Worthington City Council Agenda

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

Monday June 04, 2018 ~ 7:30 PM

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation(s)

5.A. Fire Division Commendations

Executive Summary: The Fire Division will present Civilian Lifesaver Commendations, a Unit Citation Award, and Medical Director Commendations.

6. Approval of the Minutes

6.A. Council Meeting - May 14, 2018

Recommendation: Approve as Presented
7. Public Hearings on Legislation

7.A. **Ordinance No. 26-2018** Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The Griffin 105 Group, LLC)

Subdivision & Variances - Kemper House - 800 Proprietors Road - SUB 02-18

*Executive Summary:* This Ordinance subdivides, combines parcels, plats an access easement, dedicates public right-of-way and authorizes variances to permit Lot #2 to be less than the required 1-acre minimum lot size and the minimum requirement of 200-feet of road frontage in the Restricted Light Industrial District (I-1 District) for 800 Proprietors Road.

*Recommendation:* Motion to Amend and Approve as Amended

*Legislative History:* Introduced on May 21, 2018

7.B. **Ordinance No. 27-2018** Acceptance of Greenwich Street Sanitary Sewer

Accepting Sanitary Sewer Improvements Constructed in a Public Easement Located Adjacent to the Greenwich Street Right-of-Way in the Replat of Lots 81 and 82 of Morris’ Addition to the Town of Worthington.

*Executive Summary:* This Ordinance accepts the new sanitary sewer constructed by Bob Webb Lewis Center, LLC along Greenwich Street to serve the new homes at lots 81 and 82.

*Recommendation:* Approve as Presented

*Legislative History:* Introduced on May 21, 2018

8. New Legislation to Be Introduced

8.A. **Resolution No. 35-2018** Withdrawal of Objection - Monkeys Bar Liquor Permit

To Withdraw the Previously Filed Objection to the Renewal of the Liquor Permits for C & B Machinery Inc. DBA Monkeys Bar & Grill located at 6116 Huntley Road

*Executive Summary:* This Resolution withdraws the objection to the renewal of the liquor permits for C & B Machinery Inc. dba Monkeys Bar & Grill located at 6116 Huntley Road.
**Recommendation:** Introduce and Approve as Presented

8.B. **Ordinance No. 28-2018** Appropriation - Law Enforcement Trust Fund

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

*Executive Summary:* This Ordinance appropriates $16,000 from the Law Enforcement Trust Fund to obtain services that will result in a comprehensive update to the Police Department’s internal policy and procedures manual.

*Recommendation:* Introduce for Public Hearing on June 18, 2018

8.C. **Ordinance No. 29-2018** Bond Anticipation Notes - Sewer Improvements

Authorizing the issuance of notes in the amount of not to exceed $660,000 in anticipation of the issuance of bonds for the purpose of designing, engineering, constructing and reconstructing various sewer improvements, with related site improvements and all necessary appurtenances thereto; and approving related matters in connection with the issuance of the notes.

*Executive Summary:* This Ordinance authorizes the issuance of notes not to exceed $660,000 for costs associated with the Northbrook Relief Sewer, Kenyonbrook Trunk Sewer Improvements and the Hardy Way Sewer Relocation project.

*Recommendation:* Introduce for Public Hearing on June 18, 2018

8.D. **Ordinance No. 30-2018** Bond Anticipation Notes - Energy Conservation Measures

Authorizing the issuance of notes in the amount of not to exceed $1,735,000 in anticipation of the issuance of bonds for the purpose of purchasing and installing energy conservation measures for the Community Center and Griswold Center; and approving related matters in connection with the issuance of the notes.

*Executive Summary:* This Ordinance authorizes the issuance of notes not to exceed $1,735,000 for Phase 1 of the Energy Conservation Measures project.

*Recommendation:* Introduce for Public Hearing on June 18, 2018
8.E. **Ordinance No. 31-2018** Bond Anticipation Notes - Roof Improvements

Authorizing the issuance of notes in the amount of not to exceed $1,065,000 in anticipation of the issuance of bonds for the purpose of replacing or improving the roofs of the Fire Station and the Community Center and all necessary appurtenances thereto; and approving related matters in connection with the issuance of the notes.

*Executive Summary:* This Ordinance authorizes the issuance of notes not to exceed $1,065,000 for the roof replacement projects for both the Community Center South End and the Fire Station.

*Recommendation:* Introduce for Public Hearing on June 18, 2018

8.F. **Ordinance No. 32-2018** Bond Anticipation Notes - East Wilson Bridge Rd. Waterline

Authorizing the issuance of notes in the amount of not to exceed $1,000,000 in anticipation of the issuance of bonds for the purpose of designing, replacing, constructing, and installing a waterline on East Wilson Bridge Road, with related site improvements and all necessary appurtenances thereto; and approving related matters in connection with the issuance of the notes.

*Executive Summary:* This Ordinance authorizes the issuance of notes not to exceed $1,000,000 for the design and construction of the East Wilson Bridge Road waterline project.

*Recommendation:* Introduce for Public Hearing on June 18, 2018

8.G. **Ordinance No. 33-2018** Appropriation - Right of Way Acquisition for Northeast 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 Right-of-Way Acquisition for the NE Gateway Intersection Improvement Project and all Related Expenses with said Project. (Project No. 602-14)

*Executive Summary:* This Ordinance appropriates $2,856,200 for right of way acquisition for the Northeast Gateway Project at the intersection of Huntley, Wilson Bridge and Worthington Galena Roads

*Recommendation:* Introduce for Public Hearing on June 18, 2018
8.H. **Ordinance No. 34-2018** Ballot Issue - Electric Aggregation

To Authorize All Actions Necessary to Effectuate an Opt-Out Electric Service Aggregation Program Pursuant to Ohio Revised Code 4928.20; and Directing the Franklin County Board of Elections to Submit the Ballot Question to the Electors.

*Executive Summary:* This Ordinance authorizes the City to adopt an electric aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code if approved by the electors at the November 6, 2018 election.

*Recommendation:* Introduce for Public Hearing on June 18, 2018

9. Reports of City Officials

9.A. Policy Item(s)

9.A.I. Permission to Bid: Fire Station Roof and Municipal Building Roof

*Executive Summary:* Staff requests permission to bid the roof projects at the Fire Station and the Municipal Building.

*Recommendation:* Motion authorizing the advertisement for bids

9.B. Information Item(s)

9.B.I. Information & Discussion: Proposed School Resource Officer (SRO) Program

*Executive Summary:* Staff will review information regarding a proposed School Resource Officer (SRO) for Thomas Worthington High School.

10. Reports of Council Members

11. Other

12. Executive Session

13. Adjournment
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 31, 2018
To: Matthew H. Greeson
From: John Bailot, Fire Chief
Subject: Civilian Lifesaver Commendations, Unit Citation Award, and Medical Director Commendation

EXECUTIVE SUMMARY
The Fire Division will present Civilian Lifesaver Commendations, a Unit Citation Award, and Medical Director Commendations.

BACKGROUND/DESCRIPTION
Dr. Rund and I will be presenting the Fire Division “Civilian Lifesaver Commendation” to two people: Ben King, Owner of the Blarney Stone, and Jeff McCuen, Worthington Schools Fiscal Officer, for performing CPR on a patron of the Blarney Stone who went into Cardiac Arrest. We will also be presenting the team of 1-unit members with a “Unit Citation Award” and the individuals with a “Medical Director Commendation”.

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Item 5.A. Page 1 of 1
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, May 14, 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


Member(s) Absent: Scott Myers

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, 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 approximately forty visitors present.

PLEDGE OF ALLEGIANCE

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

REPORTS OF CITY OFFICIALS

Discussion Item(s)

President Michael reviewed Council rules associated with speaking on a topic. Anyone is welcome to speak, she just asked that they fill out a yellow speaker slip and give it to Ms. Thress, the Clerk of Council. She asked the people to keep their remarks to five minutes so everyone has a reasonable amount of time to speak. If someone has already made a point you want to make, you can simply state you agree with the point that was already made. She asked that people not repeat the previous points.
Mr. Greeson shared that he is pleased to make some introductory remarks prior to turning the presentation over to our Parks Director, Darren Hurley and members of our Parks and Recreation Commission who have worked hard over the last few years first developing the Parks Master Plan and now helping advance implementation of some of the priorities that are within that plan. Tonight we are discussing developing a long term plan for McCord Park. Our approach this evening is to have a presentation and overview of some of the Parks and Recreation Commission’s recommendations after which public input will be presented. The third step is to have Council ask questions and discuss the matter in a workshop format. There will be no vote tonight however after discussing the issue if there is clear consensus that will form the basis of what comes back to members in a future meeting, as early as next week. Staff feels that the best approach is to adopt by Resolution the McCord Park Conceptual Master Plan as such point in time that you are ready. He invited Mr. Hurley to share his presentation and thanked everyone for their effort.

