lieutenant, and we know there are going to be additional vacancies above that position, so we are recommending increasing the staffing chart to promote two fire lieutenants in anticipation of having two vacancies in the future. We have a list of currently eligible employees for promotion.

There being no additional comments, the motion to adopt Resolution No. 17-2020 passed unanimously by a voice vote.

Resolution No. 18-2020

Amending the Position Descriptions for Deputy Director of Safety/Fire Chief and Assistant Fire Chief.

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 18-2020. The motion was seconded by Mr. Robinson.

Mr. Greeson explained how when we have vacancies, it is our custom to review and update those job descriptions. With the open Fire Chief position, we are making recommended amendments to that job description. One relates to years of command and management experience. The second is related to a management training program requirement to provide some flexibility related to that. We are also looking at amending the job description for Assistant Fire Chief to broaden the preferred qualifications related to having the EMS or Fire Instruction Certification.

There being no additional comments, the motion to adopt Resolution No. 18-2020 passed unanimously by a voice vote.

REPORTS OF CITY OFFICIALS

Discussion Items

- McCord Park Renovations Project Update

Mr. Hurley explained how the City Council approved a conceptual master plan for McCord Park in 2018. Since then, staff has secured the services of POD Design to lead our design development process that begins to drill down into the details of the concept plan that was approved. Our focus has been on the playground, the train observation area, and the community garden. Council directed us to look at phased options and further cost estimating. POD has been working with the Parks and Recreation Commission, attending public meetings, and they held an open house in January. At the March Parks and Recreation Commission meeting, they made a motion supporting the design development of the updated conceptual master plan and recommended moving ahead with preparing construction documents for Phase One of the project. That is currently funded in the 2020 Capital Improvements Program. Tonight, is an update to see if Council is happy with the progress and to answer any of your questions.

Steve Kolwicz – POD Design

Mr. Kolwicz thanked Council for having him here tonight to give an update on what they have been up to for the past few months. They have conducted a lot of community engagement which is the base that any good park design is built on. The overall master plan that was done a couple years ago called for a renovation, a refresh of the baseball and softball complex, updates to the playground, and enhancements to the community garden amongst other things. He explained how the field hockey and soccer field would be expanded. The playground is at a point where there is enough wear on the equipment that there is a difficulty in keeping it operable and meeting safety requirements.

Throughout this process there has been a lot of engagement with adults and youth. With it being a playground, they wanted input from children across the community and notably

the children in the neighborhood, most of which go to Wilson Hill Elementary School. They held an open house at the Community Center during the Halloween event where kids and parents could vote on features they would like to see. They took the same boards to Wilson Hill and met with the third-grade classes, talking to over 150 kids and over 60 adults. They all pointed in a similar direction to their preferences for the playground. One theme that came out of the process was the idea to build something that plays off the “Ninja Warrior” obstacle course idea. Almost everyone also showed a preference for more natural looking play elements. However, they also heard that many people still wanted the traditional elements such as slides and swings that you would normally see in a park. This plan is directly based off the feedback we received from the people who participated in the process.

He explained how there is a path going towards the Community Center and then another path that goes off to the rest of the park and the planned loop. They have purposely designed around all the topography and existing vegetation because nothing makes a more unique playground than the variation in topography and having shade. People are attracted to the idea of not just baking in the sun. The other element detailed in the process and through conversations were the plans for how the caboose could be set in a way that enhances the ability for anybody to see it from the outside and use it as an observation point for activity on the tracks. It will essentially be at the parking lot level with a ramp that goes to the sunken area that serves as a rain garden. Throughout the space there will be information regarding all aspects of train activity in the area and the history of why we do not see cabooses anymore.

The next thing he discussed were the priorities and their understanding of the likelihood of available budget. One of their tasks was to determine Phase One for the project, including the garden, the playground, and the green space behind the Community Center. The playground in order to achieve its full design, part of it sits in the cul-de-sac of the current driveway that comes into the park. That starts a snowball effect where if you do that, you must get parking for people to use the field. They ended up putting the parking lot into this first phase. As they have gone through the process of refining the design and working with team members in the fields of architecture and engineering, they are hovering around a little under \$1.5 million for Phase One. He pointed out that they are anticipating breaking Phase One into two components. They are looking to take the paving work and trying to incorporate it into the bids for this year’s paving done throughout the City in the hopes of getting a better price. They hope to have a contractor in place that will have an end date of Fall 2021 to have the Phase One improvements completed.

President Michael asked what the City has budgeted in the CIP for Phase One. Mr. Hurley explained how the total number was \$2.8 million in 2020. However, of that \$1 million was outside funding. We have applied for state capital funding, which we have not heard back about yet. There was \$1.8 million allocated from the City’s CIP. President Michael asked if we would be able to do the ball fields. Mr. Hurley responded that he did not anticipate being ready for the ball fields. One of the thought processes when determining the alternatives was figuring out what we needed to do first. We know we needed to get the playground done. When having conversations about priorities at the Retreat and

afterwards, we will try to leave as much flexibility in the budget but move ahead with some level of a Phase One.

Ms. Kowalczyk explained how she appreciates the focus on ADA accessibility for all ages and abilities. She asked if there are plans for seating so people of all ages can enjoy the park in all ways. Mr. Kolwicz responded that in the video you will see a variety of seating options such as picnic tables and benches. There are groupings of boulders intended to be either seating areas or choose your own adventure play areas. Ms. Kowalczyk stressed how she believes that we should have enough options for older people to enjoy the park as well.

Ms. Dorothy expressed how she is not noticing places to park bicycles. Mr. Kolwicz explained how that was a comment that came out of their process that has not been updated in the video yet. He assured her there would be adequate places provided.

Mr. Robinson stated that he found the functionality in the design to be exciting in the playground. He is glad to hear about the garden and the train feature is exciting. He noted Mr. Myers's dogged support for this project over the years. He is confident we would not be at this place were it not for his recognition of the importance of this project.

Mr. Greeson expressed how he hopes that we will hear later this spring about the status of our request for Capital Bill funding from the state and whether our request was successful or not. In these alternatives there are opportunities for foundation or corporate support in our community and from around the region from organizations that like to invest in park and recreational activities. He believes it would be wise for staff to pursue those and he would like to begin doing so if there are no objections. The entities we approach would need to be compatible to the City's interest and consistent with our sponsorship guidelines.

Mr. Myers asked about the community garden enhancements. Mr. Kolwicz said that from their conversations they have zeroed in on a storage facility of sorts. Following their work with them during the master planning process, the garden made a concerted effort to enhance the aesthetic value of the space.

- Joint Recreation District Update

Mr. Greeson stated that he did not prepare a formal PowerPoint for this topic tonight, and the memo provided was intended to answer a series of questions that Councilmembers had posed. He asked what the most fruitful way would be to overview this topic and what should be focused on for discussion.

Mr. Myers expressed that when reading ORC 755, there are two provisions which say what a City and a Joint Recreation District can do. It does not give much guidance as to how it is set up, how it functions, who owns what, and who has control. He does not want to appoint five members, tell them to run a pool, and then dump a whole bunch of work on them with little guidance. He has questions about who would have ownership of the

property, what the City's role would be in this going forward, will there be a charter, and those types of questions.

President Michael said that the wording is so vague, when looking at what other communities have done, there is a lot of open space when developing this within parameters.

Mr. Myers asserted since we are using public tax dollars, that is what makes him nervous.

Mr. Greeson explained that it would be beneficial and desirable to get to the point to say we are comfortable with the concept. Then we want to begin preparing the legislation that would answer all those details. When looking at examples of legislation around the state, it does not necessarily answer those details. However, we could craft a statement of policy that attempts to answer as many of them as possible.

President Michael suggested that it might be helpful to go through some of the concepts such as the composition of the board of trustees. Mr. Lindsey answered that the statute is very broad in what it allows you to appoint. It is also confusing in that there is a board that the City Council could create by itself, then there is another version you can create with another governmental entity. If the school district and the City were to create it, it does not fall under the category that sets the number and who appoints those members. It has the option of the two contracting entities to determine the number of board members and the method of their selection.

President Michael asked if Councilmembers prefer the City doing this by itself or in conjunction with the schools. Mr. Myers said he does not think we have a choice since the schools own the land.

Mr. Greeson explained how he has had several conversations with Dr. Bowers and SwimInc about this. His intent has been to work through each of these issues with them before we start turning this into legislation. The way the statute works is that we both must pass identical legislation. He is not going to present to the Council something that has not had the school's involvement as well. The next step may be to have a resolution that is general and consistent with the types of legislation from around the state. The document that goes alongside that would articulate the intent of the two governing bodies.

Mr. Myers asserted that legislation will help answer some of these little things such as who is going to hold title to things and who is going to be responsible for drafting those underlying contracts and leases. He stated that maybe if he can see the context of the legislation, that would answer many of his questions.

Mr. Greeson suggested taking an approach that has legislation that provides future school boards, city councils, and joint recreation districts flexibility. Council can debate how much you want to put into the legislation itself and what you want to be in a statement of policy.

Ms. Kowalczyk explained that we also need to think about what is important as this moves forward. To her, there needs to be some oversight and accountability baked into this. There may be other things we think are important to include in this policy statement. She personally thinks there should be accountability back to us. How much accountability can we get in terms of raising funds, where are they spending the money, and how are they planning. The reason we are here is because of sustainability and the lack of planning for the future effectively.

Ms. Dorothy agreed with Ms. Kowalczyk's comments. She asserted that one of the reasons we are going down this path is because we agreed it is a community asset, but why. What goal is this furthering in making it a community asset.

President Michael explained how that with any City funding that we would give, it could be handled like it is for the McConnell Arts Center or the other groups where they come in with a proposal, explain why they are doing something, along with a budget. The other thing is that she would hate it if the goal was limited to just the swimming pools. If this gets up and going and in ten years everything is running smoothly, then this also leaves the opportunity for the Worthington Youth Boosters to work with the JRD to create programs that would serve within the school district, but not necessarily be in the City.

Ms. Dorothy said that if we wanted to do that, then it would be put into the purpose of why we are creating it.

Mr. Myers brought up that when looking at the statute, if it is drafted broadly, then the JRD can carry out the purposes that it sees fit. The downside is that we are ceding control to another governmental entity and the only way we can exercise authority long term over this is based on who we appoint to the board of trustees. We can tell them they can do whatever the law allows, and we will give them suggestions, but they are free to ignore those because they are an equal branch of government now. That is something we will need to get our head around.

Mr. Robinson asked about whether we would have the ability to not only appoint board members, but also to remove those board members. If so, then co-equal would not fully describe the relationship.

