City Council Meeting Agenda

Monday, October 2, 2017 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

Bonnie D. Michael, President
Scott Myers, President Pro-Tem
Rachael Dorothy
Douglas C. Foust
David M. Norstrom
Douglas Smith
Michael C. Troper

Matthew H. Greeson, City Manager
D. Kay Thress, Clerk of Council

If you have questions regarding this agenda please contact the Clerk of Council at 614-786-7347. This agenda and amendments that may be made to it can be found at www.worthington.org
CALL TO ORDER

Roll Call

Pledge of Allegiance

SPECIAL PRESENTATION

1) Swearing In – Law Director

VISITOR COMMENTS

APPROVAL OF MINUTES

2) September 18, 2017 – Regular Meeting

PUBLIC HEARINGS ON LEGISLATION

3) Ordinance No. 31-2017

Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Community Center South End Roof Replacement Project and Determining to Proceed with said Project. (Project No. 650-17)

Introduced September 5, 2017
P.H. September 18, 2017
Tabled

4) Ordinance No. 37-2017

Accepting a Permanent Easement for Warning Signage at 587 Fox Lane, Worthington, Ohio 43085.

Introduced September 18, 2017
P.H. October 2, 2017

NEW LEGISLATION TO BE INTRODUCED

5) Resolution No. 56-2017

Reauthorizing a Cooperation Agreement Between the City of Worthington and the Board of County Commissioners,
Franklin County, Ohio on Behalf of the City of Worthington in Order to Participate in the Franklin County, Ohio Department of Housing and Urban Development Entitlement Program and Abide by the Covenants of That Program.

6) **Resolution No. 57-2017**

Authorize the City Manager to Execute an Agreement with the Mid-Ohio Regional Planning Commission (MORPC) for the Comprehensive, Continuing and Cooperative (3-C) Transportation Planning Process.

7) **Resolution No. 58-2017**

Accepting the Recommendations of the 2017 Worthington Tax Incentive Review Council Concerning Parcels of Commercial Real Property in the City of Worthington Receiving Tax Exemptions for Purposes of Economic Development.

8) **Resolution No. 59-2017**

Authorizing the Award of Re-emergent Corridor Assistance Program Funds to Help Improve Facility Exterior Facade and Streetscape Along Certain of the City’s Commercial Corridors (7086 Huntley Road).

9) **Ordinance No. 38-2017**

Accepting a Permanent Easement for Landscaping at 50 East Dublin-Granville Road, Worthington, Ohio 43085.

**REPORTS OF CITY OFFICIALS**

**Information Item(s)**

10) Follow Up – Energy Conservation Project Process

**REPORTS OF COUNCIL MEMBERS**

**OTHER**

**EXECUTIVE SESSION**

**ADJOURNMENT**
City Manager Report to City Council for the Meeting of Monday, October 2, 2017

SPECIAL PRESENTATION

1) Swearing In – Law Director

Tom Lindsey has been appointed and confirmed to the position of Law Director for the City of Worthington. Mr. Lindsey has many years of local government legal experience and most recently has served as First Assistant City Attorney in Upper Arlington. In that position, he has handled zoning cases and land use matters, reviewed contracts and advised staff and city council on a variety of municipal law issues. His over 25 years of government legal experience includes positions with the City of Columbus and City of Urbana, Illinois. He has a Juris Doctorate from Southern Methodist University and a Bachelor’s Degree from Miami University.

APPROVAL OF MINUTES

2) September 18, 2017 – Regular Meeting

Recommendation: Approval of Minutes as Presented

PUBLIC HEARINGS ON LEGISLATION

3) Ordinance No. 31-2017 – Appropriation – Community Center South End Roof

This year’s Capital Improvements Program (CIP) includes the replacement of the south end roof at the Community Center. This Ordinance appropriates funds for the project. At the time of the last City Council meeting, the project was still out to bid, so this item was tabled until October 2, 2017. Bids were opened on Friday, September 22, 2017. The City received two bids, both of which were well over the engineer’s estimate so the bid cannot be awarded. The City cannot award a bid that is more than 10% over the engineer’s estimate. The engineer’s estimate for this project was $353,618.35. The lowest base bid for the roof plus the windows which were bid as a separate amount were $707,975. The project will need to be re-bid. Attached is a letter from GPD who provided the architectural and engineering services for this project. The letter explains their response to the bids that were received.
Additional information is being gathered by GPD to understand the reasons for the bid amounts. Staff will be prepared to discuss any additional insight at the meeting along with the schedule for the re-bid.

**Recommendation:** Motion to Remove from the Table and then Re-Table Until the Project is Re-Bid

**Motion to Re-Bid the Project**

4) **Ordinance No. 37-2017 – Accepting a Permanent Easement – 587 Fox Lane**

Staff has negotiated an easement to facilitate the installation of a warning sign near the lowhead dam which crosses the Olentangy River near Antrim Park and Fox Lane. The sign warns people on the river that they are approaching the dam. This easement authorizes the City to access the property where the sign is located. This Ordinance accepts the easement and authorizes the City Manager to execute and deliver documents associated with the easement.

**Recommendation:** Approval of the Ordinance as Presented

**NEW LEGISLATION**

5) **Resolution No. 56-2017 – Community Development Block Grant and HOME Program**

This Resolution reauthorizes an agreement between the City and the Franklin County Board of Commissioners for a period of three years (April 1, 2018 through March 31, 2021). The agreement allows the Commissioners to exercise certain powers and perform certain functions or render services on behalf of the City of Worthington in order to cooperate and participate in the Community Development Block Grant (CDBG) and a Housing and Urban Development Program (HOME). Additional information is included in the attached memorandum from the Economic Development Manager.

**Recommendation:** Introduction and Approval of the Resolution as Presented

6) **Resolution No. 57-2017 – Comprehensive, Continuing and Cooperative (3C) Transportation Planning Process Agreement with the Mid-Ohio Regional Planning Commission (MORPC)**

The Mid Ohio Regional Planning Commission serves as the federally designated Metropolitan Planning Organization (MPO) for the Columbus region. MPO’s are established in urban areas and are responsible for performing the 3-C (continuing, comprehensive and cooperative) transportation planning process. This entails producing the 20-year Metropolitan Transportation Plan and the short-term Transportation Improvement Plan which guide the use of transportation related federal funds in the region. The City of Worthington
has participated in MORPC and the MPO process for many years. In fact, the City formally entered into a similar 3-C agreement in 1972. MORPC has requested that each MPO member sign an updated 3-C agreement. The agreement requires the City to continue to appoint representatives to the Transportation Policy Committee of MORPC. The City’s current appointees are Council President Bonnie Michael and City Manager Matt Greeson, who is both Chair of the Committee and the MORPC Commission.

**Recommendation:** Introduction and Approval of the Resolution as Presented


Community Reinvestment Area (CRA) abatements and Tax Increment Financing (TIF) exemptions are administered locally by the City, but are subject to State law requirements. One such requirement is to hold an annual Tax Incentive Review Council (TIRC) meeting to review active CRA and TIF projects receiving tax exemptions. The TIRC is made up of two (2) appointees of the City Council and representatives of other governmental taxing entities (county, schools, and township). The TIRC held its 2017 annual meeting on July 31, 2017. Following its review, the TIRC recommended continuing all active Community Reinvestment Area abatements and Tax Increment Financing exemptions. Staff concurs with this recommendation. A detailed memorandum including a summary of all active projects is attached.

**Recommendation:** Introduction and Approval of Resolution as Presented

8) Resolution No. 59-2017 – ReCAP Program Award – Werstler Management, LLC

This Resolution approves the award of $25,000 in assistance to Werstler Management, LLC for improvements to the property at 7086 Huntley Road. The proposed assistance is structured as half grant and half loan. The Re-Emergent Corridor Assistance Program (ReCAP) encourages investments in and improvements to commercial real estate in the Huntley and Proprietors Roads area. Wersteler Manager has applied for assistance under this program. The Community Improvement Corporation (CIC) has reviewed the application and recommended approval. Additional information is provided in the attached memorandum from the Economic Development Manager, presentation slides and draft minutes from the CIC meeting.

**Recommendation:** Introduction and Approval of Resolution as Presented

9) Ordinance No. 38-2017 – Acceptance of Landscape Easement – 50 E. Dublin Granville Road (Worthington Schools – Kilbourne Middle School)

This Ordinance accepts a permanent easement from Worthington Schools on their Kilbourne Middle School property. The easement will allow for the installation and maintenance of landscaping associated with the outdoor patio and pergola at the Kilbourne Building at 752 High Street. The patio and pergola extend to the City’s property line and landscaping is
desired along the exterior. Additional information is included in the attached memorandum from the Director of Planning & Building.

**Recommendation:** Introduction for Public Hearing on October 16, 2017

**REPORTS OF CITY OFFICIALS**

**Information Item(s)**

10) Follow Up Information – Energy Conservation Project Process

On September 5th, staff discussed utilizing the Energy Conservation Project process in the Ohio Revised Code for the Community Center HVAC project. During that meeting, there were several questions about the process. The attached memorandum from the Assistant City Manager provides additional information in response to the questions that were asked. Staff has issued a request for proposals for this project.

**EXECUTIVE SESSION**

I respectfully request an executive session to discuss appointments to boards and commissions, and compensation of public employees.
CALL TO ORDER – Roll Call, Pledge of Allegiance

Meeting Minutes

Monday, September 18, 2017 ~ 7:30 P.M.

Louis J. R. Goorey Worthington Municipal Building
John P. Coleman Council Chamber
6550 North High Street
Worthington, Ohio 43085

City Council

Bonnie D. Michael, President
Scott Myers, President Pro-Tempore
Rachael Dorothy
Douglas C. Foust
David M. Norstrom
Douglas Smith
Michael C. Troper

D. Kay Thress, Clerk of Council
Worthington City Council met in Regular Session on Monday, September 18, 2017, in the John P. Coleman Council Chambers of the Louis J. R. Goorey Worthington Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 p.m.

**Members Present:** Rachael R. Dorothy, Douglas Foust, Scott Myers, David Norstrom, Douglas K. Smith, Michael C. Troper and Bonnie D. Michael

**Member(s) Absent:**

**Also present:** Clerk of Council D. Kay Thress, City Manager Matthew Greeson, Acting Director of Law Dan Guttman, Assistant City Manager Robyn Stewart, Director of Finance Scott Bartter, Director of Service and Engineering Dan Whited, Director of Planning and Building Lee Brown, Director of Parks and Recreation Darren Hurley and Chief of Fire Scott Highley

There were four visitors present.

*President Michael invited all those in attendance to stand and join in the recitation of the Pledge of Allegiance.*

**VISITOR COMMENTS** – There were no visitor comments.

**APPROVAL OF MINUTES**

- September 5, 2017 – Regular Meeting
- September 11, 2017 – Committee of the Whole Meeting

**MOTION**

Mr. Foust made a motion to approve the aforementioned minutes as presented. The motion was seconded by Mr. Norstrom.

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

**PUBLIC HEARINGS ON LEGISLATION**

*President Michael declared public hearings and voting on legislation previously introduced to be in order.* **NOTE:** A following titles are a summary of the actual titles.

