



6550 N. High Street
Worthington, Ohio 43085

T: 614-436-3100

Worthington City Council Agenda

Louis J.R. Goorey Municipal Building
John P. Coleman Council Chamber

Monday May 07, 2018 ~ 7:30 PM

CITY COUNCIL MEMBERS

Bonnie D. Michael
President

Scott Myers
President Pro-Tem

Rachael Dorothy
Council Member

Douglas Foust
Council Member

Beth Kowalczyk
Council Member

David Robinson
Council Member

Douglas Smith
Council Member

CITY STAFF MEMBERS

Matthew Greeson
City Manager

D. Kay Thress
Clerk of Council

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Approval of the Minutes

2018 **5.A.** Committee of the Whole Meeting - April 9,

5.B. Regular Meeting - April 16, 2018

Recommendation: Introduce and Approve as Presented

6. Public Hearings on Legislation

6.A. Ordinance No. 19-2018 Appropriation – Bike and Pedestrian Strategic Bicycling and Walking Implementation Plan.

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18)

Executive Summary: This Ordinance appropriates an additional \$25,821 to supplement the \$50,000 already appropriated for a Bike and Pedestrian Master Plan.

Recommendation: Approve as Presented

Legislative History: Introduced on April 16, 2018

6.B. Ordinance No. 18-2018 Authorizing the Use of Commercial Purchase Cards

Authorizing the Use of Commercial Purchase Cards and Authorizing the Finance Director to execute a Card Agreement with The Huntington National Bank.

Executive Summary: The City of Worthington is seeking to implement a commercial purchase card program which staff believes will bring increased efficiencies in the purchasing process, provide additional cost tracking measures, and generate a monthly rebate.

Recommendation: Approve as Presented

Legislative History: Introduced on April 16, 2018

7. New Legislation to Be Introduced

7.A. Resolution No. 30-2018 Transfer of Funds - \$77,000.00

Adjusting the Annual Budget by Providing for a Transfer of Previously Appropriated Funds

Executive Summary: This Resolution authorizes the transfer of previously appropriated funds to cover expenses as anticipated in the appropriate accounts. Approval of this Resolution will not result in increased total appropriations.

Recommendation: Introduce and Approve as Presented

7.B. Resolution No. 31-2018 Appointments - Bicycle & Pedestrian Advisory Board

Appointing Members to the Worthington Bicycle and Pedestrian Advisory Board

Executive Summary: This Resolution re-appoints Emma Lindholm and Eugenia Martin to the Worthington Bicycle and Pedestrian Advisory Board for new three-year terms expiring on May 31, 2021.

Recommendation: Introduce and Approve as Presented

7.C. Resolution No. 32-2018 Appointments - Community Relations Commission

Re-appointing Members to the Worthington Community Relations Commission

Executive Summary: This Resolution re-appoints Tom Burns, Nick Linkenhoker, Eddie Pauline and Glennon Sweeney to the Worthington Community Relations Commission for new three-year terms expiring on May 31, 2021.

Recommendation: Introduce and Approve as Presented

7.D. Ordinance No. 20-2018 Appropriation - Federal Emergency Management Agency (FEMA) Fund

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the FEMA Fund Unappropriated Balance.

Executive Summary: This Ordinance appropriates \$15,883.50 in the FEMA Fund to reimburse the General Fund for costs associated with a deployment for Hurricane Harvey relief efforts.

Recommendation: Introduce for Public Hearing on May 21, 2018

7.E. Ordinance No. 21-2018 Appropriation - 2018 Street Program - Crack Sealing

Amending Ordinance No. 41-2017 (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 2018 Street Crack Sealing Program (State of Ohio Contract 101G-19 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Executive Summary: This Ordinance appropriates \$27,000 for the crack sealing portion of the 2018 Street Improvement Program and authorizes the City Manager to enter into a contract with Stawser Paving for the work.

Recommendation: Introduce for Public Hearing on May 21, 2018

7.F. Ordinance No. 22-2018 Appropriation - 2018 Street Program - Rejuvenator

Amending Ordinance No. 41-2017 (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 2018 Street Rejuvenator Program (State of Ohio Contract 101L-18 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Executive Summary: This Ordinance appropriates \$68,000 for the rejuvenator portion of the 2018 Street Improvement Program and authorizes the City Manager to contract with Pavement Technologies, Inc. for the work.

Recommendation: Introduce for Public Hearing on May 21, 2018

7.G. Ordinance No. 23-2018 Appropriation - 2018 Street Improvement Program

Amending Ordinance No. 41-2017 (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 2018 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

Executive Summary: This Ordinance appropriates funds for the 2018 Street Improvement Program.

Recommendation: Introduce for Public Hearing on May 21, 2018

7.H. Ordinance No. 24-2018 Tobacco 21 Legislation

To Enact New Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington to Require a License for the Sale of Tobacco and Prohibiting Tobacco Sales to Persons Under Twenty-One.

Executive Summary: This Ordinance introduces legislation that would raise the minimum legal sales age for retailers to sell tobacco and tobacco related products to 21 years of age in the City of Worthington.

Recommendation: Introduce for Public Hearing on May 21, 2018

7.I. Ordinance No. 25-2018 Right of Way Appraisal Review Contracts - NE Gateway Project

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for the Real Estate Acquisition Services for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

Executive Summary: This Ordinance appropriates funds and authorizes the City Manager to enter into agreements with three firms for right of way acquisition services for the Northeast Gateway Project.

Recommendation: Introduce for Public Hearing on May 21, 2018

8. Reports of City Officials

8.A. Policy Item(s)

8.A.I. Permission to Bid - 2018 Street Program

Executive Summary: Staff is requesting permission to advertise for bids for the 2018 Street Program.

Recommendation: Motion authorizing the advertisement for bids

8.A.II. Consultant selection for Electric Aggregation Program

Executive Summary: Authorizing the City Manager to negotiate and enter into a contract with Energy Alliances for consultant and brokerage services related to an electric aggregation program

Recommendation: Motion

8.B. Discussion Item(s)

8.B.I. Discussion Regarding Gun Control Legislative Positions

Executive Summary: Discussion regarding letter on state legislative gun control issues

9. Reports of Council Members

10. Other

11. Executive Session

12. Adjournment

Agenda



CITY OF WORTHINGTON
Worthington City Council Minutes
April 9, 2018

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, April 9, 2018, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 PM.

ROLL CALL

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

Member(s) Absent: Douglas Foust

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

There were twenty nine visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS – No Comments

SPECIAL PRESENTATION

- SwimInc – Rob Schmidt

Mr. Greeson reported that recently Council requested that he extend an invitation to Rob Schmidt, President of the SwimInc Board to provide an update on the status of their facilities planning and other organizational efforts. Mr. Schmidt has graciously agreed to provide that update and is here this evening.

Mr. Schmidt thanked Council for the invitation as it provides a great opportunity to get together and talk about SwimInc. The City and SwimInc have a very special long term relationship. He speaks for himself and many members of his Board who are present in that they are working very hard to maintain and protect that relationship and to ensure the long term success of the Worthington pools. The SwimInc Board appreciates all of the support they have received from the City. He doesn't have many formal statements to make about where they are but he can provide an update. Since 2016 when this Council graciously forgave the balance of the loan that they had with the City (balance was \$100,000) SwimInc. retained Carrie Millard, a consultant who specializes in the support of relatively small non-profit organizations in central Ohio. Ms. Millard spent the last half of 2016 and 2017 working with SwimInc. perform a basic assessment of our capacity. The assessment was completed in the early part of 2017. The report showed us that we were not prepared to move forward with a large capital campaign because we did not have the internal capacity necessary to manage the types of donor management as well as the internal controls necessary for that type of capital campaign. While we were not surprised by the findings, it helps to have an external source provide that feedback in written form. She also provided us with some insight into the various constituencies who have a vested interest in the long term success of SwimInc. Parties include our summer membership, those who use our lessons and aerobics program, our competitive swimming teams as well as supporting the high school swim teams and water polo teams. Carrie was able to get a feel of all the constituencies and their ideas of long-term success and how to get there, then providing that information to the board.

Since receiving that information we have made several internal changes. We first began by completely rebuilding the SwimInc. Board. The Board is now a ten member Board that have a vested interest in the success of the Worthington Pools. It is a unique blend of individuals that bring with them a whole new set of talents and an unbelievable dedication to the organization. There has also been turnover in the management of the Pools; Rachel Smith is now serving as our General Manager. She has one job and that is to get the pools opened. Staff is focused on getting everything sort of pointed in the direction of a capital campaign. We are now doing the following things:

- We have undertaken a facility assessment which includes hiring an expert in aquatics facilities to provide us with insight into the expected long-term and mid-term physical needs of the three outdoor pools and the indoor natatorium. We have a draft report that is currently being reviewed internally.*
- We are also in the process of working on a request for proposals from local consultants to take this particular facility assessment report and work with our stakeholders/constituents/city/schools to develop it into a comprehensive plan for the facility. That comprehensive plan must have real numbers associated with it.*

In 2016 he shared with Council a conceptual plan. It had pretty pictures with a conceptual business model behind it. The conceptual model is for aquatics programming at SwimInc. We need to change the dynamics from September to May. We need more capability to run programs that generate fees during the winter season. The idea behind

the conceptual pictures showing big garage doors on the outside of the building over the north pool was to provide us with water for more lessons and other non-competitive type programs. The idea behind this was to change the existing dynamic because we need to change how the facility operates to ensure its long term financial success. He pays taxes in Worthington and doesn't want to come back and ask for large sums of money from governmental entities for capital needs.

They are also in the process of reorganizing SwimInc. While they have unbelievably great people running the pool, the Board is likely to take up a proposal in April to create an executive director position. This person would be dedicated solely to the operation of SwimInc. as a non-profit. They need a dedicated executive who can raise money and everything that entails to get the central organization to the next step.

The next step is to take the plan, with real numbers, and present it to all of their stakeholders clearly laying out the resources needed to pull this off. The stakeholders will include the City, the school district, as well as all of the people that take advantage of their facilities. They are in the process of combining all of the complicated moving parts of the facilities assessment, developing a facilities plan, and getting an executive director to point the ship in the right direction to keep it running. Best case is that they will have a plan with real numbers sometimes later this summer. At that point they will have to make decisions about what types of resources they are able to muster and the timeline for the improvements.

Mr. Myers commented that it sounds like they are taking a step back and from the conceptual plan and looking more at just basics right now. Mr. Schmidt thinks it is fair to characterize it as maybe taking a half step back. One of the issues with the presentation of the plan they made to the State with the help of Representative Duffey is that the plan was built around the economic model discussed earlier. That plan did not include a full blown facility assessment. The plan again was to change how they use winter pool time or add pool time for winter use while ensuring the attractiveness of the outdoor pool for their vital summertime members. They knew previously that there was a bad leak in the north pool but in the intervening 2½ years they have come to understand that there are other parts of the facility that have not been looked at in any detail. It would be unwise for the Board to move forward with a capital investment without fully understanding what the actual long term needs of any particular element of the pool are. It would be unfortunate to start a capital campaign and not address the immediate operational needs for all of these pools. So they have taken the half step back to get a facility assessment. We have coupled that with the fact that when we were making the presentation to Council in 2016 the estimates were based upon square footage. Typical construction costs for pools of this type are based upon a certain number of dollars per square foot. In an ideal world we would have done some of this planning before we made our initial presentations.

Mr. Myers commented that the vision that they sent out a couple of years ago is still their vision, but they just have to take care of the bones first. Mr. Schmidt agreed. What is important to understand is that the vision is finding a way to change the operation of the

indoor natatorium while ensuring the long term attractiveness of the outdoor pools to their members. They can't afford to lose a significant number of outdoor memberships since it subsidizes the operations of the rest of the facility. This requires attractive facilities, which is contrast to the current outdated 1950s vintage locker rooms. They have to take into account the actual physical health of the facility, which is what the assessment accomplishes and to have everybody on board when they move forward, which was something that they did not do particularly well.

At Ms. Michael's offer, Mr. Schmidt introduced members of his team who were present.

Ms. Michael acknowledged Rep. Mike Duffey who was in the audience. She thanked Mr. Schmidt for the update.

Ms. Michael shared that she attended a meeting earlier today that included Mr. Schmidt, Ms. Dorothy, Mr. Greeson, Ms. Hudson (Worthington School Board), Mr. Shaddock (City of Columbus) and Mr. Hurley, Mr. Collins (Columbus Parks and Recreation) to see if there are ways to expand some buy-in and see how we can all work a little bit closer to make this project a reality.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance 14-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the PACE Fund appropriated Balance to Provide Funds for the Payment of a Special Assessment to the Columbus-Franklin County Finance Authority

The foregoing Ordinance Title was read.

Mr. Bartter reported that in 2016 Council entered into an agreement between Trivium Development (developer of 350 W. Wilson Bridge Rd.), the Franklin County Finance Authority and the City of Worthington for energy improvements to that building. The City serves as a pass through where a special assessment is made against a property. We received the first half of the distribution of that assessment and now need to pay it to the Franklin County Finance Authority.

Mr. Robinson asked if his understanding is correct in that after this first payment there should not be a need for further ordinances as such. Mr. Bartter agreed with his understanding. He explained that because this is the first year it was not appropriated during the budget cycle but it will be included in future years.

There being no additional comments, the clerk called the roll on Ordinance No. 14-2018. The motion carried by the following vote:

Yes 6 Robinson, Kowalczyk, Dorothy, Smith, Myers, and Michael

No 0

Ordinance No. 14-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Tobacco 21

Mr. Greeson shared that unfortunately Ethan Barnhardt, our very able intern, has his Capstone presentation tonight and couldn't be with us but he did quite a bit of work developing background and information on Tobacco 21 that he presented last fall. One of the follow-up research items that he was tasked with by this Council was to look at the success or experience of a number of communities that adopted that legislation. He conducted that research which is reflected in a memorandum enclosed in your agenda package and presented for Council's review. He invited Mr. Lindsey to recap Tobacco 21 and introduce some partners in the audience who are going to address Council this evening. Tonight we want to refresh your memory about the Tobacco 21 public health initiative and go over the research to the degree that you desire, listen to testimony both on the health benefits of this kind of effort as well as from the city of Columbus about their experience in running their program.

Mr. Lindsey confirmed that Mr. Barnhardt has done a great deal of work on this item. When this item was presented to City Council in September it also happened to be his first meeting and it was ironic that the City of Upper Arlington where he came from had passed Tobacco 21 legislation. It is a different model than what Columbus proposed as it has a licensing component. Through Columbus Public Health, retailers who sell any tobacco products are required to obtain a Columbus license. The failure to have that license is a first degree misdemeanor offense punishable by six months in jail and/or \$1,000 fine. The sale of tobacco products to someone under 21 by an establishment is also a misdemeanor offense with the first offense being an M-4 (thirty days and/or \$250 fine). Subsequent violations come with a higher offense. The City of Upper Arlington did not hold any jail time, only financial penalties. Both models look to the seller of the tobacco products and not the underage user of the product. Part of that is based on the fact there is not a statewide age limit of 21 and it would be very difficult to enforce a possession of tobacco products not knowing what jurisdiction someone may have purchased them in. Staying away from enforcement against the user is also consistent with the public health interest of educating those under 21. The experts in the room will tell you more about the reason why and how that works.

Mr. Lindsey reported that he and Mr. Barnhardt met with Lory Winland from the American Heart Association/American Stroke Association earlier this spring. She introduced them to Mr. Jeff Stephens with the Cancer Action Network of the American Cancer Society to present more information. As a Worthington resident, Ms. Winland thought that Mr. Stephens would be the appropriate person to address Council. He will explain the alliance of various health entities that are concerned about this issue and will be able to present more as to those rationales. Also with us tonight is Melissa McArthur, the program manager for Tobacco 21 with Columbus Public Health. She will be able to comment on their implementation. As you may or may not recall, Columbus had a very lengthy roll out of this legislation to make sure businesses were aware of what was going on and to give people plenty of time to be aware of the policy and then an extended period of time for licensing. They have now moved into the enforcement phase that includes doing underage buys tracking whether or not the businesses are doing the appropriate identification checks before making sales.

Another consider moving forward with any potential legislation is that the Columbus ordinance established a dedicated fund for any fines that would go towards education. He will leave it to our finance director as to whether that is something he would prefer or not prefer to see. Those sort of special funds sometimes present challenges from an accounting standpoint.

He then invited Mr. Stephens to share.

Jeff Stephens, 202 Sinsbury Dr.

Mr. Stephens shared that when the American Cancer Society came calling six years ago he didn't know he would be working on tobacco issues because he thought the war on tobacco was already done. He is the Government Relations Director in Ohio for the American Cancer Society Cancer Action Network. He is blown away by the research he saw from Mr. Barnhardt in the memo, it was fabulous work and concise with all of the surrounding communities. He noted Ms. Winland and the Heart Association have been fabulous frontrunners on this issue. He is not an expert in Tobacco 21 but he knows the basics. He is speaking to members tonight as part of an active coalition formed around the passage of this ordinance in Columbus that expresses their support for Tobacco 21 legislation that would make it unlawful to sell or distribute tobacco products to anyone under the age of 21. Tobacco 21 legislation may reduce the number of young people who use and become addicted to tobacco products, ultimately reducing the diseases and premature death that these products cause. The toll of tobacco in Ohio is staggering. Ohio has the 6th highest tobacco use rate in the country. We are part of this tobacco nation that goes down Michigan through Ohio, Kentucky, and the Ohio River Valley and it is challenging. All of the states say they know there is a problem but they don't really agree on the solution.

A new study from the American Cancer Society indicates that cigarette smoking was responsible for about 1/3 of all cancer related deaths in the country. That study provides state level estimates for the number of adult deaths from smoking, with the latest data from 2014 ranking Ohio as the 8th worst. Tobacco products remain the leading

preventable cause of death in Ohio and the United States, responsible for over \$5.6B in health care cost in Ohio each year. Tobacco use almost always begins during adolescence and young adulthood. About 95% of adult smokers began smoking before they turned 21. In Ohio alone the tobacco industry spends over \$1M a day marketing its products and securing its next generation of customers. That is tough to combat.

The good news is that we know what works in tobacco use prevention and sensation. Over 50 years public education and policy efforts have paid off. Nearly all Americans know that smoking poses significant health risks. Recent significant increases in cigarette taxes, the funding for prevention and cessation control programs, and smoke free indoor environments have had an impact on reducing tobacco use. Tobacco 21 efforts are not yet conclusive but they wouldn't be behind it if trends weren't pointing that way.

There are over 300 jurisdictions across the country that have passed Tobacco 21 sales restrictions, including five states. It is a wave that is growing and they are working with local jurisdictions to build momentum. They have even had some state lawmakers want to push this but it is not quite time yet. They need other local jurisdictions and good history behind them first.

Raising the minimum age for the sale of tobacco products to 21 with strong retail compliance and active enforcement can be one part of a comprehensive strategy to reduce youth initiation. Some of the materials that Mr. Lindsey handed out were about the importance of the enforcement. Retail licensing is one of those components that give you the leverage to help with enforcement. You can't just cross out 18 and insert 21. Cleveland tried that and they are not having success. The law in Columbus is the model that they are seeing across the country now. Many jurisdictions and states are modeling what has been done in the City of Columbus.

Increasing the sale of tobacco products to the age of 21 will counter the tobacco industry's effort to target young people at a critical age when many move from experimenting with tobacco to regularly smoking. We need to keep tobacco out of high schools where younger teens often obtain tobacco products from older students. The use of emerging tobacco products such as e-cigarettes amongst teenagers is growing at an exponential rate. Make no mistake; e-cigarettes are a tobacco product and the FDA has deemed those products as tobacco products.

Mr. Stephens, on behalf of central Ohio's most credible and respected health advocates and stakeholders, asked Council to support efforts that would prohibit the sale of all tobacco products to those under the age of 21. We must reduce the number of young people who start on the path of tobacco use that too often leads to addiction, disease and premature death. He thanked Council for its interest in entertaining this ordinance. They spend a great deal of time talking about prevention but this is something that could cut off the supply at the beginning of the life cycle. He would be happy to answer any questions.

Mr. Myers reported it not being a difficult decision for him. How we implement it, whether we want to license, whether we want criminalize, the details can be debated but the actual concept is not difficult. But Mr. Stephens seemed to indicate that there is not a real appetite at the statehouse on this issue. Mr. Stephens replied that in general they have been fighting this fight for many years. We take in \$1M of tobacco tax revenue yet we pay out \$1.7B a year in Medicaid costs to cover the cost associated with tobacco use. Every household in Ohio pays over \$1,000 a year in health care costs that are used directly for treating tobacco related diseases. So we are all subsidizing the use of tobacco. In the last several years they have increased the funding that goes to prevention and cessation. We have the best smoke free law in the country but that was done by ballot initiative and not by legislative action and we shouldn't have to do that. Then the third thing that is proven to keep kids off tobacco products is to increase the unit price of tobacco. That is done through a tax that has proven to reduce tobacco usage. In the last three biannual budgets Governor Kasich's administration has presented a wonderful package for tobacco control including a \$1.00 a pack increase. Ohio has not touched the other tobacco products tax in over 30 years showing the big tobacco industry's influence. Sometimes all we have is the science, the truth and a grassroots army, but as much as we go through that process, sometimes it doesn't stick. We have made incremental progress but not the big progress we would like. Some of our state lawmakers are very interested in Tobacco 21 believing that it is the thing that will curb tobacco use.

Mr. Myers asked how many of the legislators they are talking to appreciate the fact that we mortgaged our tobacco settlement money that was supposed to go for exactly what we are doing right now. Mr. Stephens acknowledged Mr. Myers comments as being exactly correct and he wishes this message were more public. We have this master settlement agreement that is now almost twenty five plus years old and all of that money has been frittered away. If he were to show you that chart, when they started that process at the beginning of 2000, our smoking rate was up in the 28% and it dropped almost ten percentage points through the course of investing and prevention, increasing taxes, and the smoke-free Ohio law. But when that foundation was decimated, raided, etc. the smoking rate has gone back up.

Mr. Robinson agrees with it being a no brainer for him personally. He asked how many establishments in Worthington sell tobacco. Mr. Stephens replied four or five.

Mr. Lindsey reported that staff sent out letters last week to all of those identified establishments that sell tobacco products so that they would be aware both of tonight's meeting and the possibility of future legislation coming before Council.

Mr. Robinson asked what the current laws are regarding possession here in Worthington for minors. Mr. Stephens reported not to know the specifics for Worthington although he thinks that under an old law minors can possess under the supervision of adults. Reducing access to youth is sort of the lowest proven effective method of reducing tobacco control. He thinks all of the organizations are excited to try to capture the data showing conclusive evidence that this will reduce tobacco use. Youth initiation is down. He thinks we are at 15% in Ohio but the ones that are using other tobacco products

(snuff, e-cigarettes, etc.) are growing rapidly and is a gateway into the use of combustible tobacco.

Ms. Michael stated that if this is something that Council would like to see move forward, she would entertain a motion to direct staff to at least draft an ordinance for discussion.

Mr. Myers thinks there are some things that members need to discuss before getting to that point.

Mr. Greeson reported that Columbus Public Health is also here in case members have any questions about the mechanics of their ordinance and how it has been implemented in Columbus.

Mr. Myers shared that he doesn't know if that would be beneficial or not. Some of his questions go to how the mechanics of our ordinance might fit with the mechanics of the Columbus ordinance. He asked if we are on our own with enforcement and implementation or is this something we can just piggyback onto with the City of Columbus. What kind of help can we get? He knows we have sanitarians in the field that can provide tips for us. Is it our police that will be enforcing this? Those are the kinds of things that he is wondering about.

Mr. Greeson thinks we are prepared to answer many of those questions this evening, which is why we put it on the agenda. We can of course talk about it again in a public hearing but we wanted to workshop it tonight. He believes Mr. Lindsey and the representative from Columbus Public Health can talk about it.

Mr. Lindsey invited Ms. McArthur to address Council. While she is coming, Mr. Lindsey noted there is a prohibition in the Worthington ordinances about possession by someone under 18 to consume or possess unless accompanied by a parent or guardian. The second thing is that the general model has been framed towards having Columbus Public Health, who does our health enforcement, be a partner for this. We would model our regulations after Columbus so there is consistency. It also helps in that we have adjacent borders.

Mr. Myers walked through the following scenario: Let's assume one of your sanitarians is at one of our establishments that sell tobacco and witnesses an illegal sale. Let's assume that Worthington passes an ordinance that mirrors Columbus'. He asked that she take him through the process of what happens next. Ms. McArthur reported there being two forms to enforcement for the Columbus program. One is a sign inspection that is done by their sanitarians. Signs are required to be posted at point of sale as well as on display cases. Sanitarians go out to verify that those signs are in place and then assist the operators if they are missing to correct the issue. The other piece of enforcement is an underage buy attempt by their secret shoppers. They work with a team of college kids who go out in pairs with one being under 21 and the other over 21. They go out to the facilities at random and attempt to purchase product at the facilities. Then they have a

process to bring that back and notify the operators if they bought product and that triggers the enforcement.