Mr. Lindsey responded that the various resolutions and by-laws that we have examined for other districts across the state have allowed some aspect of that ability to remove board members in varying degrees. The other option under statute, that could be described as the "Nuclear Option" is the ability to withdraw from the district. By statute, if the number of entities forming the district becomes one, then the district dissolves, subject to any bonds that may have been issued and any levies that have been passed and will continue to be collected until they are paid off. There is included some malfeasance language as being one basis to remove board members, but that is still subject to a vote of the board itself to determine whether there was any wrongdoing. However, that does not speak to group malfeasance of the board, which would be a separate question. Board members not fulfilling attendance requirements could also be grounds for removal.

Mr. Robinson asked Mr. Greeson if there are other options to raise this type of capital or is this the best option to get a large sum for long-term sustainability. Mr. Greeson stated that he believes this is the best option for several reasons. When looking at the master plan for the pools, the costs involved, and the expectations from the community, we are looking at a need of about \$24 million. That outstrips our ability for financing. When you look at fairness in creating an equitable model for funding public assets, you need to look at who will be the beneficiaries of the recreational asset we are creating. The reality is that it is not only the residents of Worthington, but all the members of the larger Worthington area. The JRD represents the best way to have all the potential beneficiaries cover the cost of the public asset. The other option would be to split responsibilities, with the City working with SwimInc to fund the outdoor pool, and the schools would potentially place a levy on a future ballot for the natatorium. The downside to that approach touches on the fairness and equity issue, where only Worthington residents would be investing in the outdoor pool and not all the potential users that could benefit from it. Also, we may not be able to contribute enough funds to meet expectations in terms of amenities at the outdoor pool. If we do, that would be at the expense of other projects that are beneficial to the Worthington community. If we plan the project as a whole, that can yield efficiencies in design, construction, and operations that you would lose when completing the project piecemeal.

President Michael asked what kind of timeline we are looking at. Mr. Greeson presented that we have a little flexibility in timing for this. After talking to Dr. Bowers about the school's levy cycle, they will not be on the ballot until 2022, so there is time to decide if a JRD goes to the ballot in 2020 or 2021. We need to keep moving on this issue and need to bring legislation back for review in coming months.

Mr. Myers asserted that it does not seem realistic that we could create the new entity and have them get together and be able to file in August to get on the ballot. He does not think they will have an operational organization for a levy to get passed. He believes that 2021 would be much more realistic. He asked if SwimInc would be okay to get through this year. Mr. Greeson responded that they are, and they are a viable, successful organization.

President Michael asked about the million dollars they received from that state and if they can capitalize on those funds. Mr. Greeson explained they met with the Ohio Department of Natural Resources last week and they are developing a plan to utilize those dollars. To one of Mr. Myers's questions in the memo, one of the critical questions is whether the JRD would need to have an interest in the property. If they do, the question becomes whether the JRD needs to assume the lease currently held by SwimInc, they would then need to oversee the construction project, and contract with SwimInc to manage it as they have for the past 50 years. The next time we are talking about the statement of policy and a resolution, that is a critical question that will need to be resolved. Back to President Michael's question, he explained that SwimInc can draw down the state dollars for design, for further site investigation, and have every intent to collaborate with the City and the schools in the further development of the project.

Ms. Dorothy asked what was needed from Council to keep this process going. Mr. Greeson asked if Council is comfortable with staff preparing legislation and a policy statement. Ms. Dorothy emphasized that she would like to move forward and she thinks that is a good way.

Policy Item(s)

- Financial Report – February 2020

Mr. Robinson asked Mr. Bartter about why year-to-date tax collections are above estimates by 5.3%. Mr. Bartter responded there is no singular driver. A large portion is from net profit receipts which are up significantly. That cannot be attributed to one single taxpayer, but multiple taxpayers making estimated payments on the corporate side. Mr. Robinson asked what accounts for the significant drop in the general fund balance. Mr. Bartter answered that primarily occurred in January with a large payment being made to the Northwest Regional Emergency Center of \$1.2 million and the fact there were three pays in January that contributed another \$600,000 to the drop. We have also not received property tax revenues which will not come in until March or April.

MOTION

Mr. Robinson moved, Ms. Dorothy seconded a motion to accept the February 2020 Financial Report as presented.

The motion carried unanimously by a voice vote.

Mr. Greeson brought up that Marty Jenkins has provided an agenda for the City Council retreat. There is a framework in there he uses to approach the ideas and issues that will come up. He has proposed using this element of strategic decisions framework to help discuss and frame the various issues being raise. Considering Mr. Jenkins's long track record facilitating city council retreats, he believes this will be a good process.

Mr. Robinson asked about number three regarding the three imperatives of public organization. Mr. Greeson explained how Mr. Jenkins has a piece he does when he facilitates a board or council retreat about the things, which he thinks are important for elected bodies to know or to focus on when doing the public's work. President Michael noted that the three are civility, consensus, and credibility.

Councilmembers and staff discussed the timing of the retreat on Friday and Saturday. Mr. Greeson explained that he would send out the details to Council since it is not on the agenda that was sent out.

Mr. Greeson explained how Life Care Alliance has an event from eleven to noon next week where they could use help delivering Meals on Wheels. That is a great way to see how the City's grant dollars are being used in the community.

Lastly, he brought up that at your place is a Rush Run study and a memorandum from Mr. Whited. We plan to schedule this for the Committee of the Whole meeting in April. Additionally, we will discuss our waterline assessment at that meeting.

Ms. Dorothy brought up that there might be some money available within a very tight timeframe for Rush Run. Mr. Whited said he had that indication today from Ms. Fay. He is not sure if it is possible considering the timeframe.

Mr. Robinson asked if this study is available publicly. Mr. Greeson said it is not, but we would be glad to share it with the property owners who have their properties referenced.

Mr. Lindsey explained how next week, we will be presenting a resolution regarding the opioid settlement and the One Ohio memorandum of understanding. The purpose will be to seek Council direction indicating the City's support of that approach to the division of funds. We will provide additional background information.

REPORT OF COUNCIL MEMBERS

Mr. Bucher gave an update on the AEP and Columbia Gas energy efficiency campaigns that Sustainable Worthington has been pursuing along with the library and other community partners. There was a significant planning meeting last Friday to get final details in place. The group intends to launch community education enrollment on April 1st. It will be a four-month campaign. He thinks it would be wise to get something from AEP or Columbia Gas and update Council soon.

Mr. Greeson explained that it would be beneficial since it is consistent with one of Council's goals which is community energy efficiency. It is best that they explain it because it is a program that they run throughout communities. The more people that participate, the more energy we save in the community and they provide grant funds. This would give them a public forum to share with a broader audience what the program is and what we would be up to. It would also give staff a signal to support the effort through helping communicate through our various communications channels to the community.

Ms. Kowalczyk brought up how she has the privilege of participating in a meeting with the Franklin County Commissioners on Age-Friendly Franklin County. Age-Friendly Franklin County will release their strategic plan on how to serve the County, including mentoring and supporting Age-Friendly communities like ours moving forward. As soon as they release the plan tomorrow morning, she will share that with all the Councilmembers.

Ms. Dorothy stated that she attended the Upper Arlington Historical Society's presentation on March 4th. They brought in Richard Roth Stein, the author of the Color of Law, which demonstrates how residential segregation was created by racially explicit and unconstitutional policy that subsidized with only suburbanization. One of the most important things he mentioned centered on repealing exclusionary zoning that prohibit the construction of townhomes or low-rise apartments. Most of our zonings are single-family homes in Worthington, and we are 93% white. This would not cost anything and would be a very important step to take towards creating the possibility of integration.

President Michael brought up that the Central Ohio Mayors and Managers meeting was last Friday. There were two presentation, one was from the Mid-Ohio Regional Planning Commission study on housing in the region. The other one was about the City of Columbus and electric aggregation where we were given as an example. There is the potential for having regional aggregation and we could possibly join that. She mentioned how Anne Brown sent out the invitation to Vice Mayor Lorimer's retirement and she encourages everyone to RSVP. Lastly, the eminent domain bill was reintroduced in the state legislature. There are many of us that feel it is bad legislation.

EXECUTIVE SESSION

ADJOURNMENT

MOTION Mr. Smith moved, Mr. Myers seconded a motion to adjourn.

President Michael declared the meeting adjourned at 9:29 p.m.

Clerk of Council

*APPROVED by the City Council, this
6th day of April, 2020.*

Council President



CITY OF WORTHINGTON
Worthington City Council Minutes
March 16, 2020

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, March 16, 2020, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

ROLL CALL

Members Present: Peter Bucher, Rachael R. Dorothy, Scott Myers, David Robinson, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent: Beth Kowalczyk

Also present: City Manager Matt Greeson, Law Director Tom Lindsey, Chief of Police Robert Ware, Chief of Fire Mark Zambito, Clerk of Council D. Kay Thress

There were two visitors present.

PLEDGE OF ALLEGIANCE

President Michael invited all to stand and join in reciting the Pledge of Allegiance to the flag.

VISITOR COMMENTS

There were no visitor comments.

SPECIAL PRESENTATION(S)

President Michael announced that those who are live streaming will notice that Council members are spaced out to help ensure social distancing as recommended by the Health Department. Ms. Kowalczyk is out ill this evening, but we understand that she is on the mend. The Special Presentation to recognize Bob Burpee and Amy Lloyd for their years of service to the City is being postponed until such time as it is safer for them and their families to attend.

APPROVAL OF THE MINUTES

- Meeting Minutes – March 2, 2020

MOTION

Mr. Bucher moved, and Mr. Smith seconded a motion to approve the meeting minutes as presented.

There being no additions or corrections, the motion to approve the minutes as presented carried unanimously by a voice vote.

President Michael shared that we have a special presentation tonight from Columbus Public Health regarding the Coronavirus. To those who are watching on-line, feel free to e-mail any questions you may have to the Council@worthington.org e-mail address and the Clerk will share them at the appropriate time. She invited Mr. Greeson to provide the introductions.

Mr. Greeson commented that prior to those introductions, he would like to share with members about COVID-19 and their City's response to it. Due to COVID-19 unprecedented in our lifetime, emergency management measures are being taken to protect the health and safety of citizens across this country and here in Worthington. Emergencies work across departmental lines and impact the community in many ways. All local governments have a system for managing emergencies using a cross functional structure called Incident Command. Last week we invoked our Pandemic Response Plans and staff moved into its Incident Command system for managing this event. Chief Ware and Chief Zambito join him this evening as part of what we call the Unified Command. He reported that all departments and many staff are working well together to address critical needs during this pandemic. We are diligently making necessary adjustments to facility access, services, programs, response protocols and taking other measures to accomplish several goals: First, we want to support sound public health strategies which you will hear about in a moment to reduce the likelihood of spread in our community, fulfilling our City's core mission of protecting the health and safety of its citizens. Second, we are focusing on maintaining critical essential services that are necessary to respond to this rapidly evolving crisis. To do so we are taking various measures to protect essential personnel. Third, we know many services are critical to life in Worthington and we are cognizant that disruption of them has an impact on our citizens quality of life. We are creatively approaching work and services and how we provide them to foster social distancing but also to make progress where possible and lay the groundwork to an eventual return to community normalcy. For information with all the changes in facility access, City services and programs, he recommends that people study the Worthington.org website as it is being updated on a regular basis.