**Ordinance No. 29-2017** Providing for an Appropriation from the Capital Improvements Fund to Pay the Cost of the Northbrook Relief Sewer Phase II Project Design Update and Determining to Proceed. (Project No. 656-17)

*The foregoing Ordinance Title was read.*
Mr. Whited shared that this is first of two sewer issues on tonight’s agenda. He felt it appropriate to update members on the status of those projects. He explained that there are five sewer districts in Worthington: North, Industrial, Central, Southeast, and West. The Southeast and Central Districts studies have been completed. This legislation is for the second phase of the Northbrook Sewer Project that is within the Central District. EMH&T did an initial study in 2009 and this is a continuation of that for final design. Staff wishes to continue working with them and have them finalize that design so construction can begin early next year. The cost to finalize that design is $29,300. The design will also include some additional easement work that will need to be done as a part of the project.

Ms. Dorothy asked approximately how much work will have been completed once the design phase is finished. Mr. Whited replied that he intends to discuss that matter during the next sewer project. The North District sewer study will be completed this year into next year as well. The North District will be one of three districts left.

Ms. Dorothy then asked if the Northbrook sewer has anything to do with the overflow into St. Michael’s. She asked if this work will reduce the possibility of that happening again. Mr. Whited confirmed that it should.

There being no additional comments, the clerk called the roll on Ordinance No. 29-2017. The motion carried by the following vote:

Yes 7   Foust, Troper, Norstrom, Dorothy, Smith, Myers, and Michael

No 0

Ordinance No. 29-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 30-2017

Providing for an Appropriation from the Capital Improvements Fund to Pay the Cost of the Old Worthington Street Light and Mast Arm Rehabilitation Project and all Related Expenses and Determining to Proceed. (Project No. 655-17)

The foregoing Ordinance Title was read.

Mr. Greeson shared that this appropriation coupled with a previously adopted transfer resolution provides the funding for rehabbing our mast arms and our Old Worthington street lights.

Mr. Whited reported this being a component of the overall mast arm project that will fix, repair and paint approximately 116 street lights and mast arms. The painting of the mast arms and lights was approved at the last meeting. This work would include the street lights and some electrical work upgrades. The costs will be less than $50,000 although he doesn’t have specific quotes yet.
Ms. Dorothy asked if the current electrical usage and/or cost is known. Mr. Whited replied that staff does not have that information but it is part of what staff would like to analyze. We know that we will save a significant amount of money but we have no metric on that yet. Ms. Dorothy would like to be able to quantify that because these lights should pay for themselves over some time period. Mr. Whited agreed.

There being no additional comments, the clerk called the roll on Ordinance No. 30-2017. The motion carried by the following vote:

Yes  7    Troper, Norstrom, Dorothy, Smith, Myers, Foust, and Michael

No  0

Ordinance No. 30-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 31-2017 Providing for an Appropriation from the Capital Improvements Fund to Pay the Cost of the Community Center South End Roof Replacement Project and Determining to Proceed. (Project No. 650-17)

The foregoing Ordinance Title was read.

Mr. Greeson reported that bid opening date on this project is scheduled for next Friday. Staff requests that the item be tabled until the first meeting in October.

MOTION

Mr. Norstrom made a motion to table Ordinance No; 31-2017 until the October 2nd meeting. The motion was seconded by Mr. Myers.

The motion to table Ordinance No. 31-2017 carried unanimously by a voice vote.

Ordinance No. 32-2017 Providing for Appropriations from the 933 High Street TIF Fund.

The foregoing Ordinance Title was read.

Mr. Barter reported that this is an appropriation of funds from the 933 High St. TIF to reimburse the schools for their portion of the tax distribution. This payment should have been distributed by Franklin County but the TIF was set up incorrectly in their system so they disbursed the full amount to the City. This error also occurred with the first distribution. Franklin County has corrected the problem so future payments should be sent directly to the school district going forward.
Mr. Myers commented that this TIF makes the school district 100% whole. He asked if that was correct. Mr. Bartter agreed with his understanding. Mr. Greeson added that at this point, all of our TIFs make the school district 100% funded.

There being no additional comments, the clerk called the roll on Ordinance No. 32-2017. The motion carried by the following vote:

Yes 7 Norstrom, Dorothy, Smith, Myers, Foust, Troper, and Michael
No 0

Ordinance No. 32-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 33-2017 Consenting to the Ohio Department of Transportation SR315 Repaving Project North of SR 161 and South of IR 270 and Agreeing to Maintain the Public Right-of-Way.

The foregoing Ordinance Title was read.

Mr. Whited shared that last June ODOT informed him of their intentions to repave SR-315 between SR-161 and I-270. An agreement with us is needed for that to occur. He recalls the cost of that project at approximately $7.8M. The City is responsible for some additional improvements that are included in the CIP regarding drainage and street lighting. Staff would like to get this agreement authorized and returned to ODOT so the project can proceed.

When asked by Ms. Dorothy if the current construction will be completed by then, Mr. Whited replied that it should be. The timing is set for one to finish and this new one to begin during the summer or fall next year.

There being no additional comments, the clerk called the roll on Ordinance No. 33-2017. The motion carried by the following vote:

Yes 7 Dorothy, Smith, Myers, Foust, Troper, Norstrom, and Michael
No 0

Ordinance No. 33-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 34-2017 Providing for an Appropriation from the Capital Improvements Fund to Pay the Cost of the North Districts Sewer Study and Determining to Proceed. Project No. 657-17)

The foregoing Ordinance Title was read.
Mr. Whited showed a slide that outlines the sewer districts that were agreed to as part of our discussions for the Directors, Findings and Orders in 2009. Studies have been completed in the Southeast and Central Districts and projects have been initiated in both of those districts.

Mr. Whited reported that this ordinance appropriates funds to study the North District. Sewers in those areas are much newer than those in the two previous districts. This was sent out to bid to local engineering firms to propose scope and costs for the work. Responses were received from seven firms. That list was reduced to three; EMH&T, HDR and American Structure Point. All gave very good proposals but EMH&T gave us a very good proposal. He is excited about their proposal because they think they can limit some of the work that we had originally anticipated. The scope of the work that may ultimately be required in that North District. They also intend to do some initial studies within the West and Industrial district as a part of that study by installing some flow monitors that will allow us to evaluate the flows from that area and possibly eliminate some of the need of those future studies. There are no promises but our hope is that with this work we may be able to minimize some of the scope that was initially anticipated for these projects.

The North District is shown in the brown below. It is a pretty large district but again, most of those sewers are relatively new. He thinks the average age of installment is 1968, which is the same case for the Industrial District. The West District is even newer, around 1980.
Mr. Whited explained the selection process and stated that staff is excited to get EMH&T on board to proceed with this work. We ask that members approve this study so that we can move forward. The cost is set at $188,000.

Ms. Dorothy was curious as to how long we expect sewers to last because they are being bonded. Mr. Whited replied that they generally last 20 to 30 years. He acknowledged that these are 49 years old but through lining the sewers and general maintenance we can extend the life. He reported there being a difference between operations and maintenance and what is required by the Directors Findings and Orders. The Findings and Orders are required to eliminate some of the inflow and infiltration that occurs and has an impact on the downstream system. That is different from maintaining the sewers themselves and their reliability as a good system. We can have separate projects outside of these EPA requirements that we can do partially in-house and probably at a lesser cost and schedule.

Ms. Dorothy explained that what she was getting at was how long we expect this infrastructure that we are putting into place to last since we are bonding much of the installation work. Mr. Whited reiterated 20 to 30 years but as we continue to maintain them it is our intention to extend the life of the system.

Mr. Norstrom commented that EMH&T provided the contingency flow monitoring option on their own. He asked if that is something we are going to do or are we going to decide whether to do it later. Mr. Whited replied that the intent is to include it in this project.

There being no additional comments, the clerk called the roll on Ordinance No. 34-2017. The motion carried by the following vote:

Yes 7 Smith, Myers, Foust, Troper, Norstrom, Dorothy, and Michael

No 0

Ordinance No. 34-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 36-2017 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor.

The foregoing Ordinance Title was read.

Mr. Bartter explained that this is an annual ordinance that is required by Ohio Revised Code, Section 5705.34 to accept the amounts and rates as determined by the Budget Commission. The rates remains unchanged at five mills. The total amount generated/estimated is about $3,000,000. He would anticipate a slight uptick after the re-appraisals finish because 2½ is inside millage and will be affected by the valuation change. We should have more definitive numbers in December.
Ms. Dorothy asked if we received any updates from Franklin County Auditors regarding land valuations. She referred to a Columbus Dispatch article that commented on land valuations being done incorrectly. Mr. Bartter acknowledged hearing about the article but he has not received anything from Franklin County directly on the issue.

Ms. Dorothy asked if it is known whether Franklin County will be contacting any of our residents directly on that issue. Ms. Michael reported that the article directed those who disagree with their valuations to contact the Franklin County Auditor directly before the end of this month. Website information was included. Ms. Dorothy concluded that the responsibility falls on the residents even if it was the county/third party mistake. Ms. Michael agreed. Ms. Dorothy reported it being unfortunate.

There being no additional comments, the clerk called the roll on Ordinance No. 36-2017. The motion carried by the following vote:

Yes 7 Foust, Troper, Norstrom, Dorothy, Smith, Myers, and Michael
No 0

Ordinance No. 36-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 35-2017

Providing for an Appropriation from the Capital Improvements Fund Pay the Additional Design and Engineering Services for the NE Gateway Intersection Improvement Project and all Related Expenses. (Project No. 602-14)

The foregoing Ordinance Title was read.

Mr. Greeson reported this project as being one of our largest and most complex. He asked Mr. Whited to comment.

Mr. Whited agree that this is a huge project. It is one of the largest in the state and one of the largest our consultant has been involved with. He reported it being unusual to encounter one high pressure gas line. This project has three. There are numerous water lines and a lot of issues involved. As the project has proceeded from the initial evaluations the consultant has run into some unanticipated issues. Those include:

2) There will be addition improvements for pavement widening to accommodate bike lanes.
3) Relocate approximately 1,600 feet of 12” waterline.
4) Application cost – MORPC Attributable Funds
5) Right-of-Way Plan – more than fifteen sheets of information
6) Final Engineering (Rush Run – Upstream Reach) – required to make property drain properly down to Huntley Bowl.
7) Additional Utility Coordination - required
8) Corporation Limit Adjustment

Mr. Whited explained that the $82,500 includes the $75,000 for the fee summary with a 10% contingency to include any other unanticipated items that may still be involved with this work.

When asked by Mr. Norstrom the process for determining the fees for the work, Mr. Whited replied that the contractor will go through as the project unfolds and issues will reveal themselves. We have regular project meetings and they will let him know of unanticipated scope of services. Having worked in that field he is familiar with the process. They will go back and forth a few times until they land on a final number.

When asked by Ms. Michael if the utility lines will be buried, Mr. Whited replied that the existing power lines will still be above the ground. The remainder of the utilities will be underground.

Mr. Greeson shared that this project is one of the few areas where the road goes under I-270, which is one of the reasons for the vast number of utilities.

Ms. Dorothy commented that in regards to the traffic signal plan, she understands from residents at Melbourne Village that the signal does not allow adequate time for them to cross Wilson Bridge Rd. or High St. They are of advanced age and she wants to make sure that we have a slow enough speed to accommodate users at our intersections. We want to make sure that we accommodate everyone.

Ms. Dorothy then wondered if the Rush Run upstream reach has anything to do with downstream. If we are incorporating anything with the whole Rush Run watershed. Mr. Whited acknowledged that as a good question with probably a more complicated answer than she will want. It does and it doesn’t because of the Huntley Bowl. It will not be with the improvements associated with this proposal but rather the improvements associated on downstream. They can put some non-erosivity measures in place that will slow the water, get it to Huntley Bowl at a different rate and then ultimately do some improvements to Huntley Bowl that will handle the water differently to minimalize some of that velocity that occurs in the channel downstream. He can’t say specifically what will be included right now but that is the intention.