Mr. Myers understands that Columbus Public Health would be the ones to notify the operators and it would not come as a report to our police department or our safety director. Ms. McArthur confirmed that as being correct. She added that Columbus has two components with that, a civil piece that Columbus enforces and a criminal penalty. The civil process including that notification is all generated by their department.

Ms. McArthur shared that education was really important as they rolled this out as it was a very big change in culture for the facilities to move from 18 to 21. She then walked them through the process that they used.

As they have moved through this first year, the one thing that they built in as they started with the sign inspections and the underage buy attempts is advisory letters. So for the first year it was very important to them to build a relationship with their retailers to change the culture. They began with an advisory letter for both the signs as well as the underage buy attempts. All of the sign inspections so far have gone very well. They have only had to send out one advisory letter so far but it is still early in terms of numbers. They have completed their first round of underage buy attempts, 821 of those revealed a compliance rating of about 66%. They have had a lot of operators who have reached out to them after the advisory letter to get more information and feedback overall has been very positive. Retailers want to be in compliance with the law. They also offer an optional monthly educational session as well that has been very well attended. They are getting ready to begin their second round of underage buy attempts, which would carry a \$500 fine. Their hope moving forward is that the compliance rate would increase.

The four corporate facilities that are located in Worthington are already familiar with them in terms of licensing as well as requirements from working with them in the city of Columbus. The cigar facility on Huntley, have another facility in the city of Columbus that they own as well so all five facilities are familiar with the requirements as well as the licensing requirements.

Mr. Myers in thinking of the Dram Shop Laws for servers asked if there is a component that they can assist these operators in educating their employees. Ms. McArthur replied yes. Knowledge and education are the foundation of any great enforcement program. By having that educational foundation any enforcement that needs done is built on that education. The introductory letter was the original "reach out". They then did over 900 on-site visits for all of these different facilities where we worked with the operators and employees on ID checks, the new requirement, and using the signs to assist. We have the FAQ that we distributed as well. Through the educational sessions we do follow-up as well where we can distribute the PowerPoint that was used in the educational session so that operators can use that with their staff. That has been very helpful especially for facilities that have a large number of clerks or a large amount of turnover.

Mr. Myers thinks this seems too easy but maybe that is by design. But it sounds like, at least on the civil side, maybe the criminal side is a little bit different, but for licensure and civil enforcement once we pass this ordinance he assumes that we have to put our own licensure mechanism in place where they pay us but after that, he can hand everything off to Columbus and they will take care of it. Ms. McArthur confirmed that as being correct. Mr. Myers sees it as being even more of a no brainer now. Ms. McArthur reported it being great because their staff has really embraced it and are very familiar with the procedures at this point. They continue to regularly tweak it based off what does and doesn't work. But they have had a lot of success this year.

Ms. Kowalczyk in addressing the criminal penalties reported that it looks like the other municipalities that have adopted an ordinance have varying penalties. She is not sure when exactly those penalties kick in. She asked if the municipalities have the responsibility to enforce the criminal side of it. Ms. McArthur replied that the enforcement has been tweaked throughout the year. She explained that they did an advisory letter this year that wasn't codified but it was a good way to introduce retailers to the new law before going out and fining them. That created a communications avenue for back and forth to build a relationship. The next step in the enforcement process would be if there was a successful buy attempt or a failed sign inspection, then they would go back out either to look at the signs or attempt another underage buy. If that is positive at that time it is a \$500 civil fine and they generate the notice for that. If they sell again to someone underage, then the fine would be \$1,000 and law enforcement would be notified. Language is included in their notice that informs the retailer of the criminal component (a fine and misdemeanor penalty). They would have to get to the third positive buy before law enforcement is asked to assist. They also have a mechanism included if they sell three times they can actually lose their license to sell tobacco up to five years. She has told them many times to not sell between the ages of 18 and 21 is a much easier thing to do than to lose their license for five years. The last thing Columbus wants to have happen is for a retailer to lose their license for five years. The retailers and Columbus Public Health are pretty much all in agreement with that.

When asked by Ms. Kowalczyk if they have had to refer anyone to law enforcement yet, Ms. McArthur replied no. Ms. Kowalczyk stated that when they do, does the notice say what the penalties are for each municipality? How does that work because they look like they are different? Mr. Greeson reported that Worthington is the only other municipality that contracts with the City of Columbus. Others are working with Franklin County Board of Health or are on their own.

Ms. Kowalczyk concluded that they have a different process for enforcing the civil and the criminal. Mr. Lindsey agreed there are minor differences among the different jurisdictions as to what degree of offense they have made these. Whether it is a civil only or whether it is a civil and criminal. If it is criminal whether it is a fine only and no jail time. His initial recommendation is that we mirror what Columbus has done from a penalty standpoint which makes it easier for merchants to consistently know what they are being told. Columbus has chosen penalties that are significant enough that they will get the attention of the businesses, both from the civil side as well as the criminal. He

believes, while it might seem severe on the front end to have a jailable offense for something like this, he thinks Columbus making it a misdemeanor of the fourth degree gets people's attention and businesses do not think this is just a business proposition. They will gladly pay \$250 once or twice a year if they can keep selling because the potential of jail time is not worth it.

Mr. Smith asked for a point of clarification on what we are currently doing. It is his understanding that in the City of Worthington those five establishments are not required to have 21 and under signs. He asked if that was correct. Ms. McArthur agreed. She added that the basis for the Columbus program is really hinged off of that license. Once they are licensed then they can hold them to those requirements, the placement of the signs as well as the sale.

Mr. Smith commented that House of Cigars has the 21 under signs and they said they were required to by the enforcement of Columbus Public Health. His concern is not that somebody on her team is going out of their way to enforce that but that maybe some on her team don't know what establishments are in Worthington and which ones are in Columbus. He asked how we differentiate that. Ms. McArthur guesses that it is from having another one of their facilities in the city of Columbus where they have distributed signs. Their process is to run all of their facilities through the county auditors website so they can verify the jurisdiction and enforce retailers in the city of Columbus. So even if the signs are there in Worthington they are not being enforced. For Worthington they would just verify jurisdiction through the county auditor to make sure it falls within the jurisdiction. Mr. Smith stated that helps.

Mr. Smith reported that the Worthington branch of House of Cigars runs a lot of operations as far as warehousing and selling and distributing. He asked what the legalities are if they sell wholesale to a corporation whose owner is under 21. Ms. McArthur reported that everything for them is point of sale. Their code is written so that if the owner was under 21 they can't receive it at point of sale. Mr. Smith concluded that in theory if a tobacco owner of some shop in Columbus or wherever came to the Worthington branch and we had this law they would not be able to purchase that tobacco. Ms. McArthur agreed if they were under 21.

On the topic of license revocation, Mr. Myers asked if there are appeal rights. Ms. McArthur explained that there are appeal rights for every notice they do and those are stipulated in every letter. The advisory letter is the only notice that is not appealable.

Mr. Myers wanted to know how swift a license revocation is because he is struggling as to whether we need to criminalize or is a license revocation sufficient. If the license revocation process is more of a typical administrative process that could drag on through appeals that may not be as savory a remedy as some other. Mr. Lindsey explained that appealable due process rights in the administrative context would have its own course of proceeding. That would be as to the business entity itself. One of the challenges is to determine who the person was who violated and can you tie that to the business for purposes of the license revocation if it was the rouge employee. They might fire that

employee but still take action on the criminal side. He thinks having both options makes some sense attacking those sorts of problems. So having the layers of both the civil enforcement process gives us that capability. Bear in mind that at every level of criminal enforcement, members have discretion as to whether or not the charging entity law enforcement does or doesn't file it. You also have the prosecution of that case as to whether, based on the facts presented, the case is resolved short of an actual criminal sanction. Mr. Myers stated you also have the issues in administrative setting; you have more of a strict liability, an offense whereas in a criminal setting you have to prove intent. So your rogue employee would not get you criminal charges more than likely but it would get you a license revocation because it doesn't matter. Mr. Lindsey agreed as to the business but not as to the individual.

Mr. Lindsey shared that it was staff's goal to have Council pass a motion or give some direction so that we know if the desire of Council is to proceed with drafting legislation to bring back to you. The suggestion and approach in the memo was to pursue the Columbus approach, using Columbus Public Health both for the signs and also to be involved in the buy process. He also suggested mirroring penalties. Staff would bring that sort of legislation back to Council. If members heard something tonight you didn't like, then we would draft the legislation differently to try to meet that. But the initial thought would be to bring back to you legislation that mirrored Columbus's approach if Council was inclined.

MOTION

Ms. Kowalczyk moved, Mr. Robinson seconded a motion to have staff prepare legislation that mirrors the City of Columbus with Columbus enforcement.

There being no additional comments, the motion carried unanimously by a voice vote.

Members thanked Mr. Stephens and Ms. McArthur for their presentations and good information.

- City Council Retreat

Mr. Greeson remarked that the consultant prepared a report that summarized the Council Retreat. We wanted to couple that with some of the attachments and documents that were distributed at that event and come back to members and provide that for adoption to essentially document what Council did and making sure that the report itself reflects what members believe they accomplished. We think this is an important step because it is foundational work ensuring that both your work and the staff's work going forward is rooted in the agreed upon outcomes of the retreat. He has looked at this document a number of times and the only thing that he thinks he missed is that Council took one thing off the plate that wasn't reflected in the document and that was an urgent and rigorous review of Market Day.

Ms. Dorothy thinks members added water and sanitary too what was on the plate. Just the ongoing update that wasn't captured. Mr. Greeson agreed.

Mr. Robinson commented that on Page 3, at the bottom regarding UMCH, in parentheses it says the site is currently zoned for commercial. He thought it would be more accurate to say commercial and institutional.

MOTION Mr. Myers moved, Ms. Dorothy seconded a motion to accept the City Council Retreat Report as amended.

There being no additional comments, the motion carried unanimously by a voice vote.

- Financial Report – March 2018

Mr. Bartter provided the following highlights for the City's financial report for March:

- *The Fund balances for all funds increased from \$26,697,378 on January 1, 2018 to \$28,148,218 as of March 31, 2018.*
- *The General Fund balance increased from \$13,491,664 as of January 1, 2018 to \$13,933,742 as of March 31, 2018.*
- *Year to date income tax collections are below 2017 year to date collections by \$-446,592 or -6.87%.*

Mr. Bartter requested a motion by Council to accept the Financial Report.

MOTION Mr. Smith moved, Mr. Myers seconded a motion to accept the Financial Report.

Mr. Robinson asked for an explanation as to why year to date revenues are below 2017 levels by \$3,604,261 but above estimates by \$227,957. Mr. Bartter explained that the primary reason we are down from 2017 is because of the \$3.9M received in January 2017 from bond proceeds.

The motion carried unanimously by a voice vote.

Discussion Item(s)

- Community Visioning and Strategic Planning

Mr. Greeson commented that early in the year a motion was made and Council directed staff to begin working to prepare a process to conduct Community Visioning and Strategic Planning. We conducted a variety of research that included meeting with each Council member, interviewing a number of cities across the country who had undertaken

similar processes, we did research on this general topic, and attempted to summarize that in a memorandum he wrote to members on April 2nd and in an attachment that briefly summarizes some of the conversations we had with other communities. In this research we are trying to better define the goals of the process. Try to explore with each council member and senior staff members why we want to do this and determine what we hope to achieve. We want to explore the purpose and the desired outcome and seek clarity on that. We want to find relevant examples and in doing so determine the range of costs and the estimated amount of time it would take to successfully complete what we interpreted as a really strong visioning strategic planning process that was focused on robust community engagement.

We took the feedback we received and tried to synthesize it in the memorandum he wrote on April 2nd. There were themes that emerged from each of our conversations and we tried to write those into positive statements that would articulate to both the community and perspective consultants what we were trying to accomplish. We drafted those in theme statements. We categorized those themes into:

- 1) Externalities – Things we see around us in the market place and society in our region that will affect the future of the community and our reason why we should plan or opportunities we should plan for in order to achieve our vision.
- 2) Engagement – Aspirations like using this process to build community, engage new participants, build trust and ownership, and accomplish civic education and matters like that.
- 3) Outcomes – After a strong engagement process that would take into consideration all of the things affecting this community in the future we would achieve a plan that gave us a long term vision that is “not limited in creativity but also not divorced from reality” (quote from Mr. Oliver). Really produce something that is a guiding document that influenced the daily, weekly, monthly, and yearly actions of the City.

Mr. Greeson reported that what he wanted to accomplish with this Memo was to prompt this next level of conversation about this effort. He asked if this is reflective of why we are doing this. He asked if this is reflective of what members want to achieve with this process. If it isn't then he thinks we need to modify it further. If it is, then he thinks we need to start shaping it into a Request for Proposals where we would seek consultants to assist us.

Mr. Robinson admitted that he approached this process with personal trepidation. This means a great deal to him and he finds that he has strong feelings about all of this and therefore it is difficult for him to think clearly and find the right words. Some of his thoughts include:

- It is really important that members get this right. He is sure members don't want to spend a year of our time and significant resources and money and produce a plan that isn't productive of what we want it to do.

Mr. Robinson shared that his wife was participating in the school board's online communication vehicle and she remarked to him that there were some comments of people saying to other people, why are you taking time doing this because those decisions have already been made. He knows members don't want that to happen.

- He pledges to his fellow Council members that he will approach this process in a heartfelt effort to be humble, to listen, to understand, to not seek to convert but really open himself up and be forthright about what he thinks and why.
- He would hope this process would help members ferret out misconceptions that we might have of one another.
- He knows that varying folks in our community think other members in our community might be opposed to development or wanting to cling to the past or anti-garden or anti-park or whatever. He thinks many of those things just aren't true. He hopes that members can really have discussions so that we understand one another better so that all of the conversation, debates and discussion that follow from that are done with that sort of the air being cleared.
- He hopes that members really dig down deep and avoid the use of buzz words that mean many different things to different people whether it is walkability or responsible development or new urbanism. He hopes members press for specificity and concrete descriptions so that we really understand what we are talking about and don't go through a process like we did with UMCH. The plan itself looked good and sounded good but when we actually saw the concrete reality and the visuals is when many protested.

Mr. Robinson said he hopes members dig deep and are really forthright and honest and trust one another enough to be real with each other.

Mr. Smith commented as far as the document goes, that members are discussing it is a great first step. To be clear and in a very abstract comprehensive kind of way to then chisel down, filter down into what it is that is members want. He has held all along that the most important component of the visioning plan is going to be making sure that we as a Council, and we as a staff get the right questions to then put into the visioning process and not rely on our consultants to pick a basic format that they have used in ten other different cities. With that, he appreciates the nod on the first page of the attachment but he would like to make sure that he keeps stressing and that is a word he has been stressing all along for months and months now is a consensus style outreach. Be very comprehensive and he doesn't see that. All of these other attachments, he sees 300 participants, 400 participants, etc., etc., but he has said from the beginning that if members don't reach in one way or another 80% of the residents in the city of Worthington we will have failed. He would like to make sure that we continue to stress a consensus style approach.

Mr. Myers shared that he wants to make certain that we do not do this on the cheap. He thinks the \$30,000/\$40,000 estimates are too low. He would gladly appropriate \$200,000 for this project. He wants to make sure that we get the absolutely best facilitator in the country and not just someone who is close and convenient because he

agrees that this is our one shot and there is a lot riding on this. For him, the most important reason for doing this is that it is a trust building exercise more than anything and not just amongst Council but amongst Council and the community. He wants to make certain that we have a facilitator that understands that.

A couple of specifics as to Mr. Smith's point, he agrees with him to start with some sort of a survey mechanism. He disagrees to the extent that he doesn't know if we ought to be posing the questions. He thinks members should be asking the people what the questions ought to be. He wants to know what they think members ought to be doing. Just flip the suggestion.

To Mr. Robinson, he is not naive enough to think that we are not going to be talking a lot about UMCH and Harding Hospital in this process but he wants to make certain members are not thinking that small. He would approach UMCH from a much more global perspective. He doesn't think this really has much to do with him and Worthington. He looks at this more like Columbus 2050. What sort of a city does he want to leave his children? Where are we going to be in thirty years, not in five?

To that extent some things popped into his head like do we want to be an inclusive City. Is that one of our goals? What does that look like because right now we are not a very inclusive City? Are we talking about race, religion, age and what is that going to look like? Let's say we want to be inclusive and therefore would have to provide moderate income housing. What is that going to look like? Is that acceptable to the people that live here and then maybe that matures into what we put on the United Methodist Children's Home property. He thinks we start with what is that goal of the City. If the City comes back and says no we really like being around people just like us and if that is truly what people in Worthington wants he will accept that. He may move but he will accept that. He thinks that is the way he wants to see this thing driven. Do we want entrepreneurs or would we rather have a headquarter campus? How do we want to develop our infrastructure and our tax base? What is important to us? Do we like small business or do we like large businesses? Big fundamental questions like that and then when we get those out, that will form the context for drilling down to things like the Harding property and the UMCH property. He doesn't want this all to boil down to or get bogged down too much into a discussion on land use even though he knows it is going to have to be part of this eventually. He just wants to make sure we can do it in a broader context because he thinks that is where we will build more consensus when we find out what we want to be as a City. What are our core values as a City? Are schools important to us? If so, how do we support them? Is a swimming pool important to us and if yes, how do we support that? Are we willing to put money into it? Core issues like that is where he wants to start on this process and then go from there. He thinks it will take a pretty skilled facilitator. He is not a member of the digital age so it is really important for him to sit in a room with somebody and look at them when he talks. He likes the Gahanna model although he would come up with some different criteria. He thinks one of those has to be land use. He thinks that they need to educate the community on how we go about land use decisions. What is in our land use tool kit? He thinks economic development has to be one of those things. What are our incentives? We

should have a workshop on that. That was his point in putting the educational component into the motion. We need to educate people as to why we are doing the things we do. Maybe that will help them to understand why we make the decisions. He thinks that has to be a big part of the workshop component. He thinks that we need to look to the people as to where do they see the City. What do you want members to ask and then involve absolutely as many people as we possibly can?

Mr. Robinson's point about the decision already being made is a good one. He wants to make sure we avoid that which is why he wants to ask people what they want and make sure members keep a long range vision. He thinks five years is just too narrow. We have to be able to implement every year. It has to form the basis for our budget but he thinks we have to look long term. He asked if there is any input from Gahanna as to why they were so focused on their school in their plan. They have two of their six workshops focused on students (youth and student engagement and student council at Gahanna Lincoln High School). He knows that the Gahanna school district is very unique and have opposed a second high school for years. So he understands the Gahanna Schools and City of Gahanna are a little different than Worthington. Mr. Greeson thinks they just made a conscious effort to include youth as a segment of the population that often does not get an opportunity to participate in these types of long term processes. He noted that Ms. Stewart and Mr. Brown actually interviewed them.

Mr. Myers thinks youth is very important to us too. As he ages he is concerned about how we attract the next generation of Worthington residents and how we engage the younger people in Worthington because there is a difference in thinking between a thirty year old with two infant children and a sixty year old looking towards retirement. We just have a very different focus in life and he wants to make sure both of those are represented, which is why we need to try and cast a really broad net.

The other thought he had and he and Mr. Greeson had talked about this, is the concept of the steering committee. He asked if members want to go out and have a mix of stakeholders, non-stakeholders, staff, Council and whoever but a fairly broad range of maybe as many as twenty people to function as the guiding committee through all of this so that we don't have to go to a group of 300 people every time we want to take the next step with the facilitator.

Mr. Greeson commented that he doesn't intend to answer that question tonight but what he has envisioned with this process is that all of the input that members have given serves as a basis to go out and solicit consultant assistance. Having watched these processes over the years, there is an art to developing the right architecture for this process. What he would envision is that we would have assistance in somebody taking this work and members' comments, interviewing Council members and other stakeholders again and maybe even broadening that and then shaping that process architecture for Council's review. That is when you would answer the question of, do we establish a steering committee and what is the role of it. Our research indicates that it is not uncommon but the role of it is different in each process.

Mr. Myers thinks it is probably not a bad model but he wants to make certain that there are appropriate transparencies, checks and balances if you will on any steering committee because if we don't then we are jumping out of the frying pan into the fire. We've just taken it from seven people to twenty and we are still hiding the ball. That defeats the whole purpose of this effort.

He also is inclined to support the notion that you send the RFP out and you go ahead and make the executive decision to whittle that down to an appropriate number and then allow either Council or a subcommittee of Council to actually interview finalists so that Council has some ownership on who gets picks. He thinks that is also critical.

Ms. Dorothy thinks that it would be a great thing to have a process that we could get as many people involved as possible to discuss what their vision of Worthington is in an effort to make everyone feel that they have a part in that decision and the decision is not already decided. She thinks those are all goals that Council should definitely be aiming for. She is not quite sure how to get to there but they are definitely goals that members need to consider when framing this process. She wants this visioning process to be as thoughtful as possible for as long term as possible and to include as many people as possible. It is overwhelming to her how that will be accomplished but she is willing to spend a significant amount of money. She would like to have the best and brightest working on this but she doesn't have many solid ideas on how to go about that. She thinks it is a very worthy goal.

Ms. Kowalczyk thinks the document captures everything that she would want to see as far as goals and themes. Moving forward she thinks it is really important, particularly for her as a new Council member to have an idea of what the vision is and what our long term strategy plan is for the City to ensure that we are sustainable and viable in the future. She agrees with everything that has been said about community engagement, ensuring we get the range of feedback. She would go even younger. She would like for teenagers, considering that she has one, to be involved because there are many things that they can add to the discussion. She thinks there are gaps in what we do now that can be served by hearing from them. She thinks it is important to look at different ways to reach people. You may not do a standard survey for a teenager or a senior. You may have to go out and do other types of engagement. She is actually looking forward to seeing if we can explore some creative ways of engaging people. She knows there are really some interesting models, pop up meetings that other communities have done. She is really looking forward to seeing if we can try some of those.

The other piece of this, if it is done correctly, we will be able to simply review it and update it instead of having to go through this process again to the extent that we are going to do it now. It will become a living document and a living vision. She thinks as we finalize it, we must avoid what she has been through in other organizations where they come up with a strategic plan and then nothing happens. She thinks it is incredibly important that Council is held accountable for what comes out of this. That we actually have action steps, detailing who is going to do what, and a way to monitor/measure the outcomes. She thinks that is really important to have as this process develops.

Ms. Michael also agrees with much that has been said. She thinks that the population of Worthington is continuously changing and we need to reach out as far as possible to get as much input as we can. But it is also important to determine what Worthington wants to be when it grows up. This needs to be a vision so if something is going to come; we should go back to the strategic plan to find the direction that the community wanted. This is the vision that the community wants to see and then how do we implement our programs, our strategies, our capital improvements, etc. to line up with the visions. She is not sure what the visions are and she goes into this with a completely open mind. By getting enough input out there, there is going to have to be some way to reach a consensus to what the majority of the community wants. We will never have a consensus that everybody will agree on but we will have to have a majority of consensus on what the community feels and these are our guidelines as we look at economic development, land use, policy, procedures, etc. She agrees that we need the best and brightest and somebody who really focuses a great deal on listening to the community. One of the most important things is to listen. Many times people try to tell people what they want them to hear as opposed to asking the question and then really listening to the answer. She hopes we have a lot of community listening.

Mr. Greeson considers this a qualifications based process. We would pick somebody and probably look at the range of costs they've charged other clients because we don't know exactly what the process looks like and they don't either until they've done more community dialog. We would look at their rates and experience with other communities to be instructional in terms of costs. But we are looking for a partner with the qualifications to do "this" kind of job, so it is an RFQ as opposed to an RFP probably. He doesn't think it has to be overly complex. He thinks the words that were shared tonight and the documents he has developed are constructive in terms of what we are trying to achieve and we could get it out relatively soon. We will want to spend some time making sure that we have a long list of qualified consultants that we send it to since we are not just looking in the region. So that may take a little time to make sure we are putting it in the right hands and the right places.

Mr. Greeson thinks in addition to the RFQ piece it is a question of what role the Council as a whole wants to play in that process. He agrees with Mr. Myers that it is important to have Council buy in to the process. He doesn't know if there are any thoughts on how to structure that or who you as a Council want to be involved in that. Ms. Michael suggested waiting to see what kind of numbers we are talking about. Mr. Greeson agreed. He added that most RFQ processes we are running staff committees. He would think in this instance Council would want to have at least a couple or more Council member involved and maybe even some community members.

Mr. Myers shared that his thinking was that staff narrow down to three or some arbitrary number and he would certainly feel comfortable if we had three members of Council that would serve as a screening committee that would bring a recommendation back to Council on their choice of a consultant in consultation with Mr. Greeson. He would have

no problems with that. If we get to that then he probably has three names he could throw out right now but he will wait.