Information is also being posted related to the City's response to COVID-19. Our efforts to achieve the goals that he outlines are supported by each of our many governmental and not for profit partners in the community. One of those partners is Columbus Public Health. He is pleased to have one of our region's top health officials and the leader of Worthington's contract health department, Dr. Mysheika Roberts the Director of

Columbus Public Health as well as Assistant Health Director Mike Fielding. Dr. Roberts and her team have been in constant contact with us providing advice and guidance on all of our measures. We are grateful for their support and leadership and are pleased to have them here this evening to provide an update on COVID-19.

Mr. Greeson offered the following message for Worthington citizens: Extend patience, compliance with public health directives issues by Dr. Roberts and other public health officials. We are blessed with great partners and strong governmental agencies in Worthington and we are a highly resilient community. He believes with everyone's cooperation we can mitigate the impact of this pandemic in our community saving lives. We urge everyone's cooperation during this challenging time. It is his honor to turn the meeting over to Dr. Roberts.

Dr. Roberts thanked Council for the opportunity to speak with them. She is present to provide an update on the COVID-19 pandemic. As of today, Ohio has 50 confirmed cases in twelve counties, including Franklin County. Columbus Public Health has been working Incident Command structure for the last six weeks to plan and prepare for the inevitable arrival of COVID-19 in our community. On March 14 the first confirmed case of COVID-19 was reported in Franklin County. The individual is currently at home recuperating and in isolation.

Since being notified of that case, Columbus Public Health has been working around the clock to identify and contact those who knew or was with him on the cruise or shortly after he returned. There are currently two asymptomatic household contacts in quarantine and two other close contacts who are sick and in isolation. We anticipate getting the results of the two sick contacts any day.

This pandemic continues to rapidly evolve, and additional local cases are anticipated. They have been preparing for this moment for a long time and are responding in many ways. On March 13, the Columbus Board of Health declared a local public health emergency to put additional safety measures into place. This allows Dr. Roberts as a health commissioner for the cities of Columbus and Worthington to take additional steps to quarantine and isolate individuals as needed. She can mandate testing and treatment to ensure people are getting appropriate care and it allows the two cities to control and limit ingress and egress of public areas. This emergency order was put in place at this time to ensure all tools and resources are available to her and her colleagues if needed. Testing is occurring for the sickest and most at-risk patients at this point. Our local health systems are prepared and have begun providing testing for those not sick enough to be hospitalized.

Dr. Roberts shared that she is meeting twice a week with the Chief Medical Officers in the area to ensure they are all working together in the most efficient way for our community. She reported that Columbus Public Health has developed a local call center in case anyone has questions or concerns. That number is 614-645-1519.

In addition to the local efforts, Governor DeWine has issued multiple executive orders as part of this response. As of yesterday, all Ohio bars are closed to in-house patrons.

Restaurant dining rooms are closed but takeout and delivery options may be available. Today he announced the calendar of fitness gyms, bowling alleys, indoor water parks and indoor trampoline parks. They are encouraging people, when they can, to support local businesses, especially restaurants. Purchase a take-out meal or buy a gift card that can be used later.

The governor also limited mass gatherings in Ohio to 100 people. Prior to arriving for this meeting, she heard the CDC is limiting those gatherings to 10 people or less. While she hasn't seen that in writing yet, that would include gatherings like this one. We would have to consider moving forward if that would meet the criteria.

Our Governor also told all K-12 schools (includes public, community and private) that they should close until April 3. It does not apply to daycare centers as of yet. The Ohio Department of Health does have a call center opened seven days a week from 9:00 a.m. to 8:00 p.m. for questions or concerns. That number is 833-4ASK-ODH.

Dr. Roberts assured members that they will continue to work with our state and city leaders, our health care systems and our partners to monitor this evolving situation. They will continue to work diligently to protect the health and safety of our community during these unprecedented times.

We must work together to help our communities get through this pandemic. The most important thing anyone can do is stay home when you are sick and encourage others to do the same. She also encouraged everyone to wash their hands, preferably with soap and water but if that is not available then hand sanitizer. Other steps are covering your mouth when you cough, avoid shaking hands and touching objects such as railings and things of that nature. Protecting the health of our communities takes all of us, working together. Columbus Public Health is here for the Worthington community, providing updated information to protect members, their families, and this community. She thanked members for their time and asked if there were any questions.

Mr. Robinson asked if it is possible to have the virus but be asymptomatic and if so, are asymptomatic persons contagious. Dr. Roberts replied that it is possible to be carrying the virus while asymptomatic or very few symptoms. They also believe that the virus can be shared with others during that time.

Mr. Robinson then asked when someone would begin to show symptoms of the virus. Dr. Roberts replied that their information on this new virus is very limited at this time. They believe that people should begin showing signs within fourteen days of being exposed. The frame is usually within five days but could be up to fourteen days.

Mr. Robinson next asked if someone contracts the virus, how long will they remain ill and particularly contagious. Dr. Roberts replied that the length of the illness will vary from person to person. The data shows that most who contract COVID-19 will be sick for about two weeks, which is a much longer duration than the seasonal flu. It is much harder to say about how long people will test positive for the virus even once the

symptoms have gone away. She can't really answer the question at this time because there are still many unknowns.

Mr. Robinson asked what we know of the seasonality of this virus and what does seasonality mean in the case of this virus. Dr. Roberts replied that we know a great deal about the flu, but we don't know how this virus is going to behave. The unknowns of this virus are what is so concerning to so many scientists around the world. We hope like other coronaviruses that it will start to decline when the weather turns warmer.

To Mr. Robinson's question about what types of surfaces the virus could be transmittable through or by, and whether paper is a concern, Dr. Roberts replied that the thought is the transmission is through contact with hard surfaces. Those are frequently touched places like your phone, doorknobs, pads on an elevator and things of that nature. There is some data that shows it can live on money, but for the most part we focus on hard surface areas. The says it lives as short as 24 hours and as long as three days on hard surface but there are still many unknowns.

Mr. Myers asked if the directive on mass gatherings of ten or more just occurred today. Dr. Roberts replied yes although she has not yet seen that in writing from the CDC. She understands that President Trump shared that with his task force at his press conference.

Mr. Myers asked how the mechanics would work if the directives on mass gatherings became mandatory. Dr. Roberts replied that the CDC makes the recommendations. But so far it has been up to the local governments to make the directives. For Ohio that is coming from Governor DeWine and Amy Acton from the State Health Department. She anticipates that the Governor will likely change his recommendation of the definition of mass gathering from 100 or more to ten or more if the CDC puts it out in writing. It has really been up to local municipalities to enforce that and people have been complying for the most part.

Mr. Bucher asked if we have a sense of where people are congregating now that bars and restaurants have been closed for the most part. Dr. Roberts replied that she was personally out Saturday night and she did not see congregating of mass numbers. She suspects there has been which is why the Governor made the decision to close restaurants and bars for in-room dining. She is not aware of any problematic areas in either Worthington or Columbus from a public health standpoint.

Ms. Dorothy commented that if somebody is sick, what is the best way for them to go about seeking help. Dr. Roberts replied that if someone is sick and thinks they have the virus or the flu, they should first seek the services of their health care provider if they have one. Most of our four health care systems here have the means to test individuals as an out-patient. If they do not have a health care provider or insurance, they can call the Health Department at 614 645-1519, describe the situation and they can either help get them into care somewhere or get them tested if they feel they meet the criteria for testing.

When Ms. Dorothy asked about the use of 9-1-1, Mr. Greeson shared that we want to encourage citizens to call their health providers. We do not want people to call the 9-1-1 emergency number for a low-grade fever or sniffles or non-emergency issues. We are also trying to ensure that our first responders are healthy, particularly our paramedics who are to be responding to critical incidents. We are prohibiting drop-by visits to the fire station because we do not want people coming in who believe they may have the virus and inadvertently pass it on to a first responder.

Dr. Roberts agreed that individuals should not be using 9-1-1 unless they are in distress with this illness. They must be mindful of our health care professionals and our first responders. We need them now more than ever and we need them healthy. Most primary care advisors and others in town have changed their practice by postponing well visits and only taking sick people at this time. Many are screening people outside in their cars before they come into the facility. Even eye doctors are asking people if they are experiencing any symptoms and if they are, then they are asking them to leave because they do not want them to infect their waiting room. We are trying to prevent the spread of this virus. We want our health care providers and first responders to stay healthy.

Ms. Dorothy understands the need for social distancing. She asked about keeping socially connected, recognizing that mental health is a big problem. Dr. Roberts encouraged the use of technology, programs such as Google Hangout or Facetime. We do our best to stay in contact with friends and loved ones without physically being face to face. This is the time to write letters and send e-mails. We are used to social and physical connections, so this is going to be difficult for some, especially those who live alone. She encouraged people to reach out to check on those who live alone or those who have mental health issues and see how they are doing.

Mr. Robinson asked how the new standard of ten or more people for mass gathering pertains to places of employment. Dr. Roberts replied workplaces were excluded by the Governor.

President Michael wondered how groups of ten will impact airline flights. Dr. Roberts replied that she has no jurisdiction over air travel, so she does not know the answer to that question. There is also the issue of buses and trains and whether they are excluded.

President Michael reported seeing people running to the grocery store and hoarding groceries because they need enough food for fourteen days. She asked if there are plans for grocery stores to close. She would think that could be something they could manage with hours. Dr. Roberts understands that at least Giant Eagle and Kroger, will be altering their hours because they need time to restock because people are hoarding. That is not necessary. Our food supply chain is strong and intact. We will be getting more supplies. At this point there is no curfew or mandatory quarantine for individuals in Ohio.

President Michael commented that she hopes the message gets out to people and they slow down. Dr. Roberts agreed.

There being no e-mails from the public, President Michael thanked Dr. Roberts for all of the work she and her staff have been doing on behalf of the city of Worthington.

PUBLIC HEARINGS ON LEGISLATION

President Michael declared public hearings and voting on legislation previously introduced to be in order.

Ordinance No. 08-2020

Establishing Compensation for the Vice Mayor of the Municipality of Worthington.

The foregoing Ordinance Title was read.

Mr. Greeson again reminded everyone that during the public hearing items people can submit comments through the Council e-mail to Council@worthington.org. If any are submitted, the clerk will read them into the record at the appropriate time.