When asked by Ms. Dorothy if that is all being coordinated, Mr. Whited replied yes. Typically when looking at a stream, one assesses from downstream up. This project is on the upper end of the stream. We are working to anticipate the downstream conditions as best we can.

There being no additional comments, the clerk called the roll on Ordinance No. 35-2017. The motion carried by the following vote:

Yes  7    Myers, Foust, Troper, Norstrom, Dorothy, Smith, and Michael
No 0

Ordinance No. 35-2017 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Ordinance No. 37-2017  Accepting a Permanent Easement for Warning Signage at 587 Fox Lane, Worthington, Ohio 43085.

Introduced by Mr. Smith.

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

Discussion Item(s)

- Schedule – 2018 Budget & 2018-2022 Capital Improvements Program Workshops

Mr. Greeson shared that staff is working diligently on the preparation of the Five Year Capital Improvement Program, the Five Year Forecast and the 2018 Operating Budget. This is the time of year that we need to go through the schedule with members. We have a draft schedule for the approval process that is in front of members. He thinks the first question to pose is whether this schedule conflicts with anyone’s travel schedule and whether these meetings will have the full attendance of the Council.

The second question is really the order of things. The draft is as follows:

October 9, 2017  Distribute the Proposed 2018 Operating Budget and the 2018-2022 Proposed Capital Improvements Program

October 16, 2017  Overview of Budget Themes & Policy Discussion

Overview of the Five-Year Forecast (Five-Year Trends for Revenues and Expenses)

November 6, 2017  Presentation of Proposed 2018-2022 Capital Improvements Program

November 13, 2017  Departmental Budget Review

November 20, 2017  Community Groups (Worthington Historical Society, Old Worthington Partnership & McConnell Arts Center)

Introduce the Budget Legislation
December 4, 2017    Public Hearing on 2018 Operating Budget & Resolution Adopting the 2018-2022 Capital Improvements Program

President Michael asked if there was consensus on the schedule. There being no comments, President Michael directed Mr. Greeson to move forward with the budget and CIP schedule as presented.

When asked if he had anything else to report, Mr. Greeson requested an executive session for the purpose of discussing economic development incentive negotiations when the time is appropriate.

REPORTS OF COUNCIL MEMBERS

President Michael thanked Ms. Thress for the summary titles of the Ordinances for public hearing.

Mr. Foust shared that he has been attending the Energy Special Improvement District meetings that meet with Mr. McCorkle. It is an active group. Their upcoming meeting will have a property in Whitehall under consideration.

Mr. Foust then asked to be excused from the October 2nd meeting to travel out of state.

Mr. Smith reported that the CIC met last Friday. They received a recap on the ReCAP program. There was lively conversation regarding other developmental issues. He reported leaving the meeting early and asked if there was anything additional to share. Ms. Michael shared that they discussed COhatch and the Old Kilbourne Library building. They also had a wonderful discussion of not only the Wilson Bridge corridor but from a developer’s perspective, what are the developmental priorities, considerations and abilities of being able to redevelop parts of Worthington. She thought the discussion was so well done that she asked Mr. Greeson to include it on a Committee of the Whole meeting agenda for the entire council. She found it fascinating and eye-opening.

Mr. Myers reported there being a COhatch application before the Architectural Review Board last Thursday for some lighting and other improvements for their outdoor space. String lights were disapproved on the pergola, which is a very big issue and ongoing throughout Worthington. The most significant application before the ARB was Schoedinger Funeral Home. They are proposing to add four buildings to their current site, including two crematoriums (one for pets and one for humans). The crematory received most of the public input rather than the architectural and site plan. He is not certain that most of the residents are aware that we already have a crematorium in Worthington, downtown at Rutherford. The matter was tabled for another meeting. He added that the plan would involve Schoedinger moving their headquarters from downtown Columbus to Worthington, which would be fifty new jobs and $2.7M in payroll.
Mr. Greeson thanked Mr. Guttman who has now stood in as our law director for three meetings. He and his firm has supported us during this transition. He thanked him for his service.

EXECUTIVE SESSION

MOTION

Mr. Myers made a motion to meet in Executive Session to discuss economic development incentives. The motion was seconded by Ms. Dorothy.

The motion carried by the following vote:

Yes 7  Foust, Troper, Norstrom, Smith, Dorothy, Myers, and Michael

No 0

Council recessed at 8:07 p.m. from the Regular meeting session.

MOTION

Mr. Troper made a motion to return to open session at 8:34 p.m. The motion was seconded by Ms. Dorothy.

ADJOURNMENT

MOTION

Mr. Norstrom made a motion to adjourn the meeting. The motion was seconded by Mr. Myers.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned.

___________________________________
Clerk of Council

APPROVED by the City Council, this 2nd day of October 2017.

______________________________
Council President
ORDINANCE NO. 31-2017

Amending Ordinance No. 45-2016 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of the Community Center South End Roof Replacement Project and Determining to Proceed with said Project. (Project No. 650-17)

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. 308.4010.533380 the sum of ______________ to pay the cost of the Community Center South End Roof Replacement and all related expenses (Project 650-17).

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

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

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

Passed ______________

President of Council

Attest

Introduced September 5, 2017
P.H. September 18, 2017
Tabled
Mr. Dan Whited  
Director of Service & Engineering  
City of Worthington  
380 Highland Avenue  
Worthington, Ohio 43085

RE: Worthington Community Center Phase 2 Roof Replacement Bid Results

Dear Mr. Whited:

I am writing in response to the recently received bids for the second phase of the roof replacement to take place at the Worthington Community Center. As you are aware the bids received were significantly higher than the project’s published estimate and therefore exceeded the allowable 10% variance. I have been in this profession for quite a while; pricing public projects including roofing projects, and I was frankly quite surprised to hear of the resulting bids received. However, please keep in mind that when developing a probable cost value there are many factors of pricing the various components that at times are difficult to quantify into the eventual bid value submitted by a project’s bidders. Unfortunately, we as consultants do not have control over the cost or availability of the labor pool, the fluctuation of equipment or materials costs, outside market conditions or the Contractor’s methodology of pricing, and that the consultant's opinions of probable costs are made on the basis of the consultant's professional judgment and experience along with historical pricing guides and systems adapting historical construction cost data results of the past few years. It is always difficult to warranty, expressly or implied, that a project's bids will not vary from the consultant's opinions of probable cost.

Unfortunately, one of those outside market drivers occurred recently in our country through the occurrence of two major hurricane events that potentially are impacting the costs and availability of construction materials, if not the labor pool. While I am not certain this may or may not have been a factor for both material suppliers and contractors, access to construction materials may have been considered when anticipating the time this project was scheduled to kick off work. I frankly have not seen a bid of this scope come in so high against the probable cost. Additional factors impacting the pricing may have been the general timing of this project in the year with the impending winter weather and temperatures that could impact the work schedule and add winter construction methods, the unfamiliarity of the window replacement scope for roofing contractors that primarily do not deal with a scope of work more aligned to the general trades, as well as the amount of work that currently is out and available for bidding and possibly is driving the bidding environment toward higher costs.

It is simply a difficult time to be developing probable costs that align with the fluctuations in the construction industry. While not desirable, the project does need to be rebid and I am happy to work through steps to be taken for the rebid of this project with you and your staff in an expedient manner in order to quickly turn this
project over the construction phase as soon as possible. GPD will be reviewing the probable costs overall in light of the bids received and will determining what updates to the analysis may be needed in preparation for the rebidding process.

Respectfully submitted,
GPD Group

Steve Williams
Architect / Project Manager
ORDINANCE NO. 37-2017

Accepting a Permanent Easement for Warning Signage at 587 Fox Lane, Worthington, Ohio 43085.

WHEREAS, the low head dam containing City of Worthington Sanitary Sewer lines crosses the Olentangy River posing danger to recreational river users; and,

WHEREAS, in order to install and maintain warning signage it is necessary to obtain from certain property owners permanent easements; and,

WHEREAS, John and Steffanie Haueisen have agreed to grant easements upon their property located at 587 Fox Lane, Worthington, Ohio, 43085.

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

SECTION 1. In connection with the installation and maintenance of warning signage, the City hereby accepts a permanent easement from John and Steffanie Haueisen as more specifically described and shown on Exhibit “A” attached hereto and made a part hereof.

SECTION 2. The City Manager is authorized and directed to execute and deliver any and all documents that may be necessary to evidence the authority granted in furtherance of the acceptance of this easement.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ____________

____________________________________
President of Council

Attest:

________________________________
Introduced September 18, 2017
P.H. October 2, 2017
Clerk of Council
DEED OF EASEMENT
(Warning Sign)

STEFFANIE W. HAUEISEN AND JOHN L. HAUEISEN, husband and wife (collectively "Grantor") with a mailing address of 587 Fox Lane, Worthington, Ohio 43085, for good and valuable consideration paid by the City of Worthington, Ohio, an Ohio municipal corporation ("Grantee"), receipt of which is hereby acknowledged, hereby grants to Grantee, its successors and assigns forever, a perpetual easement in, on, through, over and across the following described "Easement Area", which is situated on the Grantor's real property described in the attached Exhibit "A", which is hereby incorporated herein by reference (the "Grantor's Property"), for the purpose of installing, improving, repairing, maintaining, removing or replacing from time to time a warning sign related to the nearby river dam and related appurtenances thereto (the "Sign").

The "Easement Area" shall be a strip of Grantor's Property across the entire Western boundary of Grantor's Property, with such strip being five (5) feet above (east of) the high water line of the Olentangy River as it abuts Grantor's Property (as determined by Grantee) and within approximately 20 feet of south property line of Grantor's Property.

This Easement shall include reasonable rights of ingress and egress over other adjacent portions of the Grantor's Property, as reasonably necessary for access in connection with the use and enjoyment of the rights granted under this Easement.

Grantor claims title to Grantor's Real Property by deed recorded in Instrument Number 200301170017839 of the records of the Recorder of the County of Franklin, State of Ohio.

Grantor and Grantee understand and hereby agree that all terms and conditions contained herein shall be effective and binding upon the parties and their respective successors and assigns.

Grantor hereby releases and discharges Grantee, City of Worthington, Ohio, from further claims for just compensation pursuant to Ohio Constitution, Article I, Section 19, resulting from this easement grant or the installation and maintenance of the Sign. However, this release and discharge does not absolve Grantee, its employees, agents, representatives or contractors from liability for damages adjudged to have been caused by the culpable negligence of Grantee, its employees, agents, representatives or contractors during the installation and maintenance of the Sign. Notwithstanding the foregoing, Grantee does not waive any governmental immunity or defenses which it may have, and the foregoing shall not be construed in any manner which results in the waiver or denial of any such governmental immunity or defenses.

Grantee, as soon as is practicable after all entries made pursuant to the rights granted herein, shall cause the restoration of the Easement Area by returning the Easement Area to its former grade and restoring the surface area to its former condition as nearly as is reasonably practicable, but subject to all other terms and conditions contained herein.
The Easement rights granted herein are “exclusive” as to Grantee’s rights hereunder, except as to Grantor (as set forth herein) and any previously granted rights of record. Grantor shall continue to have the full use and enjoyment of, and the obligation to maintain, the surface of the Easement Area, subject to and in conjunction with the Easement created hereunder, and provided that Grantor shall not take any actions within the Easement Area which would interfere with the rights created hereunder to use and enjoy the Easement and the Sign. Specifically, Grantor shall not cause or allow to be constructed any permanent building, structure, facility or improvement which in any way impairs the use or interferes with the installation, improvement, maintenance, repair, removal, or replacement of the Sign or access thereto. If Grantor makes any permanent or temporary improvements in or upon the subject exclusive Easement Area, save those exceptions above, Grantor shall assume the risk of such improvements being damaged or destroyed by Grantee’s subsequent entries made for the purposes granted herein, and Grantee, its employees, agents representatives and contractors, shall not be liable for any damage or destruction of such Grantor’s improvements during the good faith exercise of Grantee’s rights herein.