Mr. Greeson commented that staff will put some initial documents together for the RFQ process, start to shape essentially a vendor list, and if Council members have any firms that you are familiar with in your professional experience that you would want to add to that then please let him know. The more the merrier in his opinion. Members can authorize him tonight by motion to go ahead and prepare that and issue it or you can ask for him to come back with that document already written.

Mr. Myers reported feeling comfortable proposing a motion.

MOTION Mr. Myers moved, Mr. Robinson seconded, a motion instructing the City Manager to prepare an RFQ for the selection of consultants to be presented to Council in whatever fashion members deem appropriate at a later date based on the comments provided tonight. Bring the RFQ back to Council and then members will vote to issue.

The aforementioned motion carried unanimously by a voice vote.

REPORT OF COUNCIL MEMBERS

Ms. Kowalczyk shared that she attended the Community Relations Commission meeting last week to talk about her age friendly ideas. They are very interested in it. She inquired as to when we might get to hear from Katie White. Mr. Greeson replied that he doesn't know but will call her. Staff will maybe bring back her available schedule and also maybe a list of some of the other Committee of the Whole topics and members can pick which ones they want to do first. Ms. Kowalczyk stated the CRC are very interested in helping out with it.

Ms. Dorothy believes all Council members received an e-mail from some residents on South St. She took the opportunity to go out and see some of the erosion happening along Rush Run. She plans to talk to Mr. Whited more about it but there is significant erosion. There is also still erosion in the cemetery. She just wanted to bring it up again although she knows it is on Mr. Whited's plate but there are residents who have some immediate concerns about it. Ms. Michael understands that the City response will be going out soon. Mr. Greeson agreed that staff is working on that item although we are not ready to issue one quickly because it is not an easy topic so we need to spend some time with Mr. Whited and probably Mr. Lindsey as well to make sure that we are crafting an appropriate response.

Mr. Myers reported having something that he wants to give Council members before they leave for their consideration for next week. He will also give a copy to Ms. Thress and asked that it be included on that agenda for next week for discussion.

EXECUTIVE SESSION

ADJOURNMENT

MOTION Mr. Smith moved, Ms. Dorothy seconded a motion to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:26 p.m.

*APPROVED by the City Council, this
7th day of May, 2018.*

Clerk of Council

Council President



CITY OF WORTHINGTON
Worthington City Council Minutes
April 16, 2018

6550 N. High Street
Worthington, Ohio
43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, April 16, 2018, in the John P. Coleman Council Chambers of the Louis J.R. Goorey Municipal Building, 6550 North High Street, Worthington, Ohio. President Michael called the meeting to order at or about 7:30 PM.

ROLL CALL

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

Member(s) Absent:

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Fire & EMS John Bailot, Chief of Police Jerry Strait, Clerk of Council D. Kay Thress

There were six visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS

Although Mr. Hamer's comments pertain to an item listed later on the agenda, he requested sharing them at this time because of a very early morning obligation. President Michael invited him to share.

Tom Hamer, 160 Longfellow Ave.

Mr. Hamer reported that towards the end of tonight's agenda Council will be entertaining a discussion regarding gun control legislative positions. As mentioned, he has to get up earlier than normal tomorrow and while he would like to stay and hear that discussion, will instead make a few brief comments and then leave. Some weeks ago he

copied Council on a letter he sent to the Columbus Dispatch which advocated for universal background checks. Receipt was acknowledged by President Michael. This letter came after Council member Myers made his comments on gun violence and community safety. The Dispatch did not print that article so he recently sent it to This Week in hopes that they will. One of the things that he was trying to accomplish in that letter was to really get citizens engaged in the question of universal background checks. One of the sentences he had in that letter was, "See if your city, village, or township council is willing to go on the record with their concerns about gun violence and community safety as the Worthington City Council has done." There are no perfect solutions for the gun violence problem we have in this country but universal background checks would make it harder for convicted felons and people with a documented history of mental health issues, those on terrorist watch lists and other persons who shouldn't have guns from getting them. Universal background checks would close the gun show loophole we have heard about but more importantly also close the private sale loophole where unlicensed sellers are not required to perform background checks in online or other transactions. In a 2017 survey of a panel of 32 scholars of criminology, public health and law, they rated universal background checks as the most effective policy to prevent gun deaths, rating it #1 of 29 gun related policies. In 2007, the International Association of Chiefs of Police stated that because individuals who failed a background check can easily access firearms from unlicensed sellers, guns are far too easily acquired by prohibited possessor and too often end up being used in gun crimes and gun violence.

A survey of state prison inmates in thirteen states who were convicted of gun offenses found that only 13% of them obtained the gun from a gun store or pawn shop where backgrounds checks are required. 96% of those inmates were already prohibited from possessing a firearm at the time they obtained one through an unlicensed, private seller.

We know that universal background checks are effective. The numbers are clear. States that have universal background checks have significantly lower rates of mass shootings, homicides and suicides. While the Parkland, Florida shooting has reignited the divisive gun debate, common ground is right there before us. Depending on which survey you sight, 85% to 97% of our citizens support universal background checks of perspective gun buyers. This is a position that Democrats and Republicans, urban and rural voters and sportsman and safety professionals can all agree upon. So as Council entertains its discussion tonight of gun control legislative considerations he hopes that they will come to a position of strong advocacy for universal background checks.

APPROVAL OF THE MINUTES

- Regular Meeting – April 2, 2018

MOTION

Mr. Robinson moved, Mr. Foust seconded a motion to approve the aforementioned meeting minutes as presented.

The motion to approve the minutes as presented carried unanimously by a voice vote.

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 15-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the Olentangy Parklands Restroom and all Related Expenses and Determining to Proceed with said Project. (Project No. 676-18)

The foregoing Ordinance Title was read.

Mr. Greeson reported the Olentangy Parklands Restroom Project as a project that was identified in the Parks Master Plan. It is to be located in one of the busiest portions of our parks system. He invited Mr. Hurley to overview this project.

Mr. Hurley shared that the 2018 CIP included \$120,000 for a new restroom at the Olentangy Parklands. The addition of a permanent restroom facilities in the parklands was one of the priority projects in our Parks Master Plan that was adopted last fall. This park experiences heavy year round usage including over 400,000 annual users of the Olentangy Trail per MORPC counts in addition to very active tennis, pickleball, soccer, the skate park and sledding hill. The park is currently served by two portable toilets which are located next to the parking lot and are often left a mess. Since the CIP was approved in the fall, staff have continued planning for the facility leading to the conclusion that more funding will be required to do the install in order to maximize its potential and usage. There were two primary factors that have resulted in this request for additional funding. First, as we worked with Metro Parks and others who regularly get these facilities, the sizing recommendation has changed. We were initially looking at one stall in each the men and the women's side. As we did some calculations and some consultation with other providers it became apparent that we would need two stalls, which upgrades the facility and some of the installation costs. The other was that as we considered more and more the year round usage of that park, the ability to heat it and leave it open year round became desirable. Those two factors increased our price point from \$120,000 to the amount requested in this funding ordinance of \$195,000, which he acknowledged as a significant jump. He also acknowledged Parks Manager Scott Brown, who has done much of the leg work and research in getting this proposal before Council tonight.

Mr. Hurley explained that what is being proposed is a precast concrete facility. It comes intact but does require a crane to locate it so there is some cost associated with that work. The City intends to utilize CXT, which is a provider of these facilities. They have located many of them in the central Ohio region. Our staff has been able to go out and not only view them in terms of their look but interview and talk with other staff members

of those localities to understand the durability, the maintenance requirements, and all of those things. We have received very positive reviews on them.

The purchase of the restroom facility can be made under 111.05(a), which is a cooperative purchasing exemption to formal purchasing, through the National Joint Powers Alliance. Purchasing in this manner saves local municipalities like us time, effort and resources of going out and bidding these on our own.

Mr. Hurley shows a diagram of the recommended location on the screen. It will be centered between all of the uses at that park. He added that it is desirable to get it away from the parking area. The entrance will be positioned so it can be seen from Wilson Bridge Rd. as well as the drive in to the park on the north side of the building.

Mr. Hurley shared that the building is a prefabricated concrete structure (renditions were shown). Staff wanted a non-descript, blend-in, and simple design. The goal was to match the existing structure at that location. Although it is prefabricated concrete the design was made to have a wood look with a standing seam metal roof look as well.

Mr. Hurley apologized for the overage however they believe it merits that. He would be happen to answer any questions.

When asked by Ms. Kowalczyk if we are doing any energy saving initiatives with this, Mr. Hurley replied that we thought about the containment features of putting in where we would not have to have sewer and water and all of those things but with the heavy and the year round usage they had concerns about volume and some of the challenges of doing that. He thinks they are designing most of these facilities to be more efficient but nothing special to stand out.

Ms. Dorothy asked if staff checked to see if the lights are already going to be LED. Are we using water efficiency fixtures? What are the ongoing maintenance costs going to be? What are the ongoing energy costs going to be? She asked if we have any of those types of numbers. Do we have extra insulation? Did we look at those features? Do we have any estimates? Mr. Brown replied that we do not have exact estimates on the costs of the actual electric but there is extra insulation in the building. It has LED lighting and is modern with very efficient equipment. When they spoke to other park systems they reported them as being very inexpensive to operate. Outside of the lights and small portable heaters, it has a very small electric costs.

Mr. Hurley added that it was tough for us in some cases to make those evaluations because we don't really have a comparable facility. The one reason we did consult with the Metro Parks is because they have many of those evaluation points in place and since they use this for their preferred facility type we felt good about that.

Ms. Dorothy asked if we have automatic sensor handwashing equipment for water efficiency. Does it have dual flush or just low flow toilets? Mr. Brown reported the toilets being just standard but staff has yet to add the specifics on some of those options.

Currently we do utilize automatic shut-off on our current restroom facilities which will be what we plan to do on this one as well.

Ms. Dorothy asked if it is true that we plan to have this facility open 24/7 year round. Mr. Brown replied that it will not be 24/7 but the intention is for it to be year round. In the Perry facility we have timed locks so that price does include the timed locks. He believes they open at 6:30 a.m. and close at 9:30 p.m. currently. The intent is for it to be opened pretty much all year. We will have to measure the usage but that is why we felt like we needed the heated facility. Even in some of our other parks there is a demand for year round restroom facilities. We winterize the facilities at Perry and McCord and shut them down but we do get some pretty regular requests for that. He thinks this site will see a lot more use. Ms. Dorothy agreed. She thinks it is wonderful but she is concerned. She reported taking a long run on the Olentangy Trail this past weekend and saw several tents, which she assumes people are living in. She knows we have recently added some cameras throughout Worthington. She asked if we have any cameras at this park location. Mr. Hurley replied no.

Mr. Robinson commented that there will be many using the facilities from outside of Worthington. He asked if we have considered, and asked that we do consider interior walls as a place for messaging about the City, whether it is events or anything about the City that would be a factoid that folks might read and take away with them. He added that the exterior walls might be a good location for a mural. Just an idea. Mr. Hurley noted that part of the function of the trailhead, which is right across the trail from this is the sharing of public information. We have tried to utilize that to spread some community information. Once it gets in place we could look at the most prominent side of that to determine if a closed bulletin board or something could be helpful.

Ms. Michael asked if natural daylight will be used as part of the lighting. Mr. Brown reported there being windows and options for skylights. Everybody that they spoke to saw them as a great option because not only does it help with the lighting but it also lets the sunlight in and helps with the heating part as well.

Mr. Hurley commented that one of the interesting things from the Parks Master Planning process that was a surprise, not only in this park but just the general surveying was that adding restroom facilities to the parks was one of the highest rated items. He thinks it is not only in this location but also a demand across our parks system.

Ms. Kowalczyk shared that after mentioning this on her Facebook page, people have expressed excitement about this restroom.

MOTION

Mr. Smith moved, Mr. Myers seconded a motion to amend Section 1. to insert an amount not exceed \$170,000 and insert in Section 2. an amount not to exceed \$25,000.

The aforementioned motion carried unanimously by a voice vote.

There being no additional comments, the clerk called the roll on Ordinance No. 15-2018 (As Amended). The motion carried by the following vote:

Yes 7 Robinson, Kowalczyk, Foust, Dorothy, Smith, Myers, and Michael

No 0

Ordinance No. 15-2018 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 16-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Additional Design and Engineering Services for the Upper Rush Run Stream Restoration Design and all Related Expenses with said Project. (Project No. 639-17)

The foregoing Ordinance Title was read.

Mr. Greeson commented that members are probably aware that our efforts in the Northeast Gateway extend beyond just reducing transportation/traffic congestion and beyond extending bicycle and pedestrian facilities, which we are doing and improving the Gateway features. We are also endeavoring to clean out Upper Rush Run which is impaired in the vicinity of the Northeast Gateway Project. This is the design contract for that effort. He asked Mr. Whited to comment.

Mr. Whited shared that in essence this is part of the Northeast Gateway Project. In order for that project to operate properly it will need to have a better drainage scheme because the area upstream floods. There are a variety of different issues with the stream. It has become heavily silted in over time because of some poor design there. This project is sort of a legacy project that was held over from some previous CIPs. There is \$25,000 included with this that was from that legacy project. The project will also require some jurisdictional stream permitting and environmental issues will be addressed. In essence this would also be kind of a first step in more fully understanding Rush Run and the ability to make some improvements on the entire stream from the upper reaches near Lakeview Plaza down to the Olentangy River. EMH&T would begin this design as soon as possible. We would bid this in the winter with the hope of construction in 2019 prior to the initiation of the construction of the Northeast Gateway project.

When asked by Ms. Michael if this will impact the flows and some of the flooding problems on the southern part of Rush Run, Mr. Whited replied possibly. The hydraulics in that stream are very complicated. This will change the flows in the stream and help the upper portion flow better. But this still goes to the Huntley Bowl and that control will not change so it won't have a major impact downstream at this time.

Mr. Robinson asked Mr. Whited if he could describe what he means by “severe impairment” of the Upper Rush Run. He asked what constitutes “severe impairment”. Relatedly, design of said improvements. He asked what members might hope for? Mr. Whited replied that the stream is impaired because it is heavily silted. There are several blockages that are silting it evening worse. It flows terribly. The slopes are almost reverse. It has almost zero slopes in sections of it that create some significant problems with removing water from that upstream area.

Mr. Robinson explained that the reason he is asking is because he went down and spoke with the resident on South St. He is wondering where in relation to South running through Rush Run development are we speaking about the silting and impairment. Mr. Whited replied that if you look in the areas up in the industrial sections north of the Huntley Bowl, it is an entirely different watershed than you will see down in the south section. This work is north of Huntley Bowl. The topography upstream is extremely flat and drains poorly. It is the opposite of the downstream section.

There being no additional comments, the clerk called the roll on Ordinance No. 16-2018. The motion carried by the following vote:

Yes 7 Kowalczyk, Foust, Dorothy, Smith, Myers, Robinson, and Michael
No 0

Ordinance No. 16-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

Ordinance No. 17-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Additional Design and Engineering Services for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

The foregoing Ordinance Title was read.

Mr. Greeson reported that Council approved the aesthetic strategy for the Northeast Gateway project and authorized staff to begin moving forward with that. This is the design contract for that effort. He invited Mr. Whited to comment.

Mr. Whited described this as a continuation of the work they have already started in refining the aesthetics so that they are more “Worthingtonized” with streetlights, headwalls, concrete and paver features and those sort of things associated with the project to beautify it a good bit. They did a good job of outlining those features during the presentation. They are already working on this project as part of the Northeast Gateway and these features will be designed towards the end of the project.

Mr. Myers commented that when that presentation was made members were shown many graphics and architectural renderings. Members made several suggestions at that meeting. After that meeting he hasn't seen any revisions to that plan. He asked if members are voting on beginning that plan or are they voting on a final plan. He asked if there will be any other plan presented to any other board or commission or this Council. Mr. Whited replied that they will begin the design based on the comments Council provided during that meeting. Mr. Myers stated that members will ultimately see a final design before they begin to break ground. Mr. Whited agreed.

Ms. Dorothy wanted to make sure that this was not included in the original bid package. Mr. Whited confirmed that it was not included as part of the original contract.

There being no additional comments, the clerk called the roll on Ordinance No. 17-2018. The motion carried by the following vote:

Yes 7 Foust, Dorothy, Smith, Myers, Robinson, Kowalczyk, and Michael
No 0

Ordinance No. 17-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Ordinance No. 18-2018 Authorizing the Use of Commercial Purchase Cards and Authorizing the Finance Director to execute a Card Agreement with The Huntington National Bank.

Introduced by Ms. Dorothy.

Ordinance No. 19-2018 Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18)

Introduced by Ms. Kowalczyk.

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

Policy Item(s)

- Strategic Bicycling and Walking Implementation Plan (Master Plan)

Mr. Greeson informed members that funding was included in the Capital Improvements Plan for implementing a Bicycle and Walking Master Plan. That was a goal of both the Bicycle and Pedestrian Advisory Board as well as this City Council as reflected in the CIP. Mr. Hurley can overview the scope of that as well as what we are doing in terms of funding between both this policy item as well as the ordinance that members just introduced.

Mr. Hurley acknowledged Gary Schmidt, newly appointed Chair of the Bike and Pedestrian Advisory Board and Michael Bates who is a Board member who were in the audience.

As Mr. Greeson mentioned, one of the top priorities for the Bike and Pedestrian Advisory Board has been to implement and create a master plan that has been titled, Strategic Bicycling and Walking Implementation Plan. That would essentially create more of a road map for bike and pedestrian activities. As we have experienced since the Bike and Pedestrian Advisory Board came to be we have come across some street improvements and some citizen issues that we did not have a plan for so we kind of had to deal with them on the fly. One of the main goals of this planning process is to really capitalize on some community engagement. While the original steering committee had some booths at some events and did some communication with the public, since the actual advisory board came to be they really have not gone out into the community for feedback on where they are in terms of bike and pedestrian improvements. To determine if the original steering committee recommendations were set up in a way that everyone was in agreement with or that we at least had the priorities right. The RFP for this plan was really built around a great deal of community engagement.

City staff and representatives from the Bike and Pedestrian Advisory Board and Council member Dorothy reviewed the responses we had to our original RFP. We had five firms make a submission. We have narrowed that down to three firms which we interviewed. The panel, mostly based on their community involvement and how they propose to navigate this plan through our community is recommending the firm Blue Zones, LLC. They also work with a sub-consultant known as Planning Next. We have Kyle May in the audience representing Planning Next to help answer questions as we go through this presentation.

One of the things that really stood out was their approach. One of Blue Zones leads is a gentleman named Dan Burden. He is a forty year veteran of the bike and pedestrian field. He is really the pioneer of some of these terms like “walking audits” and some of these ways to get your community out and engaged. We were very impressed with his approach and the way he outlined a process for us to meet our goals.

The original appropriation in the CIP for this planning process was \$50,000. As you know the Bike and Pedestrian Advisory Board also has an allocation in each year. Neither the Bike and Pedestrian \$100,000 allocation nor any other funding has been allocated at this point. The \$50,000 was appropriated as part of the original approval. Tonight they are asking for Council to approve for them to move forward with just the \$50,000 component, which they are calling Phase I of this project. The first reading of the ordinance would allocate an additional amount of funding as their full proposal was \$75,821. Their authorization for City Manager Greeson to enter into an agreement tonight would be for the \$50,000 that was appropriated. They will be coming back at the next meeting to request to be able to enter into a Phase II that would be required to have the additional funding appropriated.

Gary Schmidt as well as Council member Dorothy were involved in the interview process so between the three of them and Mr. May from Planning Next, they would be happy to answer questions. They would anticipate the process beginning quickly as they want to take advantage of the summer months where there would be a presence and be able to wrap up a plan ideally before the end of the year.

Ms. Kowalczyk inquired as to what the end product is and what members would do with that. Mr. Hurley replied that the end product is a change from Master Plan to Strategic Bicycling and Walking Implementation Plan. We want implementable listings of projects. We would end up with a listing, prioritized by all of the community feedback and involvement projects that could be done to improve bike and pedestrian accessibility throughout town. We did the Parks Master Plan internally and without the use of a consultant. The trade off with that is we didn't have the expertise to price out and scope projects. We would expect this list to come with more specified dollar amounts and scoping so that Council in upcoming CIP processes would be able to grab as many of those as it wanted to fund and start to implement them more accurately without as much background and research needed. Some of those projects are bigger and would need addressed further but we would hope this list would lean more towards the projects already framed up and ready to go.

When asked by Ms. Michael if any of the projects would be eligible for grant funding, Mr. Hurley replied yes. That is also a part of the scope. They are to not only provide the ones they think might be eligible but to help us seek funding for those projects. That was another impressive part of their presentation in they had experience doing that for other communities.

Ms. Kowalczyk in referring to Complete Streets Project, ask what the difference is between that and this and where are we in that process? Mr. Hurley thinks Complete Streets is your policy on how you want to do improvements when you do them. It is kind of your map for doing that. This plan would identify the location of the most important places first. They would speak to each other in the sense that if you were going to make improvements to this particular street or bike and pedestrian way, you would match that up with the standards that members approved in a Complete Streets policy.

Mr. Whited added that he met with MORPC just before they did the interview with these consultants and invited them participate in the interviews. Unfortunately they were not able to make it that day however we will make sure that those two organizations connect and that they meld the two together. He agreed that Complete Streets is a policy and the study itself will be more implementation of that policy which is why he thinks it is very important to bring those two together.

When asked by Ms. Kowalczyk what the timeframe is for the policy development, Mr. Whited replied that the original timeline has changed. They were looking at 90 days but because of the need to schedule a meeting with both MORPC and their consultant, he doesn't know. Ms. Kowalczyk assumes the policy would precede the implementation. Mr. Whited replied that they might be concurrently if possible.

Ms. Kowalczyk questioned the accessibility. She asked how they are incorporating the needs of people with different abilities into the plan. Mr. Hurley thinks that anytime they look at bike and pedestrian all abilities and all types of usage are considered. That would certainly be the intent of their planning process. Mr. May thinks that starts with the engagement process to understand the needs in the community and the voices perspective. That is a fundamental component now of bike and pedestrian across the country. That would all be part of that initial scan and the robust engagement that will be part of this. It is what the community was calling for as part of this process.

Ms. Kowalczyk asked if the Lime Bike project was going to be incorporated or considered as we move forward as part of this. Mr. Hurley believes the timing will work well as we will be in a trial period over the course of the summer while this activity is going on so not only can we ask our consultants to walk that and evaluate that for us but with community engagement we will get on the street feedback.

Mr. Smith shared that when he was on the original advisory planning committee they got into priorities based on wish lists and based on realities. He just wonders how that all plays out with this process as far as projects we really need to do at some point but it is just not feasible currently versus projects we can do pretty easily. Mr. May replied that it depends on how you begin to form the implementation matrix at the end of this plan. It goes from a wish list to a play book of things you really want to accomplish. One of the things that they pride themselves on in document development and this sort of strategic planning process is that you are left with a path to walk with each action. It doesn't mean that each project, policy and program will remain a priority forever. It doesn't mean that some things might fall off based on the realities but for each of them, you will be able to walk them to completion with this plan. Think about it less as we are going to do everything in this book and more like a menu of things that the community told us was really important. Here are the things our elected officials think are really important and what can we feasibly get done in the short term, mid-term and long term.

Mr. Hurley shared that the RFP and their submission did indicate kind of that layering of different levels of projects in terms of not only short, medium and long term but also types of projects so that if we do start to lean towards sidewalks or trails or connections to our

regional trail system or whatever, we can shift those priorities around based on how our overall priorities might change. Mr. May thinks a healthy mix of both listening but also inspiring as part of this initial engagement to show what communities around the U.S. but also around the world are doing in the space of bicycle and pedestrian amenities and access and transportation.

Mr. Robinson thanked the group for bringing us to this point. He looks forward to having a comprehensive and coherent plan that will be a very desirable thing. In follow up to Mr. Smith's question, he inquired as to at what point in this process will we have actual budgetary estimates assigned to different projects and plans. Mr. Hurley replied that the current timeline, which was brought out in the RFP and the proposal showed that drafts of plans would start to occur in the early fall (September/October). It is their goal to have the final plan adopted in that timeframe around the budget. He has spoken with Mr. Burden from Blue Zones and informed him of our CIP timeline and process so they are hoping to have some preliminary ideas (maybe some of the lower hanging projects) even in time for our budget discussions.

Mr. Robinson stated that during the public process there would not be financial numbers associated with ideas. It would be more of a brainstorming effort. Mr. May replied that he thinks they would keep it fairly open to begin with, with the public. He thinks the initial round would be really generative; listening and learning to understand their priorities. It would be thinking less about what the projects are and more about what the priorities are from the community when it comes to cycling and pedestrian access. It is about trying to build some strategies that try to meet those values later on.