Mr. Lindsey reported that this ordinance establishes a salary for the Vice Mayor. Since its creation, the Vice Mayor's position has not had a salary. Upon hearing that Mr. Lorimer did not wish to continue, staff felt it appropriate to establish the salary as we go forward and seek interested parties for that position.

Mr. Lindsey shared that the ordinance that was introduced had both a variable rate as well as a fixed rate. The thinking in doing that was to recognize that when the Vice Mayor sits in Mayor's Court in place of the Mayor then he/she ought to be compensated to make that equitable. However, after further review and in reaching out to the OPERS representatives, they believed this fell within the Administrative Code provision that says that you can't compensate these employees on a per session basis. There is language in the Administrative Code that we knew applies to Council members on a per meeting basis. He attempted argument with the gentleman on the phone that this is different because it is more like somebody working and not unlike if you were paying them by the hour, but we pay by the session. He indicated nonetheless it would still be not pensionable to avoid complicated issues for our finance department, we recommend capping as a fixed salary of \$2,400 a year and ask for approval. We will need a motion to amend the ordinance to the amended version and then ask for approval of the amended ordinance.

MOTION

Mr. Myers made a motion to amend the ordinance in Section 1. to include a fixed amount of \$2,400.00. The motion was seconded by Ms. Dorothy.

The motion carried unanimously by a voice vote.

Mr. Myers commented that there is no threshold amount for PERS service credits and contributions. Mr. Lindsey replied that they would not receive full credit for the year

because the total pay will not reach that level. The fixed amount would allow them to obtain partial credit.

There being no additional comments, the clerk called the roll on Ordinance No. 08-2020 (As Amended). The motion carried by the following vote:

Yes 6 Bucher, Robinson, Dorothy, Smith, Myers, Michael

No 0

Ordinance No. 08-2020 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 12-2020 Amending Ordinance 46-2019 to Establish Compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent.

The foregoing Ordinance Title was read.

Mr. Greeson reported that in a recent meeting Council approved a new job description for the Assistant Director/Parks and Recreation Superintendent for the Department of Parks and Recreation. Anytime we have a retirement or vacancy we review job descriptions and pay and evaluate that position before filling it. That job description was updated and moved from the classified service to the unclassified. We introduced legislation to set the pay rate for the now unclassified position which is in the ordinance here at about \$92,000. We evaluated the marketplace and looked at what comparable communities that run similar operations are paying similarly responsible positions and recommend that this ordinance be approved as submitted.

There being no additional comments, the clerk called the roll on Ordinance No. 12-2020. The motion carried by the following vote:

Yes 6 Robinson, Dorothy, Smith, Myers, Bucher, Michael

No 0

Ordinance No. 12-2020 was thereupon declared duly passed and is recorded in full in the appropriate record book.

President Michael shared that Ordinance No. 15-2020 is at members' places this evening and will be introduced as an emergency. She moved it to this point on the Agenda because this will also serve as the public hearing.

Ordinance No. 15-2020 Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for

Appropriations from the General Fund Unappropriated Balance, Amending Codified Ordinance Section 507.01 - Proclamation of State of Emergency, Authorizing the City Manager to Temporarily Waive or Suspend the provisions of Codified Ordinance Chapter 137 and the Personnel Rules and Regulations, Authorizing the Columbus Board of Health to take Necessary Actions, and Declaring an Emergency.

Introduced by Ms. Dorothy.

Mr. Greeson commented that this is legislation that we are suggesting members adopt by an emergency, which means it needs a six of seven vote to pass. So, all six of you present would need to vote in the affirmative. By adopting it by emergency it will waive the waiting period and go into effect immediately rather than the twenty-day waiting period. That is the nature of emergency and we think the pandemic rises to that level. This legislation accomplishes several things. He invited Mr. Lindsey to supplement and add context to his comments.

First, it would appropriate funds, approximately \$200,000; \$100,000 of that would be contingency. Council does not meet again for several weeks and most of our budget has some limited flexibility for unforeseen circumstances. While we are hopeful that this pandemic does not result in any inordinate or unusual purchases being necessary, we wanted some financial flexibility to respond if the need arises. The second \$100,000 are dollars associated with pay continuity. We are developing the plans for how we treat employees during all of this, and he may brief you in executive session this evening regarding that. But this appropriation is dollars to ease the finance departments accounting and tracking of it. It is anticipated that we will expend money out of that in order to provide for one account in which those dollars are tracked.

The second thing we are doing is tightening a variety of language in 507.01, which is the State of Emergency provisions in the Codified Ordinances. In particular, we are adding language to include public health emergencies and pandemic to that proclamation and state of emergency code language.

Mr. Greeson reported that Council would also be authorizing him to temporarily suspend provisions of the personnel rules and regulations to provide more flexibility to manage our response with the goal of ensuring that we maintain essential services to our citizens. It adds language that would support the role of the Columbus Public Health in their efforts to protect whether citizens in addition to Columbus citizens.

Mr. Lindsey agreed with what Mr. Greeson shared. As indicated, the language clarifies the ability to proclaim a state of emergency. The argument may be made that we have that authority but in this important public health emergency we felt it important to make sure the City Manager was on solid ground, so we recommend that change. We added pandemic

and public health emergencies as two specific types of emergencies. It also added any emergency declared by the President of the United States or the Governor of Ohio. We wanted to have those bases covered and to have that authority. A minor tweak was made to the list of people who have that authority.

He spoke with Council member Robinson earlier today. He had raised a few questions that do go to the question of the entire Chapter of 507 and the authority and how it might be implemented. This is a very old ordinance and he commits to reviewing it when we move out of this emergency phase to make code amendments that would improve it. He suspects that between the two chiefs and the City Manager there may be suggestions that would improve it based on what we are going to learn over the next few weeks, if not months. That is a commitment that we will make to bring back changes to not just 507.01 but also the entire chapter.

Mr. Lindsey also noted that in addition to suspending Personnel Rules in Chapter 137, we have included language to provide compensation to employees who may not be able to work due to public building closures or other official actions taken in response to the public health emergency. That language, which may be the subject of an executive session discussion, concerns what is the appropriate approach in terms of compensation. We wanted to make sure the City Manager had the appropriate authority to move in that direction if we try to provide pay continuity to those people who through no fault of their own are being told they are not permitted to work. That language was included because auditors frequently question why somebody was paid if there was no indication that they worked. That Council authorization would be enough for any audit review.

The Columbus Board of Health have been wonderful partners to the city of Worthington in a variety of way. They do so by contract. We believe they have full authority to take the actions they have in the past and for the ones they will take in the future. Being a cautious lawyer, Mr. Lindsey said he would prefer that Council make an express authorization of their actions. The limitation being those as permitted under State law. We are not giving them broader authority; we are just acknowledging that they are our Board of Health and our public health provider.

Mr. Robinson shared that he fully supports the passage of this ordinance for obvious reasons. After we get through this emergency though he would suggest we look at Chapter 507.01 again, specifically making more explicit the protocol for establishing a state of emergency and then an explicit statement about the termination of the state of emergency. Perhaps include a sunset clause requiring a vote by Council for its continuation. Beyond that he feels entirely trusting and comforted truthfully that City Manager Matt Greeson, Tom Lindsey and other staff are supervising all of this and he feels they will handle this with the utmost competence and diligence.

Mr. Lindsey added that this may be the first emergency legislation Council has done during his tenure as law director for the City. The City Charter reads that a motion to approve this by emergency would be in advance of the actual vote on the motion. All of those would require a vote of 6-7. We did include more specific language in the ordinance that he felt

was appropriate to comply with not only the charter language but also what state law says in terms of identifying the actual emergency and not just using the statutory phrasing of emergency so we have identified it as this particular health emergency.

Ms. Dorothy noted that it is also clarified in Sections 3 and 4 about the duration of the public health emergency. So, there is a sunset clause in there. Mr. Lindsey agreed that as to those two sections. The issue that Council member Robinson raised about duration is that Chapter 507 of the codified ordinances does not have specific language as to the duration of a declaration by the City Manager. We will address that later. We are not worried about it for this situation.

Mr. Myers commented that consistent with what everybody else has said as it was back in 2010 and he will go on record to say that he thinks our top priority is to take care of our employees. He is fully supportive of that.

Mr. Lindsey, As he reads Section 4, he asked what is the declaration that triggers this? He asked if it is the declaration by the City Manager or the one by Columbus Public Health? As he reads it, it is the declaration by Columbus Public Health. Mr. Lindsey agreed that the reference to the public health emergency is the public health emergency as described in the WHEREAS clauses.

Mr. Myers stated that the public health emergency is declared by an entity under contract with Worthington but is not a Worthington entity? Mr. Lindsey agreed. Mr. Myers stated that the duration of this ordinance hinges on an outside party's decision? Mr. Lindsey agreed.

Mr. Myers stated that the appropriation is open-ended. Mr. Lindsey clarified that the appropriation, like any of our other appropriations, is made and the money is moved and available absent an amendment of our annual appropriation ordinance to remove it. Mr. Myers stated that for the duration of this budget cycle Mr. Greeson will have a \$100,000 contingency fund to spend. Mr. Lindsey agreed. He added that he normally has a \$50,000 contingency but this is for the unknowns.

Mr. Myers shared that the 10 or more is kind of what really prompted him. There will come a point when we run afoul of our constitution. He wants to make certain that he puts that out there that he for one is cognizant of that. He understands that there are contingencies here that are driving this. He understands that we need to take care of our employees. We need to have a fund of money in case something comes up. He just wants to make very, very certain that this crisis does not cause an erosion of normal safeguards we have always adhered to. He has no doubts, just because of past practice and it's the way Mr. Greeson works, if any money comes out of this fund Council members will be informed. Mr. Greeson agreed that it will be tracked and reported.

Mr. Myers stated that he is concerned that we are stepping into uncharted territory, not just with this appropriation but with many other things that are going on in our country right now that trouble him. We need to be really careful and keep an eye on things. He

wants to make certain we are not walking down a slippery slope and not making open-ended promises and appropriations that may come back later to cause issues.

Mr. Robinson asked for additional information from Mr. Myers because he wants to understand his concern.

Mr. Myers shared that we have a first amendment right to congregate and to travel. He understands there are times when those rights can be set aside because of a crisis, such as occurred during World War II. There are some who have argued that conscription is a violation of the 13th amendment. We always have to be careful and cautious in how we move forward to make certain the crisis of the situation does not justify things that later can be used to support an erosion of otherwise well recognized rights. That's the only point he is trying to make. Not that it is not important to do what we are doing now but we just have to be careful.