Grantor hereby covenants with Grantee that Grantor has good title to Grantor’s Property and has the full right and power to grant this Deed of Easement.

TO HAVE AND TO HOLD the Easement Area and the Easement rights unto Grantee, City of Worthington, Ohio, its successors and assigns forever, for the uses and purposes hereinbefore described.

IN WITNESS WHEREOF, Grantor has caused this Deed of Easement to be executed and subscribed this 30th day of August, 2017.

GRANTOR:

STEFFANIE W. HAUEISEN

JOHN L. HAUEISEN

STATE OF OHIO,

COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this 30 day of August, 2017 by Steffanie W. Haueisen and John L. Haueisen, husband and wife.

Notary Public

Commission Expiration: 4-11-2018

This instrument prepared by:

Steven P. Elliott, Esq.
Baker & Hostetler, LLP
200 Civic Center Drive, Suite 1200
Columbus, Ohio 43215
(614) 462-2672
EXHIBIT A

Description of Grantor's Property

Situated in the State of Ohio, County of Franklin and in the City of Worthington and bounded and described as follows:

Being 40.17 feet off the south side of Lot No. 2 and 28.67 feet off the north side of Lot No. 3 of FORREST R. DETRICK SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, page 301, Recorder's Office, Franklin County, Ohio.

PARCEL NUMBER: 100-758 and 100-777

PROPERTY ADDRESS: 587 Fox Lane, Worthington, Ohio 43085
MEMORANDUM

To: Matthew H. Greeson, City Manager
From: Daniel W. Whited, Director of Service & Engineering
Subject: Deed of Easement-Lowhead Dam Safety
Date: September 14, 2017

In May of this year, a recreational kayaker was on the Olentangy River paddling through Worthington. The water was a bit higher than usual and obscured her view of the lowhead dam which crosses the river roughly from Antrim Park on the west, to Fox Lane on the east. With no warning signs indicating the hazard in place, she was pulled over the dam, capsized, and was sucked down and against the dam by the current. Had she not been wearing her life vest and been aided in exiting the river by a friend on shore, she may have lost her life. Given this serious state of events, it has been determined that the Service and Engineering Department should make warning signs in house and erect them along the river in such a manner as to adequately warn those using the river for recreational purposes.

The City of Worthington currently has no right of way, right of entry or easement along the river bank in which to erect the sign. Staff has met with John and Steffanie Haueisen of 587 Fox Lane, Worthington, OH. Their property extends to a line roughly in the center of the river, and the river bank behind their home has been deemed the most advantageous for sign location. The Haueisens have graciously agreed to grant a deed of easement (attached to the legislation) for the purpose of warning sign placement and subsequent sign maintenance. It was signed and notarized on August 30th, 2017.

Staff is asking Council to accept the easement by ordinance, and allow the City Manager to follow through with the execution and recording of any documents deemed necessary.
RESOLUTION NO. 56-2017

Reauthorizing a Cooperation Agreement Between the City of Worthington and the Board of County Commissioners, Franklin County, Ohio on Behalf of the City of Worthington in Order to Participate in the Franklin County, Ohio Department of Housing and Urban Development Entitlement Program and Abide by the Covenants of That Program.

WHEREAS, pursuant to the provisions of the Housing and Community Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301), as amended, Franklin County, Ohio is recognized by the United States Department of Housing and Urban Development as an urban county and entitled to Community Development Block Grant Program funds and HOME Investment Partnership funds for urban counties; and,

WHEREAS, pursuant to the provision of Section 307.85, Ohio Revised Code, the Board of County Commissioners, Franklin County, Ohio, is authorized to enter into agreements with cities and villages in Franklin County to exercise certain powers and perform functions or render services on behalf of the said cities and villages; and,

WHEREAS, the City of Worthington is located within the geographical boundaries of Franklin County, Ohio; and,

WHEREAS, the City of Worthington desires to reaffirm its participation and inclusion of its population in the Franklin County Community Development Block Grant and HOME Investment Partnership programs and to reauthorize the Cooperation Agreement with the Board of County Commissioners for an additional three-year period (April 1, 2018 – March 31, 2021);

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

SECTION 1. That the Cooperation Agreement with the Board of County Commissioners, Franklin County, Ohio, attached hereto and incorporated herein as EXHIBIT A, is hereby reauthorized for the period April 1, 2018 through March 31, 2021 for the purpose of cooperating and participating in the Franklin County HUD Entitlement program per the Housing and Community Development Act of 1974 (Public Law 93-383), 42 U.S.C. 5301, as amended, and Section 570.105 b 3 (iii), Community Development Block Grant Program Rules and Regulations.

SECTION 2. The City Manager is hereby authorized and directed to sign said Cooperation Agreement and to take such actions as are necessary or appropriate to consummate or implement the transaction described in or contemplated by this Resolution.
RESOLUTION NO. 56-2017

SECTION 3. That the Clerk be instructed to record this Resolution in the appropriate record book.

Adopted ____________________

_______________________________________
President of Council

Attest:

_______________________________________
Clerk of Council
WHEREAS, the agreement, made and concluded at Franklin County, Ohio, this ____________ day of ______________, 2017, by and between the Board of County Commissioners of Franklin County, Ohio, being duly authorized in the premises by the provisions of a resolution adopted on _______________________, hereinafter referred to as "Board" and the city/village/township/township of ___________________ (Name), its ______________ (Chief Executive Officer), or _____________________________ being duly authorized in the premises by the provisions of resolution/ordinance no. ________________ dated ____________________, 2017 hereinafter referred to as "city/village/township/township"; NOW THEREFORE, it is hereby agreed by and between the parties hereto, upon the considerations herein set forth as follows:

1. Board and ________________________ (city/village/township/township) will cooperate in the undertaking or assist in the undertaking of essential community renewal and lower income housing assistance activities as funded through the Department of Housing & Urban Development (HUD) Community Development Block Grant and HOME Investment Partnership programs for the period of April 1, 2018 through March 31, 2021. The parties further agree not to obstruct or restrict the implementation of the County’s approved Consolidated Plan during the course of this agreement. All of these aforementioned activities shall be carried out in accordance with CDBG and HOME program rules and regulations and the applicable provisions of the Ohio Revised Code, including but not limited to the Community and Economic Development Act of 1974 (Public Law 93-383, 42 U.S.C. 5301) as amended, and Section 570.105 b 3 (iii), Community Development Block Grant Rules and Regulations.

2. County-wide community development plans and projects, program budgets and the needs and goals established in the Consolidated Plan and amendments thereto, shall be binding on said Board and ________________________ (city/village/township/township) for the Forty fourth, Forty fifth and Forty sixth program years of the afore cited HUD entitlement programs, which end March 31, 2021 and for such additional time as may be required for the expenditure of funds and completion of funded activities granted to the county and any program income received for such period.

3. This agreement is for the Program Year 2018, 2019 and 2020, April 1, 2018, through March 31, 2021, and may not be terminated by either party, except if the County fails to qualify as an urban county or if the County does not receive a grant in any year of this period, in which case this agreement is null and void. The parties further agree that this agreement will remain in effect until the CDBG and/or HOME and/or ESG funds and program income received with respect to this three year period are expended and the funded activities completed. This agreement will be automatically renewed for the successive three year period (2021, 2022
and 2023) and each period thereafter unless the city/village/township/township cancels the agreement with written notice on or before June 30 of the prior program year. Both the city/village/township/township and the County will adopt any amendment to the agreement incorporating changes necessary to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period; will submit such amendment to HUD as provided in the urban county qualification notice; and recognizes that such failure to comply will void the automatic renewal for such qualification period.

4. The Agreement gives the Board the authority to carry out the activities funded from annual Community Development Block and HOME Grants from Federal Fiscal Years 2018, 2019 and 2020 appropriations, and from any program income generated from the expenditure of such funds. The ____________________ (city/village/township/township) must inform the Board of any program income generated through the expenditure of those funds. Said program income must be returned to the county. If any program income is authorized to be retained by the ____________________ (city/village/township/township), it may only be used for eligible activities in accordance with all CDBG requirements.

That the Board has the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requires appropriate record keeping and reporting by the participating unit as may be needed for this purpose; and, that in the event of close-out or change in status of the participating unit, any program income that is on hand or received subsequent to the close-out or change in status shall also be returned to the county.

During the period of qualification no included unit of general local government may withdraw from the urban county recertification agreement unless the urban county does not receive a CDBG of HOME grant for any year during such period.

5. The Department of Economic Development and Planning (EDP) is authorized to act for the Board and is accepted by ____________________ (city/village/township) as an agent of the Board in planning, administering, and overall coordinating the programs, which are the subject of this agreement.

6. It is accepted by ____________________ (city/village/township) that the County’s HUD entitlement program, the programs it chooses to fund and the priorities it chooses to address reflect the needs of the entire county.

7. The following standards shall apply to real property acquired or improved in whole or in part using CDBG funds that is within the control of a participating unit of local government:

The ____________________ (city/village/township) will notify the Board as soon as it knows of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition;

The ____________________ (city/village/township) will be required to reimburse the Board in the full amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-CDBG funds) of property
acquired or improved with CDBG funds that is sold or transferred for a use which does not qualify under the CDBG regulations; and,

Treatment of program income generated from the disposition or transfer of property prior to or subsequent to the close-out, change of status or termination of the cooperation agreement between the Board and the participating unit, will be subject to the provisions of Section 3 of this same Agreement.

The policies/procedures of the Franklin County HUD Entitlement Program will apply to any projects involving acquisition, whereby EDP will be notified during the planning and design process of any approved project, where applicable land acquisitions and other items are subject to the Uniform Relocation and Real Properties Acquisition Policies Act of 1970.

8. The _________________ (city/village/township) pursuant to 24 CFR 570.501 (b) is subject to the same requirements applicable to subrecipients, including the requirements of a written agreement set forth in 24 CFR 570.503. Section 570.503, Code of Federal Regulations, requires the Board and any participating unit of local government execute a written agreement prior to the disbursement of any federal funds. As such, Franklin County has prepared a Template Funding Agreement, which must be executed. This agreement includes certain administrative, legal and financial procedures, which define the responsibilities of the grantor and grantee. The Agreement shall remain in effect during any period that the subrecipient has control over CDBG funds, including program income.

At a minimum, this written Funding Agreement shall contain provisions as prescribed in the Code of Federal Regulations concerning: Statement of Work; Records and record keeping; Program Income; OMB Circulars; Other program requirements; except that the County is responsible for initiating the review process under Executive Order 12372; Suspension and Termination; and reversion of assets meeting the prescribed criteria; and disposing of assets in a manner comparable to that described in the aforementioned Code of Federal Regulations.

9. _________________ (city/village/township) is included in Franklin County for the purpose of planning and implementing the Franklin County HUD Entitlement Program. _________________ (city/village/township) shall not apply for separate grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program; and _________________ (city/village/township) may not participate in a HOME consortium except through Franklin County, regardless of whether or not Franklin County receives a HOME formula allocation.