Ms. Michael acknowledged the Parks and Recreation Commission Members who were present.

- McCord Park Master Plan

Mr. Hurley introduced Commission Members Peter Calamari, Chair, Bob Burpee, Vice Chair, Dan Armitage, Dave Kessler, Michele Miller and Rob Wendling. Laura Ball, as a City employee of Westerville has her own meeting tonight so she was not able to join us. He also introduced Steve Kolwicz with POD Design who has put in a great deal of work along with his team. His staff members who worked behind the scenes but who played a big role in this effort were Julie Sergent and Mike Burgdorfer.

Lastly, he recognized Marc Zody who is our community garden volunteer coordinator. Since 2010 when the garden first originated he has put in a great deal of time and effort and has taken much of the work out of staff’s hands. He thanked him for his work.

McCord Park

Mr. Hurley shared that this effort began nearly three years ago as part of the Parks Master Plan. McCord Park was a big part of that conversation as one of our largest and major community parks. He shared a page from the Master Plan that included recommendations for McCord Park. The item that made it on the list of Most Critical Park Improvements from that Master Plan was the Redesign and renovation of the entire McCord Park using a professional consultant.

Mr. Hurley shared that he arrived in 2010 and at that time the McCord Park improvements were sitting out two or three years in the CIP and didn’t have much definition. We carried it for a couple of years and decided that we really needed to have a plan in order to fund this effort. Mr. Hurley shared the long process that was utilized. He thinks the biggest point is that it has been a long process.
The first drafted Concept Plan was shared at an Open House on September 11, 2017. A Concept Plan includes things we would like to see in the Park. Design will provide the looks and items included. This is more of a “markers on a map” effort. Staff worked with POD to compile feedback from the Open House to share with the Parks Commission at their September meeting. There were three themes that came out of the first Open House.

a) Some Neighbors Opposed Multi-Use Trail from Playground  
b) Some Neighbors Concerned with Playground Location  
c) Location Garden Related to Other Added Features

The Commission reviewed that feedback and walked the Park with the POD team. The walk provided members a visual for the space and how things might lay out. The identified a list of amenities that they desired to have in that entire area. The Wish List included:

1. Add Programmable and Rentable Shelters  
2. Add a Circular Multi-Use Trail  
3. Maintain Existing Community Garden  
4. Add an Outfield Fence for Adjacent Ball Diamond  
5. Increase Existing Soccer Field to Full Size  
6. Provide Green Space for Youth Programs and Large Special Events Held at McCord  
7. Redesign the Playground to Serve Neighborhood, Community Center, and Ball Diamonds
Mr. Hurley reported that it really comes down to which of the seven items members want and how much of them. That has been the process they have gone through over the last several months.

The Commission discussed with POD ways to configure items into a plan and came to the conclusion that all of those things did not fit well in that area. They began to discuss some changes and came to the conclusion that they wanted to see what the plan would look like with the Community Garden moved to another location. At that point POD completed a drawing that did not include the Community Garden and showed that to the Commission at their October meeting. The Commission asked staff to evaluate options for a relocated garden to another site. Between the October and November meeting, staff met with Garden leadership to talk about the drawing and advice of the ongoing discussion. The Garden leadership was invited to present at the November Parks & Recreation Commission meeting. Staff continued to work with POD to identify options for the Garden relocation. At that November meeting staff presented five options for possible Garden relocation. Garden leaders came and advocated for the Garden to stay in the current location.

At the end of the November meeting, the Commission moved to recommend a plan that did not contain the Community Garden and to relocate it to one or more of the identified locations.

He thinks that is when Council came more into play because at that point they began receiving feedback from the Community Garden and Sustainable Worthington members who reached out to staff and the Council with concerns about that relocation. Further process was encouraged, and POD met with Gardeners on January 17th to work on alternative designs that did include all or parts of the garden. The results were two concepts, one showing the full garden in its current location while the other showed a design with 80% of the current garden staying. The Commission reviewed those concepts at their February meeting and provided input to POD. Another Public Open House was held on March 12 where the public was shown the originally recommended plan from the Commission that did not contain the Garden, a plan that showed the full garden, and one that had the 80% garden as part of a workshop where the public could play with the different amenities and items to see how they would work into a design. POD compiled all of the feedback from the Open House and the on-line comment period. They had fifty five comments from the Open House and another one hundred twenty six on line. He thinks it is fair to say that 70% of the comments were in support in some regard to the community garden.

The Parks and Recreation Commission discussed the feedback, their ideas on how to move forward, and listened to additional public comments at their April 17th meeting. After much discussion and debate a motion was made and approved by a 4 to 3 vote. A summary of said motion is as follows:

**MOTION:** Move that their original plan from that October drawing be recommended to City Council with the understanding that the phased construction
of McCord Park keep the current garden in place through the end of 2019, that the new garden location be identified and initiated immediately including marking of plots and soil improvements with the intention that current gardeners be given priority for those plots, the relocation of the garden be contingent on successful identification and implementation of a new site, and that the plan show a demonstration garden to be utilized for education and awareness in McCord Park.

Mr. Hurley stated that they didn’t spend much time in the very detailed part of what the demonstration garden would be other than it would be there for education and awareness purposes in response to some of the feedback about the garden being there sends the message of sustainability and so forth. They thought having a small demonstration garden would at least meet that goal.

Mr. Hurley shared that that was how the process played out to get us to where we are tonight. He invited Steve Kolwicz from POD to show different drawings and how they arrived at the final recommendation.

Mr. Kolwicz stated that he is the principal and owner of POD Design. He is also a forty year resident of Worthington. McCord is a park that he grew up playing in so it is really exciting for them to be a part of the master planning process. He intends to go through an overview of the graphics that support the various steps of that planning process.

Mr. Kolwicz showed an aerial view of McCord and the Community Center. He added that all but one item from the master plan made it into the proposed final plan for McCord Park. They worked hard to incorporate the expressed desires of the Commission and the community into the overall master plan. He will go through the sketch plan, the resulting modifications to the plan and then some of the areas of focus that he thinks many are here to talk about.

Using the McCord Park Conceptual Master Plan as a guide and using the list of desired items, the following is the initial attempt to incorporate the different elements into the plan.
Mr. Kolwicz reported that the largest use of green space on the plan is the reorientation of the ball fields. They worked to scale the fields and then working in a little more of a clear cut circulation flow through the space for users. They also felt good about fitting in a ½ mile loop path in the park.

This plan was the initial presentation that they offered to the Parks Commission and utilized in the initial Open Houses. The feedback was generally positive for all of the elements that were included in the design. They actually relocated the playground from its current location into the new green, assuming it might be more desirable to have it where children of those coming for athletics and to the community center can play.

Mr. Kolwicz highlighted that the entrance to the park from Wilson Bridge Rd. was designed to align with the driveway to the businesses on the north side of Wilson Bridge Rd. The COTA turnaround that is there is confusing so by making a standard intersection the hope is to eliminate some of that confusion.

They attempted to utilize the current parking configuration as much as possible to assist with costs but were able to double the size of the parking lot east of the ball fields. The
main parking lot was cleaned up to help it work more efficiently. They also modified the roundabout in an effort to make it more of a proper drop-off.

On the west side of the park, the parking lot was redesigned to the north of the green space in an effort to fit a full size soccer/field hockey field in that location.

The green space north of the community center has two reservable shelters and open lawn space. One of the elements that came out of the community meeting was the concept of a PlayTrail, which runs from the green space back to where the playground is currently located. That would allow for a unique play experience and distributes the playground which encourages children to keep moving in the space. It also places the playground near the community center, the ball fields and the neighbors. That finishes the main elements of the design.

Mr. Kolwicz shared that they had some follow up meetings regarding the community garden. The slide below shows a yellow box that represents where they need some element of the seven “Wish List” items that the Commission asked them to include in this space.

Mr. Kolwicz commented that as a reminder, the following drawing is what was originally approved during the McCord Park Master Plan open house in March of this year.
This particular option contemplates that the Community Garden would be relocated.

They also shared two other options for consideration, Options B and Option C. Option B, kept the community garden, the loop trail was moved a little closer to the neighbors to the south, and the green space outside of the community center got a little smaller.

Option C is a compromise plan that preserves the green space, still has the path pushed a little bit to the south and shows a smaller garden footprint.

The Master Plan graphically that goes along with the motion that Mr. Hurley read is shown on page 6 of these minutes. He thinks with the idea of a demonstration garden, or whatever portion of the garden is still on the plan, needs to still be determined in that focal area.

Parks and Recreation Commission

- Peter Calamari, Chair
- Bob Burpee, Vice Chair

Mr. Hurley invited Mr. Calamari and Mr. Burpee to talk through some of the thought process of the Commission as they went through some of the steps previously discussed.