Mr. Robinson said he agreed with the sentiment. That is what he was trying to get at. He asked Mr. Myers if he could explain the connection with what he thinks he was leveraging off of the appropriation of the \$100,000. Mr. Myers said he was unclear as to the duration, but he thinks it has been cleared up for him. There actually is no end of this appropriation. It will last for the entire budget cycle. He does not want some outside entity telling him what the duration of that appropriation is. He thinks that is a delegation of his authority as a Council member. Now that Mr. Lindsey has explained how it work and it is not contingent on the Director of Columbus Public Health telling him when this stop, he feels more comfortable.

Mr. Lindsey wants to reassure all of Council, and he appreciates Mr. Myers concern that we want to honor and respect our own provisions regarding financial integrity. Mr. Bartter and his staff do a wonderful job under the direction of Mr. Greeson. We have under our Charter the authority to ask Council to approve emergency appropriations that exceed anticipated revenues. We are certainly not in that situation now because of Council's fiscal responsibility over the past several years to build up reserves that provide the resources to address true emergencies. He is confident in Mr. Bartter and Mr. Greeson to make sure that future requests for funding during this current emergency will still be done with that watchful eye of not being excessive in what is being asked and that Mr. Greeson as far as the contingency spending will be cautious not to be approving purchases that are not truly necessary. He added to that the fact that members are present here tonight, in attendance in person, the fact this meeting is open to the public, although none of them chose to appear in person is reflective of the fact that despite some who would say this emergency warrants deviation from our established laws it is not your law director's view, that we deviate from either constitutional provisions or laws just because of emergency. We have to find a legal basis to do what we do and that will continue to be his advice to the City Manager and to Council as we proceed down this emergency.

President Michael understands that it is going to take a lot of hard work. She appreciates their hard work in getting this together.

MOTION Mr. Robinson made a motion to pass Ordinance No. 15-2020 as an emergency. The motion was seconded by Mr. Bucher.

At President Michael's request, the clerk called the roll on the motion to pass Ordinance N. 15-2020 as an emergency. The motion carried by the following vote:

Yes 6 Dorothy, Smith, Myers, Bucher, Robinson, Michael

No 0

The motion carried unanimously by a roll call vote.

The clerk confirmed that no e-mails had been received.

There being no additional comments, the clerk called the roll on Ordinance No. 15-2020 as an Emergency. The motion carried by the following vote:

Yes 6 Smith, Myers, Bucher, Robinson, Dorothy, Michael

No 0

Ordinance No. 15-2020 was thereupon declared duly passed as an emergency and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 21-2020 Supporting a Unified Plan for the Allocation and Use of Opioid Settlement Proceeds and Authorizing the City Manager to Execute the One Ohio Memorandum of Understanding and Formal Agreements Implementing a Unified Plan.

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to adopt Resolution No.21-2020. The motion was seconded by Ms. Dorothy.

Mr. Greeson reported that Mr. Lindsey and Chief Ware have been working on this topic. He asked Mr. Lindsey to comment on this potential settlement.

Mr. Lindsey shared that many have probably seen reports in the Columbus Dispatch that explains the proposed One Ohio Plan for Opioid settlement proceeds. The goal of the plan is to have a unified presence for purposes of negotiations with the various pharmaceuticals involved in that supply chain and to hopefully improve Ohio's chances of having a reasonable settlement for the costs incurred by the state, counties, and cities in response to that issue. As of last week, the Attorney General indicated that at least government

entities representing 85% of the residents of Ohio had already approved this. We are asking for Council to support this to show that the city of Worthington is supportive of the effort so as to improve the likelihood of successful settlement. The actual formal agreement for any distribution in that process would be done at a later day. This is a Memorandum of Understanding and non-binding, but it does show the support the A.G.'s office has requested and the other lawyers representing municipalities within that legislation requested so as to improve our chances of settlement. We are fortunate as Chief Ware has detailed background in dealing with the problem in his prior employment and has additional things he could add. He also attended the meeting last month.

Mr. Lindsey added that as indicated in the Memo, the proposed distribution level for the city of Worthington would be \$745,441 per \$1 billion of settlement proceeds. This is a significant potential for the City providing that the state is successful in those settlement negotiations. I'll turn it over for additional comments to Chief Ware.

Chief Ware believes that most of the parties that were present that day have agreed in principle to this settlement proposal. Where there is some discussion is in the bureaucracy of how the money was tracked and allocated once it got to the individual communities or levels of government. He believes it is important for the Attorney General to put Ohio in a position to reap some of the benefits of the ongoing court cases and settlement proposals that are on the table now or in the courts and proceeding later this year.

In regards to the distribution and determination of value to each community, no community is going to recoup what they have spent in services over the years fighting this battle. However, base on fatality rates and overdose rates, he thinks it is a fair and equitable distribution for the city of Worthington. It appears that they have taken into account the hardest hit areas. Obviously would get a little bit more. He thinks in terms of damage to this community and recouping some of those dollars it is a fair and equitable amount.

Mr. Myers commented that this is the settlement the attorney general was recommending, correct? Mr. Lindsey replied correct. Mr. Myers stated that he wanted to make certain.

Ms. Dorothy commented that we do not know how much the funds are at this point in time. Mr. Lindsey agreed. He added that as of a month ago the discussion range was in \$18 billion over 18 years range was a proposed settlement that was out there. While that discussion is ongoing, the structure would be in place and that percentage per \$1 million is what we would be looking at. Ms. Dorothy stated that after receiving the funds, we would then decide what we might want to spend it on that falls under the categories that are in this document. Mr. Lindsey again agreed. He added that the attachment to the council memo included the abatement strategies that would be interested as appropriate expenditures. There is also going to be a non-profit organization established to administer 55% of those funds that will be comprised of a Board of municipal figures who are appointed by the state elected so we have a voice as determined by the state elected. That voice would be on behalf of municipalities, but the structure is there. Then a 30% share directly to municipalities and this is the point Chief Ware was making in that the exact

level of control over those expenditures was still part of the discussion before formal agreements would be reached and 15% would go to the state.

Mr. Greeson shared that we have a project before us we have not begun to work on which is to explore fully how we make a positive impact with the settlement dollars, if and when they become available. That is something we will work collaboratively on with our Police and Fire agencies as well as community partners in the structure we are provided.

Mr. Myers commented that in reference to the non-profit organization though sparked his memory. He asked if there are any safeguards to prohibit the general assembly from taking it like they did the tobacco settlement when budget times got tough? Mr. Lindsey explained that he does not believe the Memorandum of Understanding, being the non-binding document, has that level of detail of control. It was his understand by the discussion that non-profit was intended to be set up in a way to avoid that.

Mr. Lindsey added that there is also differences between the tobacco litigation and this litigation. One of the attorneys at that particular conference was pointing out a few of those, one of which being that part of the goal of the tobacco settlement was to drive up the cost of tobacco products so as to discourage consumption by youth. In this situation, because there is a legitimate need for the medicines when properly prescribed and taken, you do not want to drive up the price so there is a difference balance in how much money might be appropriate. There is also a difference in the capital behind tobacco was significantly more than the capital behind these. Mr. Myers concurred with that being a pretty persuasive argument that attorney has put together as to why this is different from the tobacco statement. He hopes it is true.

Mr. Lindsey shared that as to the specific question Council member Myers, no detail as to what safeguards as far as the General Assembly's ability to reach at unless Chief Ware remembers hearing something after he left.

Chief Ware replied that it was a topic of great discussion in the afternoon after Mr. Lindsey left. This non-profit organization is intended to take all control away from the legislature. It will be controlled by this non-profit entity so as legislators change from year to year, there is still local control of this organization. Some of the debate was about who the subject matter experts are on the non-profit board and who selects them. There was back and forth in that. The intent was that it is done by a level below the State and away from legislative oversight or control. It was not spelled out specifically in the original M.O.U. Some parties to that came back wanting clarification in the actual memorandum to ensure that was memorialized for future.

Mr. Myers concluded that there are people at the table, like Chief Ware who remember the tobacco settlement and what happened there and are at least thinking about it. Chief Ware replied that he was very young when that happened. One of the attorneys involved was part of the tobacco settlement and from North Carolina. He spelled out specifically what went wrong with that settlement and how the monies were spent, and this is designed to prevent that from happening again.

Mr. Lindsey added that the actual settlement with the specific company and where the payment is made will also have some bearing on that. Mr. Myers agreed but he wanted to make certain that that opinion has been expressed because it was a crime. It was a shame that what was designated for a pretty good purpose ended up being diverted. Chief Ware thinks from the Governor down that expression was explicitly relayed. The final analysis was some of the parties to this agreement wanted it spelled out specifically in the agreement.

Mr. Bucher asked if he could briefly touch on how many other communities are involved in this discussion or pending settlement. Mr. Lindsey replied essentially it is the entire state. The determination of the class is all cities and counties and therefore theoretically whether they filed a lawsuit or not. The city of Columbus did not file its own suit and neither did Worthington. Really only a handful of cities throughout the state incurred the actual expense of filing lawsuits. We will all benefit from the negotiating class as determined by the judge.

Mr. Bucher then asked if there is an estimate when it will be final, and would there be a timeframe to utilize whatever monies we receive. Mr. Lindsey did not believe there being any determination as to timeframes to utilize. He would also never predict when a settlement might be reached because of the multiple parties involved. He anticipates it will still be awhile.

There being no additional comments, the motion to adopt Resolution No. 21-2020 passed by a voice vote.

Ordinance No. 13-2020

Amending Ordinance No. 45-2019 (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 Community Center Pools Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 706-20)

Introduced by Mr. Robinson.

Ordinance No. 14-2020

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance and to Authorize the City Manager to Enter into a Settlement Agreement with Dustin and Susan Mondrach.

Introduced by Mr. Bucher.

The Clerk was instructed to give notice of a public hearing on said ordinance(s) in accordance with the provisions of the City Charter unless otherwise directed.

REPORTS OF CITY OFFICIALS

Mr. Greeson reported that all of the things we have done in response to our COVID-19 response efforts are being posted on Worthington.org and on social media feeds. He has a great deal of information he could share either in writing or now verbally. These measures range from closing the Community Center and Senior Center as well as restricting access to buildings that we customarily keep open and accessible. We are not making decisions lightly and consulting public health officials daily to make sure that we are doing so not only legally but also for real responsible public health reasons. He would be glad to report on whatever members would like.

Ms. Dorothy reported that our essential services at this time are police and fire, emergency first responders. She asked if there are any updates from the people we contract with for water, sewer and power. She is aware that AEP has begun tree trimming and asked if that will continue. Mr. Greeson replied that he has not touched base on the tree trimming efforts but will tomorrow. He will report any changes on that and touch base regarding any changes in deployment. He is aware that the city of Columbus reported they are dispensing of water shutoffs for a period. We can send out the details of that if members are interested. He would imagine the power company is doing the same, but he can't recall. He will follow up on that.