Mr. Hurley shared that another approach would be that we are heading into some strategic visioning overall. He would think that might inform more the elevation of these projects because if we are just out in the community talking about bike and pedestrian access, we will get an idea about how important that is. But if you are looking at how we know how much and how fast then he thinks it might be more accurate to get that information from the bigger strategic planning process.

Mr. May added that thinking about their engagement sessions, they do big around and round. Their second engagement will be more of a charrette style where folks are coming in over three or four day workshops. At that point they would be discussing some potential strategies like projects or programs. Things that could open up access to cycling in the community. Mr. Hurley clarified that they might present some ideas to get a reaction to them while the initial round would be to brainstorm and get things up on a list.

Ms. Kowalczyk asked for additional information regarding community engagement. Mr. May reported their strategy in this instance is to start with generative listening and learning to understand what the priorities are for the community. They are focusing on bicycling and pedestrian access in this community but building from an open conversation with the community. He thinks what is important in the context of this discussion is that they want to get out there. Through a publicity campaign they have some key messages about why it is important to engage in this planning process. It is a fun process that is

important for the growth of the community. He also thinks it is important for the voices with different abilities to be included as well. They want to get as comprehensive a set of voices as possible to be a part of this effort. Once they get to the level of having a plan, a set of strategies and presenting that back in the format of an Open House, community members will have one more opportunity to share something that might be missing but to also begin thinking about priorities in the plan. Obviously we can't do everything tomorrow so where do we start. The key is to have community members involved at each step along the way. Generating the values, looking at projects and policy and then setting a priority and direction to move forward.

Ms. Kowalczyk inquired as to how they were going to identify people to engage in this process. How will you do that outreach and actually get that engagement. Mr. May informed her that there is a steering committee that is part of this process, which is a gift for a process like this. They are community members who are already willing to engage and already showing enthusiasm. They want to harness that energy and put them to work. They consider this as two campaigns. One is about publicity while the other is to use the key messages and develop an outreach campaign. They will look at the networks around Worthington and charge the committee and maybe a larger outreach group as well with going out and inviting those groups into the process. Letting them know about engagement events and about a website if one is formed as part of this process. But giving them a personal invitation to join the process and contribute their ideas for each round of engagement.

Mr. Hurley noted the other exciting thing that they shared during their presentation was that we are lucky in Worthington because of the numerous community events that occur with a variety of people in attendance. They had success during their original steering committee process of doing that in that way and he thinks they would use that tool as well.

Ms. Dorothy reported hearing great things about their walking audit. She wondered if they would teach our staff or our Bike and Pedestrian Committee how to do their own walking audits after they are gone. Mr. May replied that it is a great point. The walking audits are a unique tool but also enabling of some community members. You talk about outreach but also enabling them to run some of their own "meetings in a box" where you enable your committees to actually go out and facilitate some meetings on their own. He thinks walking audits are a great way to add additional capacity to their planning team and our steering committee. Give them the tools and training and allow them to do it on their own.

To add to Ms. Kowalczyk's earlier mention of Lime Bikes, Mr. Myers shared that they as well as two other vendors are removing their electric scooters from San Francisco because they were finding them everywhere and Lime Bikes was not doing a very good job of picking them up. We were concerned about that when we first talked about it and he thinks we need to stay vigilant.

Mr. Myers then noted that Mr. May talked about using the steering committee to engage and he thinks that is an excellent point. From personal experience sitting on Council his hope is that they produce an objective document and not an advocacy document. What he

means is: he would imagine that there will be discussion of sidewalks. If you only reach out to one group you will hear that residents want sidewalks everywhere. It actually is one of the most controversial subjects in this town and he wants to make certain because not everyone necessarily supports bicycle and pedestrian mobility to the same degree. He wants to make sure that all groups are represented in this process because there will be spirited debate on some issues. He wants to make certain that whatever the deliverable is, it encompasses that perspective and that it is an objective document. Mr. May agreed.

Mr. Myers in wanting to set some expectations of everyone, just because we get the priorities and the numbers doesn't mean we are going to have the budget to spend at the end. It is a wish list that will again come down to Council at the CIP process. We may get it done but we may not. It may take the form of pedestrian beacons as opposed to sidewalks. While some may not think of them as a form of pedestrian mobility, it really is.

Mr. Myers stated that we are about to engage in a visioning process throughout the entire City where everything is on the table. Everything from our comprehensive plan to what kind of a City we want to be in thirty years, to what kind of businesses we want to attract. We have currently budgeted \$100,000, which he thinks is a conservative estimate. This consultant wants \$75,000 to do a small part of this whole process. He asked Mr. May to explain/justify that amount of money because that is a lot of money. Mr. May shared that beyond the visioning aspect which is a very small gesture of this process, there is a significant amount of technical work that will also be part of this study. Dan Burden and his team are very adept at that work and a sizeable portion of this budget is devoted to that technical work and analysis. Both by looking at the existing conditions and trends in our community today as it pertains to bicycling and pedestrian but also thinking about the future and bringing in some of the best practices from across the country and doing the GIS work that is associated with it as well. So there are other components of this that go beyond just the visioning and the engagement work that will help to support the final conclusions.

Mr. Hurley shared that the price range for the five proposals was from \$50,000 and \$125,000. Some of them provided a base and then listed the add-ons. Of the two finalist that the panel was torn between, the one we did not choose had a base price of \$66,000 but it did not include some of the options of this kind of enhanced community outreach. In short he thinks the two questions that he has heard tonight are: 1) How developed of an implementation will you have with pricing and scoping and stuff. They want that in here so that drove this cost of a little. 2) We have also heard your recent comments about community involvement and the level to which you want us to go to do that. To be honest, to get the consultants feet on the street to get that done is a big part of this cost. If we were to back off the price to the original \$50,000, some of that would have to go away.

Mr. Myers thinks those two are probably the key features. When you price a project out and Council gets the deliverable at the end, they will include fairly confident numbers and not just numbers pulled out of the sky. They would include some research and Council could have some confidence in those numbers if we were going to budget on those numbers. Mr. May replied yes.

Mr. Foust commented that if he understood correctly these dollars amounts that Mr. Myers is referring to will not be available during this process with the participants. While the notion of a blank sheet of paper, blue sky approach is wonderful and that is how you start with ideas, his concern is whether there is the potential for creating expectations that we are not capable of fulfilling or that we don't have the appetite for. It is great to look at it with wide eyes but he would hope that some sense of realities of what these possibilities would lead to. He would like to see that incorporated in that somehow. This could turn into an exercise in which we disappoint a whole bunch of people. Mr. Hurley explained that the plan will reflect those numbers, it is just at what point those ideas are developed enough that they can be shared. The Bike and Pedestrian Board would not recommend a plan to Council that did not have those numbers just like Council would not approve a plan without those numbers. It is just a question of when we feel like the ideas are solidified enough that we want the consultant to spend the time to get the estimates. So it is just a timing thing. He thinks the other piece that is interesting is that the consultants, per the RFP, are asked to get some basis from us on what our appetite and ability to fund really is. While we certainly wouldn't want to commit not knowing what next year might bring, there certainly would be some in short, medium, and long term documentation of an understanding of what we have been able to spend in the past or what our ability might be to spend. Mr. May added that they would want to develop this engagement program along with the steering committee.

MOTION

Mr. Robinson moved, Mr. Foust seconded a motion to authorize the City Manager to move forward with the \$50,000 already appropriated and enter into a contract with Blue Zones, LLC.

The motion carried unanimously by a voice vote.

Mr. Myers stated that Ordinance No. 19-2018 was introduced this evening. It was introduced for public hearing that would also be on May 7th. Mr. Greeson agreed. Mr. Myers shared that Council is going to set what appears to be the Bike and Pedestrian issue for public hearing on May 7th. Members just had our discussion on the Bike and Pedestrian plan. He is afraid that on May 7th people who may want to voice support or opposition based on what the Agenda says, are going to come in and we are going to deal with just a \$25,000 appropriation for Phase II but we won't discuss what we just finished discussing. This item was listed as a policy item tonight but it will be listed as an ordinance for the next meeting. He understands why but it is the perception that bothers him. Members may engage in this conversation again in two weeks. Mr. Greeson commented that if there are people here and we have to do that then there is no problem with doing that.

- Liquor Permit Transfer - Half Pint, 673 High Street

Mr. Greeson shared that this is a liquor permit transfer from Harold's American Grille, which is no longer operating to Half Pint, which will occupy the same space at 673 High St. He went through the procedure and shared that he is not aware of any reason to object to this transfer. Staff would seek a motion to not request a hearing.

Chief Strait reported doing an investigation and both parties are fine as far as the police are concerned.

Mr. Myers reported that the sign package and other aesthetics were approved at last week's ARB meeting. They seemed like very nice people.

MOTION Mr. Smith made a motion, seconded by Mr. Myers to not request a hearing for a liquor permit transfer to Half Pint.

The motion carried unanimously by a voice vote.

- Liquor Permit Transfer - Porch Growler, 892 High Street

Mr. Greeson shared that this is a similar procedure to not request a hearing. This is for Porch Growler at 892 High St. Members may recall that the owner of Porch Growler was before Council about a month ago and talked about his concept. Staff has no reason to request a hearing in this instance.

When asked by Ms. Michael about the TREX, Ms. Stewart confirmed that Council had already approved the TREX for Porch Growler. The TREX was previously approved for Harold's. Liquor Control still tracks it as a TREX permit even though it is not Half Pint TREXing it in. Mr. Greeson added that Council approved the TREX. Once it is processed and approved by Division of Liquor Control, even though Council has already approved it as an economic development project they still send us notice and send us an opportunity to have a public hearing. Which is very nice but with future TREXs staff will probably seek the authorization for the TREX and to not request a public hearing in the same action.

MOTION Mr. Myers made a motion, seconded by Ms. Dorothy to not request a hearing for a liquor permit transfer to Porch Growler.

The motion carried unanimously by a voice vote.

Discussion Items(s)

- Gun Control Legislative Positions

Ms. Michael thinks that tonight's discussion needs to include whether or not Council wants to embark in community discussion of gun control or not and also address Mr. Myers' letter and his thoughts.

Mr. Myers stated that since Council has heard from one member of the public on this issue already this evening, he suggested hearing from the public first. Ms. Michael invited Mr. Dorothy to comment.

Paul Dorothy, 179 Kenbrook Dr. read the follow statement:

I am angry tonight. For the third time in a year I find myself before this governing body to decry your suppression of free and open debate. The first time I had to threaten to sue the City to get you to stop trying to bully and suppress opposing views during Council hearings in direct violation of Robert's Rules of Order. I will remind you that you have adopted Robert's Rules of Order Revised by Ordinance as the parliamentary rules that governs your meetings here. The second time was to object when you chose to listen to the voice of the mob, Antifa thugs and to provide no chance for law abiding citizens to be heard. You've promised us a fair hearing after your emergency actions. We are still waiting. Now you purport to represent Worthington with a letter that if followed to its conclusion would strip away inalienable rights from honest citizens, turning them into criminals. But you tried to hide this from us. It was buried at the end of the agenda and you were not even going to provide the letter until I complained. Even then, I received the letter at noon on Monday, in the middle of the weekday for a meeting that started at 7:00. This is again in direct contradiction to Robert's Rules of Order and appears to be another blatant attempt to stifle opposition. Since they are not available, I am unable to review the meeting minutes for the prior Council meeting so I can't verify that the motion to add this item to the Agenda was made and voted upon by the entire Council as required by Roberts. I have to ask, has anyone in this room read Roberts Rules of Order. Is there even a copy in the room here tonight? Worthington Public Library has twenty copies for public loan. If that is not enough, I will buy you each a copy out of my own pocket if you will promise to read it and bring it with you. It is critical that this body follows proper parliamentary procedure. Proper parliamentary procedures ensure that meetings are conducted in an orderly fashion. The debate is fair and balanced and that all are fairly treated. When done correctly, it brings the community together. When you don't, it allows certain council members to attempt to bully and intimidate citizens, other council members and staff during debate. It also lets a single council member hijack the agenda of the entire group for their own purposes which distracts from the priority issues that Council as a whole have determined should be the focus of the body's efforts. These distractions and abuses will continue until you establish proper parliamentary procedures. I have not had a chance to adequately put together my rebuttal of the many outright lies and half-truths that are found within this letter. The letter claims to speak, "on the behalf of the citizens of Worthington". Well it sure doesn't speak for me and I am pretty sure the parliamentary shenanigans that occurred surrounding this letter were meant to ensure those who might oppose it never saw it before it was too late. Shame on you. I am also pretty sure that the citizens of Worthington did not elect this body to be an activist Council. This is not the correct venue to pass judgement on the second amendment, abortion, immigration, chemical weapon attacks in Syria or other events outside the purview of this governing body. We elected you to make sure the trash is picked up, to take care of our parks and playgrounds, to make sure our excellent Police and Fire services have what they need to protect us, to preserve our quality of life, to fix the damn leaky roof and to bring us together as a community. If you want controversy, how about you resolve UMCH and the Don Scott Airport expansion. I am active in this community but I only have so much time to devote to it and so do you. I have two stacks in front of me. The first contains tasks that help build a sense of community, improve the quality of life in Worthington and ultimately provide a safer

environment for all. The other stack contains tasks designed to ensure that this continued abuse of the public trust stops. It ensures their second amendment rights shall not be infringed. It defends the constitution but it may end up dividing the community. Which stack do you want us to work on? If we don't choose wisely what will happen is that this issue will suck all of the air from the room for the next few months. It will overshadow everything else we are trying to do. It will drive a wedge deep into our community and the wound it leaves may never heal. That would be your legacy, Councilman Myers. Withdraw the letter. Thank you.

Mr. Myers reported that all members of Council were given a copy of the letter last week. It continues the discussion that he started about six weeks ago. Mr. Robinson has given him several non-substantive edits this afternoon, most of which he doesn't have a problem with but they can hammer out the couple where he does. So it would be his intention at this point to go ahead and share why he wrote the letter, what it has to say and give his support for the letter. To then make the editorial changes and have Ms. Thress get those changes back out to members and to take it up for consideration again at the next meeting following this one.

Mr. Myers stated that as he said in the letter, in D.C. v. Heller, it was a 2008 case out of the Supreme Court, and it was the first case that established the individual right to bear arms. Prior to that there had been fifty years of case law, which had said that there are two clauses in the Second Amendment and both are operative. Justice Scalia held that the first clause was not operative. However, even in that opinion, Justice Scalia acknowledged that the right was not unfettered. In fact he wrote that the right is "not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose." Last term, the Supreme Court denied jurisdiction and therefore refused to hear and allow to stand a ban from Maryland on assault style weapons. It has now been two weeks ago the District Court for the District of Massachusetts upheld Massachusetts' ban on assault style weapons and high capacity magazines. It is Council's obligation and in fact members swore an oath to uphold the Constitution. The Constitution provides that an individual has a right to bear weapons. Regardless of our opinion on that it is our obligation to uphold that and we are sworn to do that and will. However the Constitution also states as interpreted by the original author of this right that that right is subject to reasonable limitations. In Ohio, a municipality has been stripped of the right to regulate weapons in any fashion or form. The General Assembly passed Revised Code 9.68 which not only preempted any municipal legislation but it punished cities who attempted. If they were unsuccessful attorney fees were awarded. That is probably his biggest issue with the current state of Ohio law. As Mr. Dorothy mentioned, it is members' job to take care of the parks. He has always thought that one of those is to make people secure. That they are in a safe and beautiful place. He thinks members should be allowed to restrict weapons in those places but we are not. That is the law and members are sworn to uphold it. He also believes that it is our obligation to speak out when the need arises. He believes the need has arisen. He is not calling, would never call, don't have the authority to call for a ban on weapons. He is only asking the General Assembly to consider reasonable limitations on that right as expressed by the Supreme Court of the United States in its final authoritative interpretation of what the second amendment says. With that, he asked for

any comments that other council members may have. But he would asked for Council members to consider a revised version of this letter, which he hopes to have out to everyone as soon as he can get to his computer and make the changes and e-mail them to Ms. Thress. He would certainly appreciate any more discussion tonight and would look forward to further discussion at the next meeting.

Mr. Robinson thanked Mr. Myers for his clear expression of his informed judgements. In addition to the possible sending of a letter to Representatives Duffey and Kunze, he asked if he has had a chance to review any of the ordinances that Columbus is considering that they describe a closing the gaps between State and Federal weapons laws and does he think any of them have merit or potential application here. Mr. Myers reported that he has not looked at Columbus' attempts although he has looked at Upper Arlington's. He did not anticipate that that would be part of this discussion. He is certainly willing to engage in that down the road. To be honest, it scares him when we start to talk about those things because he understands the attitude in the General Assembly because they would retaliate. But he is certainly willing to begin that dialog. He is open to proposals. His first intention was to express to our legislators that they consider an alternative point of view.

Ms. Michael shared that tonight the Upper Arlington City Council is hearing ordinances to restrict firearms. She doesn't know exactly what they are including but she thinks as part of what members discuss at the next meeting is to perhaps ask our Law Director to get a summary to members of any action that was taken by the Upper Arlington City Council or other city council's in the area so part of the discussion could include what other people are doing.

Ms. Dorothy reported being concerned. The priorities that Council began with at our Council retreat, this was nowhere on it and there have been numerous shootings throughout the years. It would be good to reduce gun violence but she is concerned that this will derail the mission that members sat forth for the future of Worthington. She thinks it is a good conversation to have. She thinks it is very reasonable for people to express their views. She is not sure that this setting is the place to have this conversation.

Mr. Myers replied that other than a letter that Mr. Bartter wrote, a couple of conversations on this with Mr. Lindsey and Mr. Greeson and a little bit of work by Mr. Lindsey, he has consciously attempted to not use any staff resources in any of this because he understands and have made the same argument himself about diverting members from the stated goals. He doesn't want to distract staff's time and attention to this from other things that Council have previously determined are our priorities. That is why he has taken it upon himself and with some help from Mr. Robinson, to try to do most of this work on their time and not involve staff. He also wants it to continue that way. This is more in his wheelhouse so it is not that hard for him to do. He appreciates Ms. Dorothy's concerns.

Ms. Michael reported that she would like to get a consensus from the Council if this is an item that they want to put on the May 7th meeting agenda or not.

Mr. Foust replied that he would like to see it on the agenda. Mr. Myers shared that he would like to see the discussion of this letter on the agenda for May 7th. He and Mr. Robinson can go to breakfast and start working on an additional letter with anything other than what is in this letter. Maybe they can bring that to a later agenda. All he is asking for is a discussion of his letter on May 7th. He doesn't want this to expand into a larger discussion on what we might do legislatively in Worthington. That is not what he wants this to evolve into. We are not prepared for that and he doesn't want Council to make that decision now. Let Mr. Robinson and he work on that, bring it back to Council and if at that point they have enough information together that they think is something to present to Council then at that point members can decide whether or not to debate this. But this time he wants it confined to just this letter.

When asked by Ms. Dorothy what letter he is talking about, Mr. Myers replied the letter that he drafted with some non-substantive stylized edits. It is the letter he sent to Ms. Thress last Monday night when he got home. He will try to do the same thing tonight when he gets home so that members can have that either tomorrow or Wednesday. If members have further edits, bring them to the meeting on May 7th to discuss.

Ms. Michael stated that members' consensus is that this letter is going to be put on the Agenda on May 7th, which gives sufficient time for there to be information out there. The letter will be attached to the agenda and available to the public with ample time to review. They will have three weeks to prepare any comments they may want to share. This would give people the opportunity.

Mr. Dorothy called for a point of order. He asked for a vote to add this item to the May 7th Agenda.

MOTION Mr. Myers moved, Mr. Foust seconded, a motion to add this item to the May 7th Council Agenda.

The motion carried by a vote of six (6) yea, to one (1) nay (Dorothy).

Information Item(s)

- Update – Electric Aggregation

Mr. Greeson shared that he is part of a committee with Mr. Lindsey, Anne Brown, Rob Chandler from the Service Dept. and Steve Gandee that interviewed several consultants last week. They have one more interview to conduct, hopefully this week and then they will be prepared to make a recommendation to Council at the next meeting as to a consultant that would help advise both staff and Council on the issue of electric aggregation.

Mr. Greeson also shared:

- The 2018 Street program has been distributed. Mr. Whited would like to schedule the street tour.

Mr. Whited reported that he doesn't have any proposed date because he doesn't know what members would prefer. Last year we did it late on a Thursday afternoon but he is open to whenever.

Ms. Dorothy shared that Friday afternoons are better for her. She added that Bike and Pedestrian members also wanted to be informed when a date is set.

Ms. Michael asked that it not be done too late because of evening traffic.

Mr. Whited suggested 2:00 p.m. on Friday. Mr. Greeson stated that staff will send out an Outlook appointment for those who are interested and available.

- Reminder – Some Councilmembers have signed up to attend the Mid-Ohio Regional Planning Commission State of the Region luncheon this Thursday. Over 800 people will be in attendance which is one of the largest groups to ever attend. He asked that members contact Ms. Stewart if you would like to carpool down to that event.
- Airport Master Planning Process – Ms. Stewart serves on the Technical Advisory Committee. She and our outside counsel, Mr. Zoll attended that Committee meeting. Council member Dorothy serves on the Community Advisory Board. The airport has provided the Technical Advisory Committee some flight projections. The Advisory Committee has the opportunity to review those documents and provide comments. We have worked with Mr. Zoll and he wanted to thank Ms. Dorothy for participating in that conversation to submit some questions for clarification to the consultants and to the staff for consideration by the Advisory Committee. If members are interested in that we would be glad to share those questions with you as well as any projection information.
- Update – Legislation related to Small Cell wireless technology that was being worked on by what is known as the 90+ coalition, and worked in earnest with the industry and with the legislature. Very recently that legislation that the communities signed off on was passed and was substantially better than the previously adopted legislation. We are pleased with that however there are some aspects of that lawsuit that we would still like to discuss with Council so we request an executive session to discuss pending litigation.
- Additionally, there is also a need to discuss Board and Commission appointments in executive session.

REPORT OF COUNCIL MEMBERS

Mr. Smith asked that land acquisition also be added to the executive session topics.

Ms. Dorothy shared that although she was not a part of Worthington's Earth Day event, she did help with another event. She thanked those who participated in helping our environment and the Parks Dept. for all of their efforts.

Ms. Michael hopes that some safety training will be scheduled for Council, and Board and Commission members.

EXECUTIVE SESSION

MOTION Ms. Kowalczyk made a motion, seconded by Mr. Robinson to meet in Executive Session to discuss land acquisition, Boards and Commissions, and pending litigation.

The motion carried by the following voice vote:

Yes 7 Dorothy, Myers, Foust, Smith, Kowalczyk, Robinson, and Michael
No 0

Council recessed at 9:04 p.m. from the Regular meeting session.

MOTION Mr. Foust made a motion, seconded by Mr. Myers to return to open session at 9:22 p.m.

The motion carried unanimously by a voice vote.

ADJOURNMENT

MOTION Ms. Dorothy made a motion, seconded by Mr. Robinson to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 9:22 p.m.

Clerk of Council

*APPROVED by the City Council, this
7th day of May, 2018.*

Council President



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 3, 2018

To: Matthew H. Greeson, City Manager

From: Darren Hurley, Parks & Recreation Director

Subject: **Ordinance No. 19-2018 - Appropriation - Bike and Pedestrian Strategic Bicycling and Walking Implementation Plan**

EXECUTIVE SUMMARY

The 2018 Capital Improvements Program (CIP) included \$50,000 in funding for a Bike and Pedestrian Master Plan. Staff and representatives from City Council and the Bike and Pedestrian Advisory Board have reviewed proposals and interviewed consultants and are recommending a contract be awarded to Blue Zones, LLC for the planning process. The proposed cost to perform the work exceeds the \$50,000 allocation which has already been appropriated. As a result, staff are recommending an additional allocation of \$25,821 to fund the recommended planning process. The total contract amount is \$75,821.

RECOMMENDATION

Approve as Presented

BACKGROUND/DESCRIPTION

The Bicycle and Pedestrian Advisory Board has established as one of its top priorities the creation of a Bike and Pedestrian Master Plan. The Master Plan, which has been titled the Strategic Bicycling and Walking Implementation Plan, will engage the community and serve as a guiding document for the development of a network of bicycle and pedestrian routes linking activity centers within the City, as well as to the larger regional network.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The Ordinance will provide the allocation of an additional \$25,821 from unappropriated funds. There is \$100,000 available in the 2018 Capital Improvements Program for bicycle and pedestrian improvements. After these additional funds are provided for the plan, there will be \$74,179 available for other improvements.

ATTACHMENTS

Ordinance No. 19-2018

ORDINANCE NO. 19-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18)

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. 308.4010.533396 an amount not to exceed Twenty Five Thousand Eight Hundred Twenty Five Dollars (\$25,825.00) to pay Phase Two of the Bike and Pedestrian Master Plan and all Related Expenses. (Project No. 668-18).