Mr. Calamari expressed his appreciation for being able to address Council on this topic. He provided background on the process to this point stating that it was not something that they took lightly. The McCord Park was on the schedule for work in the 2016 CIP. They decided to wait until the completion of the Parks Master Plan before doing anything to that park. The Master Plan took about eighteen months to complete and they then
transitioned to the McCord Master Plan. They had nine meetings with several Community Open Houses and many e-mails related to the McCord Park.

Mr. Burpee shared that there was a great deal of resident interest and many e-mails to sort through related to this park. As they gathered the information from the stakeholders, one of the things that was quite clear from the beginning was that the Community Garden group told them that they really weren’t interested in moving the garden. So that was an important consideration as they began the process. They also had many other goals to factor in and consider. He showed a slide of the plan that was presented at the first Open House. They received a fair amount of feedback from the neighborhood that the playground that currently needs a great deal of help. It is fairly close to the neighborhood and under this plan; it was not at all close.

Shortly after the Open House at one of the Commission meetings, they decided to walk through the park to think about the various features they were considering and how they would fit together. One thing that became very obvious was that in order to accommodate everything it would require some compromise and maybe cause some things to be a little too close together.

At they got back inside and were talking about it a little bit, they realized that if they were thinking about moving ball fields a little bit, adjusting the entrance to the park, putting in some new infrastructure for bathrooms, and doing a lot of things that they should really have everything on the table. That included the location and shape of the community garden. They considered it part of their mission as an advisory committee to give Council the best advice they can based on the long term interest of the community.

Mr. Calamari in going back to the Wish List shared that earlier in the year they had asked POD to revisit the current park as it is transfigured with the idea of moving the garden out and if that eased the burden of trying to accommodate a number of other Wish List items. They did that. As members saw that plan stretched out, the change to the garden would allow for the inclusion of a number of the Wish List items included back into the design.

He thinks if you look at this version of the plan, the thinking for his group was really what the benefit to the larger community is. Who uses the park? How do they use the park? What are the options to really identify information that can tell us more about that and instruct us as we go forward.

Mr. Burpee provided the following data on who uses the park:

2017 McCord Park Data
- 1,250 Summer Camp Participants (140 per week x 9 weeks)
- 1,100 Participants in WCC Spring & Fall Youth Programs (excludes swim lessons)
- 70 children enrolled in on-going preschool which runs during the school year
Approximately 9,000 people attended Special Events (Barnyard Bash, National Night Out, Egg Scramble, St. Patrick’s Day cycle Search, Touch a Truck, Community Bike Rodeo)

An average of 148 kids per week visited the Community Center as part of local daycares, school groups, and camps. (These numbers reflect additional groups not affiliated with the City)

McCord Park ball diamonds and soccer fields were available to be reserved for 198 days in 2017. At least one of those fields was reserved 193 of those days for games or practices. On average, the park would have 1,900 visits per week (players one) as a result of the field permits granted. Adding parents, sibling and spectators the number would at least double to 3,800.

The Community Garden currently has 30 plots rented. If each plot represents a household with an average of 2.5 people per household you could estimate 75 active garden users in 2017.

The addition of two small or medium reservable shelters would be estimated to serve 5,600 people per year based on an average of five rentals per week each and 20 people on average per rental for a seven month period of time. The number does not include internal usage such as camps, programs, and special events or informal usage such as walkers, sporting events, spectators etc.

From the data, Mr. Burpee concluded that as for the Community Garden, the numbers just aren’t in the same ball park as the other users of the park. They haven’t mentioned to this point the number of children who would be using the playground area. That is really a forgotten special interest group. All the kids that are going to be born and raised in Worthington, we want them to have a park that works really well for them.

Looking at the various users of the park and trying to factor all of this in to our thought process, members started thinking seriously about maybe relocating the garden. As much as we love it, maybe we should relocate it and consider one or two or three or more other places for the community garden. Based on that there was a great deal of feedback supporting the garden and that is great to see. Since it first went in as an experiment it has had a great deal of use and we are happy to see that. Obviously we gave very strong consideration to all that positive feedback about the garden.

Mr. Calamari shared that as they approached the April meeting the Commission was somewhat split in opinions and thoughts on how to move forward. At that meeting they took feedback from members of the garden, residents who lived nearby and they again discussed the issue. At the end of the day they decided to move forward with a vote on the motion that was on the table. As Mr. Hurley noted, that motion was approved by a vote of four to three. At the end of the day, he thinks the thinking moving forward is that this plan in the long term will benefit the most users over an extended period of time. He thinks that was really where it came down to. With all respect to the garden group, a very passionate, very loyal group of people, they have demonstrated tremendous resolve as this process has played out and tremendous support for the garden. They did include a small educational portion of a garden to leave in the park. A concept that it is hoped
could serve as a front door to the garden system. That we would be able to establish maybe a smaller garden or series of gardens at other locations that were identified.

Mr. Burpee added that at some point staff had come up with roughly twelve locations that they were considering as acceptable plots for new community gardens. That fits in with something they had discussed as a commission before. It would be great if they had more community gardens scattered around the City making it more convenient for more people to get easier access to the gardens.

Members saw the long recommendation that had a lot of accommodation in there for future gardens in other locations. The Commission really is committed to that as they fully endorse community gardening. They fully support the concept of a community garden. Moving forward, they don’t want to move forward unless they have a good accommodation for the gardeners with enhanced soil and all of the amenities that they have grown accustomed to, although at a different location. They believe that the community garden in general is an important part of our parks system in Worthington. The one thing that their vote also indicates is that they are not convinced that having a community garden at McCord is critical to the success of a community garden in Worthington when you consider all of the other interests that have to be considered with respect to McCord Park.

Testimony

Lucie Pollard, 446 Haymore Ave. N.
Ms. Pollard said that she was one of the original founders of Sustainable Worthington. They did not intend to found anything, only to put out a few notices asking people to come together for a discussion about sustainability. Thirty-nine people showed up right around Thanksgiving, which shocked them but it was a wonderful conversation. There were many people who knew each other from many years before and others who had not lived in Worthington all their lives. It served as a fascinating window into the many different people in this community with a depth of knowledge in many different areas. The Farmers Market was their top priority and they wanted to extend it into the winter and the second thing was the Community Garden. They learned early on that they did not want to be a traditional organization, so they formed individual groups that took the ball and ran. They would support them any way that they could, which meant helping different sustainability groups across central Ohio. But the group that worked on community gardens spent a lot of time looking at other gardens, including the Victory Garden in Grandview which has been there since World War II. They talked to people as frankly as they could about plusses and minuses, what the problems were, and they knew it would be an ongoing project. Her sense of it is that there has been real consistency there and every season there are more people wanting plots than plots were available. When she came to the planning meeting she had the question if they ever considered a plan with a larger Community Garden since we are not meeting the need that there is now. However, that had never come up apparently. So she thinks there may be a glitch, in terms of not hearing the entire community in some ways.
Ms. Pollard said that parks do change over time, which is expected. Since her time in Worthington since 1990, there has been expansion of tennis courts, some of her children’s high school friends were concerned about getting a skate park, and these things take time. She wanted to advocate for the Community Garden because she thinks it really has been more than a matter of just a few families. Many people often come while other members of their families are taking classes or participating in other activities at the Recreation Center. She has heard about people who advise other gardeners in various ways. The community of gardeners itself is important because they work with each other if one person has a problem, they can get advice from a more experienced gardener, or exchange seedlings, or many other things that may make it a richer experience. Some people say this is the social experience in the community that means the most to them due to all the different ways it affects them. So she is not sure they can count time for those who are gardening in the same way we count time for somebody who is a participant in a class. It is kind of like apples and oranges in a way. She is also a little concerned reading over minutes of meetings, because some of the current members did not appear to be very comfortable with the Community Garden at all. Some comments were rather dismissive over the fact that the garden has many people who would write supporting letters. She said that she doesn’t garden in the Community Garden, she gardens at home but she pays tax dollars here too and she likes having the Community Garden here and what it does.

Sara Bihari, 6966 Eastview Dr.

Ms. Bihari wanted to preface her comments by saying that she and her husband were married in Worthington, raised their children in Worthington, and they love Worthington. But this is not their first re-design rodeo. They were here before the pool was. So they have experienced the loss of property value, the loss of privacy, the loss of enjoyment of their property, and nothing they have seen in the plan will alter that in a positive way. However, they have decided they will live in Worthington probably until they day they die.