When asked by Ms. Dorothy if trash, recycling and compostable are still available, Mr. Greeson reported yes. He does not anticipate any interruption in either the trash or recycling services. Staff will be in communications in the event they expect disruptions due to employee issues but at this time there is no indication of any changes. Currently, we are maintaining our food composting drop-off location. We have restricted access to the Service Department lobby, so the e-waste recycling drop-off has been suspended for now. We are asking our residents to hold on to those electronics until we get passed this and can get that program back up and running.

Mr. Greeson added that he would like to request an executive session when the time is right to discuss compensation of employees.

Mr. Lindsey shared that Worthington Mayor's Court will be open tomorrow evening however going forward there will be a period of closure. If somebody does have a case scheduled for tomorrow evening, they can contact the City to request a continuance of that case if they do not want to come in but we did not want to unilaterally cancel on one day notice somebody's court date.

President Michael commented that Columbus has talked about being able to have remote meetings and remote voting. She is wondering if that is an option for Worthington.

Mr. Greeson shared that he will answer the logistical part of the question and Mr. Lindsey will address the legal side. Council does not meet again for three weeks so we have some time to make decisions about this topic and time to determine what is the best logistics for it. He has tasked our Information Technology director to evaluate the full range of options

for doing virtual, not only for City Council but also for the other Boards and Commission that the public may choose to attend. The Parks and Recreation Commission meeting scheduled for this week has been cancelled as has next week's Bicycle and Pedestrian Advisory Board meeting. We are still debating the Municipal Planning Commission meeting later this week before advertising deadlines. We are encouraging application submittals be delayed or be tabled so we are not pressed in time for that event. We do anticipate having, at least logistically some options for virtual participation in meetings. Legality is another issue though.

Mr. Lindsey shared that the Open Meetings law provides that members need to be in person in order to vote. The Attorney General Richard Cordray in 2009 issued a formal opinion that indicated that virtual meetings did not meet the requirements of the statute and therefore would not be permitted. That was a request made by a township as part of their pandemic planning for the swine flu. The Sunshine Manual put out by the Attorney General's office to guide public officials as to both the Open Meetings Law and Public Records Law includes guidance that follows the same path of saying that you cannot have a virtual meeting. Members have to meet in person to be included in attendance.

Attorney General Yost has indicated by a guidance letter over this past weekend the possibility provided at least a legal argument that could be made that in the specifics of the current health emergency with the specific direction and orders provided by the director of Health, Dr. Acton, that an argument could be made that the recommendation as to social distancing under an official order of the state superseded the in-person requirement of the open meetings law. The guidance letter said to seek the guidance of your local legal advisors, so it wasn't a formal opinion or binding in anyway. He thinks it was an attempt to put forth a creative argument one could make to support virtual meetings. It is his opinion as the Law Director that while creative, pragmatic and well intentioned, it did not meet the letter of the law in terms of waiving or suspending the requirements of the open meetings law. It is his advice that we are not able to move forward with a virtual meeting. While some lawyers were more comfortable with the Attorney General's guidance and some cities are probably moving forward with video-type meetings. There are a large number of attorneys, like him that did not believe that was a legally binding or valid argument and therefore they were not proceeding with video meetings.

Gary Hunter, formal law director of the city of Athens is the executive director of the Ohio Municipal Attorney's Association. They conducted a conference call today and included the Attorney General in that discussion to try to reach some direction on this issue. On behalf of municipal lawyers, Mr. Hunter indicated that absent an executive order, waiving or suspending the Open Meetings law, it was his view that was not a valid. He Attorney General was at least supportive of contacting the Governor to do that. It is possible over the next few weeks that there might be at least something done. It could also be done legislatively, so whether the Governor under executive authority or the legislature creating something, it is his legal advice that we need to meet in person for the time being.

Mr. Greeson reported that tonight we provided an opportunity for people to submit via e-mail on comments related to agenda items and there are other measures we can take to foster remote public participation. If it is determined that we legally need to have in person meetings as we have this evening, we will explore the full range of opportunities for people to not have to attend but still participate up to and including expanding our live streaming of meetings and other virtual measures by which people can submit their public testimony so that we have limited audiences and make people comfortable participating virtually as opposed to having to come and expose themselves during this time.

Mr. Myers commented that if at some point our meetings go virtual, that will be brought before Council and we will get the final call. Mr. Greeson asked if Council wants the final call. He thinks it is the authority of the Council President in consultation with the City Manager and Public Health advice to make the decision whether a public meeting is held.

Mr. Myers reiterated his comments from earlier this evening. He believes open meetings are fundamental to our system of democracy. He also believes personally that the open meetings act is an enactment of the general assembly and the last that he checked, we had separation of powers. He is not real certain the Governor can do away with an act of the general assembly any more than the President could an act of Congress merely by a stroke of the pen.

Mr. Greeson commented that we would not take any action without some consultation with Council President and each of you first. Members know that our decisions will be guided by what we think is responsible from a public health standpoint and balanced with our goal to have openness of this government.

REPORT OF COUNCIL MEMBERS

Mr. Bucher asked what, if needed, would an emergency meeting look like if possible, as far as notices just so he is clear between now and our next regularly scheduled meeting. Mr. Greeson replied that he does not recall the specific hours. He thinks he can call an emergency meeting of Council within 24 hours' notice. He does not anticipate at this juncture the necessity to do that given the actions Council took this evening, for which he is greatly appreciative and he will endeavor to provide members as much notice as possible in the event a meeting needs to be called.

Mr. Robinson requested additional information as to what authority the public meetings would go virtual. You said you would consult with the Law Director and Council President but how does that fit into the Charter and City Code. Mr. Greeson replied that we are in unusual times. He believes that in normal times the agenda of the meeting is set by the City Manager in consultation with the Council President. Similarly, he believes meetings can be cancelled following that procedure. It has been our practice that they can be cancelled for lack of business, lack of quorum and other routine reasons like that. We are not living in a routine time right now. We have consulted with Chairs of various advisory bodies to re-schedule, move or cancel their meetings. So, by appointment of them to those roles, he thinks they have some delegated authority along with City management.

Mr. Robinson stated that it would not be specifically under the state of emergency provisions. Mr. Greeson doesn't think the state of emergency provisions in the codified ordinance reference public meetings specifically. Mr. Lindsey commented that he does not disagree that prior practice may or may have included cancelling meetings when there are no items for an agenda. Although it has not been done in his time, he believes it process makes sense as a matter of practice. Staff will look at that closer. The actual cancelling of a meeting may require a vote of Council. The problem with when there is not a quorum is how can council cancel a meeting. You can hold the meeting and if less than the majority show up you all go home. He thinks in the past probably with other boards maybe more so than council itself that practice probably derived from that sort of convenience.

President Michael shared that there have been times when all of the work has been done prior to the last meeting in December and Council has voted to cancel that last meeting. That is probably been the best example she can give so it is not something that happens frequently, and it definitely includes Council decision with the quorum.

Mr. Greeson stated if Council wants to meet, we will meet. He does not care to make that decision. Staff will figure out the logistics to participate. He understands the importance of openness of your government. We will give you the best public health advice from Columbus Public Health. If it is the authority of the Council as a whole to make that determination, we will make sure we research that and honor that, so you make it as opposed to the Council President and he. In the event it is the Council President and his authority, they will work together and do so in consultation with each Council member. We are not going to make willy nilly decisions about this. Mr. Myers said he appreciates that. We understand the importance of it. Personally, he would feel more comfortable cancelling a meeting rather than having a closed meeting. Mr. Greeson stated that we would also endeavor to limit business to only essential business. At Committee meetings, we will work together to try to do what is important but not treat everything as urgent.

President Michael shared that she is sad that the retreat had to be cancelled. She would like for it to be rescheduled as soon as possible after the pandemic eases.

Ms. Dorothy shared that the Cemetery Board meeting is cancelled on Wednesday.

EXECUTIVE SESSION

MOTION Mr. Myer moved, Ms. Dorothy seconded a motion to meet in Executive Session to discuss compensation of employees.

The clerk called the roll on Executive Session. The motion carried by the following vote:

Yes 6 Robinson, Smith, Bucher, Dorothy, Myers, Michael

No 0

Council recessed at 9:12 p.m. from the Regular meeting session.

MOTION Mr. Robinson moved, Ms. Dorothy seconded a motion to return to open session at 9:41 p.m.

The motion carried unanimously by a roll call vote.

ADJOURNMENT

MOTION Mr. Bucher moved, Mr. Smith seconded a motion to adjourn.

President Michael declared the meeting adjourned at 9:41 p.m.

Clerk of Council

*APPROVED by the City Council, this
6th day of April, 2020.*

Council President



STAFF MEMORANDUM
City Council Meeting – April 6, 2020

Date: April 1, 2020

To: Matthew H. Greeson, City Manager

From: Darren Hurley, Parks & Recreation Director

Subject: **Ordinance No. 13-2020 - Funding Replacement of Diamond Brite in Community Center Pools**

EXECUTIVE SUMMARY

This Ordinance appropriates funds the replacement of Diamond Brite in the Community Center Pools.

RECOMMENDATION

Motion to Table

BACKGROUND/DESCRIPTION

The swimming pool walls and floors at the Community Center are covered with Diamond Brite surfacing. Over time since the opening of the facility in 2003, the Diamond Brite has worn resulting in pitting and staining in addition to abrasive surfaces which result in cuts on feet and rough areas on the pool walls and floors. In 2019 we replaced the Diamond Brite in the Lazy River area of the Leisure Pool. This project would complete the remainder of the Leisure Pool and depending on bids fund a portion or all of the Lap Pool. The work would be completed during our annual shutdown so operations would not be impacted.

The Ordinance was introduced with blanks for the selected firm and amount pending the results of the bid process. The deadline for bids was Noon on April 1st and we did not receive any bids. Staff is collecting information and will develop a recommendation for next steps. Staff recommends tabling the Ordinance.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The 2020 Capital Improvements Program (CIP) included \$120,000 for this project.

ATTACHMENTS

Ordinance No. 13-2020

ORDINANCE NO. 13-2020

Amending Ordinance No. 45-2019 (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 Community Center Pools Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 706-20)

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. 308.4010.533436 an amount not to exceed _____ (\$_____) to pay the cost of the Community Center Pools Resurfacing Project and all related expenses (Project No. 706-20).

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

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

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – April 6, 2020

Date: March 12, 2020

To: Matthew H. Greeson, City Manager

From: Tom Lindsey, Law Director

Subject: **Ordinance No. 14-2020 - Settlement - Mondrach**

EXECUTIVE SUMMARY

This Ordinance authorizes the City Manager to enter into a settlement agreement with Dustin and Susan Mondrach and appropriate the necessary funds.