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

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 3, 2018

To: Matthew H. Greeson, City Manager

From: Scott Bartter, Finance Director

Subject: **Ordinance No. 18-2018 - Authorizing the Use of Commercial Purchase Cards**

EXECUTIVE SUMMARY

The City of Worthington is seeking to implement a commercial purchase card program which staff believes will bring increased efficiencies in the purchasing process, provide additional cost tracking measures, and generate a monthly rebate.

RECOMMENDATION

Approve as Presented

BACKGROUND/DESCRIPTION

The Finance Department has been working to develop a policy and implement a commercial purchase card program since the summer of 2017. As a result of that effort, the City Manager authorized the attached administrative regulation which regulates the use of City issued purchase cards. As stated in the policy, the recommended uses of the purchase card includes the purchase of: travel, dues and subscriptions, and supplies.

Vendor Selection

As we have worked through this process we contacted five (5) purchase card vendors about utilizing their services. We received no response from two (2) vendors and discussed the options available with the three respondents. We based our selection upon the following criteria:

- Online access and expense tracking
- Real-time credit limit control
- Purchase type control
- Fee Structure and minimum spending requirement
- Reward structure.

6.B. - Authorizing the Use of Commercial Purchase Cards

Based upon the above criteria, Huntington National Bank was selected as the vendor of choice. Additionally, Huntington provides purchase cards for multiple Central Ohio Municipalities who all responded to our inquiry with positive reviews of the services offered.

Increased Efficiency

Current practice dictates that almost all of the payments made by the City of Worthington to various vendors are made through the issuance of a paper check. The implementation of a purchase card program allows the City to bundle multiple purchases and only issue one check to the purchase card merchant (Huntington). By allowing purchases via purchase card we can significantly reduce the number of checks issued each month. Additionally, with the rise of online purchasing more vendors require payment exclusively by card. Thus, the ability for City employees to make a purchase via card increases the number of vendor options available and will reduce the number of reimbursement checks that the City issues.

Additional Cost Tracking Measures

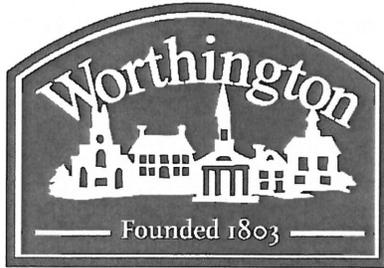
Through the use of Huntington's online portal the Finance Department will be able to track purchases in real-time, control spending limits and limit purchases by type.

Monthly Rebate

The City anticipates being able to pay multiple recurring expenses via purchase card in order to keep our monthly spend volume above levels that avoid a monthly fee for use. By meeting monthly spending thresholds the City becomes eligible to receive a rebate of between .25% - .75% of monthly spending volume.

ATTACHMENTS

Administrative Regulation 6.0 - Purchase Cards and On-Accounts



Office of the City Manager

ADMINISTRATIVE REGULATION 6.0

Subject: Purchase Cards and On-Accounts

Section 1. Purpose

- a. The purpose of this regulation is to establish a clear regulation for use of the City of Worthington's purchase cards and on-accounts. Issuance of a Purchase Card or On-Account is an efficient method of payment and recordkeeping for city expenditures. Purchase card/on-account transactions are to be used responsibly and in a manner consistent with the City's mission, applicable laws and ethical practices.

Section 2. Authority

- a. The authority for this administrative regulation is based upon the Codified Ordinances of the City of Worthington § 131.02, which authorizes the City Manager to issue general rules and regulations for City operations. Further authority also resides in § 111.11, which notes in part: The Director of Finance shall establish and may amend any rules and regulations which he deems necessary to the operation of the purchasing function.

Section 3. Guidelines

- a. Issuance and Cancellation
 - i. All purchase cards and on-accounts must be initiated and approved by the Finance Department. All purchase cards and on-accounts shall be established in the name of the City of Worthington or if applicable the authorized purchasing users.
 - ii. Any employee allowed to purchase on behalf of the City, may be chosen at the discretion of the Finance Department and the Department Director based on the need of the employees job functions.

6.B. - Authorizing the Use of Commercial Purchase Cards

- iii. All purchasing users must be current employees of the City of Worthington and have signed a purchasing card/on-account acknowledgement form for authorization of use prior to using a purchasing card or on-account.
 - iv. Purchase cards and on-accounts may be canceled at any time at the sole discretion of the Finance Director and/or City Manager, including but not limited to situations involving a cardholder's job status, misuse, abuse, or other improper use.
 - v. Any benefits from usage of such purchasing cards (cash or points) from any purchasing card incentive program is the property of the city.
- b. Limitations and Restrictions
- i. The purchasing card limit shall be determined by the Finance Department. If applicable, an on-account limit is determined by the vendor itself.
 - ii. Utilization of a purchase card as form of payment **does not** supersede the requirement of pre-approval of a purchase order for the purchase but is intended to streamline the acquisition and accounts payable procedures for the City. The use of the purchase card for electronic commerce must be pre-approved by the submission of a purchase order requisition and an approved purchase order prior to purchase.
 - iii. In the event where a purchase is an emergency and a formal process of securing a purchase order isn't readily available, the purchase will be subject to a Then & Now statement by the Director of Finance.
- c. Recommended Uses (but not limited to)
- i. City business travel, meetings, lodging, and training seminars.
 - ii. Dues and subscriptions
 - iii. Supplies*
*If supply expenditures are intangible (ex: food/drinks). Additional detail is required with submitted receipts for the applicable event (ex: the number of individuals registered for the applicable event.)
- d. Unauthorized Use
- i. The general types of purchase card violations include abuse, misuse, negligence and fraud.
 - ii. Persons using the purchase card for personal, non-authorized or undocumented expenditures are held personally responsible for

6.B. - Authorizing the Use of Commercial Purchase Cards

those expenditures. Abuse of the purchasing card is subject to disciplinary procedures, up to and including termination.

- iii. The use of the purchase card is prohibited for the following items, this list is not all inclusive:
 - 1. Payment of any fines, penalties or personal liabilities incurred by the cardholder or anyone else.
 - 2. Cash advances.
 - 3. Alcoholic beverages and tobacco products.
 - 4. Items for personal use and items for non-City purposes.
 - 5. Meal allowances for local or non-local travel.

- e. Card Security
 - i. When in use, it is the authorized cardholder's responsibility to safeguard the purchasing card and purchasing card account number at all times.

 - ii. If a purchase card is realized to be lost or stolen, emergency notification to the purchasing card vendor must take place to suspend/cancel the compromised card. The employee will then notify the Finance department during office hours or notify via email during non-office hours of the lost/stolen card.

Section 4. Procedure

- a. The Finance Department will receive a statement directly from the Purchase Card or On-account provider. The City department(s) staff must approve all itemized purchase receipts and submit the receipts to finance in a timely manner to be reconciled with the statement in finance.
 - i. Review each charge to verify accuracy & legitimacy.
 - ii. Attach supporting itemized sales/credit receipts along with completed purchase card purpose form. Purchase card purpose form will not be required where Travel Authorization form has been completed under Administrative Regulation 2.4.
 - iii. Have the appropriate department support person verify the purchase order being used for the purchase and department director approve the sales/credit receipts.
 - iv. Forward the approved sales/credit receipts to the Finance Department for payment.

- b. Examples of proper documentation for itemized receipts are:
 - i. Original itemized paid receipts indicating amount paid, the vendor, and the itemized description of the purchase.

6.B. - Authorizing the Use of Commercial Purchase Cards

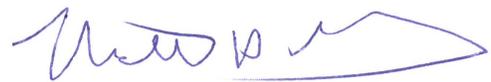
- ii. Copy of the order form and packing slip or any other applicable receiving document that includes the amount of the purchase.
 - iii. A hard copy print out of items ordered on-line.
- c. Examples of documentation not allowed are:
- i. Non-itemized credit card receipt that indicates no description of the purchase.
 - ii. Handwritten requests for reimbursement without receipts or other verification.

Section 5. Internal Controls

- a. Prior to issuing a card to an employee, the Finance Department will determine how the purchasing cards will be used, who can use them, and setting credit limits. Once these parameters are determined by the Finance Department, the purchasing card will then be issued to the authorized employee by the Director of Finance.
- b. A quarterly review of purchase card transactions will be conducted by the Finance Analyst by comparing transactions to the types of purchases set forth in 5(a) for the specific employee and who is being issued purchasing cards.

Section 6. Effective Date

This Administrative Regulation shall be effective on and after April 1, 2018.



Matthew H. Greeson
City Manager

ORDINANCE NO. 18-2018

Authorizing the Use of Commercial Purchase Cards and
Authorizing the Finance Director to Execute a Card
Agreement with The Huntington National Bank.

WHEREAS, Chapter 111 of the Codified Ordinances of the City provides for procedures by which the City makes purchases and disposes of equipment; and,

WHEREAS, Purchases for supplies, materials and equipment below the fifty thousand dollar formal purchasing threshold may be made in accordance with the rules and regulations determined by the City Manager; and,

WHEREAS, the City Manager has issued Administrative Regulation 6.0 governing the use, limitations, recommended uses, procedure, and internal controls for the use of a commercial purchase card.

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

SECTION 1. Authorization. This Council hereby authorizes the use of Commercial Purchase Cards within the constraints outlined by the City Manager in the City's Administrative Regulations.

SECTION 2. Authorized Person to Execute Agreement. That the Finance Director is fully authorized to execute a Card Agreement with the Huntington National Bank.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

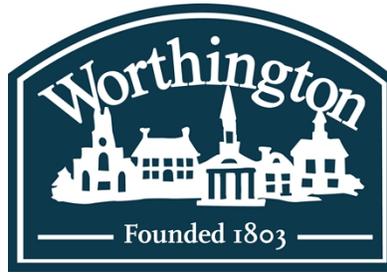
SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file 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.

Adopted _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: 05/02/2018
To: Matthew H. Greeson
From: Scott F. Bartter, Finance Director
Subject: **Resolution - Transfer of Funds**

EXECUTIVE SUMMARY

This Resolution authorizes the transfer of previously appropriated funds to cover expenses as anticipated in the appropriate accounts. Approval of this Resolution will not result in increased total appropriations.

RECOMMENDATION

Introduce and Approve as Presented

BACKGROUND/DESCRIPTION

The following transfer is requested within the Police Department accounts. This transfer is necessary in order to capture overtime expenditures in the appropriate account. The Police Department has experienced staffing shortages, specifically with Communication Technicians, which has increased the demand for overtime staffing.

From: 101.2030.511026 Communication Tech Salary – Police Community Service
To: 101.2030.511151 Overtime – Police Community Service \$ 70,000.00

The second transfer is requested within the Administration Department accounts. The absence of a Secretary to the City Manager (now Assistant City Clerk) has necessitated increased reliance on the Student Intern. This transfer will move funds originally appropriated for the Secretary to the City Manager to the Student Intern line to ensure funding for the Intern is available for the remainder of the year.

From: 101.1030.511011 Secretary to City Manager Salary - Administration
To: 101.1030.511014 Student Intern Wage - Administration \$ 7,000.00

ATTACHMENTS

Resolution

RESOLUTION NO. 30-2018

Adjusting the Annual Budget by Providing for a
Transfer of Previously Appropriated Funds.

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

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

SECTION 1. That there be and hereby is made the following transfer of previously appropriated funds:

From Account No.	To Account No.	Amount
101.1030.511011	101.1030.511014	\$ 7,000.00
101.2030.511026	101.2030.511151	70,000.00
Total Transfers		\$ 77,000.00

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

Adopted

President of Council

Attest:

Clerk of Council

RESOLUTION NO. 31-2018

Appointing Members to the Worthington Bicycle and Pedestrian Advisory Board.

WHEREAS, in 2015 City Council created the Bicycle and Pedestrian Advisory Board; and,

WHEREAS, the Board is composed of nine (9) members appointed by the Worthington City Council; and,

WHEREAS, three terms will expire on May 31, 2018, and two of those members have expressed interest in continuing to serve;

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

SECTION 1. That Emma Lindholm and Eugenia Martin are hereby appointed to the Worthington Bicycle and Pedestrian Advisory Board to fill three year terms beginning June 1, 2018 and expiring on May 31, 2021.

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

Adopted _____

President of Council

Attest:

Clerk of Council

RESOLUTION NO. 32-2018

Re-appointing Members to the Worthington
Community Relations Commission.

WHEREAS, the Worthington Community Relations Commission (CRC) consists of nine members, at least seven of which shall be residents of the City; and,

WHEREAS, the CRC members serve three-year overlapping terms; and,

WHEREAS, the terms for Tom Burns, Nick Linkenhoker, Eddie Pauline and Glennon Sweeney expire on May 31, 2018 and wish to continue serving on the CRC.

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

SECTION 1. That Tom Burns, Nick Linkenhoker, Eddie Pauline and Glennon Sweeney are hereby re-appointed to the Worthington Community Relations Commission, each for a three-year term commencing on June 1, 2018 and expiring on May 31, 2021.

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

Adopted _____

President of Council

Attest

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: 04/25/2018

To: Matthew H. Greeson

From: Scott F. Bartter, Finance Director

Subject: **Ordinance No. 20-2018 Appropriation - Federal Emergency Management Agency (FEMA) Fund**

EXECUTIVE SUMMARY

This Ordinance appropriates \$15,883.50 in the FEMA Fund to reimburse the General Fund for costs associated with a deployment for Hurricane Harvey relief efforts.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND

A member of the Worthington Fire Department was deployed as part of the Hurricane Harvey relief efforts. A total of \$15,883.50 was received as reimbursement for the staff time associated with that deployment. FEMA grant reimbursements are required to be received in a separate fund for accounting purposes. This appropriation will allow the City to reimburse the General Fund, which is the fund that incurred the original expense.

FINANCIAL IMPLICATIONS/FUNDING SOURCES

Approval will allow a transfer of \$15,883.50 from the FEMA Grant Fund (220) to the General Fund (101).

ATTACHMENTS

Ordinance No. 20-2018

ORDINANCE NO. 20-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the FEMA Fund Unappropriated Balance.

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

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

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

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
<u>FEMA Fund #220</u>		
220.2020.560984	Grant Proceeds-FEMA	\$ 15,883.50
Total All Funds		\$ 15,883.50

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

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018

To: Matthew H. Greeson

From: Dan Whited, Director of Service & Engineering

Subject: **Ordinance No. 21-2018 - Appropriation - 2018 Street Program - Crack Sealing**

EXECUTIVE SUMMARY

This Ordinance appropriates \$27,000 for the crack sealing portion of the 2018 Street Improvement Program and authorizes the City Manager to enter into a contract with Stawser Paving for the work.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND/DESCRIPTION

The 2018 Street Improvements Program (SIP) has been assembled and is ready to bid. The Engineer's Estimate for the work is \$934,251.21. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center entrance drive along with Bike & Pedestrian improvements from the Olentangy path to the Central Business District.

In addition, the 2018 SIP includes extensive crack sealing throughout the community. Crack Sealing serves to:

- reduce long term maintenance costs by slowing oxidation and water entering into small cracks that ultimately lead to larger pavement degradation and failure,
- prolong pavement life by water proofing pavement pores, and thus minimizing the penetration of water into the pavement surface,
- mitigate adverse impacts of existing surface cracks by significantly slowing, or stopping crack propagation, and reducing the potential for the creation of potholes

The Crack Sealing portion of the 2018 SIP may be performed through the "State Bid Contract" process. Staff is recommending award of the State Bid contract for Crack Sealing included in the 2018 SIP to Strawser Construction in the amount of \$27,000.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The contract amount is \$27,000. Funding will be provided by the 2018 Capital Improvement Program's allocation for the 2018 Street Improvement Program.

ATTACHMENTS

Ordinance No. 21-2018

ORDINANCE NO. 21-2018

Amending Ordinance No. 41-2017 (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 2018 Street Crack Sealing Program (State of Ohio Contract 101G-19 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533408 the sum of Twenty Seven Thousand Dollars (\$27,000.00) to pay the cost of the 2018 Street Crack Sealing Program and all related expenses (Project 679-18).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with firm of Strawser Construction Inc. for the provision of the aforementioned services through State of Ohio Contract 101G-19 pricing.

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

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

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018

To: Matthew H. Greeson

From: Dan Whited, Director of Service & Engineering

Subject: **Ordinance No. 22-2018 - Appropriation - 2018 Street Program - Rejuvenator**

EXECUTIVE SUMMARY

This Ordinance appropriates \$68,000 for the rejuvenator portion of the 2018 Street Improvement Program and authorizes the City Manager to contract with Pavement Technologies, Inc. for the work.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND/DESCRIPTION

The 2018 Street Improvements Program (SIP) has been assembled and is ready to bid. The Engineer's Estimate for the work is \$934,251.21. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center entrance drive along with Bike & Pedestrian improvements from the Olentangy path to the Central Business District.

In addition, the 2018 SIP includes extensive Pavement Rejuvenation on recently paved roadways. Pavement Rejuvenation is the process of restoring chemical properties that have been deteriorating since new asphalt was placed. An asphalt rejuvenator penetrates the asphalt well below the surface to chemically revitalize and protect the asphalt binder by replacing the tars and oils lost due to oxidation. This process also seals the pavement against air, water and chemical contaminants to slow oxidation and deterioration, resulting in extending the service life of the pavement. This process eliminates or postpones spending 6 to 10 times or more on time-consuming and expensive repairs or reconstruction costs by extending the material's life cycle.

7.F. - Appropriation - 2018 Street Program - Rejuvenator

The rejuvenation portion of the 2018 SIP may be performed through the “State Bid Contract” process. Staff is recommending award of the State Bid contract for crack Sealing included in the 2018 SIP to Pavement Tech in the amount of \$68,000.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The contract amount is \$68,000. Funding will be provided from the 2018 Capital Improvement Program’s Street Improvement Program.

ATTACHMENTS

Ordinance No. 22-2018

ORDINANCE NO. 22-2018

Amending Ordinance No. 41-2017 (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 2018 Street Rejuvenator Program (State of Ohio Contract 101L-18 Pricing) and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533408 the sum of Sixty Eight Thousand Dollars (\$68,000.00) to pay the cost of the 2018 Street Rejuvenator Program and all related expenses (Project 679-18).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with firm of Pavement Technologies, Inc. for the provision of the aforementioned services through State of Ohio Contract 101L-18 pricing.

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

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

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018
To: Matthew H. Greeson
From: Dan Whited, Director of Service & Engineering
Subject: **Ordinance No. 23-2018 - Appropriation - 2018 Street Improvement Program**

EXECUTIVE SUMMARY

This Ordinance appropriates funds for the 2018 Street Improvement Program.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND/DESCRIPTION

The 2018 Street Improvements Program has been assembled and is ready to bid. The Engineer's Estimate for the work is \$934,251.21. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center entrance drive along with Bike & Pedestrian improvements from the Olentangy path to the Central Business District.

In order to complete the improvement, the Service and Engineering Department is introducing legislation to fund the improvements from the CIP budget, 2018 Street Improvements Program Number 679-18 Account Number 308.8150.533408. We are also asking for permission to advertise the project for bid, with the resulting bid opening occurring at noon on Friday, May 18, 2018

The pavement preservation portion of the Street Improvement Program includes Crack Sealing and Pavement Rejuvenation. Each will be performed per Ohio State Bid contract and funded via separate appropriation ordinances.

This Ordinance is being introduced with blanks for the amount and the contractor pending the results of the bid process. Staff will provide a recommendation for the amount and contract for the public hearing.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

This project will be funding utilizing allocations in the 2018 Capital Improvements Program for the Street Improvement Program, Granby Street drainage and work on the parking lot at the Community Center.

ATTACHMENTS

Ordinance No. 23-2018

ORDINANCE NO. 23-2018

Amending Ordinance No. 41-2017 (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 2018 Street Improvement Program and all Related Expenses and Determining to Proceed with said Project. (Project No. 679-18)

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533408 the sum of _____ to pay the cost of the 2018 Street Improvement Program and all related expenses (Project 679-18).

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

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

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

Passed _____

President of Council

Attest:

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018

To: Matthew H. Greeson, City Manager

From: Ethan C. Barnhardt, Intern

Subject: **Ordinance No. 24-2018 - Tobacco 21 Legislation**

EXECUTIVE SUMMARY

This Ordinance introduces legislation that would raise the minimum legal sales age for retailers to sell tobacco and tobacco related products to 21 years of age in the City of Worthington.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND/DESCRIPTION

Tobacco 21 is a policy approach designed to curb the use of tobacco products by youths through an increase of the minimum legal sales age for tobacco and tobacco related products to 21 years of age. This is in response to the data that has shown tobacco use is a pediatric epidemic, with 80% of adult smokers beginning to smoke daily before turning 20 years of age and 90% of persons who purchase cigarettes for distribution to minors are under 21 years of age. However, evidence shows that almost no one begins smoking after turning 21. If current trends continue, 259,000 Ohio youth alive today will die from tobacco use. The current economic impact from tobacco use results in direct costs of \$5.64 billion caused by smoking and another \$5.88 billion in lost productivity.

In December 2016, the City of Columbus passed Tobacco 21 legislation that has served as the national model for effective enforcement focused on tobacco retailer accountability rather than the staff at the point of sale. Columbus has implemented a \$150 retail license that is renewable annually for each location where tobacco product or paraphernalia sales are conducted. Signage is posted at all points of transaction and display cases of tobacco products and paraphernalia. Enforcement is conducted in a two-layered system consisting of civil penalties issued by Columbus Public Health (CPH) sanitarians in the field and criminal penalties issued by the Columbus Police Department.

The civil process consists of an advisory letter that is sent to non-compliant retailers and an informational meeting after the first violation. This step is educational and gives retailers an opportunity to achieve compliance before a fine is levied. Subsequent violations include increasing fines of \$500 for the second violation and \$1000 for the third and subsequent violations. CPH will also begin the process to move forward with license revocation or non-renewal after the third violation. CPH will notify the Columbus Police Department to begin the criminal process after the second and subsequent civil violations. Criminal penalties range from 4th degree misdemeanors with a \$250 fine and up to 30 days in jail for individuals who sell to a person under the age of 21 or fail to perform ID checks, to a 1st degree misdemeanor with a fine up to \$1000 and up to 180 days in jail for retailers that sell or distribute tobacco and tobacco related products without a license.

After an extensive educational effort from CPH to conduct outreach with affected retailers, Tobacco 21 has actively been enforced in the City of Columbus since October 2017. One provision of Tobacco 21 is an underage buy attempt using underage shoppers, conducted once a year at retailers that sell tobacco products. The current compliance rate has been high with nearly 67% of locations following the law during underage buy attempts. To date no monetary penalties have been issued.

Considering the unique contract between the Columbus Public Health and the City of Worthington to provide public health services, the proposed legislation combines the Columbus ordinance provisions and the Columbus Board of Health rules and regulations. CPH would be responsible for the civil enforcement of this legislation. Tobacco retailers within Worthington would have to apply for a license through CPH, post signage indicating the new minimum legal sales age and would be subject to annual underage buy attempts. If CPH witnesses violations, they have the authority to levy monetary penalties, or begin the process to revoke or non-renew the retailer's sales license after multiple violations. The adoption of this legislation is expected to affect five Worthington businesses that have been notified via letters sent from the City Manager's office regarding the proposed changes and have been invited to give their input.

City Council discussed this topic with City staff and representatives of Columbus Public Health on April 9th. At that time, City Council passed a motion asking that this legislation be prepared for introduction and public hearing.

ATTACHMENTS

Ordinance No. 24-2018

ORDINANCE NO. 24-2018

To Enact New Chapter 765 “Tobacco Sales” of the Codified Ordinances of the City of Worthington to Require a License for the Sale of Tobacco and Prohibiting Tobacco Sales to Persons Under Twenty-One.

WHEREAS, research provided by a coalition of the Cancer Action Network of the American Cancer Society, the American Lung Association, the American Heart Association, and the Campaign for Tobacco-Free Kids indicates that 95% of adult smokers begin smoking before they turn twenty-one; and,

WHEREAS, current City ordinances permit the sale of tobacco products to individuals aged eighteen to twenty-one, leading to a higher probability of an individual becoming a lifetime smoker; and

WHEREAS, the City of Columbus, as well as the Cities of Dublin, Grandview Heights, New Albany, and Powell, have adopted ordinances that prohibit sale of tobacco to individuals under the age of twenty-one; and,

WHEREAS, the City of Worthington has contracted with the Columbus Board of Health to provide public health services to the City of Worthington and its residents; and,

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

SECTION 1. That Part Seven of the Codified Ordinances of the City of Worthington, “Business Regulation Code,” be and the same is hereby amended to add new Chapter 765 “Tobacco Sales” to read as follows:

**CHAPTER 765
Tobacco Sales**

265.01 DEFINITIONS

As used in this chapter:

(A) “Department” means the Columbus City Health Department and its authorized employees and agents.

(B) “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e- pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or

ORDINANCE NO. 24-2018

combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(C) "Licensee" means a person that applied for and was issued a retail tobacco sales license or temporary retail tobacco product paraphernalia sales license.