Ms. Bihari stated that about the Community Garden specifically, in theory they are very supportive of the garden and they actually see it being in the flagship park as a positive. People come from outside the community come and see the garden, which is a statement of their commitment to a green environment and climate change. However, having lived nearby, many people but not all who use the garden have forgotten what it means to be a good neighbor. They use the land as if it is their own private property, without regard to what they are leaving behind. This year in particular there have been eight foot high fences being erected around their squares, which is an eyesore and has the potential to be dangerous for small animals, pets, and deer. She and her husband took a walk in late winter/early spring and they saw pots that had been left behind all winter long, decaying vegetable matter, plastic bags and a pile of railroad ties. Some made no attempt to clean up their plots for the winter and it looked disgusting. Things that they would not have put in their front yard, they left out in the garden right next to our homes and that is not being a good neighbor.
She explained there is a lack of respect for privacy and she understands they are next to a park and there is going to be some noise, but the gardeners forget they are next to people’s homes. Their dogs will run free, Worthington is not a leash city which she believes is a mistake, but their dogs will run up to their property which upsets their dog, and can cause ground to be dug up. Kids are also running free and little kids will come up to their fence line wanting to pet their dog and it is a nuisance. There is a lack of a sense that this is somebody’s home and it is getting increasingly worse. Whether they keep the garden there or not, she is concerned no matter where it is. Is there going to be the oversight to make sure people are taking care of the plots appropriately. If they are not, maybe they should not be allowed to have a plot. If this is a community center, then we need to think about the community, including the people on Eastview Drive.

Kathy Kessler, 6988 Eastview Dr.

Ms. Kessler said that she lives next door to the Community Garden at McCord Park. She is here to support the plan put forth by the Parks Commission to have play trail in place instead of having the garden. She believes that this would result in having a really attractive, fun park for the citizens of Worthington and any visitors to the City. She understands that McCord Park is the busiest park in Worthington and she really wants it to shine for the City. Because she lives next door to the garden, she must say that she agrees with Ms. Bihari that they are not good neighbors. She stated that she brought some pictures to show of the garden. Some of the gardeners are good at taking care of their plots, making them neat and organized, but many are not. Right now the gardeners have been full force this spring doing all kinds of soil amendments to the garden. It currently looks as good as it will look and it is still very unattractive. Most of the people have put up fencing of some sort. People leave things in the garden such as folding chairs, parts of bird baths, they tie shiny ribbons to the fence, scrap wood is left behind and if this were a home it would never be tolerated. It is not very neighborly.

She has attended some of the meetings for the focus groups, the discussions, and the Parks and Rec Commission meetings. She has heard some of the comments that people in the garden are making in support of keeping the garden where it is. The two main reasons seems to be an educational value of the garden and also they have worked hard over the last eight years to put in soil amendments that maybe will take them more time if they move to another location to make the soil as good as it is right now in the current location. First in regards to the educational value, she has been a teacher for thirty years and she really does value the teachable moment. Someone spoke at the parks meeting last time about how a child could walk by the garden and ask a question and a gardener may be there to answer the question. However, she knows as a teacher of thirty years that education takes planning and curriculum, and you cannot count on a curious child wandering by the garden the same time a gardener is there to make this sweet interaction. She stated that hoping a visitor comes by to ask a question is not enough of a reason to change the design of a park. To the second argument about the soil amendments, she noticed that since they live next door, they amend the soil constantly as she does in a bed in their own yard where they grow vegetables. You have to test the soil and add things to it to make it the right soil for whatever you want to grow. So it isn’t a
process that hasn’t just been taking place for eight years, but it is something that goes on all the time.

Ms. Kessler stated that the gardeners will not leave anything by moving and the parks commission has committed to find them new spots. The garden should be in a location where it is not someone’s neighbor. The people drive to the garden as it is, even the people in their neighborhood still drive there, so they can drive to another site. Simply that they do not want to move should not be enough reason to change the design of a park.

Beth Hoerauf, 6987 Eastview Dr.

Ms. Hoerauf stated that she lives in the corner house facing the Community Garden. Her living room and all her bedrooms look out onto the garden 365-days a year. She agrees 100% with Ms. Bihari and Ms. Kessler’s statements on the way that it looks. What she does not understand is that there is a Parks and Recreation Commission which has gotten input from the community and the hiring of a firm to make recommendations for the park to have as many of the features that the community has asked for. However, we have allowed one group to question this and force the development of more plans. It is one group. She believes that we should make the most of this park. She has lived in her home for over twenty years and when the garden first went in eight years ago, nobody asked her if they wanted this garden. She is acceptable of the garden and does believe it is an asset to the community, however eight years ago she would not have accepted the idea if she had been asked. Before the garden was there, it was a nice, big field where the baseball and softball players would warm up; there was an athletic wall at the far end that the neighborhood kids would use. She and others in the community miss that wall. There is also a small hill next to the garden where her kids were able to sled that was great for elementary age children. Now the hill goes right into the garden where there are dangerous wooden stakes and fences.

Ms. Hoerauf has asked herself the question many times, who is responsible for all the things that are left behind. If a kid ever got into all the different gardening implements left there, who would be responsible for that, she does not know. We cannot move the baseball fields or the soccer fields, they are not going anywhere. We must make McCord Park as beautiful as possible and it should be our shining star for members of the community and people who visit Worthington. It should be there for everyone, maximizing that space for everyone as much as possible. Not just a prime piece of land for just a handful of folks.

Marc Zody, 285 Highland Ave.

Mr. Zody said that he is a Worthington Community Garden volunteer and since their official opening in 2010, they have hosted volunteers from Leadership Worthington and the Franklin County Master Gardeners. They are an official Franklin County Master Gardener volunteer site. Over the last four years, they have supplied over 800 pounds of produce to the Worthington Resource Pantry. About a third of their gardeners are
seniors and there are also several gardens taken care of by young families with small children who garden with them. He would argue this program has as much diversity of age as any program within the Community Center’s programs. As of March of this year, there are over 20 people on the waiting list. The most recent additions to the garden have waited over two years to receive a spot. Since the very beginning of the process when Mr. Hurley showed the revised garden plan, a concept that completely included the garden, to the final draft which completely eliminated the garden, they have maintained that they could definitely come to some kind of compromise.

He showed the redesign of the park with the existing footprint of the garden as an overlay and explained that he finds it hard to believe that the garden needs to be completely relocated. Because of that single playground and where the path is routed, the entire garden has to leave the park. This winter, Mr. Hurley asked to send a small working group to meet with POD Design to try to work out some sort of compromise. POD came back a month later with two alternate layouts. The first illustrated the garden remaining the same, moving the path to the south side of the garden with a mulch path on the north side of the garden, cutting the oval on the right hand side because the garden clipped part of that path. The compromise plan removed over 3000 square feet of the garden, which accounts for 20% of the existing garden. While they still believe the full garden would easily fit within this concept the way it is by making a couple of small changes. They agreed as a group to fully support the compromise plan and get behind another location in the city that would accommodate the displaced gardeners and those on the waiting list.

We maintain that this does not need to be an all or nothing proposition. Both sides are going to have to give up something but right now the garden is giving up everything. There is a lot of discussion in this plan about how these alternate gardening sites will solve the problem. He hopes that you will look at the five sites given that do not meet the criteria for space, a water source nearby, a place safe for seniors and families, and full sun all day long. One site that was offered is in the middle of a parking lot right next to Phoenix Middle School, up against a wall and beside ten full sized trees. The garden cannot be tucked away into a hidden corner, if it is then it is not a community garden. On April 17th of 2011, Mr. Zody said that he and Mr. Hurley visited WBNS 10TV for an Earth Day presentation. During that time, they boasted about Precycle Day, The Moses Wright Cleanup and the Worthington Community Garden. He respectfully asked that the plan as it sits be rejected and urged the commission to work on a compromise plan.

Lynda Chambers, 124 Northigh Dr.

Ms. Chambers explained that she thought it was important to clear up one point that she feels is an error that was distributed in multiple letters to the neighborhood. It stated that when the garden was put in place, it was not done in a public manner. She stated she was the Parks and Recreation Director at that time and in 2009 when they located an appropriate location for the garden, they went through all the appropriate public procedures. They conducted and open house, mailed letters to all of the letters, then went on to publish the garden as a program in the Community Center brochure, and had an
official start up with registration. Also there were programs such as “Starting Plants from Seeds,” and “Going Green – Organic Vegetable Gardening.” We listed all these programs in the brochure for the first few years before moving to social media with the Facebook and the Sustainable Worthington Google group. They have not done their due diligence lately publishing the educational programs to the greater public as was done in the beginning. The garden project was picked up by both ThisWeek and The Worthington News, with stories printed about it. She is not aware of what else could have been done to conduct a proper public process.

Beth Black, 334 Highland Ave.