RECOMMENDATION

Approve as Presented

BACKGROUND/DESCRIPTION

In September 2018 the City received a demand letter from legal counsel representing Dustin and Susan Mondrach. The letter alleged potential claims against the City related to Rush Run erosion that had occurred adjacent to their property located at 290 E. South Street. The letter requested that the City agree to purchase their property for \$600,000 or pay in excess of \$300,000 for various damages and Rush Run improvements.

The City's insurance company, Selective Insurance, assigned the law firm of Isaac Wiles to represent the City. Following extensive negotiations between the attorneys representing both parties, a proposed settlement has been reached. The terms of the settlement include a \$50,000 payment to the Mondrachs by Selective Insurance to cover costs and damages. The settlement also included a commitment by the City to perform erosion control measures for lower bank slope repair and rehabilitation in the vicinity of the Mondrach's property and a preliminary engineering analysis and development of conceptual alternatives to reduce excessive erosion along the lower portion of Rush Run. These two items were included in the 2019 CIP at a cost of \$31,000 for the erosion control measures and \$25,000 for the study. The settlement also includes an obligation to maintain erosion

control measures for thirty years at a total sum not to exceed \$50,000. The results of the study were provided to Council and the attorneys representing the Mondrachs this week.

The proposed ordinance will authorize the City Manager to execute the settlement agreement and appropriate the \$50,000 to maintain erosion control measures. The ordinance authorizes the Finance Director to take the necessary steps to make sure the \$50,000 is available to meet the City's obligation.

FINANCIAL IMPLICATIONS/FUNDING SOURCES

\$50,000

ATTACHMENTS

Ordinance No. 14-2020

Exhibit A

2019 CIP – Rush Run

ORDINANCE NO. 14-2020

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance and to Authorize the City Manager to Enter into a Settlement Agreement with Dustin and Susan Mondrach.

WHEREAS, Dustin and Susan Mondrach, through legal counsel, have claimed that the City of Worthington is responsible for certain erosion damages to their property located at 290 E. South Street, Worthington, Ohio; and,

WHEREAS, the Mondrach's legal counsel and the City's insurance defense counsel, without admitting any liability or wrongdoing, engaged in extensive negotiations to reach a proposed settlement that would be acceptable to the Mondrachs, the City's insurance company, and the City; and,

WHEREAS, the terms of the proposed settlement are set forth in the Settlement Agreement and Release attached hereto as "Exhibit A"; and,

WHEREAS, it is the opinion of the Law Director that it is in the best interest of the City of Worthington to resolve the Mondrach's claim by entering into the proposed settlement; and,

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

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

SECTION 1. That there be and hereby is appropriated from the General Fund unappropriated balances to:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<u>General Fund #101</u>		
101.1070._____	_____	\$ 50,000.00
General Fund Totals		\$ 50,000.00

ORDINANCE NO. 14-2020

SECTION 2. That the City Manager, Finance Director, and Law Director are each hereby authorized, acting singly or jointly, to take all actions, including the creation of any special funds or entering into any escrow agreements or other documents, necessary to make sure that the appropriation provided in Section 1 is available to meet the City's financial obligations under the proposed settlement for a period of thirty (30) years.

SECTION 3. That the City Manager is hereby authorized to execute a Settlement Agreement and Release in substantially the form contained in the attached Exhibit "A" and approved to form by the Director 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:

Clerk of Council

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”) is made and entered into by and between the City of Worthington, Ohio (“City of Worthington”) and residents Dustin and Susan Mondrach (referred to collectively as the “Mondrachs”), and is effective on the date last executed below (the “Effective Date”). The City of Worthington and the Mondrachs collectively are referred to as the “Parties.”

RECITALS

WHEREAS, the Mondrachs own the property located at 290 E. South Street, Worthington, Ohio 43085, Parcel ID No. 100-001238-00, a National Historic Registrar Property (the “Property”), being ±0.2424 acres, rectangular in shape, with access to all public utilities, and having a 1,710 sq. ft. house located on it; and

WHEREAS, the Mondrachs believe they have or may have certain constitutional claims and real property invasion claims against the City of Worthington due to erosion damages to the Property claimed to have resulted from the City of Worthington’s construction and operation of the redesigned McCoy Avenue bridge and culvert and connected overall management of Rush Run, a creek that neighbors the Property (collectively, the City of Worthington’s “Rush Run Construction and Management Activities”); and

WHEREAS, beginning on September 14, 2018, the Mondrachs, through legal counsel, made written demand to the City of Worthington and its officials for claimed monetary damages to cover extensive structural repairs, stabilization, and damages to the Property which the Mondrachs believe were attributed to the Rush Run Construction and Management Activities; and

WHEREAS, after review, assessment, and consultation with the Mondrachs, and without admitting any liability or wrongdoing, the City of Worthington, through legal counsel, engaged in extensive communications with the Mondrachs to discuss a proposed monetary settlement amount that would satisfactorily address needed repairs to the Property without resorting to litigation; and

WHEREAS, in addition to a monetary settlement amount to address the Mondrachs’ individually claimed damages, the City of Worthington will move forward with implementation of its 2019 Capital Improvement Program (“CIP”) as adopted by the Worthington City Council on December 3, 2018, accessible at <https://worthington.org/ArchiveCenter/ViewFile/Item/29078>, which includes certain improvements, slope repairs, and rehabilitation in the vicinity of the Property, and hydrologic studies and analysis of additional erosion control measures for Rush Run (“2019 CIP erosion control measures”), for the benefit of all City of Worthington property owners who own land neighboring Rush Run, including but not limited to the Mondrachs; and

WHEREAS, after several discussions and written communications, the Parties have agreed as to the final compensation amount of \$50,000.00 to the Mondrachs to cover individual expenses related to their claimed Property damages, which is in addition to the City’s implementation of the 2019 CIP erosion control measures; and

WHEREAS, the Parties hereto, in good faith, and in the interests of full and final compromise, settlement, and satisfaction of all claims between them related to the City of Worthington's Rush Run Construction and Management Activities and related claimed damages to the Property, desire to resolve and settle their dispute outside of any formal litigation.

NOW, THEREFORE, in consideration of the exchange of valuable consideration and upon the mutual promises, covenants, and commitments, the sufficiency of which is agreed and acknowledged, the Parties hereby agree as follows:

1. **Authority.** The Parties represent and warrant that they have full and complete authority to make, sign, execute, and deliver this Agreement.
2. **Settlement Payment to the Mondrachs.** In consideration for all promises, covenants, representations, commitments, and releases contained in this Agreement, the City of Worthington, through its insurance carrier, shall cause one separate check to be issued to the Mondrachs in the total gross amount of Fifty Thousand Dollars and No Cents (\$50,000.00) ("Settlement Payment"), and payable to Dustin and Susan Mondrach. The City of Worthington shall cause the Settlement Payment to be issued to the Mondrachs through legal counsel within 10 days' receipt of this executed Agreement.
3. **Erosion Control Measures.** By November 1, 2020, the City of Worthington further acknowledges and agrees to install the 2019 CIP erosion control measures, accessible at <https://worthington.org/ArchiveCenter/ViewFile/Item/2907>. If, as a result of the Rush Run Analysis included under the 2019 CIP and as reasonably determined by the City, additional erosion control measures and/or maintenance improvements outside of the 2019 CIP must necessarily be constructed in the immediate vicinity of the Property, the City further agrees to install such additional measures and/or improvements. The City's obligation to install, implement, and maintain erosion control measures for the Property as provided herein shall be in effect for a period of no more than thirty (30) years from the Effective Date of this Agreement. Further, the City's obligation to install, implement, and maintain erosion control measures for the Property as provided herein shall be limited to the total sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for said thirty (30) year period.
4. **Release and Waiver of Claims.** The Mondrachs, for themselves as well as their agents, representatives, heirs, successors, assigns, attorneys, and other parties on whose behalf they could bring a legal action, hereby fully release, acquit, and forever discharge the City of Worthington, its officials (elected and appointed), employees, agents, administrators, representatives, insurers, attorneys, successors and/or assigns, of and from any and all claims, demands, actions, causes of action, suits, debts, liens, contracts, liabilities, agreements, costs, expenses, or losses of any type, whether known or unknown, fixed or contingent, suspected or unsuspected, accrued or unaccrued, which the Mondrachs have, as of the Effective Date, arising out of the City of Worthington's Rush Run Construction and Management

Activities and any resulting effect on the Property; provided, however, that this release shall not apply to any rights, duties, or obligations arising under, or actions to be taken pursuant to, this Agreement.

5. **Compromise Settlement.** This Agreement is the result of a compromise of disputed claims. Neither this Agreement nor any of the actions to be taken hereto shall ever at any time, for any reason or purpose, be construed as, or be deemed to be evidence of, an admission of liability, culpable conduct, or other wrongdoing on the part of the Parties.
6. **Application of Agreement.** All terms of this Agreement shall be applicable to and binding upon the Parties, their agents and related assigns. Nothing in this Agreement is intended to confer any benefit upon any third party unless expressly stated herein.
7. **Entire Agreement.** This Agreement constitutes and contains the entire agreement and understanding between the Parties as to the matters addressed herein and supersedes all prior and contemporaneous oral and written agreements, representations and discussions. The Parties intend for this Agreement to be complete and shall not be subject to any claim of mistake of fact or law. This Agreement is intended to avoid the uncertainty of litigation and to be final and complete.
8. **Applicable Law.** This Agreement shall be governed by the laws of the State of Ohio, without regard to any potential conflict of laws.
9. **Duty to Act in Good Faith.** The Parties shall act in good faith and in accordance with this Agreement, and not participate in, encourage, condone, or take any action to facilitate any challenge to the terms of this Agreement.
10. **No Assignment.** The Parties represent they have not assigned any rights or otherwise transferred or granted, or purported to assign, transfer or grant, to any person or entity any claim or right to assert any claim of any kind or character, or any portion thereof that they have against the opposing party.
11. **Amendment.** This Agreement shall not be amended or modified, except in writing, and signed by the Parties.
12. **Severability.** Should any provision or term of this Agreement be declared or determined by any court of competent jurisdiction to be illegal, invalid, unenforceable, or void, such declaration or determination shall not affect the remaining terms of this Agreement, which shall remain independent, fully legal, valid, and enforceable pursuant to the terms of this Agreement.

13. **Construction.** This Agreement shall be considered to have been jointly drafted by the Parties, and it is agreed that it shall be governed by and construed in accordance with the laws of the State of Ohio regardless of conflicts of laws rules.
14. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.
15. **Acknowledgment.** The Parties acknowledge that they: have read carefully this Agreement; are satisfied with all of the Agreement's terms; had adequate time to review and consider this Agreement and to consult with their legal counsel with respect thereto; entered into this Agreement voluntarily and of their own free will; and agree to all provisions contained herein.