(D) "Product Paraphernalia" means any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of nicotine to include, but not limited to pipes, rolling papers, and electronic cigarette cases.

(E) "Retail Tobacco Sales" means the act of giving, selling or otherwise distributing tobacco products in a retail setting, including but not limited to gas stations, convenience stores, carry out markets, groceries, supermarkets, drug stores, vape shops and hookah bars.

(F) "Temporary Retail Tobacco Product Paraphernalia Sales" means the act of giving, selling or otherwise distributing tobacco product paraphernalia at an event for not more than five consecutive days.

(G) "Tobacco Product" means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes tobacco product paraphernalia, including but not limited to, electronic smoking devices and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(H) "Underage Buy Attempt" means a person, authorized by the Department, under the age of 21, who requests purchase of tobacco products or product paraphernalia from a retailer or a person under age 30 who requests purchase of tobacco products or product paraphernalia from a retailer without presenting identification.

265.02 LICENSE APPLICATION

(A) All retailers of tobacco products and/or tobacco product paraphernalia shall apply for a valid retail tobacco sales license or temporary retail tobacco product paraphernalia sales license. For the purposes of this Chapter, retailers shall include any person performing retail tobacco sales or temporary retail tobacco product paraphernalia sales. Retail tobacco sales licenses shall be issued by the department annually. Temporary retail tobacco product paraphernalia sales licenses shall be valid for not longer than five days. A license shall be required for each location where retail tobacco product sales or retail

ORDINANCE NO. 24-2018

tobacco product paraphernalia sales are conducted and is non-transferable.

(B) Any retailer applying for a retail tobacco sales license or temporary retail tobacco product paraphernalia sales license shall submit a current and valid vendor's license issued by the Ohio Department of Taxation to the Department, if required by law.

(C) The annual retail tobacco sales license fee shall be \$150. The license shall be valid beginning on the first day of October through the last day of September of the following year. A license issued to a new licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(D) The temporary retail tobacco product paraphernalia sales license fee shall be \$50. The license shall be valid for no longer than five days and limited to a single event. The application shall be made at least ten days prior to the event.

(E) License fees are due at the time of application and are not refundable.

265.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION

(A) Applications for retail tobacco sales licenses and temporary tobacco product paraphernalia sales licenses may be denied, and such licenses may be suspended or revoked for any of the following:

- (1) Observation by the Department or its authorized agent that the licensee or any agent, employee, or representative of said licensee has violated Section 265.07(A)(1) or (A)(3) of the Codified Ordinances.
- (2) Failure by the licensee to post signage as required by Section 265.04 of the Codified Ordinances.
- (3) The applicant or licensee having a conviction for violating Sections 265.06 or 265.07 of the Codified Ordinances or Sections 2329.13 or 2329.14 of the Columbus City Code. In the case of licensees, convictions for violations of Sections 265.06 or Section 265.07 of the Codified Ordinances or Section 2329.13 or 2329.14 of the Columbus City Code shall be a sufficient basis for denying a license renewal, for license suspension, or license revocation if the date of conviction is within two years of the issuance of the current retail tobacco sales license or temporary product paraphernalia retail tobacco sales license.

ORDINANCE NO. 24-2018

- (4) An order by a court of competent jurisdiction that a retail tobacco sales location or temporary retail tobacco product paraphernalia sales owned and/or operated by the licensee constitutes a public nuisance.
 - (5) Information contained in the application is misleading, inaccurate, or false.
 - (6) The licensee fails to comply with applicable federal, Ohio, and city codes including, but not limited to, building, health and fire.
 - (7) The licensee has outstanding fines, pursuant to Section 265.05(B) of the Codified Ordinances.
- (B) Any person whose retail tobacco sales license or temporary retail tobacco product paraphernalia sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.10.
- (C) Any person whose application for a retail tobacco sales license or temporary retail tobacco product paraphernalia sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code Section 203.08.

265.04 SIGN DISTRIBUTION AND POSTING

- (A) The Department shall make signs available to licensees of retail tobacco sales and temporary retail tobacco product paraphernalia sales. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.
- (B) The licensee shall post the signs provided by the department at the point of transaction, which may include but are not limited to, cash registers, sales counters or on any display cases of tobacco products and tobacco product paraphernalia. Signage shall be prominently displayed and not obscured.

265.05 CIVIL ENFORCEMENT

- (A) The Department shall conduct an inspection, which shall include an underage buy attempt, at least once per licensing period for all licenses.
- (B) If the Department observes violation(s) of this Chapter at a retail tobacco sales location or at a temporary retail tobacco product paraphernalia sales event, the following schedule of civil penalties shall be imposed on the licensee, in addition to the sanctions specified in Section 265.03(A):

ORDINANCE NO. 24-2018

- (1) For a first violation, \$500.00.
 - (2) Second and subsequent violations within two years of the first violation, \$1,000 per violation.
 - (3) Violations of this Chapter which occur more than two years after a previous violation shall not be considered a second or subsequent violation of this Chapter if there has been no finding of a violation in the intervening time.
 - (4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code 203.08.
- (C) The Department of Public Safety, Division of Police, retains full authority to enforce Sections 265.06 and 265.07 of the Codified Ordinances.

265.06 DISTRIBUTION OF TOBACCO PRODUCTS WITHOUT A LICENSE

- (A) No retailer of tobacco products, or product paraphernalia shall give, sell, or otherwise distribute cigarettes, other tobacco products, papers used to roll cigarettes, or other product paraphernalia without a valid license issued by the Columbus Board of Health;
- (B) Whoever violates this section is guilty of distribution of cigarettes, or other tobacco products, or product paraphernalia without a license, a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, Section 265.07 of the Codified Ordinances, Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then the retailer shall be denied a license for distribution of cigarettes or other tobacco products or product paraphernalia for a period not to exceed 5 years.

265.07 ILLEGAL DISTRIBUTION OF TOBACCO PRODUCTS

- (A) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products or product paraphernalia, or any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products or product paraphernalia shall do any of the following:
- (1) Give, sell, or otherwise distribute cigarettes, other tobacco products, or product paraphernalia to any person under Twenty-one (21) years of age;
 - (2) Give, sell, or otherwise distribute cigarettes, other tobacco products, or product paraphernalia in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, or

ORDINANCE NO. 24-2018

other tobacco products, or product paraphernalia to a person under Twenty-one (21) years of age is prohibited by law.

(3) Give, sell, or otherwise distribute cigarettes, other tobacco products, or product paraphernalia without viewing proof of age demonstrating the recipient is at least Twenty-one (21) years of age, except that no such verification is required for a recipient over the age of Thirty (30). That a person appeared to be over the age of Thirty (30) shall not constitute a defense to a violation of this section.

(B) No person shall give, sell or offer to sell cigarettes, other tobacco products, or product paraphernalia by or from a vending machine.

(C) As used in this section, "vending machine" means any mechanical or electronic device designed to do both of the following:

(1) Receive a coin, bill, token, or credit card, including, but not limited to, a card, code, device, or other means of access to a customer's account, made for that purpose;

(2) In return for the insertion or deposit of a coin, bill, token, or credit card, automatically dispense property, provide a service, or grant a license.

(E) As used in this section "proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchaser is at least 21 years of age.

(F) Whoever violates this section is guilty of illegal distribution of cigarettes, other tobacco products, or product paraphernalia, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, Section 765.06 of the Codified Ordinances, Sections 2329.13 or 2329.14 of the Columbus City Code, or Section 2927.02 of the Ohio Revised Code, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.

265.08 RULE MAKING AUTHORITY

The Columbus Board of Health is hereby authorized to promulgate additional rules and regulations to carry out the purpose and intent of this Chapter in order to protect the public health, safety and welfare. The Columbus Board of Health shall provide City Council a copy of the proposed rules and regulations at least 60 days prior to their proposed effective date. The rules and regulations shall become effective as proposed unless City Council takes action to modify or reject them.

ORDINANCE NO. 24-2018

265.09 TOBACCO ENFORCEMENT AND EDUCATION FUND

All fines and penalties collected as a result of enforcement of the provisions of this Chapter shall be paid directly to the Columbus Board of Health to be deposited into a "Tobacco Enforcement and Education Fund" to be administered by the Columbus Health Department for enforcement, community education, and compliance efforts towards state and local tobacco product sales and use laws.

265.10 EFFECT OF PARTIAL INVALIDITY

The provisions of this Chapter are hereby declared to be severable, and if any section, subsection, or clause of this Chapter is held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this Chapter that can be given effect.

SECTION 2. The provisions of Chapter 265 shall become effective on July 1, 2018. However, no fines or penalties shall be imposed for violations of Chapter 265 that occur on or before October 1, 2018.

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



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018
To: Matthew H. Greeson
From: Daniel Whited, P.E., Director of Service and Engineering
Subject: **Ordinance No. 25-2018 - Right of Way Appraisal Review Contract**

EXECUTIVE SUMMARY

This Ordinance appropriates funds and authorizes the City Manager to enter into agreements for Right of Way Acquisition and Relocation Appraisal services, and reviews of those services by three separate property acquisition consulting firms. The parcels are necessary for completion of the Northeast Gateway Project.

RECOMMENDATION

Introduce for Public Hearing on May 21, 2018

BACKGROUND/DESCRIPTION

As part of the Northeast Gateway project, the City is required to acquire 124 parcels through 35 property owners for a variety of permanent and temporary easements, and rights-of-way, as well as one residential and two commercial relocations. Per ODOT and FHWA requirements, it is necessary to engage in contracts with three consultants for three separate contracts:

- Contract 1: Right of Way Acquisition and Relocation Appraisals
- Contract 2: Appraisal Review and Parcel Impact Notes
- Contract 3: Relocation Review

Based on review of responses from a Request for Proposals, and after extensive review with City of Worthington and ODOT staff, contract scopes have been outlined, fees have been negotiated, based on specific agency requirements and guidelines.

- Contract 1: Transystems Corporation, Columbus, Ohio; *\$279,550*
- Contract 2: Martin + Wood Appraisal Group, Ltd, in Dublin, Ohio; *\$43,800*
- Contract 3: Heritage Land Services, Westerville, Ohio; *\$16,400*

Fees for these services total \$339,750. Staff is seeking Council passage of an ordinance to fund the work, and to allow the City Manager to enter into a professional services contract agreement with Transystems, Martin + Wood, and Heritage Land Services.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

\$339,750.00

ATTACHMENTS

Ordinance No. 25-2018

Contract Documents and Exhibits

ORDINANCE NO. 25-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay for the Real Estate Acquisition Services for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8150.533330 an amount not to exceed Three Hundred Thirty Nine Thousand Seven Hundred and Fifty Dollars (\$339,750.00) to pay for the real estate acquisition services for the NE Gateway Intersection Improvement Project and all related expenses (Project No. 602-14).

SECTION 2. That the City Manager be and hereby is authorized and directed to enter into an agreement with the firms of: Martin and Wood Appraisal Group, LTD, TransSystems Real Estate Consulting, Inc., and Heritage Land Services, Inc for the provision of the aforementioned services.

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

CITY OF WORTHINGTON, OHIO
Real Estate Acquisition Services Agreement
Northeast Gateway, FRA-CR36-1.84

Section 1 – Parties to the Agreement

This Agreement is made and entered into this _____ day of _____, 20____ by and between the City of Worthington, Ohio (“City”), and the firm of Heritage Land Services, Inc., 635 Brooksedge Boulevard, Westerville, Ohio, 43081 (“Consultant”).

Section 2 – Contract Administrator

The Worthington City Council hereby designates the Director of Service and Engineering as Administrator and agent of Council for performance of the Work performed under this Agreement. The Administrator shall have the right to issue Notice to Proceed, Notice to Suspend or Notice to Resume Work under this Agreement within the dates to which this Agreement is effective and shall have general supervision of the Work.

Section 3 – Basic Services of Consultant

The duties of the Consultant shall encompass the following right-of-way acquisition services within the City for the project known as Northeast Gateway, FRA-CR36-1.84 as outlined in the Consultant’s Scope of Services dated April 23, 2018: project management, appraisal review, and relocation review. The attached Exhibit “A” serves as the scope and cost proposal for the purposes of this section.

Section 4 – Payment for Professional Services

- 4.1 The City agrees to pay the Consultant as compensation for professional services as listed in Section 3, an amount not to exceed **Sixteen Thousand, Four Hundred Dollars (\$16,400.00)**.
- 4.2 The actual cost plus reimbursable expenses as incurred by the Consultant in the performance of the portion of the work outlined in Section 3 of this Agreement, shall not exceed the amount stipulated in Section 4.1 without an amendment to the Agreement duly authorized by the City.
- 4.3 Payment for services performed shall be due and payable monthly, based on the actual time and expenses incurred by the Consultant in the performance of the services on the project.

Section 5 – Payment

- 5.1 Notwithstanding any provision in this contract to the contrary, the maximum obligation of the City under this contract is limited to the amount of \$16,400.00. Unless the City appropriates and authorizes the expenditure of additional funds pursuant to proper modification of this contract, the Consultant's duties and obligations to perform additional services under this contract shall be considered ended January 1, 2020. Payment of invoices submitted to the City by the Consultant shall be made by the City within thirty (30) days of the date the City receives the invoice. If the maximum obligation of the City provided herein is changed properly, then the new amount will control the continuation of the duties and obligations of the Consultant to perform additional services.
- 5.2 City shall provide all criteria and full information as to City's requirement for the Project; designate a person to act with authority on City's behalf in respect of all aspects of the Consultant's submissions; and give prompt written notice to Consultant whenever City observes or otherwise becomes aware of any defect in the work.

Section 6 – Time of Schedule and Completion

- 6.1 After notification from the City to proceed, the Consultant shall, to the extent possible, schedule activities to meet specific project dates as requested by the City.

Section 7 – Insurance

- 7.1 General Liability Coverage: Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence with an annual aggregate of \$2,000,000. Identical coverage shall be required to be provided by all subcontractors, if any.

- 7.2 Automobile Liability Coverage: Consultant shall maintain automobile liability insurance of \$1,000,000 each accident. Such coverage shall include coverage for owned, hired and non-owned automobiles. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.3 Workers' Compensation Coverage: Consultant shall maintain workers' compensation coverage as required by the laws of the State of Ohio. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.4 Additional Insureds: The City, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsections 7.1 and 7.2. Consultant shall require all of its subcontractors to provide like endorsements.
- 7.5 Proof of Insurance: Prior to the commencement of any work under this Agreement, Consultant, and all of its subcontractors, shall furnish the City with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements in accordance with Subsection 7.4. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the City. Consultant will replace certificates for any insurance expiring prior to completion of work under this Agreement.

Section 8 – Indemnification

The Consultant shall indemnify and hold free and harmless the City of Worthington and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the extent caused in whole or part by any negligent acts, errors or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

As the City's sole and exclusive remedy under this Agreement any claim, demand or suit shall be directed and/or asserted only against the Consultant and not against any of the Consultant's employees, officers or directors.

The Consultant's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the work, and the Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the City, including but not limited to, claims for loss of use, loss of profits and loss of markets.

Section 9 – Termination of Agreement

The City reserves the right to terminate this Agreement at any time for reasons identified in this Agreement or for any other reasons, for the convenience of the City. Upon termination of the Agreement, the City will provide written notice to the Consultant to terminate all work at which time the Consultant shall terminate all work associated with this Agreement and submit a final invoice for the portion of the work completed to date. The City shall not be responsible for payment for any work performed after the date of termination.

Section 10 – Change in Scope of Work

In the unforeseen event that substantial changes to the scope of work as defined in Section 3 are required during performance of work under this Agreement, the first party shall notify the second party in writing with a detailed explanation of the circumstances believed to have changed beyond those originally contemplated by this Agreement. Any subsequent modifications to this Agreement shall be approved by both parties.

Section 11 – Ownership of Documents

Upon completion or termination of the Agreement, the Consultant shall provide copies, if requested, to the City of all documents as part of this Agreement. The City shall have ownership of said documents, which are considered, but not limited to, any completed or partially completed written or electronic work produced exclusively as part of this Agreement. This section does not require unauthorized duplication of copyrighted materials.

Section 12 – Change of Key Consultant Staff

The Consultant shall immediately notify the City, in writing, of any change to key Consultant staff or subconsultants assigned to the Work as contemplated at the time of executing this Agreement.

Section 13 – Miscellaneous Terms & Conditions

- 13.1 Prohibited Interests: Consultant agrees that no agent, officer, or employee of the City during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current City employee for a minimum period of one (1) year from the completion date of this project, without the prior express written consent of City.
- 13.2 Independent Contractor: The Parties acknowledge and agree that contractor is acting as an independent contractor and that no agency, partnership, joint venture, or employment relationship has been or will be created between the Parties. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums that may accrue as a result of compensation received for services or deliverables rendered hereunder. Consultant hereby certifies that it has five or more employees and that none of the employees are public employees for purposes of Chapter 145 of the Ohio Revised Code.
- 13.3 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the City and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 13.4 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Franklin County, Ohio.
- 13.5 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 13.6 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 13.7 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 13.8 Findings for Recovery: Consultant certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.
- 13.9 Non-Discrimination/Equal Opportunity: Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

13.10 Campaign Finance – Compliance with R.C. 3517.13: Consultant hereby certifies the following: that they are familiar with Ohio Revised Code (“O.R.C.”) Section 3517.13; that all applicable parties listed in Division (I) (3) or (J) (3) of O.R.C. Section 3517.13 are in full compliance with Division (I) (1) and (J) (1) of that Section; that it is eligible for this Contract under the law and will remain in compliance with O.R.C. Section 3517.13 for the duration of this Contract and for one year thereafter.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

HERITAGE LAND SERVICES, INC.

Date: _____

By: _____
(Authorized Signature)

(Company Name)

(Print Name & Title)

CITY OF WORTHINGTON
CITY MANAGER

Date: _____

By: _____
Matt Greeson, City Manager

Approved as to form:

City of Worthington Attorney

FINANCE DIRECTOR'S CERTIFICATION

The City of Worthington Finance Director hereby certifies that the funds required to meet the obligation set forth in this Contract have been lawfully appropriated for such purpose and are in the City treasury or in the process of collection, free from any other encumbrances. The City of Worthington Finance Director also certifies that it has confirmed with the State of Ohio Auditor that TranSystems Real Estate Consulting, Inc. has no outstanding findings for recovery issued against them by the State of Ohio.

Dated: _____, 2018

Scott Bartter, Finance Director

EXHIBIT A – SCOPE AND COST PROPOSAL**Company Name:** Heritage Land Services**District:** 6**Date:** 04/23/18**PID NO.:** 95516**Task No.:****Project CRS:** FRA-CR84-1.36

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management - line items found in sections below	parcel			
2. Appraisal				
a. RE 95 Preparation	parcel			\$0.00
b. R/W Appraisal Report (RE 25-17)	parcel			\$0.00
c. Limited Scope R/W Appraisal Report (RE 25-17)	parcel			\$0.00
d. Value Finding (RE 90)	parcel			\$0.00
e. Value Analysis	parcel			\$0.00
f. Project Data Book	parcel			\$0.00
g. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
3. Appraisal Review				
a. R/W Appraisal Report(RE 25-16)	parcel	1	\$3,000.00	\$3,000.00
b. Limited Scope R/W Appraisal Report (RE 25-16)	parcel			\$0.00
c. Value Finding (RE 25-14)	parcel			\$0.00
d. Value Analysis (RE 25-13)	parcel			\$0.00
e. USPAP Review (RE 25-12)	parcel			\$0.00
f. Parcel Impact Note	parcel			\$0.00
g. Appraisal Problem Analysis	parcel			\$0.00
h. Project Management	parcel	1	\$150.00	\$150.00
SECTION SUBTOTAL				\$3,150.00
4. Title Researches				
a. Abbreviated Titles	parcel			\$0.00
b. Full Title (42 year)	parcel			\$0.00
c. Title Update	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
SECTION TOTAL				\$3,150.00

Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel			\$0.00
b. Bill of Sale Negotiation	Per BS Parcel			\$0.00
c. Negotiation Trainee	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
6. Closings				
a. Mail Out	parcel			\$0.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel			\$0.00
c. Formal - structure parcels	parcel			\$0.00
d. Title Update for Appropriation	parcel			\$0.00
e. Mortgage Release	per release			\$0.00
f. Project Management	per release			\$0.00
SECTION SUBTOTAL				\$0.00
7. Relocation Assistance Services				
a. Residential offer made	parcel			\$0.00
b. Residential final billing	parcel			\$0.00
c. Commercial Offer made	parcel			\$0.00
d. Commercial final billing	parcel			\$0.00
e. Personal Property final billing	parcel			\$0.00
f. Pre-Acquisition Survey/Interview	parcel			\$0.00
g. Pre-Acquisition Report	parcel			\$0.00
h. Project Management for Relocation/Relocation Review	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
8 Relocation Review				
a. Residential Review	parcel	1	\$2,500.00	\$2,500.00
b. Commercial Review	parcel	4	\$2,500.00	\$10,000.00
c. Personal Property Review	parcel			\$0.00
d. Project Management	parcel	5	\$150.00	\$750.00
SECTION SUBTOTAL				\$13,250.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
9. Asbestos				
a. Collection/Reporting	parcel			\$0.00
b. Testing	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
10. Miscellaneous				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations	parcel			\$0.00
c. Property Management	parcel			\$0.00
d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel			\$0.00
f. R/W Cost Estimate (RE-101)	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
SECTION TOTAL				\$13,250.00
GRAND TOTAL				\$16,400.00

CITY OF WORTHINGTON, OHIO
Real Estate Acquisition Services Agreement
Northeast Gateway, FRA-CR36-1.84

Section 1 – Parties to the Agreement

This Agreement is made and entered into this _____ day of _____, 20____ by and between the City of Worthington, Ohio (“City”), and the firm of Martin and Wood Appraisal Group, LTD., 485 Metro Place South, Suite 475, Dublin, Ohio, 43017 (“Consultant”).

Section 2 – Contract Administrator

The Worthington City Council hereby designates the Director of Service and Engineering as Administrator and agent of Council for performance of the Work performed under this Agreement. The Administrator shall have the right to issue Notice to Proceed, Notice to Suspend or Notice to Resume Work under this Agreement within the dates to which this Agreement is effective and shall have general supervision of the Work.

Section 3 – Basic Services of Consultant

The duties of the Consultant shall encompass the following right-of-way acquisition services within the City for the project known as Northeast Gateway, FRA-CR36-1.84 as outlined in the Consultant’s Scope of Services dated April 26, 2018: project management and appraisal review. The attached Exhibit “A” serves as the scope and cost proposal for the purposes of this section.

Section 4 – Payment for Professional Services

- 4.1 The City agrees to pay the Consultant as compensation for professional services as listed in Section 3, an amount not to exceed **Forty Three Thousand, Eight Hundred Dollars (\$43,800.00)**.
- 4.2 The actual cost plus reimbursable expenses as incurred by the Consultant in the performance of the portion of the work outlined in Section 3 of this Agreement, shall not exceed the amount stipulated in Section 4.1 without an amendment to the Agreement duly authorized by the City.
- 4.3 Payment for services performed shall be due and payable monthly, based on the actual time and expenses incurred by the Consultant in the performance of the services on the project.

Section 5 – Payment

- 5.1 Notwithstanding any provision in this contract to the contrary, the maximum obligation of the City under this contract is limited to the amount of \$43,800.00. Unless the City appropriates and authorizes the expenditure of additional funds pursuant to proper modification of this contract, the Consultant's duties and obligations to perform additional services under this contract shall be considered ended January 1, 2020. Payment of invoices submitted to the City by the Consultant shall be made by the City within thirty (30) days of the date the City receives the invoice. If the maximum obligation of the City provided herein is changed properly, then the new amount will control the continuation of the duties and obligations of the Consultant to perform additional services.
- 5.2 City shall provide all criteria and full information as to City's requirement for the Project; designate a person to act with authority on City's behalf in respect of all aspects of the Consultant's submissions; and give prompt written notice to Consultant whenever City observes or otherwise becomes aware of any defect in the work.

Section 6 – Time of Schedule and Completion

- 6.1 After notification from the City to proceed, the Consultant shall, to the extent possible, schedule activities to meet specific project dates as requested by the City.

Section 7 – Insurance

- 7.1 General Liability Coverage: Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence with an annual aggregate of \$2,000,000. Identical coverage shall be required to be provided by all subcontractors, if any.

- 7.2 Automobile Liability Coverage: Consultant shall maintain automobile liability insurance of \$1,000,000 each accident. Such coverage shall include coverage for owned, hired and non-owned automobiles. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.3 Workers' Compensation Coverage: Consultant shall maintain workers' compensation coverage as required by the laws of the State of Ohio. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.4 Additional Insureds: The City, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsections 7.1 and 7.2. Consultant shall require all of its subcontractors to provide like endorsements.
- 7.5 Proof of Insurance: Prior to the commencement of any work under this Agreement, Consultant, and all of its subcontractors, shall furnish the City with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements in accordance with Subsection 7.4. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the City. Consultant will replace certificates for any insurance expiring prior to completion of work under this Agreement.