Ms. Black stated that she is in attendance to speak in support of the Parks and Recreation Commission’s recommendation for McCord Park. They chose their house because of the parks and they were often in McCord Park when their children were young. Her son Ethan Black served as a youth member of the Parks and Recreation Commission for several years. She walks and runs in the neighborhood several times a week and is excited for the new plans for McCord Park, particularly the pedestrian path and the play trail that will pull the park together because it seems disjointed now. She is also exited for those who attend sporting events to have the chance to be active themselves when they get bored and restless and still be in view of the athletic fields. She looks forward to having more than the streets and the half mile path to run on. She said that her heart goes out to the gardeners because it will be disruptive, but it will be chance to bring in more people who want gardens and rejuvenate the educational programming taking place in a more public way. She concluded that it is in the best interest of the majority of the visitors to this park to proceed with concept plan A and to relocate the community garden.

Matthew Goshe, 273 Halligan Ave.

Mr. Goshe explained that he is a resident and a gardener who wanted to speak in support of the garden. For him the garden is a very important thing, growing up he spent time a lot of time in a garden and it is an important experience for him and his family. The experience of working, putting in effort, and having the patience to earn a reward at the end is a useful life lesson. Everything that has been presented for McCord Park looks great because it is a wish list and we want it all. He moved to the community five years ago and the total package of McCord Park and the amenities are why they moved where they did. Looking at the plan, there is nothing there that he can say that shouldn’t be there. However, it is important to have that garden and in a walking distance to his house. Based upon the alternatives, some would be a walk on a busier street instead of a nice neighborhood walk. Another perspective he would like to have kept in mind is that the garden does have a waiting list for people who want to use it. We have all these other things that we want in the park, are those other things like ball fields, but are all those things utilized to their full capacity. He doesn’t want to start over, but looking at the wait list for the Community Garden, it is a testament to how popular it is.

Julie Weatherington-Rice, 298 W New England Ave.
Dr. Weatherington-Rice explained that she has worked with the Franklin Water and Soil Conservation District since 1974, she is an associate supervisor for life, served as an adjunct professor at Ohio State University in Food, Agriculture and Biological Engineering for 14 years, and have had the privilege of being the first member of the Sharon Township-Worthington Cemetery Advisory Board for the past 21 years. She is a soil scientist and a hydrogeologist. She is here to provide technical information which needs to happen. When we look at great green pastures of lawn space and parks with no dandelions, what we see is a biological desert. It is a community of vegetation that can supply almost nothing if it is treated chemically, which it often is, the microbiological community that would have been in that soil is killed. For all practical purposes, virtually all the organic material in the soil which allows for carbon sequestration is gone. We’ve been told since the 1980s that this is our ideal, but it really is not. What we know is that as soil scientists, the moment we decide to start integrating with the soil, and start looking at the soil’s health, beginning to grow the microbiological community that is there, we begin to develop a carbon sync that slowly but surely is one of the few answers worldwide as we begin to look at climate change. In a healthy shovel full of garden soil, you may have a million microorganisms that are beneficial as they proliferate; they break down the clods of soil creating beds. Those beds are what make possible for vegetation to grow so well, building nutrients. If you are wise about recycling and rotating crops you actually build the nutrients in the soil year after year after year.

Whether it was the right place to put the garden or not, that’s where it got put. For the past eight years that is where the soil has been being built. And when you walk away from that, you start the clock over again and it is not a quick clock. So if you do decide you have to move it, I suggest you take the top foot or two with you. Otherwise, you have broken faith with the soil and have broken faith with the planet earth. Because we are slowly but surely carefully building ways to recover from the climate change we are seeing all around us. It is so incredibly important to think about this holistically. She welcomed the opportunity to answer technical questions and to help understand what is going on in those soils.

Phil Hennigan, 6971 Eastview Dr.

Mr. Hennigan said that he lives on Eastview Drive and is a very strong proponent of Parks Commission’s current plan to relocate the garden. If a compromise is done, then the smaller the garden, the better. He explained that he likes the garden but it just does not make sense where it’s at. It does not matter what the previous process was, the plan that has been presented, every single thing that is included benefits lots and lots of people. As the weather turns, it becomes clearer to him each day that there are maybe 150 people who want the garden. How many people come to McCord Park each day, it is much more than 150. We are not eliminating the garden, we are moving it. Take the soil, move it to the other place and get the clock ticking. This McCord plan is a long term plan that has one chance to do it right. The consultant that has already been hired said everything cannot fit here and it will get too cluttered. He keeps coming back to the
fact these two things don’t fit together. He likes the garden but does not like where it is. He has been at the park almost every single day for the past two years and he can say that very few of the gardeners there use the other features of the park. So, yes it will be disruptive to move the garden, but it is the price of progress. Someone will be upset in this process. If there is no place left in Worthington for the garden, then leave it where it is. But this is a 20 year plan where we are spending so much money; it makes sense to do it right because we have one opportunity. Listen to the recommendation of the consultants that we paid money to.

**Suzanne Seals, 123 E. New England Ave.**

Ms. Seals explained that having Community Garden at the Community Center is the type of community that she wants to live in. What is more sustainable, environmentally friendly, community oriented, family friendly, and forward thinking than having community gardens located in the midst of where multigenerational activities take place. The close 4-3 vote of the Commission is not a sound endorsement for Plan A. She stated that as she understood it, the majority of resident feedback supports maintaining the gardens at this site. In fact, many residents have called for additional sites. She would hate to see this as another situation where it seems to be a heavy support of the community to maintain the gardens, where citizens are allowed to speak but are not heard. She mentioned that she is not a member of Sustainable Worthington, though she fully supports what it does. She may not have a garden, but she believes that gardening is such an important part of what Worthington should represent and she sees many benefits of keeping the gardens were they are. One benefit is the soil enrichment which was discussed earlier. A demonstration garden here is a waste; it is like a fake garden. There is already a demonstration garden there and it sounds like it needs to have its game upped and tweaked to represent good gardening. Good gardening is not always pristine and beautiful; however the problems that were shown in the photographs will exist anywhere unless there are guidelines and requirements about what needs to be done. Wherever the garden is located it needs not to be an eyesore. These gardens give kids the opportunity to be exposed to gardening. Another aspect of child development is responsibility and this can be a place for them to observe the gardeners taking care of the plants and see the outcomes from the garden. This is more important during a time when many kids don’t have an appreciation of what goes on outside. These public gardens benefit not only the individual gardeners, but make a statement about Worthington values. She agreed with one of the councilmembers who said, “to reduce remove or minimize the garden any way is a step backwards” and asked to please keep the Community Garden at the Community Center.

**Jim Seals, 123 E. New England Ave.**

Mr. Seals explained how gardening is the essence of civilization. Humans used to be hunters and nomads before they started gardening. Worthington is very civilized with wonderful parks and people; however cities in some older civilizations across the world have found gardens so important they set aside large areas where people were allowed to garden in the city to get back to nature. They recognized the value of families with their
children, teaching skills that can help the environment, sustainability and lead to a better future and connecting us to our past. All the complaints that Mr. Seals have heard about the current garden are cosmetic and beauty is in the eye of the beholder. He illustrated his point with an explanation of how many years ago he had a prominent German scientist visit and they had dinner at a home on Halligan. On the way there he began fidgeting in the seat next to him and asked why there were so many cookie cutter yards where everyone cuts the grass short and said how horrible it was. He believes that instead of talking about relocating the garden, the discussion should be people working together and being reasonable with each other. The Community Garden should be duplicated; there should be more gardens not fewer.

Laura Hennigan, 6971 Eastview Dr.

Ms. Hennigan explained that she wanted to bring a unique perspective. Her husband spoke earlier and he mentioned that they have spent almost every day over the past two years at McCord Park. Their children are seven and four and she is not sure if anyone else her has children that young. She stated her children attend elementary school less than a mile from McCord Park and they take part in a multitude of activities at the Rec Center. There are numerous school and daycare groups there all the time. Of all the children she has seen there, none of them express interest in the garden. What she has seen are a lot of parents making their children stay clear because of all the dangerous sharp objects. They encourage their children to be environmentally conscious and curious about the world. They love community gardens; however this particular one is not in the right place. It has gotten too big, so let’s put it in a place where anyone who wants to access it can. She concluded by stating she fully supports the Commission’s recommendation.

Tommy Hoerauf, 6987 Eastview Dr.

Mr. Hoerauf explained that he lives at the corner of the park and when the garden went up in 2010, he was just entering high school and now has graduated college. In all that time he has yet to talk to any of the gardeners. He keeps hearing about how the garden is educational and community friendly, however over the years when he and his friends would walk to the park they would steer clear because the gardeners were threatened by them.

Frank Proano, 6928 Eastview Dr.