10. No Community Development Block Grant and HOME Investment Partnership Program funds provided by Franklin County under this Agreement may be used for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes Franklin County's actions to comply with its fair housing certification.
11. Cities/Villages and counties in Ohio have authority under Section 307.15 of the Ohio Revised Code to enter into agreements whereby a Board of County Commissioners undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the city/village/township, which such city/village/township may exercise, perform or render; and

12. The city/village/township and the County each have authority to carry out the kinds of activities which are the objectives of the Act pursuant to Section 303.26 of the Ohio Revised Code, et. seq.; and

13. _____________(City/village/township) elects to include the total areas and population of its corporation in Franklin County for the purpose of planning and implementing the Franklin County HUD Entitlement program.

NOW THEREFORE, the Board, in consideration of the promises and agreements of ________________ (city/village/township) herein set forth, hereby promises and agrees as follows:

1. That it or its agent shall prepare the local portion of the County-wide Consolidated Plan based upon information as to needs, objectives, plans, and programs supplied by ________________ (city/village/township) or its agent, pursuant to the applicable rules and regulations governing the Community Development Block Grant and the HOME Investment Partnership Programs.

2. Board assumes full responsibility and all obligations for preparation of the application and execution of the program including, but not limited to, the analysis of needs, setting of objectives, development of plans, programs, and budgets, and furnishing assurances and certifications. Board is also responsible for the accomplishment of goals set forth in its Consolidated Plan.

3. Board shall prepare and submit to the appropriate Federal Agency, the Franklin County HUD Entitlement program submission, and assume all related responsibilities as to said submission.

4. Board shall acquire as applicable, by purchase or condemnation, land and structures thereon for property or easements needed in connection with the Franklin County HUD Entitlement program, which is the subject of the agreement, title to said property and easements to be taken in the name of ________________ (city/village/township). Said acquisition procedures shall be accomplished in accordance with applicable provisions of the Uniform Relocation and Real Properties Acquisition Policies Act of 1970 as amended and the Ohio Revised Code.

WHEREAS, in consideration of the promises and agreements of the Board herein set forth, the ________________ (city/village/township) hereby promises and agrees as follows:
1. That it will promptly submit to the Board its needs, objectives, plans, required reports and programs for preparation by the Board of the local portion of the Consolidated Plan.

2. That it will implement plans concerning community development and HOME activities prepared by the Board, however, the Board shall retain full responsibility and obligations for preparation and implementation of said plans.

3. That it will take all actions with the Board that are necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Community and Economic Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Community and Economic Development Act of 1974, as amended; the Americans with Disabilities Act of 1990; and other applicable laws.

4. That it may not sell, trade, or otherwise transfer all or any portion of the funds (identified under this agreement) to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

5. The city/village/township of _____________________ has adopted and is enforcing:
   a. a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
   b. a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.

IN WITNESS WHEREOF, the parties have hereunto set their hands hereof on the day and year first above written by the Board of County Commissioners, Franklin County, Ohio being the governing body of the said County, and by the city/village/township of _______________________________ (Name) its (Chief Executive Officer) per a duly enacted Resolution/Ordinance of the city/village/township Council of ____________________.

BOARD OF COUNTY COMMISSIONERS

__________________________________________
Date JOHN, O’GRADY, PRESIDENT

__________________________________________
MARILYN BROWN
The terms and provisions of this agreement are fully authorized under state and local law, and the agreement provides full legal authority for the county to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Approved as to form and legality of purpose: ______________________________
CITY/VILLAGE/TOWNSHIP COUNSEL
TO: Worthington City Council

FROM: Matt Greeson, City Manager

DATE: September 25, 2017

SUBJECT: Renewal of Cooperative Agreement – Franklin County HUD Programming

This memo is intended to brief City Council on the request to renew the three-year Cooperation Agreement between the City of Worthington and the Board of County Commissioners of Franklin County, Ohio.

Franklin County is the annual recipient of three federal allocations – 1) the Community Development Block Grant (CDBG) program which benefits low and moderate income populations; 2) the HOME program which supports the creation and preservation of affordable housing; and 3) the Emergency Solutions Grant which addresses homelessness.

Every three years Franklin County must complete a Department of Housing & Urban Development (HUD) recertification to allow jurisdictions such as Worthington to participate in the County’s federal programs and continue to receive its benefits. These benefits include infrastructure improvements, economic development initiatives, housing programs and social services provided to individuals and families. By opting into the program, the population of Worthington is counted in the calculation that HUD uses to determine allocations and serves to increase the final funding amounts Franklin County will receive.

The Cooperative Agreement period would be from April 1, 2018 through March 31, 2021.
RESOLUTION NO. 57-2017

Authorize the City Manager to Execute an Agreement with the Mid-Ohio Regional Planning Commission (MORPC) for the Comprehensive, Continuing and Cooperative (3-C) Transportation Planning Process.

WHEREAS, the Mid-Ohio Regional Planning Commission (MORPC) serves as the federally-designated Metropolitan Planning Organization (MPO) for the Columbus region; and,

WHEREAS, the role of the MPO is to perform the “3-C” (continuing, comprehensive and cooperative) transportation planning process; and,

WHEREAS, MORPC is updating its agreements related to the MPO; and

WHEREAS, Worthington has participated with MORPC in the MPO process since the 1970s; and

WHEREAS, MORPC, by letter dated July 6, 2017, has requested the City of Worthington execute an agreement between the City of Worthington and MORPC for the 3-C Transportation Planning Process.

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

SECTION 1. That the City Manager is hereby authorized and directed to sign and execute the agreement with MORPC for Comprehensive, Continuing and Cooperative Transportation Planning Process, which is attached as a part of this Resolution.

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

Adopted ____________________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
AGREEMENT FOR
COMPREHENSIVE, CONTINUING AND COOPERATIVE
TRANSPORTATION PLANNING PROCESS
between the
MID-OHIO REGIONAL PLANNING COMMISSION (MORPC)
and the
CITY OF WORTHINGTON (CITY)

This Agreement for the Comprehensive, Continuing and Cooperative (3-C) Transportation Planning Process is made and entered into between the Mid-Ohio Regional Planning Commission ("MORPC") acting as the Metropolitan Planning Organization (MPO) for Central Ohio and the City of Worthington ("CITY").

Recitals
WHEREAS, various state grants and aids are available to MORPC for carrying out urban transportation planning activities; and
WHEREAS, the Governor of Ohio has designated MORPC as the MPO for Central Ohio; and
WHEREAS, metropolitan area boundaries in Ohio for purposes of the federal planning provisions shall be determined by agreement between the MPO and the Governor of Ohio; and
WHEREAS, metropolitan transportation planning activities come under the jurisdiction of the U.S. Department of Transportation ("USDOT") and are subject to the metropolitan planning requirements of 23 U.S.C. 134 and Section 5303 (or Section 8) of the Federal Transit Act, as amended; and
WHEREAS, Section 134 of Title 23 of the United States Code and Sections 1604(l), 1607(a) and 1607(c) Title 49 of the United States Code requires that each urbanized area, as a condition of the receipt of federal capital or operating assistance, have a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and
WHEREAS, the members of MORPC recognize that transportation planning and programming must be conducted as an integral part of and consistent with the comprehensive planning and development process, and that the process must involve the fullest possible participation by state agencies, local governments, private institutions, other appropriate groups and the general public; and
WHEREAS, MORPC formulates, approves and periodically updates/amends a multimodal long-range transportation plan for the Planning Area which shall conform to all applicable federal requirements and work program content and schedules; and
WHEREAS, MORPC formulates and approves the short-range Transportation Improvement Program (TIP) for the Planning Area which shall cover a period of not less than 4 years and may include projects outside the Planning Area for information only; and
WHEREAS, MORPC formulates and annually approves the metropolitan transportation planning work program, which identifies all transportation-related planning activities to be funded with state and federal financial aids; and

3-C Agreement – City of Worthington
Mid-Ohio Regional Planning Commission (www.morpc.org)
WHEREAS, MORPC provides a forum for cooperative transportation planning and decision-making, and establishing a public involvement process that ensures opportunities for early and continuing involvement of local governmental units, transit operators, and the general public in the review and evaluation of all transportation plans and programs; and

WHEREAS, it is beneficial to the City of Worthington that the short-range and long-range transportation plans be carried into execution; and

WHEREAS, the necessary financial contribution comes from the per capita fee paid by the CITY as a member of the Mid-Ohio Regional Planning Commission;

NOW THEREFORE, in consideration of mutual promises and covenants as herein contained, the parties hereto agree as follows:

1. That there shall exist a continuing, comprehensive, cooperative transportation planning process in accordance with the short-range and long-range transportation plans.

2. That MORPC is authorized per Ohio Revised Code Section 713.21 to:
   a. To act on behalf of the CITY to carry out the procedures and to promote the goals and objectives of the short-range and long-range transportation plans.
   b. To negotiate and conclude necessary contracts and agreements of cooperation on behalf of the CITY pertaining to the execution of the continuing programs of the short-range and long-range transportation plans.
   c. To receive, hold and expend funds necessary for the execution of said continuing program.
   d. To do all things which the CITY individually may be authorized and empowered to do in furtherance of continuing, comprehensive, cooperative transportation planning.

3. That the CITY shall appoint representatives to the Transportation Policy Committee. Representatives may also be appointed to various advisory committees at the request of the Transportation Policy Committee.

4. That the CITY will provide MORPC with such information relating to all of the elements involved in the transportation planning process as may be deemed necessary or convenient, and will cooperate with MORPC in the establishment of a means of regular and systematic transmission of such information.

IN WITNESS WHEREOF, the parties have hereto caused this Agreement to be executed by their proper officers and representatives.

City of Worthington

__________________________________    DATE: ___________
Matt Greeson
City Manager
Mid-Ohio Regional Planning Commission

William Murdock
Executive Director

DATE: 7/7/17

MORPC Chief of Staff/
Director of Operations
Shawn P. Huffstetler
RESOLUTION NO. 58-2017

Accepting the Recommendations of the 2017 Worthington Tax Incentive Review Council Concerning Parcels of Commercial Real Property in the City of Worthington Receiving Tax Exemptions for Purposes of Economic Development.

WHEREAS, Worthington City Council has from time to time provided economic development incentives through means of Community Reinvestment Area (CRA) and Tax Increment Financing (TIF) exemptions to foster redevelopment of various commercial properties within the City; and,

WHEREAS, the City of Worthington annually collects performance data from each such exempted economic development project and reports the same to the Ohio Development Services Agency; and,

WHEREAS, in addition to reporting to the State, Worthington City Council has acted pursuant to Ohio Revised Code Section 5709.85 to create the Worthington Tax Incentive Review Council (TIRC) for purposes of annually reviewing all City agreements granting CRA and TIF property tax exemptions; and,

WHEREAS, the TIRC met on July 31, 2017 for purposes of its annual review of performance data collected from all tax-exempted economic development projects (the same data reported to the State), with the TIRC making recommendations concerning the on-going status of each such economic development project; and,

WHEREAS, Worthington City Council must thereafter meet and vote to accept, reject or modify all or any portion of the TIRC’s recommendations, as per Ohio Revised Code Section 5709.85(E); and,

WHEREAS, the City is desirous of ensuring that each tax-exempted economic development project that remains in good standing and eligible under Ohio law continues to receive the benefits of such tax incentives.