Section 8 – Indemnification

The Consultant shall indemnify and hold free and harmless the City of Worthington and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the extent caused in whole or part by any negligent acts, errors or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

As the City's sole and exclusive remedy under this Agreement any claim, demand or suit shall be directed and/or asserted only against the Consultant and not against any of the Consultant's employees, officers or directors.

The Consultant's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the work, and the Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the City, including but not limited to, claims for loss of use, loss of profits and loss of markets.

Section 9 – Termination of Agreement

The City reserves the right to terminate this Agreement at any time for reasons identified in this Agreement or for any other reasons, for the convenience of the City. Upon termination of the Agreement, the City will provide written notice to the Consultant to terminate all work at which time the Consultant shall terminate all work associated with this Agreement and submit a final invoice for the portion of the work completed to date. The City shall not be responsible for payment for any work performed after the date of termination.

Section 10 – Change in Scope of Work

In the unforeseen event that substantial changes to the scope of work as defined in Section 3 are required during performance of work under this Agreement, the first party shall notify the second party in writing with a detailed explanation of the circumstances believed to have changed beyond those originally contemplated by this Agreement. Any subsequent modifications to this Agreement shall be approved by both parties.

Section 11 – Ownership of Documents

Upon completion or termination of the Agreement, the Consultant shall provide copies, if requested, to the City of all documents as part of this Agreement. The City shall have ownership of said documents, which are considered, but not limited to, any completed or partially completed written or electronic work produced exclusively as part of this Agreement. This section does not require unauthorized duplication of copyrighted materials.

Section 12 – Change of Key Consultant Staff

The Consultant shall immediately notify the City, in writing, of any change to key Consultant staff or subconsultants assigned to the Work as contemplated at the time of executing this Agreement.

Section 13 – Miscellaneous Terms & Conditions

- 13.1 Prohibited Interests: Consultant agrees that no agent, officer, or employee of the City during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current City employee for a minimum period of one (1) year from the completion date of this project, without the prior express written consent of City.
- 13.2 Independent Contractor: The Parties acknowledge and agree that contractor is acting as an independent contractor and that no agency, partnership, joint venture, or employment relationship has been or will be created between the Parties. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums that may accrue as a result of compensation received for services or deliverables rendered hereunder. Consultant hereby certifies that it has five or more employees and that none of the employees are public employees for purposes of Chapter 145 of the Ohio Revised Code.
- 13.3 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the City and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 13.4 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Franklin County, Ohio.
- 13.5 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 13.6 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 13.7 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 13.8 Findings for Recovery: Consultant certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.
- 13.9 Non-Discrimination/Equal Opportunity: Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

13.10 Campaign Finance – Compliance with R.C. 3517.13: Consultant hereby certifies the following: that they are familiar with Ohio Revised Code (“O.R.C.”) Section 3517.13; that all applicable parties listed in Division (I) (3) or (J) (3) of O.R.C. Section 3517.13 are in full compliance with Division (I) (1) and (J) (1) of that Section; that it is eligible for this Contract under the law and will remain in compliance with O.R.C. Section 3517.13 for the duration of this Contract and for one year thereafter.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

MARTIN AND WOOD APPRAISAL GROUP, LTD.

Date: _____

By: _____
(Authorized Signature)

(Company Name)

(Print Name & Title)

CITY OF WORTHINGTON
CITY MANAGER

Date: _____

By: _____
Matt Greeson, City Manager

Approved as to form:

City of Worthington Attorney

FINANCE DIRECTOR'S CERTIFICATION

The City of Worthington Finance Director hereby certifies that the funds required to meet the obligation set forth in this Contract have been lawfully appropriated for such purpose and are in the City treasury or in the process of collection, free from any other encumbrances. The City of Worthington Finance Director also certifies that it has confirmed with the State of Ohio Auditor that TranSystems Real Estate Consulting, Inc. has no outstanding findings for recovery issued against them by the State of Ohio.

Dated: _____, 2018

Scott Bartter, Finance Director

EXHIBIT A – SCOPE AND COST PROPOSAL**Company Name:** Martin + Wood Appraisal Group, Ltd.**District:** 6**Date:** 4/26/2018**PID NO.:** 95516**Task No.:****Project CRS:** FRA-CR84-1.36

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management - line items found in sections below	parcel			
2. Appraisal				
a. RE 95 Preparation	parcel			\$0.00
b. R/W Appraisal Report (RE 25-17)	parcel			\$0.00
c. Limited Scope R/W Appraisal Report (RE 25-17)	parcel			\$0.00
d. Value Finding (RE 90)	parcel			\$0.00
e. Value Analysis	parcel			\$0.00
f. Project Data Book	parcel			\$0.00
g. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
3. Appraisal Review				
a. R/W Appraisal Report(RE 25-16)	parcel 10 & 35	2	\$1,750.00	\$3,500.00
a. R/W Appraisal Report(RE 25-16)	parcel 11 & 12	2	\$2,000.00	\$4,000.00
a. R/W Appraisal Report(RE 25-16)	parcel 15, 36 & 37	3	\$2,500.00	\$7,500.00
a. R/W Appraisal Report(RE 25-16)	parcel 20	1	\$2,750.00	\$2,750.00
b. Limited Scope R/W Appraisal Report (RE 25-16)	parcel 5, 9 & 16	3	\$1,500.00	\$4,500.00
b. Limited Scope R/W Appraisal Report (RE 25-16)	parcel 7	1	\$1,750.00	\$1,750.00
c. Value Finding (RE 25-14)	parcel 4, 8, 14, 18, 19, 21, 22, 23, 24, 25, 33 & 34	12	\$600.00	\$7,200.00

d. Value Analysis (RE 25-13)	parcel 3, 13, 17, 28, 29, 30, 38, 39 & 40	9	\$300.00	\$2,700.00
e. USPAP Review (RE 25-12)	parcel			\$0.00
f. Parcel Impact Note	parcel	33	\$150.00	\$4,950.00
g. Appraisal Problem Analysis	parcel			\$0.00
h. Project Management	parcel	33	\$150.00	\$4,950.00
SECTION SUBTOTAL				\$43,800.00
4. Title Researches				
a. Abbreviated Titles	parcel			\$0.00
b. Full Title (42 year)	parcel			\$0.00
c. Title Update	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
SECTION TOTAL				\$43,800.00

Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel			\$0.00
b. Bill of Sale Negotiation	Per BS Parcel			\$0.00
c. Negotiation Trainee	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
6. Closings				
a. Mail Out	parcel			\$0.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel			\$0.00
c. Formal - structure parcels	parcel			\$0.00
d. Title Update for Appropriation	parcel			\$0.00
e. Mortgage Release	per release			\$0.00
f. Project Management	per release			\$0.00
SECTION SUBTOTAL				\$0.00
7. Relocation Assistance Services				
a. Residential offer made	parcel			\$0.00

b. Residential final billing	parcel			\$0.00
c. Commercial Offer made	parcel			\$0.00
d. Commercial final billing	parcel			\$0.00
e. Personal Property final billing	parcel			\$0.00
f. Pre-Acquisition Survey/Interview	parcel			\$0.00
g Pre-Acquisition Report	parcel			\$0.00
Project Management for h Relocation/Relocation Review	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
8 Relocation Review				
a. Residential Review	parcel			\$0.00
b. Commercial Review	parcel			\$0.00
c. Personal Property Review	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
9. Asbestos				
a. Collection/Reporting	parcel			\$0.00
b. Testing	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
10. Miscellaneous (IF AUTHORIZED if quantity = "0")				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations (Per Hour Rate)	parcel			\$0.00
c. Appraisal Upgrade to Summary	parcel			\$0.00
d. Appraisal Upgrade to Value Finding	parcel			\$0.00
e. Summary Appraisal Update	parcel			\$0.00
f. Appraisal Review Upgrade to Summary Review	parcel			\$0.00
g. Appraisal Review Upgrade to Value Finding Review	parcel			\$0.00
h. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
i. R/W Cost Estimate (RE-101)	parcel			\$0.00
j. Property Management	parcel			\$0.00

k. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel			\$0.00
l. u	parcel			\$0.00
m. u	parcel			\$0.00
n. u	parcel			\$0.00
o. u	parcel			\$0.00
p. u	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
SECTION TOTAL				\$0.00
GRAND TOTAL				\$43,800.00

CITY OF WORTHINGTON, OHIO
Real Estate Acquisition Services Agreement
Northeast Gateway, FRA-CR36-1.84

Section 1 – Parties to the Agreement

This Agreement is made and entered into this _____ day of _____, 20____ by and between the City of Worthington, Ohio (“City”), and the firm of TranSystems Real Estate Consulting, Inc., 5400 W Nationwide Boulevard, Suite 225, Columbus, Ohio, 43215 (“Consultant”).

Section 2 – Contract Administrator

The Worthington City Council hereby designates the Director of Service and Engineering as Administrator and agent of Council for performance of the Work performed under this Agreement. The Administrator shall have the right to issue Notice to Proceed, Notice to Suspend or Notice to Resume Work under this Agreement within the dates to which this Agreement is effective and shall have general supervision of the Work.

Section 3 – Basic Services of Consultant

The duties of the Consultant shall encompass the following right-of-way acquisition services within the City for the project known as Northeast Gateway, FRA-CR36-1.84 as outlined in the Consultant’s Scope of Services dated April 23, 2018: project management, appraisal, title research, negotiation, closings, relocation assistance, asbestos reporting and testing, and other miscellaneous items. The attached Exhibit “A” serves as the scope and cost proposal for the purposes of this section.

Section 4 – Payment for Professional Services

- 4.1 The City agrees to pay the Consultant as compensation for professional services as listed in Section 3, an amount not to exceed **Two Hundred Seventy-Nine Thousand, Five Hundred and Fifty Dollars (\$279,550.00)**.
- 4.2 The actual cost plus reimbursable expenses as incurred by the Consultant in the performance of the portion of the work outlined in Section 3 of this Agreement, shall not exceed the amount stipulated in Section 4.1 without an amendment to the Agreement duly authorized by the City.
- 4.3 Payment for services performed shall be due and payable monthly, based on the actual time and expenses incurred by the Consultant in the performance of the services on the project.

Section 5 – Payment

- 5.1 Notwithstanding any provision in this contract to the contrary, the maximum obligation of the City under this contract is limited to the amount of \$279,550.00. Unless the City appropriates and authorizes the expenditure of additional funds pursuant to proper modification of this contract, the Consultant's duties and obligations to perform additional services under this contract shall be considered ended January 1, 2020. Payment of invoices submitted to the City by the Consultant shall be made by the City within thirty (30) days of the date the City receives the invoice. If the maximum obligation of the City provided herein is changed properly, then the new amount will control the continuation of the duties and obligations of the Consultant to perform additional services.
- 5.2 City shall provide all criteria and full information as to City's requirement for the Project; designate a person to act with authority on City's behalf in respect of all aspects of the Consultant's submissions; and give prompt written notice to Consultant whenever City observes or otherwise becomes aware of any defect in the work.

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- 7.1 General Liability Coverage: Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence with an annual aggregate of \$2,000,000. Identical coverage shall be required to be provided by all subcontractors, if any.
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As the City's sole and exclusive remedy under this Agreement any claim, demand or suit shall be directed and/or asserted only against the Consultant and not against any of the Consultant's employees, officers or directors.

The Consultant's liability with respect to any claims arising out of this Agreement shall be absolutely limited to direct damages arising out of the work, and the Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the City, including but not limited to, claims for loss of use, loss of profits and loss of markets.

Section 9 – Termination of Agreement

The City reserves the right to terminate this Agreement at any time for reasons identified in this Agreement or for any other reasons, for the convenience of the City. Upon termination of the Agreement, the City will provide written notice to the Consultant to terminate all work at which time the Consultant shall terminate all work associated with this Agreement and submit a final invoice for the portion of the work completed to date. The City shall not be responsible for payment for any work performed after the date of termination.

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Section 13 – Miscellaneous Terms & Conditions

- 13.1 **Prohibited Interests:** Consultant agrees that no agent, officer, or employee of the City during his/her tenure or for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current City employee for a minimum period of one (1) year from the completion date of this project, without the prior express written consent of City.
- 13.2 **Independent Contractor:** The Parties acknowledge and agree that contractor is acting as an independent contractor and that no agency, partnership, joint venture, or employment relationship has been or will be created between the Parties. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums that may accrue as a result of compensation received for services or deliverables rendered hereunder. Consultant hereby certifies that it has five or more employees and that none of the employees are public employees for purposes of Chapter 145 of the Ohio Revised Code.
- 13.3 **Entire Agreement:** This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the City and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 13.4 **Governing Law:** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Franklin County, Ohio.
- 13.5 **Headings:** The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 13.6 **Waivers:** No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 13.7 **Severability:** If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 13.8 **Findings for Recovery:** Consultant certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.
- 13.9 **Non-Discrimination/Equal Opportunity:** Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

7.I. - Right of Way Appraisal Review Contracts - NE Gateway Project

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

13.10 Campaign Finance – Compliance with R.C. 3517.13: Consultant hereby certifies the following: that they are familiar with Ohio Revised Code (“O.R.C.”) Section 3517.13; that all applicable parties listed in Division (I) (3) or (J) (3) of O.R.C. Section 3517.13 are in full compliance with Division (I) (1) and (J) (1) of that Section; that it is eligible for this Contract under the law and will remain in compliance with O.R.C. Section 3517.13 for the duration of this Contract and for one year thereafter.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

TRANSYSTEMS REAL ESTATE CONSULTING, INC.

Date: _____

By: _____
(Authorized Signature)

(Company Name)

(Print Name & Title)

CITY OF WORTHINGTON
CITY MANAGER

Date: _____

By: _____
Matt Greeson, City Manager

Approved as to form:

City of Worthington Attorney

FINANCE DIRECTOR'S CERTIFICATION

The City of Worthington Finance Director hereby certifies that the funds required to meet the obligation set forth in this Contract have been lawfully appropriated for such purpose and are in the City treasury or in the process of collection, free from any other encumbrances. The City of Worthington Finance Director also certifies that it has confirmed with the State of Ohio Auditor that TranSystems Real Estate Consulting, Inc. has no outstanding findings for recovery issued against them by the State of Ohio.

Dated: _____, 2018

Scott Bartter, Finance Director

EXHIBIT A – SCOPE AND COST PROPOSAL**Company Name:** TranSystems Real Estate Consulting, Inc.**District:** 6**Date:** 4/23/18**PID NO.:** 95516**Task No.:****Project CRS:** FRA-CR84-1.36

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management - line items found in sections below	parcel			
2. Appraisal				
a. RE 95 Preparation	parcel	14	\$300.00	\$4,200.00
b. R/W Appraisal Report (RE 25-17)	parcel 15	1	\$7,500.00	\$7,500.00
R/W Appraisal Report (RE 25-17)	parcels 36, 37	2	\$5,500.00	\$11,000.00
R/W Appraisal Report (RE 25-17)	parcel 20	1	\$5,000.00	\$5,000.00
R/W Appraisal Report (RE 25-17)	parcels 11, 12	2	\$4,500.00	\$9,000.00
R/W Appraisal Report (RE 25-17)	parcels 10, 35	2	\$3,500.00	\$7,000.00
c. Limited Scope R/W Appraisal Report (RE 25-17)	parcel 7	1	\$4,000.00	\$4,000.00
Limited Scope R/W Appraisal Report (RE 25-17)	parcel 16	1	\$3,500.00	\$3,500.00
Limited Scope R/W Appraisal Report (RE 25-17)	parcels 5, 9	2	\$3,000.00	\$6,000.00
d. Value Finding (RE 90)	parcel	12	\$1,750.00	\$21,000.00
e. Value Analysis	parcel	9	\$750.00	\$6,750.00
f. Sign & Irrigation Estimates	parcel	14	\$250.00	\$3,500.00
g. Project Management	parcel	33	\$200.00	\$6,600.00
SECTION SUBTOTAL				\$95,050.00
3. Appraisal Review				
a. R/W Appraisal Report(RE 25-16)	parcel			\$0.00
b. Limited Scope R/W Appraisal Report (RE 25-16)	parcel			\$0.00
c. Value Finding (RE 25-14)	parcel			\$0.00
d. Value Analysis (RE 25-13)	parcel			\$0.00
e. USPAP Review (RE 25-12)	parcel			\$0.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
f. Parcel Impact Note	parcel			\$0.00
g. Appraisal Problem Analysis	parcel			\$0.00
h. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
4. Title Researches				
a. Abbreviated Titles	parcel			\$0.00
b. Full Title (42 year)	parcel	35	\$600.00	\$21,000.00
c. Title Update	parcel			\$0.00
d. Project Management	parcel	35	\$200.00	\$7,000.00
SECTION SUBTOTAL				\$28,000.00
SECTION TOTAL				\$123,050.00

Table split for Federal Authorization for Right of Way Acquisition

5. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel	34	\$1,900.00	\$64,600.00
b. Bill of Sale Negotiation	Per BS Parcel			\$0.00
c. Negotiation Trainee	parcel			\$0.00
d. Project Management	parcel	34	\$200.00	\$6,800.00
SECTION SUBTOTAL				\$71,400.00
6. Closings				
a. Mail Out	parcel	7	\$300.00	\$2,100.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel	25	\$700.00	\$17,500.00
c. Formal - structure parcels	parcel	2	\$1,000.00	\$2,000.00
d. Title Update for Appropriation	parcel	15	\$200.00	\$3,000.00
e. Mortgage Release	per release	20	\$350.00	\$7,000.00
f. Project Management	per release	34	\$200.00	\$6,800.00
SECTION SUBTOTAL				\$38,400.00
7. Relocation Assistance Services				
a. Residential offer made	parcel	1	\$3,500.00	\$3,500.00
b. Residential final billing	parcel	1	\$3,500.00	\$3,500.00
c. Commercial Offer made	parcel	2	\$4,500.00	\$9,000.00
d. Commercial final billing	parcel	2	\$4,500.00	\$9,000.00
Commercial (landlord) Offer made	parcel	2	\$2,000.00	\$4,000.00
Commercial (landlord) final billing	parcel	2	\$2,000.00	\$4,000.00
e. Personal Property final billing	parcel			\$0.00
f. Pre-Acquisition Survey/Interview	parcel	2	\$700.00	\$1,400.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
g Pre-Acquisition Report	parcel			\$0.00
h Project Management for Relocation/Relocation Review	parcel	5	\$200.00	\$1,000.00
SECTION SUBTOTAL				\$35,400.00
8 Relocation Review				
a. Residential Review	parcel			\$0.00
b. Commercial Review	parcel			\$0.00
c. Personal Property Review	parcel			\$0.00
d. Project Management	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
9. Asbestos				
a. Collection/Reporting	parcel 15	1	\$1,650.00	\$1,650.00
Collection/Reporting	parcel 10	1	\$3,900.00	\$3,900.00
b. Testing	parcel	2	\$1,125.00	\$2,250.00
SECTION SUBTOTAL				\$7,800.00
10. Miscellaneous				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations	parcel			\$0.00
c. Property Management	parcel			\$0.00
d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel	1	\$3,500.00	\$3,500.00
f. R/W Cost Estimate (RE-101)	parcel			\$0.00
SECTION SUBTOTAL				\$3,500.00
SECTION TOTAL				\$156,500.00
GRAND TOTAL				\$279,550.00



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 3, 2018
To: Matthew H. Greeson
From: Dan Whited, Director of Service & Engineering
Subject: **Permission to Bid - 2018 Street Program**

EXECUTIVE SUMMARY

Staff is requesting permission to advertise for bids for the 2018 Street Program.

RECOMMENDATION

Motion authorizing the advertisement for bids

BACKGROUND/DESCRIPTION

The 2018 Street Improvements Program has been assembled and is ready to bid. The Engineer's Estimate for the work is \$934,251.21. This year's program will include full depth repairs, mill and overlay, spot repair, extensive curb, gutter and sidewalk work. Repairs will be made to the Community Center entrance drive along with Bike & Pedestrian improvements from the Olentangy path to the Central Business District.

In order to complete the improvement, the Service and Engineering Department is introducing legislation to fund the improvements from the CIP budget, 2018 Street Improvements Program Number 679-18 Account Number 308.8150.533408. We are also asking for permission to advertise the project for bid, with the resulting bid opening occurring at noon on Friday, May 18, 2018

The pavement preservation portion of the Street Improvement Program includes Crack Sealing and Pavement Rejuvenation. Each will be performed per Ohio State Bid contract.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The Engineer's Estimate is \$934,251.21. The projected will be funded with allocations in the 2018 Capital Improvements Program for the Street Improvement Program, Granby Street drainage, and parking lot reconstruction at the Community Center.

ATTACHMENTS: Proposed Program

Summary of Proposed Improvements and Estimated Costs 2018 Street Improvement Program



North West

<i>Bowerman Ct., W. Bowerman St. - Cul-de-sac</i>	<i>\$22,695.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Bowerman St. E., Caren Ave. - HN 6796</i>	<i>\$46,179.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Bowerman St. W., Caren Ave. - HN 6786</i>	<i>\$61,344.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Bowerman St. W., Caren to Greenglade</i>	<i>\$16,275.50</i>
<i>Scope of Work: Mill/Overlay, Curbs (spot)</i>	
<i>Highgate Ave., Evening St. - Masefield St.</i>	<i>\$106,663.50</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repairs</i>	
<i>Masefield St., Highgate Ave. - Longfellow Ave.</i>	<i>\$37,582.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repair</i>	
<i>Tucker Dr., Medick Way Split - End</i>	<i>\$59,870.00</i>
<i>Scope of Work: Mill/Overlay</i>	
<i>Total for Division</i>	<i>\$350,609.00</i>

North East

<i>McCord Park Dr, Water House - Community parking lot</i>	<i>\$58,671.25</i>
<i>Scope of Work: Mill/Overlay (6")</i>	
<i>Old Wilson Bridge Rd., E. Wilson Bridge Rd. - Cul-de-sac</i>	<i>\$18,435.00</i>
<i>Scope of Work: Mill/Overlay</i>	
<i>Total for Division</i>	<i>\$77,106.25</i>

South West

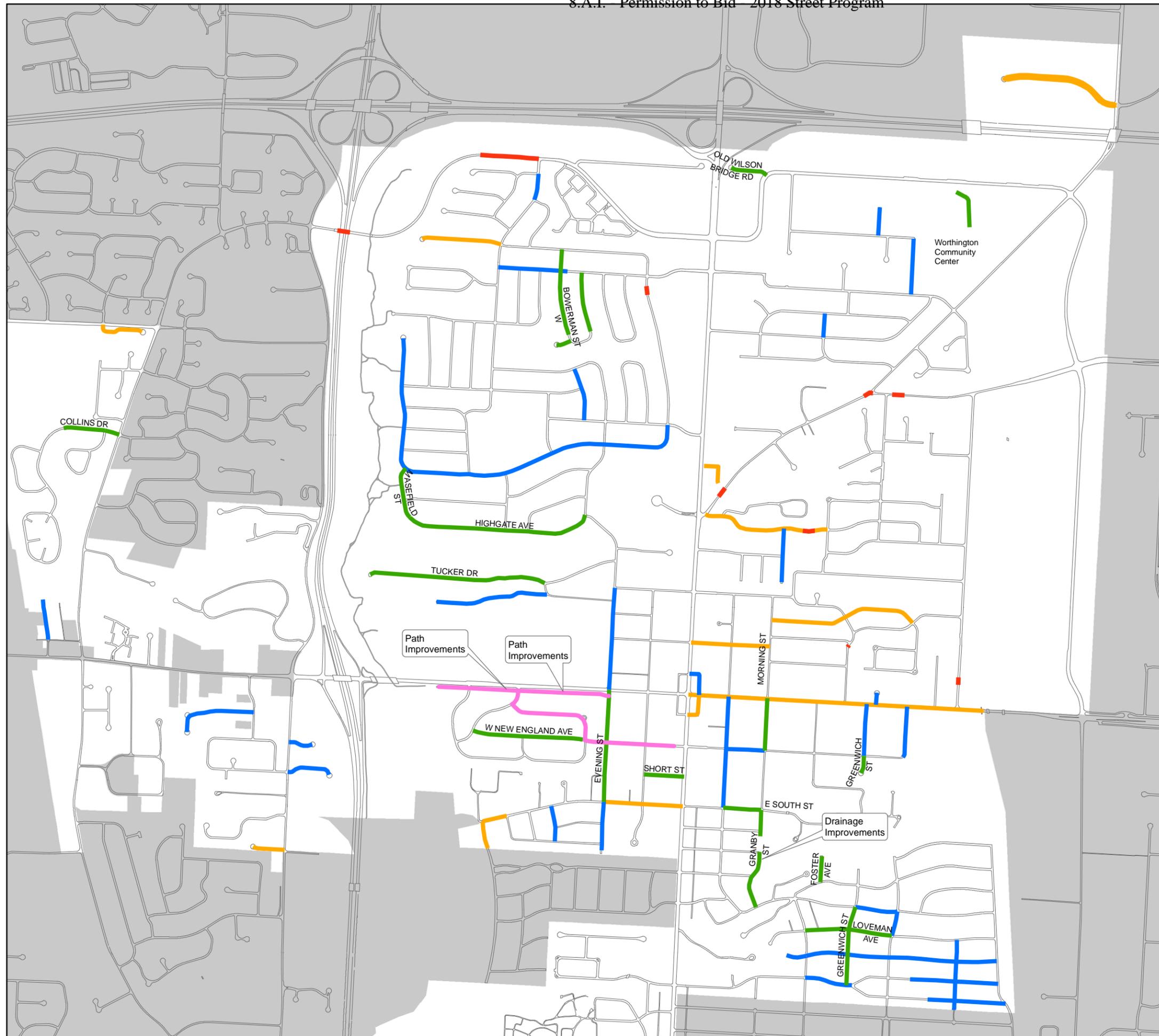
<i>Dublin-Granville Rd. W., @ 195</i>	<i>\$13,752.00</i>
<i>Scope of Work: Sidewalk connector repalce with path</i>	
<i>Dublin-Granville Rd. W., between 291 and Farrington</i>	<i>\$17,663.75</i>
<i>Scope of Work: Modify and Overlay Path</i>	
<i>Evening St., W. Dublin-Granville Rd. - W. South St.</i>	<i>\$71,401.50</i>
<i>Scope of Work: Patching</i>	
<i>Farrington Dr., 161 to Sinsbury</i>	<i>\$1,200.00</i>
<i>Scope of Work: sharrows</i>	
<i>New England Ave. W., Sinsbury Dr. N. - Farrington Dr.</i>	<i>\$65,502.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Short St., High St. - Oxford St.</i>	<i>\$24,656.00</i>
<i>Scope of Work: Mioll/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Sinsbury Dr. N., Farrington to New England</i>	<i>\$3,000.00</i>
<i>Scope of Work: sharrows</i>	
<i>W Granville Rd Service Drive, W end to Evening</i>	<i>\$2,430.00</i>
<i>Scope of Work: sharrows</i>	
<i>Total for Division</i>	<i>\$199,605.25</i>