Mr. Proano stated how he has been a resident of Worthington for last 38 years and lives a block away from the park. He wanted to talk about the relocation of the Community Garden and how it is a terrible idea. If there is problem with the garden, relocate those problem makers. There are neighbors that are not pleased, those issues should be resolved but we should not destroy. There are things in Worthington, like anywhere else, that are not pleasant but they have a function. A visitor to the Dairy Queen is not taken there to admire the architecture; they are taken there for an ice cream. That is similar to the garden. Don’t expect beauty, there are stakes and containers, but it has a function.
Just because the Dairy Queen’s building is ugly does not mean it has to be demolished or relocated. The aesthetics of the garden have to be resolved because there are problems, but do not try to destroy something that is magnificent. Mr. Proano explained he is not a gardener, but he walks through the garden every day and enjoys the process of gardening. The problem is unrealistic expectations, the garden does not have to be beautiful and the function is to produce what has been planted. There are many ideas how to make the garden less unappealing, such as building a garden fence around the perimeter.

President Michael thanked everyone who spoke for coming tonight and being prepared with thoughtful views and thoughts. She observed that there is definitely a divide in the community relating to feelings about the Community Garden. She asked if Councilmembers had any questions or if they request additional information.

Ms. Kowalczyk asked for Mr. Zody to come up for a question. She asked about the organization of the garden, how people are oriented, what the expectations are, and thoughts on how to address some of the issues brought up regarding aesthetics and fencing. Mr. Zody explained that fencing is definitely an issue, anyone who brought that up is correct. When the garden first started, there were no fences and the deer population would come through the garden at will. The deer population seems to have grown and over time as fences have gone up, the deer are funneled to the people who do not have fences. Before this process began, they had begun looking at other gardens with deer fences to see what it would cost to put in an attractive perimeter fence. Unfortunately, it is out of their budget at this point in time. Additionally, he stated that under their by-laws the fences should come down over the wintertime; however he was personally responsible for failing to make sure that they did come down this past year. Any of the unsightliness is completely his fault. Ms. Kowalczyk asked if there are by-laws, do they include guidelines for regarding cleaning up plots. Mr. Zody replied that they give a “Welcome Packet” that is about 15-20 pages long regarding those items. Ms. Kowalczyk asked if Mr. Zody is responsible for enforcing the guidelines if they are not followed. Mr. Zody responded that was correct.

Mr. Foust asked Mr. Hurley if staff had evaluated the viability and costs to move the top layer of soil from the garden and move it to a new location and giving the current gardeners first access to those new areas. Mr. Hurley replied they have not done a cost estimate on that yet; however it is something that in conversations with other communities, they have chosen to do something similar. They brought in equipment and moved the soil plot by plot, but there can be some challenges doing that. If gardeners are open to that, they would be able to accommodate that type of thing.

Ms. Dorothy inquired about the recommended Plan A and how many of the additional sites for the garden relocation have been vetted. She wondered how many of the listed sites may be viable. Mr. Hurley explained they have gone through a process, partially with POD, where they started with any park space up to 5,000 square feet, the existing garden is 15,000 square feet. Staff including the City’s arborist went out to the different sites, looking at different aspects such as if water could be provided, are there shade
issues and what is the size. They have not gone through the step of soil testing or other things of that nature; however as has been represented tonight it will not be possible to start out with the eight-year quality of soil that exists at the current garden. Mr. Hurley explained that he initiated two community gardens with the City of Delaware and several Commission members have been involved with other city’s gardens. With that background, that is why the thought process was to give a couple of years to begin soil conditioning and other things that could help to keep the gardeners from having to start from scratch. Ms. Dorothy asked further about the trade-offs with the proposed sites and the viability of them from a community aspect. She wondered how well they are integrated in the community because from the looking at the map it is not clear. Mr. Hurley replied they looked at several locations and as part of the Parks Master Plan; one of the goals was to add a second community garden. So, it has been the intention to add to the community gardens before this conversation began taking place. As anyone who has been involved in the parks planning process knows, there is not much green space lying around. It would be a challenge to find 15,000 square feet in one location; however with time he is confident they could with time and ability to treat the soil, there could be a viable second garden or relocation of the existing garden.

Ms. Michael followed up on Ms. Dorothy’s question by asking Mr. Hurley for more specific information on the proposed sites. Mr. Hurley replied they looked at five locations. One is the Sharon Township Police Station on the curb of Wilson Bridge Road, behind that location is parking that leads to a greenspace that has approximately 10,000 square feet of unshaded open area. Another Sharon Township location along 161 at the Memorial Hall there is a slightly smaller greenspace at that location. Next, at Snouffer Park there is a large island in the middle of the parking area. Currently there are dead trees there that will be coming out and instead of planting new trees that area would be converted to garden space. There are a couple other locations in Snouffer that could be considered as well. At Linworth Park they are looking at either re-orienting the ball diamond there with the development that has occurred to the north of it, or removing the ball diamond. Somewhere in the greenspace at the corner of the park, there could be space for a garden. The last location being looked at is probably the worst of the five, down in the flats. The idea is that there is already a small garden that has been initiated there that could be expanded on.

Mr. Foust asked for a point of clarification about the draft minutes from the April 17th meeting of the Parks and Recreation Commission. In the minutes are listed options one, two, and three, but the motion at the end calls for current “Option A.” Mr. Hurley explained that options one, two, and three were listed as optional motions that could be made. Staff was just presenting a starting point for a motion to be made at the meeting. The plans have been labeled as labeled in the presentation as: A, B, and C. Mr. Foust asked if the Commission voted with a split vote to support Option A which was staff’s original recommendation. Mr. Hurley stated that they voted to support Option A which was the originally recommended option by the Commission at their November meeting. In their motion they noted some alterations to the plan such as the demonstration garden that would be built into the future design.
Mr. Smith inquired about the north side of the garden as it currently exists and the new proposed ball diamond that is closest to the garden, exactly how many feet are there between the garden and the fence of the ball diamond. Mr. Hurley said that he was not sure of the exact measurement and he was not comfortable guessing. He explained they looked at whether the garden would move up against the outfield fence or whether it be a grandfathering of the garden when gardeners vacate they start to develop that as an alternative location. He believed that the incremental gain from the location change, there was not much space there that made a difference in the rest of the things to be squeezed in the park. Mr. Smith said that his thought process was less about the garden expansion and more about the shifting of the trail from the south side to the north side. Mr. Hurley said they struggled about the trail’s orientation, with whatever configuration of the garden in place; it shifts that trail one way or the other. If it is shifted to the north, which keeps it further away from neighbors, it provides more of a cut through from the ballfields to whatever play is on the west side of the garden. The reality is that if you spend any time at the Community Center, if you watch how people come from the neighborhood to the Community Center, people would be cutting on the south side of the garden. In the versions shown with the garden, there is a hard asphalt trail on the south of the garden and a chip trail on the north side. They know people are going to use both sides of the garden; the question is if you want the cow path there or if you want some sort of a trail.

Mr. Robinson stated two factors stick in his mind. First, he believes the garden can be retained with a little compromise on the design of the rest of the park and the loss of few, if any amenities. Second, is that roughly three quarters of the community feedback was in support of retaining the garden. Given these two things, he does not feel like he has heard a compelling case from the Commission on how and why they justify the elimination of the garden. Mr. Robinson asked why given the public feedback, eliminating the garden is the preferred route. Mr. Calamari stated that they never advocated the elimination of the garden; they were really talking about relocating that function. In terms of compromise, that is certainly on the table as an option and they have gone through the factors in their decision making. The question is what do you want more of, and their group was clearly divided but they had to come to some sort of decision. People voted with their best intentions after giving it a lot of thought. In terms of introducing new information, he cannot provide that, but he can answer questions about the process and what the decision making was about.

Ms. Michael explained that it would be helpful for staff to know what direction council is going since this is up for a vote at the next meeting. There have been multiple options discussed. Mr. Robinson asked for what the options would be. Mr. Greeson asked Mr. Hurley to show options A, B, and C on the screen and explain them. Mr. Hurley showed the aerial of the park, highlighting the area in question. Option A is the recommended option that does not show the garden with a two year move. Option B shows the full garden staying. Option C shows a version with 20% of the garden removed as the compromise version. Mr. Smith asked for timelines as far as implementation and planning processes for this. Mr. Hurley stated that it is dependent upon funding and the process from here is starting with whatever concept plan is approved, and then breaking
it up over time since we do not have the ability to pay for it all at once. So, the next step would be to bring some sort of estimate to plan for the CIP and prioritizing what should be funded first. The first step is to have some level of design that allows the start of looking at things such as what the playground looks like and how big are the shelters. There is some thinking that if this part of the plan can be resolved then there could be a phase one, because the playground is in really bad condition and there is already money programmed for the repaving of the parking lot. You could address the playground, already address the parking lot, and then buy some time to figure out how to do all the field improvements without totally disrupting the Worthington Youth Booster organization. Ms. Michael asked if the 20% compromise was on the slides Mr. Zody showed. Mr. Hurley said his was a hand drawn version of this and there have not been significant changes to it. The commission has still been trying to figure out the play areas that would be to the south of the garden and there may be some issues with the trails and play areas abutting the neighbors. Ms. Kowalczyk asked what is gained by reducing the garden by 20%. Mr. Hurley said that with the garden the biggest dilemma is how to treat the playground. It came through loud and clear from the neighbors they like some play area where the existing playground is and it is clear through this process that there is some desire for play over between the community center, the ball fields and that area. What is removed from the garden opens up more open space and gives the opportunity for a small play area there. Part of the idea of the open space is the creation of reservable shelters that staff in the community center can maintain. Depending on the size of the garden impacts the amount of space for the shelters and the greenspace.