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

SECTION 1. That the City hereby accepts the TIRC’s recommendations to continue as-is the three (3) active CRA abatement projects and the seven (7) active TIF projects on the basis of performance data reported for the year ending December 31, 2016.
RESOLUTION NO. 58-2017

SECTION 2. That the Clerk of Council is hereby directed to deliver a copy of this Resolution to the Auditor of Franklin County, Ohio, after its passage and upon request made by said Auditor’s representative.

SECTION 3. That the Clerk of Council be instructed to record said Resolution in the appropriate record book.

Adopted ________________

____________________________________
President of Council

Attest:

_____________________________
Clerk of Council
MEMORANDUM

TO: Matt Greeson
FROM: David McCorkle
DATE: September 25, 2017
SUBJECT: 2017 Worthington TIRC follow-up actions by City Council

This memo is intended to summarize actions taken by the Worthington Tax Incentive Review Council (TIRC) during its recent meeting as well as to recommend follow-up actions by Worthington City Council.

**Recommended Action by City Council**

- The 2017 Worthington TIRC recommended continuing all active Community Reinvestment Area abatements and Tax Increment Financing exemptions.
- The Worthington TIRC’s recommendations are believed by City staff to be reasonable and appropriate.
- This action will continue the City’s various tax exemption projects for 2017. The Worthington TIRC will re-evaluate the projects again in 2018.

**Background**

Community Reinvestment Area (CRA) abatements and Tax Increment Financing (TIF) exemptions are administered locally by the City’s economic development staff, subject to State law requirements. One such requirement is to hold an annual TIRC meeting to review active projects in Worthington receiving tax exemptions.

The Worthington TIRC held its annual meeting on July 31, 2017 to review the City’s three (3) CRA abatement projects and seven (7) TIF projects active during reporting year 2016. The Worthington TIRC is charged with making recommendations to City Council to continue, modify, or cancel each active exemption agreement.
CRA - ACTIVE PROJECTS

1. WORTHINGTON STATION PROJECT (862–918 Proprietors Road)

Project Background:

The Worthington Station Project is made up of individual parcels comprising the former Worthington Foods manufacturing site. The facility sat vacant and unused and the property was demolished by the Robert Weiler Company in 2005. Thereafter, the property was sold to developer 900 Proprietors, LLC. (See Figure 1, next page)

Worthington City Council passed Ordinance 13-2007 (April 2007) authorizing the 75 percent, 10-year abatement on any improvements made to the Worthington Foods site. To-date, only a portion of the entire manufacturing site has been redeveloped. Although the original plan was to construct up to 12 office condominium buildings (total 85,000 sq ft), only four (4) such buildings (total 17,900 sq ft) were ever constructed; each building is located on its own parcel. In response, Worthington City Council passed Ordinance 57-2010 (December 2010) to limit the CRA abatement to only those parcels redeveloped through 2010. At that time, the job commitment figures were also amended down from 180 jobs to 44, and payroll commitments from $14,666,150 to $2,599,936.

During the 2016 reporting year, all four buildings at the project site were subject to an active CRA abatement. All abated properties have been purchased from the original developer. The four owners during the 2016 reporting period were: BCR Worthington LLC; Ohio Soybean LLC; Rail Road Investments LLC; and WFP Properties LLC.

Figure 1: Worthington Station Project CRA map
2016 Reporting Year -- Project Performance:

<table>
<thead>
<tr>
<th></th>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Investment Time Frame</strong></td>
<td>01.31.2011</td>
<td>05.2010</td>
</tr>
<tr>
<td><strong>Retained Jobs</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Retained Payroll</strong></td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>New Jobs</strong></td>
<td>44 FT</td>
<td>43 FT</td>
</tr>
<tr>
<td><strong>New Annual Payroll</strong></td>
<td>$2,599,936</td>
<td>$3,416,846</td>
</tr>
</tbody>
</table>

The 2016 monitoring fee ($500) was properly paid by the property owners.

**TIRC Recommendation:**

Given that the committed investments were completed on-time, the employee headcount is 98% of the revised commitment amount, and annual payroll exceeds commitments (131%), the TIRC recommends that City Council should continue the CRA abatement, with project companies in compliance. City staff agrees with the recommendation by the Worthington TIRC to continue the CRA abatement as-is.

2. **ROADRUNNER PROJECT (535 Lakeview Plaza Blvd.)**

**Project Background:**

The City of Worthington entered into a CRA exemption agreement with the developer Lakeview Properties in October 2007 to encourage development of office, warehouse and retail space on the site at 535 Lakeview Plaza Blvd. Under the terms of the agreement, a 75 percent, 10-year tax exemption was put in place on the property. The agreement expressly identified the developer Lakeview Properties as the owner and RoadRunner Sports Inc. as the tenant. (See Figure 2)

Amendments were made in 2011 by the TIRC and City Council to change the abatement: (i) reducing the benefit from 75 to **60 percent** for the remainder of the abatement term; (ii) reducing new full-time jobs committed from 100 to 50; (iii) reducing annual payroll commitments from $2,000,0000 to $1,395,000; and (iv) assigning the abatement to the new owner of the parcel (RM-Use LLC).
2016 Reporting Year -- Project Performance:

<table>
<thead>
<tr>
<th></th>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Time Frame</td>
<td>11.01.2009</td>
<td>10.2008</td>
</tr>
<tr>
<td>Retained Jobs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Retained Payroll</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>New Jobs</td>
<td>50</td>
<td>23</td>
</tr>
<tr>
<td>New Annual Payroll</td>
<td>$1,395,000</td>
<td>$1,646,349</td>
</tr>
</tbody>
</table>

The 2016 monitoring fee ($500) was properly paid by the property owners.

TIRC Recommendation:

Given that the committed investments were completed on-time and annual payroll exceeds commitments (118%), the TIRC recommends that City Council should continue the CRA abatement, with the project company in compliance. City staff agrees with the recommendation by the Worthington TIRC to continue the CRA abatement as-is.
3. **WORTHINGTON PROFESSIONAL PARK PROJECT (740-760 Lakeview Plaza Blvd.)**

Project Background:

Worthington entered into a CRA abatement agreement with the developer Worthington Professional Park Limited (WPPL) in May 2007 to encourage the redevelopment of commercial space located at 150-760 Sancus Blvd (now the office condominiums at 740-760 Lakeview Plaza Blvd). Under the terms of the agreement, a **75 percent, 10-year** tax abatement was to have been put in place on the property. (See Figure 3)

The original development plan for the property was for WPPL to improve existing facilities at the site and create office condominiums for sale to commercial office users. At this time, the condominium project has been built-out, with improvements to 740 Lakeview Plaza Blvd completed in October 2007 and improvements to 760 Lakeview Plaza Blvd completed in November 2008. The several condominium units comprising those buildings were then sold to new commercial owners.

**Figure 3: Worthington Professional Park Project CRA map**
After the 2012 TIRC, at which this project was presented as incomplete, City staff submitted CRA applications for the condominium parcels comprising the project site. The Franklin County Auditor’s Office responded that it would recognize abated improvements for six (6) of the 11 condominium parcels at the project site.

2016 Reporting Year -- Project Performance:

<table>
<thead>
<tr>
<th>Amended Agreement Terms</th>
<th>As of Dec. 31, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Time Frame</td>
<td></td>
</tr>
<tr>
<td>Retained Jobs</td>
<td>-</td>
</tr>
<tr>
<td>Retained Payroll</td>
<td>-</td>
</tr>
<tr>
<td>New Jobs</td>
<td>35 FT</td>
</tr>
<tr>
<td>New Annual Payroll</td>
<td>$1,886,345</td>
</tr>
<tr>
<td></td>
<td>$2,721,400</td>
</tr>
</tbody>
</table>

The 2016 monitoring report and fee ($500) was properly filed by each of the four property owners.

TIRC Recommendation:

Given that the committed investments were completed on-time, the employee headcount exceeds the commitment amount (126%), and annual payroll exceeds commitments (144%), the TIRC recommends that City Council should continue the CRA abatement, with project companies in compliance. City staff agrees with the recommendation by the Worthington TIRC to continue the CRA abatement as-is.
TIF - ACTIVE PROJECTS

1. WORTHINGTON STATION PROJECT (862 – 918 Proprietors Road)

Project Background:

Worthington City Council passed Ordinance 50-2007 to authorize a 25 percent, 10-year parcel TIF on the redevelopment of the former Worthington Foods manufacturing site. The TIF revenues are to reimburse the City’s investment, made in 2005, of $150,000 for constructing a sound barrier along the railroad tracks at the eastern end of the site.

Because only a portion of the site actually was redeveloped, Worthington City Council limited the TIF by removing the exemption from the undeveloped portions of the Worthington Foods site (Ordinance 58-2010).

2016 Reporting Year -- Project Performance:

In 2016, the City recognized $27,293.58 in deposits to the TIF fund for purposes of reimbursing the cost of construction for a sound wall at the project site. The cumulative deposits now equal $180,684.51.

For reporting year 2016, the increase in the true value of parcels of real property on which TIF’ed improvements took place equaled $758,700. The number of new employees at the project site was 43, and retained employees were zero (0).

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

2. WORTHINGTON SQUARE VENTURE LLC (7227 North High Street)

Project Background:

Worthington City Council passed Ordinance 47-2010 to authorize a 100 percent, 30-year urban redevelopment TIF on the value of improvements made to the former Worthington Square Mall. The TIF revenues are intended to reimburse the developer, Worthington Square Venture LLC, for the costs of various improvements to entrance facades and streetscapes at the southern, eastern and northeastern portions of the 140,000 sq ft retail facility.

In late December 2011, the developer submitted the required documentation to file the TIF. In February 2013, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the mall parcel.

In March 2015, Worthington City Council passed Ordinance 07-2015 authorizing the City Manager to sign the Acknowledgement of Termination to eliminate the TIF’s existing school
compensation agreement. Ordinance 07-2015 also amended the existing TIF to convert it to a non-school TIF.

2016 Reporting Year -- Project Performance:

During 2016, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has not found an increase in the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

3. **WEST WILSON BRIDGE ROAD INCENTIVE DISTRICT TIF (160 W. Wilson Bridge)**

Project Background:

Worthington City Council passed Ordinance 45-2012 to authorize a **100 percent, 30-year**, non-school incentive district TIF on the value of improvements made by Worthington Square Acquisition, LLC to develop a mixed-use office and residential project on the rear parking lot behind the Shops at Worthington Place and the former James Tavern site at 160 West Wilson Bridge Road.

In April 2014, the City submitted the required documentation to file the TIF. In May 2014, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the mixed-use project.

2016 Reporting Year -- Project Performance:

During 2016, the City recognized $157,528.62 in deposits to the TIF fund. The cumulative deposits now equal $160,562.94.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

4. **WEST DUBLIN GRANVILLE ROAD TIF (2233 - 2299 West Dublin-Granville Rd.)**

Project Background:

Worthington City Council passed Ordinance 42-2013 to authorize a **75 percent, 10-year** parcel TIF on the value of improvements made to the former Segna Volvo dealership property. The
TIF revenues are intended to cover the construction of public infrastructure improvements to the intersection of State Route 161 (West-Dublin Granville Road) and Linworth Road.

In April 2015, the City submitted the required documentation to file the TIF. In November 2015, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the project.

2016 Reporting Year -- Project Performance:

During 2016, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has yet to acknowledge the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

5. 933 HIGH STREET TIF (933 High St.)

Project Background:

Worthington City Council passed Ordinance 24-2014 to authorize a **75 percent, 10-year** parcel TIF on the value of improvements made to the former multi-tenant office development on High Street in Old Worthington. The TIF revenues are intended to cover the construction of storm sewer improvements, buried utility lines and other public infrastructure improvements at the site being redeveloped by Fresh Thyme Farmers Market.