South East

<i>Foster Ave., Colonial Ave. - End</i>	<i>\$9,203.50</i>
<i>Scope of Work: Mill/Overlay & Curbs(spot)</i>	
<i>Granby St., Park Blvd. - End</i>	<i>\$40,543.50</i>
<i>Scope of Work: Mill/Overlay, Inlet Repairs & Drainage Repairs</i>	
<i>Granby St., E. South St. - End</i>	<i>\$7,003.00</i>
<i>Scope of Work: Mill/Overlay</i>	

<i>Greenwich St., Park Blvd. - E. Selby Blvd.</i>	<i>\$40,452.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repairs</i>	
<i>Greenwich St., E. New England - Cul-de-sac</i>	<i>\$12,274.50</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Loveman Ave., Foster Ave. - Andover St.</i>	<i>\$39,384.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repair</i>	
<i>Morning St., Dublin-Granville Rd. - E. New England</i>	<i>\$29,626.00</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot), Sidewalks & Inlet Repairs</i>	
<i>South St. E., Hartford St. - Morning St.</i>	<i>\$13,816.50</i>
<i>Scope of Work: Mill/Overlay & Curbs(spot)</i>	
<i>Total for Division</i>	<i>\$192,303.00</i>
 <i>West of River</i>	
<i>Collins Dr., HN 2306 - Linworth Rd.</i>	<i>\$27,398.50</i>
<i>Scope of Work: Mill/Overlay, Curbs(spot) & Sidewalks</i>	
<i>Total for Division</i>	<i>\$27,398.50</i>
 <i>Arterials</i>	
<i>Miscellaneous Locations, High, WG, E. Wilson Bridge, Huntley, Schrock, Propieto</i>	<i>\$12,408.21</i>
<i>Scope of Work: Long Line Striping</i>	
<i>Wilson Bridge Rd. W., Bridge - Rieber St.</i>	<i>\$30,250.00</i>
<i>Scope of Work: Mill/Overlay & Bridge Repairs</i>	
<i>Total for Division</i>	<i>\$42,658.21</i>
 <i>Other Locations</i>	
<i>Miscellaneous Locations, Various Locations Throughout City</i>	<i>\$11,496.00</i>
<i>Scope of Work: Patching, Curb (spot) & Misc.</i>	
<i>Miscellaneous Locations, Various Locations</i>	<i>\$33,075.00</i>
<i>Scope of Work: Misc.</i>	

<i>Total for Division</i>	<i>\$44,571.00</i>
<i>Project Total</i>	<i>\$934,251.21</i>



2018 Street Improvement Program

Repairs

- Pavement Repair
- Renovation (Mill & Overlay)
- Bike & Pedestrian Improvements
- Asphalt Rejuvenation *
- Crack Seal *

* Note: to be done under state contract pricing



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018

To: Worthington City Council

From: Matt Greeson, City Manager

Subject: **Consultant selection for Electric Aggregation Program**

EXECUTIVE SUMMARY

Authorizing the City Manager to negotiate and enter into a contract with Energy Alliances for consultant and brokerage services related to an electric aggregation program

RECOMMENDATION

Motion to authorize the City Manager to negotiate and enter into a contract for the services described herein. Authorize staff to move forward with the further development of the electric aggregation program or schedule further dialogue about electric aggregation at an upcoming meeting in May.

BACKGROUND/DESCRIPTION

Earlier this year, the City Council directed the City staff to research and present background information on electric aggregation. Ohio law allows municipalities to pool their residents together as a buying group to purchase electricity through a process called electric aggregation. Staff presented information regarding these programs and how they work at the March 12, 2018 meeting. A memorandum presented to the City Council at that time that explains electric aggregation is attached. Following discussion, the City Council directed staff to go through a consultant selection process to recommend a consultant that would assist with further City Council dialogue and the development of the electric aggregation program. This agenda item recommends a consultant to assist the City. Staff and the consultant will also be prepared to discuss how an electric aggregation program could work in more detail. We have done the requisite research and are prepared to move forward with the next steps, which would be developing public information and preparing ordinances to place the issue on the ballot. In addition to authorizing entering into a contract with the consultant, the City Council could also direct us to move forward with the next steps or separately schedule further dialogue regarding the development of the program for later in May.

8.A.II. - Consultant selection for Electric Aggregation Program

As further background, a committee was formed that included the City Manager, Law Director, Public Information Officer, Finance Manager and Assistant to the Service & Engineering Director. The qualifications of four entities that provide these services were reviewed, which included conducting in-person interviews. A recommendation is being made that the City of Worthington select Energy Alliances to assist us in developing our electric aggregation program. Information on this company is enclosed.

Energy Alliances would provide expert advice on how to best achieve the City's goals of saving participants in the program money on their electric bills, while also being a leader in the area of renewable energy. Further, they would support the preparation of legislation placing a question on the ballot, help conduct a public information and education effort about electric aggregation and the ballot issue, develop the City's Plan of Operation and Governance, be available for required and other public hearings, and prepare submittals to the Public Utilities Commission of Ohio (PUCO) for certification. Once certified by the State of Ohio as a governmental aggregator, they would assist the City in notifying all customers of their ability to opt-out of the aggregation program, help answer resident questions, manage the request for bids from energy suppliers and advise the City on the energy purchase. They would receive a brokerage fee (not greater than .005) negotiated by the City that is a small percentage cost added on to the per kilowatt hour rate charged. It is paid by the supplier and presumably passed on to the customer.

Staff has spoken with other governmental entities that have used their services and believes that they have the requisite electric industry and aggregation process knowledge to assist us in making the best decisions related to this program. In particular, staff thought they would be best at advising the City on how to communicate and achieve the goal of purchasing renewables (through Renewable Energy Certificates) as part of this program.

ATTACHMENTS

Energy Alliances information

Memorandum from City Manager dated March 8, 2018 regarding electric aggregation

ENERGY ALLIANCES COMPANY OVERVIEW



Energy Alliances is one of Ohio's most established and trusted energy advisers. We were founded in 1985 and over the past 30-plus years we've helped state and local governments and all manner of companies and organizations save tens of millions of dollars on their energy spend. We were present at the birth of the energy consulting business and we've played a leading role ever since.



Today we work with more than 30 municipalities - including the City of Cincinnati - and businesses ranging from chain restaurants and property owners to manufacturers and school districts. Nearly a half-million people rely on us, and we manage the purchase of more than a billion dollars of energy every year.

Energy consumption touches virtually every aspect of your organization. Our talented, committed and deeply knowledgeable staff will work with you to develop and implement a customized approach to maximizing your energy spend.



First, we learn. No one knows your organization better than you. Active, aggressive listening helps us better understand your organization, your energy needs and your energy potential.

Then, we plan. Combining your knowledge with our insights, we develop an energy plan specific to your needs.

We implement, together. Our goal is to help you bring your energy plan to life seamlessly.

And Energy Alliances is there after the lights come on. We constantly evaluate our shared plan to make sure things are running smoothly. We answer questions. We pass on knowledge. We look for additional savings. We make you look good.

A company cannot be as successful as we've been based solely on savings. Our customers come to us, and stay with us, because the relationship is built on a solid foundation of trust and value. It is who we are and who we always will be.

Call us today and start uncovering how a professional, experienced, leading energy adviser can be an integral part of your management team.



800.735.0359 | 513.794.5555
EnergyAlliances.com

MAKING AGGREGATION WORK FOR YOU



Across Ohio, communities large and small are taking advantage of energy aggregation to save their citizens money while providing seamless, reliable energy. Energy Alliances was among the very first energy advisers to help governments realize this potential.

Aggregation is when a group of households and small businesses join together to form a single, larger customer that buys energy for its members, because a larger customer base can secure better pricing than members can get individually. Ohio's law allows for townships, cities and villages to form aggregated buying groups, with voter ballot approval, to purchase natural gas, electricity or both on behalf of its citizens.

Today, more than 35 cities, townships and villages - including the City of Cincinnati - trust Energy Alliances to manage their aggregation programs.

Energy Alliances begins by helping determine whether aggregation is right for your municipality. Using three decades of experience with governments large and small, urban, suburban and rural, we evaluate not only if but how your citizens can see cost benefits by adopting this valuable tool. If the decision is to move forward, we help put together a plan that is easy to understand so your citizens can make an informed decision.

And we do it all at no cost to you.



Once your citizens approve aggregation, we manage the certification process and help navigate the complexities of implementation in a way that is easy and painless. And if you have already implemented aggregation but need a more reliable partner, we'd be happy to discuss it with you.

Energy should be taken for granted by your citizens. Your utility company will make sure the lights come on and the furnaces are humming. Energy Alliances is here to make sure that your constituents enjoy price stability and savings while seeing virtually no changes in billing, service calls or any other aspect of their energy interaction with their utility company.

Our service doesn't end with successful implementation. Energy Alliances will continue to pass on knowledge, look for additional savings, answer questions and in general make you glad you chose aggregation for your energy needs and Energy Alliances as your adviser.

Find out how your citizens can benefit from aggregation by calling Energy Alliances today. Together, we can find hidden opportunities in your energy spend.



800.735.0359 | 513.794.5555
EnergyAlliances.com



800.735.0359
EnergyAlliances.com

OHIO'S MOST TRUSTED ENERGY ADVISER

Community Aggregation Programs

Natural Gas & Electric

Batavia Township	Miami Township, Clermont Co.
City of Cincinnati	Miami Township, Hamilton Co.
City of Norwood	Village of Newtown
City of Reading	Village of North Bend
Colerain Township	Springfield Township
Delhi Township	Sycamore Township
City of Deer Park	Symmes Township
Village of Evendale	West Chester Township
Village of Golf Manor	Fairfield Township, Butler Co.
Green Township	Union Township, Clermont Co.
City of Harrison	Weathersfield Township, Trumbull Co.

Natural Gas

Village of Blanchester
City of Cheviot
Village of Fairfax
Village of Indian Hill
Village of Lincoln Heights
Village of Lockland
City of Wyoming
Champion Township, Trumbull Co.

Electric

Anderson Township
Clearcreek Township, Warren Co.
Crosby Township
Whitewater Township
Hanover Township, Butler Co.
City of Huber Heights, Montgomery Co.
Village of Moscow
City of Beavercreek, Greene Co.



800.735.0359
EnergyAlliances.com

OHIO'S MOST TRUSTED ENERGY ADVISOR

Aggregation Frequently Asked Questions

Our Community voted for Natural Gas and/or Electric Aggregation!

How does this program benefit me?

This program allows your community to form a buying group on behalf of residents. By combining the loads of the residents, the community can be more effective in negotiating rates than an individual customer might be.

How can I sign up?

Once your community is certified by the PUCO as a governmental aggregator, eligible residents will be sent an "Opt-Out Notice" from the supplier which explains the program. Then they will be given 21 days to decide if they want to join the program or if they would prefer to opt-out of the program.

How long will this take?

Based on the experiences of other communities, the initial community certification phase can take up to 3-4 months. Once your community has voted for the Program, the first step is to hold 2 public meetings to allow residents and small business owners the opportunity to review and comment on how the program will operate.

How will I know when the program will start?

Once your community has become certified, the supplier will mail a notice to all eligible residents.

This notice will:

- Explain how the aggregation was formed
- Provide the program rate(s)
- Provide the program term (up to 2 years for natural gas and up to 3 years for electric)
- Provide information on any other aspects of the program
- Provide a copy of the program Terms and Conditions
- Explain how you can "opt-out" of the program if you do not wish to participate
- Program participants are allowed to cancel their agreement at any time without termination fees

What if I have other questions about the program?

The Opt-Out Notice will provide a dedicated toll-free customer service number that you can call.

Will there be any disruption in service?

No – the rate will automatically be switched within 1 to 2 billing cycles following your enrollment in the program.

What do you mean by "eligible"?

Only those residents and small businesses (using less than 5,000 ccf/year for gas, 700,000 kWh/year for electric) who are physically located within the boundaries of the community and receive their energy from their local utility are eligible. Residents that are served by another supplier, who are PIPP customers, who are in arrearage with their local utility, or who are both a distribution service and mercantile customer are not eligible. For electric programs only, residents cannot appear on the PUCO "Do Not Aggregate" list.

What happens once I get the Opt-Out Notice?

When you receive the notice (called an opt-out notice), you will be given 21 days to decide if you want to join the program or "opt-out" of the program.

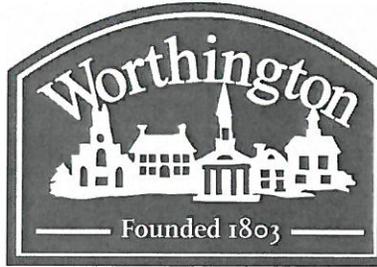
- If you decide to join the program, there is nothing else you need to do. You will automatically be enrolled in the program.
- If you do not want to join the program, you can opt-out of the program by: returning an enclosed post card, calling a toll-free customer service number, or opting out through a dedicated website.

Will I get to keep my budget billing?

Yes, all special billing options with your local utility, such as budget payment plan, check-free automatic bank account withdrawal, etc. will remain available.

Will I receive two bills?

No – you will receive just one bill from your local utility. The program rate and actual charges will be indicated on that same bill.



Office of the City Manager

March 8, 2018

TO: Members of City Council

FROM: Matt Greeson
City Manager

A handwritten signature in blue ink, appearing to read "Matt Greeson", is written over the printed name of the City Manager.

SUBJECT: Electrical Aggregation

This is an update to a memorandum originally authored by former Law Director, Pam Fox, on the subject of electrical aggregation.

In the early 2000's, Ohio authorized utility consumer choice programs. Currently, each individual Ohio electric consumer has the ability to choose a supplier other than the primary utility company (AEP) to provide service. The PUCO provides guidance to consumers in selecting a supplier and details the steps necessary to enroll in a consumer choice program. The Apples-to-Apples chart on the PUCO website <http://energychoice.ohio.gov/> allows consumers to compare the current offers of the eligible electric suppliers in the AEP Ohio service area. The consumer is responsible for reviewing the different offers, selecting an offer, and contacting the supplier to enter into the individual agreement.

Ohio also permits counties, municipalities, and townships to pool their residents together as a buying group to purchase electricity. The government entity solicits bids on behalf of the buying group which may result in a lower price than is generally available for the individuals. This process of pooling residents is called governmental aggregation and is regulated by state law and the PUCO. In order to qualify as a governmental aggregator, a number of steps need to be followed.

There are two types of aggregation programs, an "opt out" and an "opt in" program. Most governmental aggregators have chosen the "opt out" program because it results in a larger buying group. An "opt out" program places all residential customers and certain small businesses in the program, unless they actively "opt out" during the enrollment period. If the City decides to become a governmental aggregator offering an "opt out" program, then it is required to get the consent of a majority of the citizens by placing an issue on the primary or general election ballot.

If the voters approve the aggregation ballot issue, then the City must adopt a Plan of Operation and Governance, which is the guiding document that provides for how the program will operate (e.g., who will manage the program, how a supplier will be selected, consumer notifications, billing). Before adopting the Plan of Operation and Governance, the City must hold at least two

Memorandum to City Council
Electric Aggregation
March 8, 2018

public hearings giving residents the opportunity to learn about and comment on the Plan. Once approved, the Plan and supporting documentation are filed with the PUCO with an application for certification.

As a certified governmental aggregator, the City is then authorized to select an electric supplier to serve as the supplier for the residents and small businesses. Many government aggregators hire consultants to assist in developing the program and selecting a qualified supplier. Generally cities issue a request for proposals and evaluate those received against the requirements listed in the RFP. Requirements typically include the length of the contract, participation requirements, customer service requirements, and company qualifications.

Once a provider is selected, all customers must be notified that they will be automatically enrolled in the program, unless they specifically elect not to participate. The notice is required to include the rates for the service, charges, and any other terms and conditions of enrollment in the program. Typically, the opt out notice is a letter accompanied by a postcard to be mailed back, or sometimes it can be a phone call or a visit to a website to opt out. Residents must be given an opportunity to opt out every three years without paying a switching or termination fee. Many aggregation programs are structured to permit customers to terminate at any time without any fee.

Ohio Revised Code Chapter 4928 and the applicable Ohio Administrative Code provisions include a variety of requirements of an "opt out" program, including how to treat customers who move in and out of the area served, customers who already are choice customers with other utilities (they have already done their own research and selected an alternative provider), information that must be provided regarding billing and notices and customer service directives among other things.

In order to effectively manage a utility aggregation program, city staff must be charged with ensuring that it gets implemented with a minimum of disruption to the residents. Because the program automatically includes all residents, public notice and education is key. How and when information is disseminated may determine the success of the program. Cities frequently utilize the consultants described above to assist with this effort including training staff, providing public information content, participating in public meetings, etc.

The City can expect to get calls from residents who may not have been aware of the ballot issue, nor noticed the mailings or other communications to inform them of the right to opt out, but notice something different on their electric bill. Others may not like the idea of being automatically enrolled in a program or the City's choice of energy, energy provider or energy rate. It is important that the City does as much as possible to inform the residents of the change. There is always the possibility that the City's aggregation price is not the lowest available rate. If this happens, some customers may be upset with the City despite their own ability to opt out of the program and choose their own electric supplier. One City contacted described their program as seeking to save money for the people who are not going to take the time and energy to shop their electric supplier themselves.

Memorandum to City Council
Electric Aggregation
March 8, 2018

The benefit articulated by these programs is that by group purchasing, cities are able to obtain a lower than market rate for its residents, thus saving them money and keeping dollars in the local economy. Additionally, as we have recently done with the City of Worthington's governmental facilities, we would have the option to pursue renewable energy (likely through Renewable Energy Certificates) as part of the energy supplier purchasing process. This is what has been proposed by Council Members Robinson and Smith and fits within our goals of enhancing Worthington's sustainability efforts.

The first opportunity to have an "opt out" aggregation issue on the ballot is at the general election in November 2018. August 8th is the date for submitting a local issue to the Board of Elections for the November ballot. ORC 4928.20 does not impose any special notices or hearing requirements concerning the passage of the ballot ordinance.

City Charter Section 2.19 provides that ordinances directing an election or a question to the electorate are effective upon passage and publication. Therefore, passage of the ballot ordinance at the last council meeting before summer break (July 16th) will be legally sufficient. This would provide almost four months for public communication prior to the November 6th election. The next opportunity would be the primary election in May 2019.

Staff will seek the Council's direction on whether this is a priority that is desirable to pursue and, if so, when. Should the desire be to pursue electric aggregation, staff would interview qualified consulting firms to assist in process.

More information regarding electrical aggregation can be found on two State of Ohio websites:

<https://www.puco.ohio.gov/be-informed/consumer-topics/governmental-energy-aggregation-local-community-buying-power/>

http://www.occ.ohio.gov/publications/aggregation/The_Basics_of_Governmental_Energy_Aggregation.pdf



STAFF MEMORANDUM
City Council Meeting – May 7, 2018

Date: May 4, 2018
To: City Council
From: Matthew H. Greeson, City Manager
Subject: **Discussion Regarding Gun Control Legislative Positions**

EXECUTIVE SUMMARY

Discussion regarding letter on state legislative gun control issues

BACKGROUND/DESCRIPTION

City Council discussed a letter on gun control legislative positions on April 16th and requested it be continued to this meeting. A slightly revised letter is attached. The same letter is proposed to be sent to Representative Duffey and to Senator Kunze.

ATTACHMENTS

Revised Draft Letter

May 7, 2018

The Honorable Mike Duffey
Ohio House of Representatives
77 S. High Street, 13th Floor
Columbus, Ohio 43215

Dear Representative Duffey,

In an age of increasing violence and animosity amongst people, sometimes we must remind ourselves that as elected officials our primary goal is to protect the health, safety and welfare of those who put us in positions of leadership. This is one of those times.

Since the beginning of this year there have been 58 mass shootings, 694 police involved shootings resulting in the death of 71 uniformed officers and 917 children killed, all from gun violence¹.

As the elected leaders of Worthington, we take an oath to uphold the Constitution of the United States. We therefore, acknowledge the right of law-abiding citizens to keep and bear arms as set forth in the Second Amendment. However, the right to bear arms is not limitless.

In the seminal case of *D.C. v. Heller*², Justice Scalia acknowledged that the right to bear arms was not absolute. He wrote the right is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” *Heller* at 626. More

¹ Gun Violence Archive, 2018. www.gunviolencearchive.org.

² *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783, 171 L.Ed. 2d 637 (2008)

recently, last term the Supreme Court denied jurisdiction in a case involving an assault style weapons ban and the United States District Court for the District of Massachusetts upheld a state ban on assault style weapons and large capacity magazines.³ In so holding the Court wrote “The AR-15 and its analogs, along with large capacity magazines, are simply not weapons within the original meaning of the individual constitutional right to “bear Arms.” In fact Congress itself passed a ban on assault weapons in 1994 only to have it expire of its own terms. Accordingly, reasonable, fair gun control legislation is not a matter of law but rather of political will.

Given this backdrop and at the urging of our constituents, we, the elected representatives of the Citizens of Worthington, ask that you take meaningful steps to enact responsible, reasonable gun control legislation. Specifically we ask:

- For the ban of assault style weapons such as the AR-15. Of the ten deadliest shootings over the last decade, seven involved the use of assault style weapons.
- A prohibition on the sale of high-capacity magazines. States that ban such magazines have half as many shootings involving three or more victims as states that allow them.
- Require universal background checks for the purchase of guns eliminating the “gun-show” loophole. 97% of Americans support such action.
- Enacting a red flag law that will allow weapons to be confiscated from individuals exhibiting defined warning signs until the individual can show-cause why the weapons should be returned.

If the General Assembly is unwilling or unable to advance this simple request then at a minimum we ask that you recognize that not all citizens support an unfettered right to carry any

³ *Worman v. Healey*, 2018 U.S. Dist. Lexis 59357 (U.S. Dist. Mass. 2018)

type of weapon in any place at any time and that you support the restoration of each city's ability to carry out the wishes of their constituents by amending R.C. 9.68 and legislatively overturning *Ohioans for Concealed Carry v. Clyde*. The citizens of Worthington see no reason why it is necessary or permissible for an individual to openly carry an AR-15 into a Worthington Park where our children play. However, that is precisely what Ohio law currently allows. It is our responsibility to speak not only for the rights of law abiding gun owners but also for those who believe that reasonable restrictions are both appropriate and necessary for the general welfare.

We therefore, ask for your support in advancing reasonable, rational, fair gun control legislation and invite dialog towards this end.

Respectfully,

On Behalf of The Citizens of Worthington

By: _____
Bonnie Michael
President
Worthington City Council