Mr. Foust stated that this is a decision that has gotten big enough that he is not comfortable going further without all seven members present. He has read all of the nearly 200 comments posted online and nobody can argue against the virtues of community gardening. He stated that there is only one chance to get this right. The process from the start called for using a professional consultant, which has been done. A well informed and engaged Parks and Rec Commission have been utilized and he can find no fault with the process. He said that he supports the City, at its expense, to remove the top couple of feet of soil and moving it to help jumpstart the next location. Either Mr. Burpee or Mr. Calamari stated that the McCord Park location is not critical to the success of the Community Garden. He would also suggest that the Community Garden is not critical to the success of McCord Park. What is critical is good thoughtful design focused on the greater community good. Mr. Foust stated to Mr. Robinson’s question about the impact, there would be folks numbered in the thousands affected by this. For the sake of the thousands and thousands who will use this park for the decades to come, he sees no reason to set aside the recommendations of the staff or the consultant. With that said, he would like to see Mr. Myers present for this conversation.

Ms. Dorothy stated that she would like to see all three of these options presented at the next meeting. It was her understanding that this meeting tonight was for getting input and not taking any other action. Ms. Michael said that they were just trying to make it easier for staff next week. Mr. Greeson said that if there was consensus staff would just bring forward one resolution, they can easily have three resolutions with two motions that fail and one that passes. Mr. Greeson said that there would most likely be one
resolution with three exhibits and council selects which exhibit they would like to insert into the resolution.

Mr. Robinson asked for a point of clarification if staff recommended what the commission ended up voting for. He was at the meeting and was under the impression that if anything staff and Mr. Hurley in particular was suggesting the compromise plan, whether that is the case or not. He did not think that staff had a formal recommendation. Mr. Hurley said that staff spent time prior to the last meeting speaking with the individual commission members and the thing that rang the truest was that they wanted to move the plan along. So, they crafted three different options with option one that moved to keep the proposed compromise garden in the concept plan. It did list several conditions with some having to do with aesthetics, and a phased approach that would shrink the garden size significantly. It was in the spirit of getting the plan moving along and providing a compromise. There were two other option that were provide, one to recommend the existing plan and the other that was a similar grandfathering situation. There has been a lot of time, energy and effort put into this and they want to see it get moving.

Mr. Foust said that where he is struggling is the comment of further shrinking the existing garden. Initially there would be 20% taken off, but he asked if there have been any specifics about the further shrinking of the garden. Mr. Hurley said that this option was in the spirit of trying to promote conversation and some compromise knowing that some of the commission members were not going to be open 80% of the garden staying. It is not detailed because it was meant to serve as a conversation starter and the idea behind that was to not make existing gardeners move and this process is going to take time. As gardeners vacate, the garden would shrink over time and they would be able to create additional locations for new gardeners.

- Wilson Bridge Road

Mr. McCorkle explained the conversation tonight was motivated by the need to bring resolution to the question of whether the Community Improvement Corporation (CIC) and the City want to acquire parcels of land along the south side Wilson Bridge Road. $600,000 was previously set aside for the CIC to investigate whether it made sense to acquire several currently residential properties. As part of that conversation, he wanted to give a summary of some of the activities currently taking place on Wilson Bridge Road. As a result of the 2011 Wilson Bridge Road Corridor study, a great deal of investment has been made. The key findings from the study included: increased improvement for pedestrian and bike safety, Worthington Mall need help, I-270 needed to be integrated properly, promotion of economic growth, and integration of diverse housing. Wilson Bridge Road is important to the City from an income tax perspective, 52%
of all withholdings collected by the City come from this corridor. This is split 57% to the west and 43% to the east.

Mr. McCorkle highlighted several of the recent successes on Wilson Bridge Road. 350 West Wilson Bridge Road was a complete renovation with a $9,000,000 investment with over 100 employees currently there and more expected to fill the second floor space soon. Central Ohio Urology Group currently occupies the entire first floor. Dr. McClatchie’s office and Wheels-Up occupy space on the third floor.

Worthington Industries has acquired their building and occupies it and half of the building to the east of them. It is a huge $10,000,000 investment from a key employer that will be in the City for a long time.

The Heights is a $16,600,000 investment currently with 90% apartment occupancy and 100% office occupancy. There is an OSU family practice on the first floor that moved from the Harding site, so the jobs are not net new. The second floor will soon be occupied by an OB-GYN that will be new to the community. Mr. Smith inquired about the demographics for the residents of the apartments at The Heights. Mr. McCorkle replied that it is populated by many empty nesters. Mr. Robinson asked what the average rent is for the apartments. Mr. McCorkle explained that rents recently dropped. The Heights has come to the City to request an updated signage package because they feel that has something to do with decreasing rental rates. Rents began in the $1,200 - $1,300 range for a one bedroom unit, which has decreased to closer to $1,000. This has been attributed to turnover rates from first time renters, decreased enthusiasm since the apartments opened, and other competition in the region.
The Worthington Mall was acquired in 2013 for less than $5,000,000 and the valuation has risen to $9,000,000. The TIF for this property is beginning to produce for the first time. This property is an over $15,000,000 total investment. The City continues to work with the mall and Tom Carter to make sure that he is filling the spaces. With the current retail environment there are some challenges keeping those spaces occupied. However, while retail has had some hurdles, the restaurants have done very well.

First Financial Bank was a $1,700,000 investment with 100 good paying jobs.

MedVet just acquired the former ADD building behind them so they now occupy two buildings, 300 and 350 East Wilson Bridge Road. They are a key employer with a long-term commitment to the community, including over 400 jobs and $22,000,000 in annual payroll.
There has been over $50,000,000 in private investment over the past few years in addition to some additional public investment dollars from the trailhead and the West Wilson Bridge multi-use path.

Looking ahead is a summary of the private and public investment coming up. The Holiday Inn is an over $30,000,000 investment and according to recent conversations, we anticipate demolition sometime in September. McDonalds will be demolished and rebuilt with a $2,700,000 investment. President Michael inquired about how long that was going to take. Mr. Brown responded that they anticipate completing it in six months. Mr. McCorkle continued to explain that Shirk & O’Donovan is an engineering firm on East Wilson Bridge Road; they anticipate hiring an additional 5-6 employees and to do $500,000 in renovations. There will also be additional public spending, including McCord Park, the Olentangy Parklands restrooms and pickle ball courts, the Northeast Gateway that will make substantial improvements, and the East Wilson Bridge Waterline Project.

The North Side Mega Fix was completed in fall of 2017 and according to ODOT; they intend to begin resurfacing in June which will be a $6,000,000-7,000,000 investment. The project itself in total was over $200,000,000. The Northeast Gateway construction demo is set to begin in 2019.
The East Wilson Bridge Waterline Project will begin later this year with an estimated cost of $1,000,000.

Mr. Brown updated that in 2015, Council adopted the Wilson Bridge Road Corridor Enhancement Plan that looked at wide-ranging improvements such as street trees, lighting, pedestrian cross walks, trails, and wayfinding signage.

The first phase of the city-wide wayfinding was installed last year and the next phase will begin in the next few months around Old Worthington where streets signs and posts will be installed. Later this fall, the Griswold Center will get a new sign and they will work with Mr. Hurley to identify which parks in the system will have updated signage. It will take three years with the money allocated in the CIP to update all the parks.
In April 2016, new Wilson Bridge Corridor zoning and design guidelines were adopted by City Council. Some of that has been implemented over the years, including pushing for the Holiday Inn site to meet those guidelines. Mr. Robinson asked Mr. McCorkle to speak about the Northeast Gateway project and what it means from an economic development perspective. Mr. McCorkle explained he has recently met with several businesses in Lakeview Plaza as well as MedVet and Worthington Industries. They are excited about what it means for their supply chain and the potential to cut their drive times down. Overall, there has been no worry in regards to construction. The hope is that this project will position the corridor for future development and redevelopment.