In September 2014, the City submitted the required documentation to file the TIF. In February 2015, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the project.

2016 Reporting Year -- Project Performance:

During 2016, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has yet to acknowledge the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:

City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.
6. **DOULTOWN WORTHINGTON TIF DISTRICT**

Project Background:
Worthington City Council passed Ordinance 33-2014 to authorize a **100 percent, 30-year** incentive district TIF on the value of improvements made to properties within the district. The TIF is enclosed by a continuous boundary and incorporates real estate parcels that adjoin High Street, from South Street to North Street. The incentive district comprises approximately 28 acres.

In January 2015, the City submitted the required documentation to file the TIF. In May 2016, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the incentive district.

2016 Reporting Year -- Project Performance:
During 2016, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has yet to acknowledge the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:
City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.

7. **350 WEST WILSON BRIDGE ROAD TIF**

Project Background:
Worthington City Council passed Ordinance 36-2015 to authorize a **75 percent, 10-year** urban redevelopment TIF on the value of improvements made to the property located at 350 W. Wilson Bridge Road. The TIF revenues are intended to help offset the costs associated with the construction of public infrastructure improvements.

In December 2015, the City submitted the required documentation to file the TIF. In July 2016, the City responded to a request from the Ohio Department of Taxation for supplemental documentation. In September 2016, the Ohio Tax Commissioner issued a final determination acknowledging the TIF exemption for the project.

2016 Reporting Year -- Project Performance:
During 2016, the City recognized zero dollars ($0) in deposits to the TIF fund. The Franklin County Auditor has yet to acknowledge the taxable value of improvements made to the parcel; thus resulting in no payments in lieu of taxes flowing into the TIF fund.

TIRC Recommendation:
City Council should continue the TIF exemption. City staff considers the recommendation set forth by the Worthington TIRC to be reasonable and appropriate.
RESOLUTION NO.  59-2017

Authorizing the Award of Re-emergent Corridor Assistance Program Funds to Help Improve Facility Exterior Facade and Streetscape Along Certain of the City’s Commercial Corridors (7086 Huntley Road).

WHEREAS, in May 2014 the City launched its Re-emergent Corridor Assistance Program, or ReCAP, as an exterior façade and streetscape enhancement initiative to induce property owners and tenants to re-invest in their commercial properties in Worthington; and,

WHEREAS, those commercial properties eligible for ReCAP assistance during program year 2017 are located in the commercial corridor comprised by Huntley Road, Proprietors Road, and the connecting portions of Schrock Road and Worthington-Galena Road, respectively; and,

WHEREAS, the City received one application for program assistance from Werstler Management, LLC, dba Heritage Marble, to make exterior improvements to commercial real property the applicant owns at 7086 Huntley Road, City of Worthington, Franklin County (the “Property”); and,

WHEREAS, as specified in the ReCAP Policy & Procedures, City staff prepared the application materials for review by the Worthington Community Improvement Corporation (“CIC”) at its regular meeting on September 15, 2017; and,

WHEREAS, the CIC Board reviewed the applications and recommended approval; and,

WHEREAS, City Council is desirous of encouraging the exterior renovation and streetscape improvements to be made by Werstler Management, LLC as set forth in its applications for ReCAP assistance, which are attached hereto and incorporated herein as EXHIBIT A.

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

SECTION 1. That the Council of the City of Worthington does hereby approve an award up to a maximum of $25,000 in assistance under the Re-emergent Corridor Assistance Program for 7086 Huntley Road, to Werstler Management, LLC, for the work described in EXHIBIT A. Said assistance is structured in the form of one-half the amount in grant funds and one-half the amount in loaned funds to encourage investments in, and improvements to, the Property.
SECTION 2. These awards of ReCAP assistance shall be in accordance with and subject to the requirements set forth in the ReCAP Policy & Procedures, including the use of City funds for only those Eligible Improvement Costs as identified therein.

SECTION 3. The City Manager, the Director of Finance and the Director of Law, and any other City official, as appropriate, are each authorized and directed to sign the necessary documents to evidence the ReCAP assistance approved herein, and are authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transaction described in or contemplated by this Resolution.

SECTION 4. That the Clerk of Council be instructed to record this Resolution in the appropriate record book.

Adopted ____________________

President of Council

Attest:

____________________________________

Clerk of Council
Re-emergent Corridor Assistance Program (ReCAP)
Application for Assistance (2017)

Those interested in receiving ReCAP financing for exterior improvements must complete this form and submit to the City of Worthington. The City will review the information to determine whether an award of ReCAP assistance is approved for the described project.

### Applicant Information

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Westler Management, LLC dba Heritage Marble</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant’s Mailing Address</td>
<td>2101 9th Street SW; Massillon, OH 44647</td>
</tr>
<tr>
<td>Contact Name &amp; Title</td>
<td>Peter T. Martin</td>
</tr>
<tr>
<td>Contact Email</td>
<td><a href="mailto:pmartin@towersurfaces.com">pmartin@towersurfaces.com</a></td>
</tr>
<tr>
<td>Contact Phone No.</td>
<td>330-837-2216 x205</td>
</tr>
<tr>
<td>Project Site Address</td>
<td>Heritage Marble 7086 Huntley Road Columbus, OH 43229</td>
</tr>
<tr>
<td>Is this site:</td>
<td>X Purchased</td>
</tr>
<tr>
<td></td>
<td>□ Leased (lease ends: / / )</td>
</tr>
<tr>
<td>Applicant’s Federal Identification Number (FEIN)</td>
<td>47-4882081</td>
</tr>
<tr>
<td>Applicant is currently involved in the Worthington Community</td>
<td>Applicant is not currently involved in the Worthington Community due to this business being a recent acquisition.</td>
</tr>
<tr>
<td>Attach Copy of Applicant’s Recent Letter of Credit or Loan Commitment from a Banking Institution</td>
<td>If the Applicant cannot show recent correspondence from a Banking Institution, Applicant can supply a completed Personal Financial Statement (SBA Form 413).</td>
</tr>
</tbody>
</table>

### Property Owner Information

<table>
<thead>
<tr>
<th>Property Owner Name*</th>
<th>Westler Holdings, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email</td>
<td><a href="mailto:twestler@towersurfaces.com">twestler@towersurfaces.com</a></td>
</tr>
<tr>
<td>Phone No.</td>
<td>330-837-2216 x202</td>
</tr>
</tbody>
</table>

*If Applicant is NOT the Property Owner, then Property Owner must supply notarized acknowledgement.*
As the owner in fee simple of the real property at the Project Site Address, I hereby acknowledge and approve of the Applicant submitting this request for City of Worthington ReCAP assistance to improve said property.

PROPERTY OWNER

STATE OF OHIO 
COUNTY OF STARK 
) ss.

Before me, a Notary Public, in and for said county, personally appeared the above-named Property Owner who acknowledged the signing hereof to be his/her voluntary act for the purposes therein mentioned.

Signed: 

Notary Public, State of Ohio

My Commission expires: 

Project Site – Current Conditions

The Heritage Marble building is currently not visible from the street due to overgrown trees and landscaping. There are also two separate entrances, which creates confusion to our showroom visitors as to which door to use to enter the facility.

The proposed renovation will clear away the overgrown landscaping and create an enhanced façade around the area of our showroom entrance. It will also eliminate sidewalk access to the secondary entrance, which will no longer be used, making it much clearer to our customers where to enter our place of business.

We will also be adding a front-lighted sign to the front of the building, which, when coupled with the removal of the overgrown trees, will greatly increase the visibility of our business to the traffic on Huntley Road.

Attach Current, As-is Photographs of the Project Site

<table>
<thead>
<tr>
<th>Project Scope of Work &amp; Applicant Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Total Exterior Project Costs $70,000.00</td>
</tr>
<tr>
<td>In the Space Provided, Describe the Exterior Improvement Project's Scope of Work</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>In the Space Provided, Describe the Applicant's Experience in Undertaking / Managing Similar Projects</td>
</tr>
<tr>
<td>Attach Renderings, Illustrations and/or Drawings for the Exterior Improvement Project</td>
</tr>
<tr>
<td>Project Work Bids</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Attach Three (3) Written Bids for All Exterior Improvement Work to be Performed under the Project</strong></td>
</tr>
<tr>
<td>Applicant must supply at least three (3) written bids for the work to be performed. Applicants must ensure that all bids are based on the same work (example: if Bid 1 is for tuckpointing, window replacement, and flashing, Bids 2 and 3 must also be for same scope of services)</td>
</tr>
<tr>
<td>NOTE: Although ReCAP awards are calculated only per the lowest bid, Applicants are free to accept higher bids.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contractor Selected &amp; Construction Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contractor Selected</strong></td>
</tr>
<tr>
<td><strong>Construction Schedule</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>In all cases, ReCAP-assisted construction must be completed within 24 months of making application</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Compliance with City Laws &amp; Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please verify the following by providing a check mark next to the ones that are true.</td>
</tr>
<tr>
<td><em>X</em> Property taxes are up to date on this property.</td>
</tr>
<tr>
<td><em>X</em> Applicant is in full compliance with City income tax obligations.</td>
</tr>
<tr>
<td><em>X</em> Property is fully compliant with the City's building &amp; zoning code; There are no known violations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>As an authorized representative of the Applicant, I hereby submit this Application. I understand that this Application, once submitted, in no way constitutes a commitment of funds by the City of Worthington.</td>
</tr>
<tr>
<td>I hereby represent and certify that I have reviewed the information contained in this Application, and the foregoing and attached information, to the best of my knowledge and belief, is true, complete and accurately describes the proposed project for which the City’s ReCAP assistance is being sought.</td>
</tr>
<tr>
<td>I am aware that Ohio law sets forth criminal penalties for falsification on applications for economic development assistance (see Ohio Revised Code §2921.13(A)(4)).</td>
</tr>
<tr>
<td>(Signature)</td>
</tr>
<tr>
<td>Peter Martin, Director of Administration</td>
</tr>
<tr>
<td>Printed Name &amp; Title</td>
</tr>
<tr>
<td>Date 8/25/2017</td>
</tr>
</tbody>
</table>

Applications are to be submitted to the following:
City of Worthington, Economic Development
6550 North High Street
Worthington, Ohio 43085
MEMORANDUM

TO: Matt Greeson, City Manager
FROM: David McCorkle, Economic Development Manager
DATE: September 27, 2017
SUBJECT: Award of “ReCAP” Assistance – Werstler Management, LLC (7086 Huntley Road)

This is intended to provide background information concerning the recommendation that City Council approve $25,000 in exterior enhancement assistance under the ReCAP initiative to Werstler Management, LLC, dba Heritage Marble, at 7086 Huntley Road.

**Recommended Action:**

The CIC met on September 15, 2017 and reviewed the proposed exterior improvements to 7086 Huntley Road. The CIC Board recommended approval of funding for the project, contingent upon the applicants compliance with the Building & Planning Department.

The application submitted by Werstler Management, LLC was scored by both City staff and the CIC Board, receiving a final score of 75 points (out of 100 possible; a minimum score of 65 points is required).

Staff recommends that City Council approve $25,000 in ReCAP assistance to Werstler Management, LLC for the property located at 7086 Huntley Road. Funds will be used to make improvements pursuant to the program’s guidelines and procedures.