WHEREFORE, the Parties hereto have read all of the foregoing, understand the same, and agree to all of the provisions contained herein.

CITY OF WORTHINGTON, OHIO

By: _____
Its: City Manager

Dustin Mondrach

Date: _____

Date: _____

Susan Mondrach

Date: _____

APPROVED:

Approved as to form

Tom Lindsey
Law Director

2019-2023 Capital Improvement Program - Projects

Project	Dept.	Category	CIP Fund	Bonds	Funding			Total
					Assessment	License Tax	Other	
Year: 2019								
Perry Park Restroom Roof Replacement and Building Improvements Change: New	P&R	EBS	\$14,000					\$14,000
The Perry Park restroom building roof has lost many shingles in the last couple of years and is in need of replacement. The building also needs painting and additional exterior small repairs to buy time until a permanent rehabilitation or replacement can be funded.								
Rush Run Analysis Change: New	S&E	EBS	\$25,000					\$25,000
Engineering analysis and development of conceptual alternatives to reduce the risk of continued excess erosion in Rush Run. The effort includes the development of site-level (in-stream stabilization) and watershed-scale (stormwater management) concepts, along the entire reach. The scope includes geomorphic assessment, development of conceptual stabilization alternatives, conceptual-level hydrologic model and stormwater management alternatives & solution recommendations.								
Rush Run - South Street/McCoy Slope Repair & Rehab Change: New	S&E	EBS	\$31,000					\$31,000
This work is intended to re-establish the banks of Rush Run. The improvements along the South Street home have been designed by local firm CEC to stabilize the Rush Run failure at the property slope failure at that point in the stream. The gabion degradation (291 McCoy Ave) may be completed in-house. The cost estimate presented is based on engineers opinion of costs for South Street repair plus allowance for repair of gabions near McCoy Bridge, along with an allowance for landscape repair/replacement of equipment access to the stream and gabions.								
Rush Run - Phase 1 Change: Moved from 2020 and increased from \$300,000	S&E	IBS		\$510,000				\$510,000
This construction project consists of improvements to Rush Run in order to allow the Northeast Gateway project to proceed. This project is required in order to complete the Northeast Gateway project. This cost is based on a preliminary opinion of costs provided by the consultant based on a near final set of plans.								
Service & Engineering Building Roof Change: New	S&E	EBS	\$50,000					\$50,000
The Service & Engineering complex roof is aged and shingles are in need of replacement. Original construction was in the 1980s. Repairs have been done by roofing contractors, including the rubberized portions, but the roof is now in need of replacement								
Street & Sidewalk Improvement Program Change: None	S&E	EBS	\$875,000		\$25,000			\$900,000
This project consists of improvements to various streets throughout the City based on a prioritized analysis of the City's street system. Work typically includes curb & gutter repair, asphalt overlay, asphalt patching, and miscellaneous concrete repairs. The project includes the repair of sidewalks that do not meet standards for safety and condition. Repair costs for sidewalks adjacent to private property are paid by respective property owners. Overlay or sealing of parking lots is sometimes included based on need and budget. Street and sidewalk surveys, plan and specification preparation and project administration are proposed to be performed by the Department of Service & Engineering. MMVLT revenues in the amount of \$150,000 each year are transferred into the CIP Fund to help fund this project.								



STAFF MEMORANDUM
City Council Meeting – April 6, 2020

Date: March 27, 2020

To: Matthew H. Greeson, City Manager

From: D. Kay Thress, City Clerk

Subject: **New Liquor Permit - Play CBUS**

EXECUTIVE SUMMARY

The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for Play CBUS

RECOMMENDATION

Motion to Not Request a Hearing

BACKGROUND/DESCRIPTION

The City has been notified by the Ohio Division of Liquor Control that Play CBUS has applied for a D5 permit which allows for spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m.

Play CBUS is opening an indoor adventure park with an associated restaurant and bar at 535 Lakeview Plaza. City Council approved an Amendment to Development Plan for Play CBUS at this location on July 1, 2019. Staff does not have objections to this request for a liquor permit.

ATTACHMENTS

Notice from the Ohio Division of Liquor Control

NOTICE TO LEGISLATIVE
AUTHORITYOHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

6960144		NEW		PLAY CBUS LTD DBA PLAY CBUS 535 LAKEVIEW PLAZA BLVD WORTHINGTON OH 43085
PERMIT NUMBER		TYPE		
ISSUE DATE				
03 02 2020				
FILING DATE				
D5				
PERMIT CLASSES				
25	297	B	C66262	
TAX DISTRICT		RECEIPT NO.		

FROM 03/17/2020

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 03/17/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/17/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.REFER TO THIS NUMBER IN ALL INQUIRIES **B NEW 6960144**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal OfficerCLERK OF WORTHINGTON CITY COUNCIL
KAY THRESS
6550 NORTH HIGH STREET
WORTHINGTON OHIO 43085

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

6960144

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 6960144; Name: PLAY CBUS LTD; DBA: DBA PLAY CBUS; Address: 535 LAKEVIEW PLAZA BLVD WORTHINGTON 43085		
GREG CARLIN	MANAGE MEM	CEO

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STAFF MEMORANDUM
City Council Meeting – April 6, 2020

Date: March 27, 2020

To: Matthew H. Greeson, City Manager

From: D. Kay Thress, City Clerk

Subject: **Liquor Permit Request - Yappy Greek & Deli**

EXECUTIVE SUMMARY

The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for Yappy Greek & Deli

RECOMMENDATION

Motion to Not Request a Hearing

BACKGROUND/DESCRIPTION

The City has been notified by the Ohio Division of Liquor Control that Yappy Greek & Deli at 455 E. Wilson Bridge Road has applied for a D1 permit which allows for beer only for on premises consumption or in original sealed containers for carry out only until 1:00 a.m. Staff does not have objections to this request for a liquor permit.

ATTACHMENTS

Notice from the Ohio Division of Liquor Control

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL

6606 TUSSING ROAD, P.O. BOX 4005

REYNOLDSBURG, OHIO 43068-9005

(614)644-2360 FAX(614)644-3166

TO

9811437		NEW		YAPPY GREEK & DELI LLC 455 E WILSON BRIDGE RD WORTHINGTON OH 43085
PERMIT NUMBER		TYPE		
ISSUE DATE				
07 06 2017				
FILING DATE				
D1				
PERMIT CLASSES				
25	297	B	B64372	
TAX DISTRICT		RECEIPT NO.		

FROM 03/17/2020

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 03/17/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN.

04/17/2020

IMPORTANT NOTICEPLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 9811437

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal Officer

CLERK OF WORTHINGTON CITY COUNCIL
 KAY THRESS
 6550 NORTH HIGH STREET
 WORTHINGTON OHIO 43085

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

9811437

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

	Member/Officer Name	Shares/Interest	Office Held
Permit Number: 9811437; Name: YAPPY GREEK & DELI LLC; DBA: ; Address: 455 E WILSON BRIDGE RD WORTHINGTON 43085			
	MOUSA MARIUM	MANAGE MEM	PRESIDENT
	MOUSA MARIUM	MANAGE MEM	PRESIDENT

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STAFF MEMORANDUM
City Council Meeting – April 6, 2020

Date: March 27, 2020

To: Matthew H. Greeson, City Manager

From: D. Kay Thress, City Clerk

Subject: **New Liquor Permit - First Watch**

EXECUTIVE SUMMARY

The Ohio Division of Liquor Control has notified the City of a request for a new liquor permit for First Watch Restaurants.

RECOMMENDATION

Motion to Not Request a Hearing

BACKGROUND/DESCRIPTION

The City has been notified by the Ohio Division of Liquor Control that First Watch as applied for a D5J permit which allows for spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30 a.m. within a Community Entertainment District. Staff does not have objections to this request for a liquor permit.

ATTACHMENTS

Notice to Legislative Authority

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL

6606 TUSSING ROAD, P.O. BOX 4005

REYNOLDSBURG, OHIO 43068-9005

(614)644-2360 FAX(614)644-3166

TO

27401200025		NEW	FIRST WATCH RESTAURANTS INC DBA FIRST WATCH 27 7227 HIGH ST STE 116 & PATIO WORTHINGTON OH 43085
PERMIT NUMBER		TYPE	
ISSUE DATE			
02 14 2020			
FILING DATE			
D5J			
PERMIT CLASSES			
25	297	B	C66552
TAX DISTRICT		RECEIPT NO.	

FROM 03/12/2020

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 03/12/2020

RESPONSES MUST BE POSTMARKED NO LATER THAN. 04/13/2020

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

B NEW 2740120-0025

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council☐ Township Fiscal Officer

CLERK OF WORTHINGTON CITY COUNCIL
KAY THRESS
6550 NORTH HIGH STREET
WORTHINGTON OHIO 43085

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

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The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA**Permit Number**

2740120

Permit Name / DBA**Member / Officer Name****Search****Reset****Main Menu**

Member/Officer Name	Shares/Interest	Office Held
Permit Number: 27401200005; Name: FIRST WATCH RESTAURANTS INC; DBA: ; Address: 2692 MADISON RD NORWOOD 45208		
CHRISTOPHER A TOMASSO	0.00	PRESIDENT
FWR HOLDING CORPORATION	1000.00	
KENNETH L PENDERY JR	0.00	CEO
Permit Number: 27401200010; Name: FIRST WATCH RESTAURANTS INC; DBA: DBA FIRST WATCH; Address: 5075 DRESSLER RD NW & PATIO CANTON 44718		
JAY WOLSZCZAK	0.00	SECRETARY
CHRISTOPHER A TOMASSO	0.00	CEO
FWR HOLDING CORPORATION	100.00	
HENRY MELVILLE HOPE III	0.00	TREASURER
Permit Number: 27401200015; Name: FIRST WATCH RESTAURANTS INC; DBA: DBA FIRST WATCH 224; Address: 400 PARK AV STE 190 & PATIO ORANGE VILLAGE 44122		
FWR HOLDING CORPORATION	100.00	
CHRISTOPHER A TOMASSO	0.00	CEO
HENRY MELVILLE HOPE III	0.00	TREASURER
JAY WOLSZCZAK	0.00	SECRETARY
Permit Number: 27401200020; Name: FIRST WATCH RESTAURANTS INC; DBA: DBA FIRST WATCH 29; Address: 3144 KINGS DALE CENTER UPPER ARLINGTON 43221		

Member/Officer Name	Shares/Interest	Office Held
CHRISTOPHER A TOMASSO	0.00	CEO
FWR HOLDING CORPORATION	100.00	
HENRY MELVILLE HOPE III	0.00	TREASURER
JAY WOLSZCZAK	0.00	SECRETARY

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