**ReCAP Initiative:**

The City of Worthington launched a façade improvement grant / revolving loan fund (RLF) in May 2014 to induce private, commercial property owners and tenants to make exterior-focused improvements. Worthington calls this initiative the Re-emergent Corridor Assistance Program (“ReCAP”). In its fourth year, the program is focused on improving properties located along Huntley Road, Proprietors Road, and connecting portions of Schrock Road and Worthington-Galena Road (collectively, the “Corridor”).
The Corridor is comprised of older properties which lag behind comparable properties elsewhere in the Central Ohio region, and many of the Corridor’s properties are marked by declining investment and depressed leasing rates.

Reimbursable grants and no-cost financing are available under ReCAP to fund commercial building exterior enhancements. ReCAP provides half of the total award amount up-front as a loan payment to awardees, with the remaining half being a reimbursable grant that is received upon proof of invoices and payments. This assistance is to partially fund well-designed exteriors that enhance the design integrity of the Corridor and secure participating buildings against further devaluation and disinvestment.

**Proposed Project:**

Application was made by Werstler Management, LLC to make improvements to the property at 7086 Huntley Road. The work proposed by the applicant consists of removing existing vegetation, removing fabric awnings over entryways and extending the entrance façade above the roof line, replacing the concrete sidewalk, removing trees/stumps, adding new LED lighting and fixtures, resurfacing the existing brill wall with Dekton Ultra-Compact Surfacing, and updating the lawn and landscaping.

The proposed timeline is 8 weeks. The lowest of the three submitted bids was $57,556.

The Neighborhood Design Center (“NDC”) provided design and application assistance for this project. For 2017, NDC is on engagement with the City to provide no-cost (to the applicant) design and planning services to ReCAP projects.
ReCAP Program
Application #17: Werstler Management, LLC
(dba Heritage Marble)

Applicant Information

<table>
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<tr>
<th>Item</th>
<th>Details</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>Werstler Management, LLC</td>
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<tr>
<td></td>
<td>(dba Heritage Marble)</td>
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<tr>
<td>Site Address</td>
<td>7086 Huntley Road</td>
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<tr>
<td>Total Project Cost</td>
<td>$57,556</td>
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<td>Award Amount</td>
<td>$25,000</td>
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<td>Applicant owns the building</td>
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Scope of Work

- Remove fabric awnings from both entrances
- Replace concrete sidewalk
- Remove (6) trees/stumps from western lawn
- Remove vegetation and outdated landscaping stones/beds
- New LED lighting for new sign
- (3) new lighting fixtures
- Extend entrance façade above roof level
- Resurface existing brick wall with Dekton Ultra-Compact Surfacing
- New planting beds
- New shrubbery and perennials
- Regrade and reseed lawn

7086 Huntley Rd.

Current Condition
7086 Huntley Rd.

Current Condition

South Façade Rendering
7086 Huntley Rd.

Southeast Façade Rendering

Scoring

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<th>Category</th>
<th>Score</th>
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<td>Current physical condition:</td>
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<tr>
<td>Scope of Work:</td>
<td>15</td>
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<tr>
<td>Viability and repayment:</td>
<td>20</td>
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<tr>
<td>Commitment to Worthington:</td>
<td>5</td>
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<tr>
<td>Overall project quality:</td>
<td>20</td>
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<td>TOTAL SCORE</td>
<td>75*</td>
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</table>

*Minimum score of 65 needed to receive funding.
ORDINANCE NO. 38-2017

Accepting a Permanent Easement for Landscaping at 50 East Dublin-Granville Road, Worthington, Ohio 43085.

WHEREAS, landscaping associated with the new patio and pergola at the James Kilbourne Memorial Library located at 752 High Street; and,

WHEREAS, in order to install and maintain landscaping in this six-foot easement it is necessary to obtain from certain property owners permanent easements; and,

WHEREAS, Worthington Schools has agreed to grant easements upon their property located at 50 East Dublin-Granville Road, Worthington, Ohio, 43085.

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

SECTION 1. In connection with the installation and maintenance of landscaping, the City hereby accepts a permanent easement from Worthington Schools as more specifically described and shown on Exhibit “A” attached hereto and made a part hereof.

SECTION 2. The City Manager is authorized and directed to execute and deliver any and all documents that may be necessary to evidence the authority granted in furtherance of the acceptance of this easement.

SECTION 3. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington Ohio.

Passed ___________

President of Council

Attest:

______________________

Clerk of Council
DEED OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the BOARD OF EDUCATION OF THE WORTHINGTON CITY SCHOOL DISTRICT (the “Grantor”), for good and valuable consideration paid by THE CITY OF WORTHINGTON (the “Grantee”), receipt of which is hereby acknowledged, does hereby grant to Grantee, its successors and assigns forever, a permanent easement in, over and under a portion of the real property located at 50 East Granville Road, Worthington, Ohio, PIN #100-006615 (the “Landscape Easement”), for the purpose of installing, maintaining, removing or replacing landscaping in any part thereof (hereinafter referred to as the “Landscaping”).

(See Exhibit “A” for a depiction of the “Landscape Easement”)

The Grantor claims title to said lands by the document of record described as Aff. Book 8, Pg. 116 in the Recorder’s Office, County of Franklin, State of Ohio.

The Grantor and Grantee understand and hereby agree that all terms and conditions contained herein shall be effective and binding upon the parties and their respective successors and assigns.

The Grantor hereby grants the Grantee the right to enter the Grantor’s property for the purpose of accessing the Landscape Easement area. The Grantee shall use its best efforts to keep from disturbing any property outside of the Landscape Easement while installing, maintaining, removing or replacing the Landscaping, provided, however, as soon as is practicable after all installation of the Landscaping is completed, the Grantee shall cause restoration of any such disturbed area by returning it to its former grade and restoring the surface area to its former condition as nearly as is reasonably possible.

The easement rights granted herein are non-exclusive. Neither the Grantor nor the Grantee, except as expressly permitted herein, shall cause or allow to be constructed any permanent building, structure, facility or improvement, which in any way impairs the use or interferes with the installation, maintenance, removal, or replacement of the Landscaping or access thereto.
The Landscape Easement has been recommended by the Grantee to the user of the adjacent Kilbourne Building as a buffer between the uses on the patio at the Kilbourne Building and Kilbourne Middle School. However, should Grantor determine that the property underlying the Landscape Easement is needed for school purposes, Grantor shall provide Grantee with one hundred and eighty days written notice of its intent to terminate this Deed of Easement.

The Grantor hereby covenants with Grantee that it has full right and power to grant this Deed of Easement.

CITY OF WORTHINGTON

By 
Matthew H. Greeson, City Manager

BOARD OF EDUCATION OF THE
WORTHINGTON CITY SCHOOL DISTRICT

By Jeffrey S. McCon

STATE OF OHIO
COUNTY OF FRANKLIN

On September 17, 2017 the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Jeffrey S. McCon, the Treasurer of the Board of Education of the Worthington City School District, for and on behalf of the Board.

Loretta S. Zimmerman
Notary Public

STATE OF OHIO
COUNTY OF FRANKLIN

On________________, 20____ the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Matthew H. Greeson, the City Manager of the City of Worthington, for and on behalf of the City.

__________________________
Notary Public

This document prepared by:
Pamela A. Fox, Law Director, City of Worthington
370 Highland Ave.
Worthington, Ohio 43085
(614) 880-1464/pfox@ci.worthington.oh.us
EXHIBIT "A"

LOT 2
Access Easement

LOT 1, KILBOURNE MEMORIAL LIBRARY SUBDIVISION, INSTRUMENT # 200609290194728

Sanitary Easement

Proposed 6' Landscape Easement

Utility Easement

Village Green Dr-NE
MEMORANDUM

TO: Matthew H. Greeson, City Manager
FROM: R. Lee Brown, Director
DATE: September 26, 2017
SUBJECT: Ordinance for a Deed of Easement (Landscape Easement) - 50 East Dublin-Granville Road (Worthington Schools – Kilbourne Middle School)

The James Kilbourne Memorial Library was built in 1927, with additions constructed in 1932 and 1956. The building was originally the library, and was more recently used as the Worthington Schools administrative offices. The City took possession of the building in 2006. In an ongoing effort to preserve the building, and provide leasable space to prospective commercial tenants, various alterations were approved and have been constructed. In 2009, City Council rezoned the property to the C-5 District (Central Commercial) to allow leasing of the space to a variety of users. Sew to Speak was the first commercial tenant located in the northern part of the building, and COhatch was approved for office space in the southern part of the building. Makerspace is proposed for the basement that would include things like a 3D printer, sound studio, art studio, photo studio and other equipment.

The Architectural Review Board (ARB) at the request of COhatch approved several building modifications and the addition of a pergola and patio on the site. Construction is now nearing completion on the exterior and interior renovations. ARB approved a landscape plan in association with the proposed outdoor patio and pergola to help soften, screen and compliment the patio and pergola. City Staff worked with Tim Gehring with Worthington Schools to obtain a six (6) foot easement along the southern and eastern portion of the property to be used for the installation of landscaping associated with the new pergola and patio on the Kilbourne Building on the Kilbourne Middle School property. The patio and pergola are built to the southern and eastern property line, thus leaving no room for landscaping on City property. Exhibit A has been signed by Worthington Schools granting the City an easement.

Staff is requesting Council to accept the easement by ordinance, and allow the City Manager to follow through with the execution and recording of any documents deemed necessary as part of this agreement.
MEMORANDUM

TO: City Council

FROM: Robyn Stewart, Assistant City Manager

DATE: September 29, 2017

SUBJECT: ENERGY CONSERVATION MEASURES PROJECT UNDER OHIO REVISED CODE SECTION 717.02

On September 5, 2017, staff reported to City Council its suggestion to move forward with the Community Center HVAC project utilizing the process spelled out in Section 717.02 of the Ohio Revised Code for projects involving energy conservation measures. During that meeting, City Council members raised a few questions that staff could not fully answer. Additional information is included in this memorandum in response to those questions.

Under this process, does the City have to use the vendor that produces the study/report for the installation?

The City has prepared a Request for Proposals from vendors to prepare an energy conservation report and install the recommended and selected measures. Prior to selection of the vendor to perform this work, proposers will be evaluated for both tasks. The intent is to move forward on both phases with one vendor. However, after completion of the energy conservation report, the City is not required to proceed with the same vendor for the installation. If the City chooses not to proceed with the same vendor, then it would enter into a formal bidding process for the HVAC work.

What form does the guarantee of energy savings take? Can this be bonded? What happens if the guaranteed energy savings are not met and the vendor is no longer in existence?

Under this process, the City is required to find that the amount of money spent on the project is not likely to exceed the amount of money the City would save in energy, operating, maintenance
and voided capital costs over the average system life. This is based on a savings guarantee provided by the vendor. The energy savings guarantee is a contractual obligation of the vendor. It is not something that would be covered under surety bonds which are typically provided for construction projects. The City would pursue the vendor directly if the energy savings are not met. The guarantee is as strong as the financial ability of the vendor going forward.

**Where else has this process been used in the state and what was their experience?**

It has been used by a variety of other public entities, including the cities of Lancaster, Akron, Sandusky and Middletown. City staff has been following up with them to collect advice on utilizing this process.

**How does this process differ from the design-build process?**

The processes are similar, but there are differences. Under the design-build process, the City selects a firm to prepare the architectural and engineering plans and specifications and also construct the improvement. The energy conservation measures process provides the City with the option of whether to proceed with the installation after the energy conservation report is prepared and allows the City additional methods of paying for the purchase, including installment payments to the vendor. Unlike the energy conservation project process, the design-build model does not allow for installment payments or the option of not proceeding with the improvement after the design is completed.