Mr. Robinson asked Mr. Brown why the southern side of East Wilson Bridge Road was divided in two, why the office area was limited to two and a half stories and why is there higher density residential area to the right and how does it benefit the City. Mr. Brown replied that in the 2005 Comprehensive Plan, it identified the Wilson Bridge Corridor as a key area to look at. Then in 2009 the City started a study to really look at the river to rail study of the entire Wilson Bridge Road Corridor leading eventually to the adoption of the Wilson Bridge Corridor Study in 2011. It was his understanding when going through the planning study; and looking for opportunities for future growth, whether that is office or multifamily, the South Side of Wilson Bridge road was identified as the only area available since we are a landlocked community. The lots are larger and deeper than that found in typical subdivision. His understanding was that the original proposal was for the entire south side to be office.

Part of the neighborhood group that was worked with when doing the zoning text in 2016 was originally involved in the 2009-2011 Wilson Bridge Corridor planning and the residents had a heavy hand in determining what would be on the south side. They felt comfortable with a portion of it being office, but as you went towards the east there should be housing options. Some of the residents preferred to be backed up to residential as opposed to commercial. In the previous slide, there is a bump-out lot that it was determined there should be a variety of housing styles with medium density residential. The resident’s engagement on North High and that cul-de-sac helped to guide how the south side proposal was developed. President Michael replied she was there for that discussion and complimented Mr. Brown’s summary as being very good.

Mr. Robinson inquired more about why the office section was constrained to two and a half stories. Mr. Brown replied it was due to the residents to the south that did not want to look up to office buildings as a compromise from the original proposal that called for higher heights of 3-5 stories. President Michael explained that there were hours of time put in to come up with a decision that the neighborhood could deal with.
Mr. McCorkle explained the CIC subcommittee met early last year focusing on the $600,000 approved for the CIC to look at purchasing land along the southern side of East Wilson Bridge Road. Mr. McCorkle explained that Councilman Myers encouraged looking at office space first since that is the City’s bread and butter.

A quick overview of the Columbus office environment shows that vacancy rates have dropped significantly. Since 2009 Columbus has averaged 500,000 square feet of new construction each year, with 2016 being an exception due to Grandview Yard. Since 2013, Worthington has created 100,000 square feet primarily coming from 350 West Wilson Bridge Road and The Heights. It is important to pay attention that the highest gross asking rate is $25.00 per square foot. 350 Urology is located has been getting West Wilson Bridge where Central Ohio approximately $14.00-16.00 per square foot. This is similar to what is found at the Heights.

The takeaway here is that the trend has been into multi-family and industrial, less so for office space and retail space. There has been a large amount of investment in recent years into multi-family and industrial corridors.
This shows 39 properties in Central Ohio totaling nearly 5,000,000 square feet coming from buildings 50,000 square feet or larger.

This shows the sales volume and sales price per square foot. The takeaway is that Worthington has had very few sales and when there were sales it was for a very low price. The Anthem building recently sold for $29.00 per square foot.

These are market drivers for office development. Owner user is when the owner is building it themselves. This is a big driver of costs since construction costs have gone up 20-30% over the past several years. Parking is a significant cost driver as well.
Specific to the Worthington office market, there are 31 properties that are at least 10,000 square feet or more with the majority being ‘Class C’. However there are several ‘Class A’ properties in The Heights and at 350 West Wilson Bridge. The average sale price over the past few years has been $39.00 per square foot.

These slides show the previous zoning and the proposed corridor zoning.

The two yellow furthest to the west have since been rezoned to the medium density residential already.
This slide gives more detail on the office area being focused on. R-10 and C-3 are geared towards professional office use with a maximum of two and a half stories and a height of 35 feet.

Based upon the two and a half stories and 35 feet here are two scenarios. The Boulevard concept is two stories along Wilson Bridge and one story to the rear along the residential side. This concept is approximately 71,000 square feet. The Courtyard concept is also two stories along Wilson Bridge and the 98,000 square foot building on the back is one story.

Here is an estimate of a development scenario. There are nine parcels total, one has a fairly new build on it, so this analysis includes the other eight parcels. The estimated land acquisition based upon the County Auditor’s page is valued at $2,300,000 with $120,000 in demolition. You are looking at a total cost to get the land ready for potential office development of $2,400,000. Under the development cost projections of 75,000 square feet of office at $192 per square foot, the total
development cost is almost $15,000,000. For revenue, using the price per square foot currently going in Worthington multiplied by the square footage, there would be approximately $1,162,500 in annual rent income. After accounting for management expenses, there would be a net operating of approximately $1,000,000 per year for a developer.

Under a best case scenario for the city, there would roughly be approximately $375,000 in new annual withholdings to Worthington. If the City buys the land for the developer, we would be looking at breaking even in Year 7 assuming the buildings are full occupancy on day one and not accounting for any abatement. Developer returns on investment would be at Year 13 with no property tax abatement or giving them the land. If the City gives a developer the land, the breakeven point would be year 11. If the City gives a developer a maximum Community Reinvestment Area (CRA) with a 15-year property tax abatement, the breakeven would be Year 8. If the City gives a developer the land and a max CRA, then the breakeven year would be Year 6. Under the best scenario for the developer, their investment per square foot would be $94.50. Worthington’s average square footage is going for $39.00 per square foot. In this scenario, the developer would have an asset that they have put in a lot more money than it is worth at that location. For this reason the CIC subcommittee decided that the $600,000 would not be a good investment at this time. They believe that the space should be office, but the cost at $300,000 plus per parcel is tough. If the costs were lower, it might make more sense. President Michael explained that part of the problem is that with the limit of two and a half stories, the density is not available to make it work. Mr. McCorkle explained that he is not making a formal recommendation tonight; however he wanted to explain why the CIC was deciding against using the $600,000 to acquire the parcels of land that may only realistically purchase one and a half to two of the parcels.

Mr. Brown explained that in 2016 when there was the adoption of the Wilson Bridge Corridor zoning, council directed staff to meet with property owners. He, Lynda Bitar and former law director Pam Fox met with all the property owners over the summer of 2016 on how they would like to move forward with implementing Council’s adoption of zoning for Wilson Bridge Road. At the time there were 18 different properties and 12 property owners showed up to the meeting. There was the discussion of what to expect, what not to expect, and options on how to jumpstart moving things forward. One option was the status quo, and taking the chance of another vacant lot having a house built on it. Another option was to proactively rezone the corridor so that there would not be any ability for the vacant parcels to turnover to new houses. That made a number of residents uncomfortable about having a nonconforming use on their house, making it difficult to rebuild in the event of a fire with them having to go to the Board of Zoning...
appeals to gain approval. Many property owners also raised flags in regards to their mortgages and insurance.

This led to another option to proactively rezone vacant and for sale properties. That is where you saw in 2017 the two properties that were completely vacant rezoned to avoid a future vacant parcel from having a 3500 square foot house built when you know that you wanted the corridor to have something different. Mr. Foust asked if in the non-conforming scenario, if the house burns down, the owner cannot rebuild in that spot but they would have the insurance to rebuild in a different location and sell the land. Mr. Brown said that was correct and according to the planning and zoning section of the codified ordinances, if your property is destroyed by more than 50% then the owner must go to the Board of Zoning Appeals to request approval to rebuild. While he would feel bad for the owner, the recommendation to the board would be not to grant that approval since the long-term goal is for that property to be office space. The residents at that time were very vocal about not wanting that scenario to happen, leading to the decision to rezone the vacant parcels so that they would not turn into single family homes.

President Michael commented that if the homes were under a non-conforming use it would be difficult for property owners to conduct renovations or make additions to the homes. Mr. Brown added that many mortgage and insurance companies look at it differently and how it would be handled. Prior research by Pam Fox provided clarification that if everyone was not on board with the proactive approach, it would be best to back off a little bit and at least rezone the two vacant properties to get them out of play. President Michael mentioned that they were keeping watch for other properties in the area coming up for sale that can be rezoned.

Mr. Robinson asked whether rezoning both for vacant properties and properties with homes on them, would it negatively affect the property value. Mr. Brown said that he would need to look into it; however he did not know if it would negatively impact values. There are several properties within Worthington that are zoned for one thing, but are used as single family. The only time it may come into play is when someone is trying to sell the property or get a mortgage. Sometimes if the property is zoned in a commercial district, the mortgage company may request that you get a commercial loan. Mr. Robinson then asked if someone is living in a home and it has already been rezoned, and then want to put it up for sale, how that process would work. Mr. Brown said he would not be able to speak to that. Mr. Greeson stated that the challenge at this point is the incremental spot rezoning versus zoning for a whole stretch that makes logical long-term sense but is difficult for the homeowners in the short-term.

Mr. Robinson asked if there is any possibility for a company to buy property to build its own headquarters, would that do anything to affect the return on investment or not? Mr. McCorkle responded yes and he has talked to companies on Wilson Bridge who have been interested in constructing their own. They looked hard at it, but ultimately the land basis was too high with too much work to buy it, rezone it, demolish a house, and then construct new. Yes the numbers look better for a business that owns their site; it is a better investment for them with the equity they are investing. We would be smart to
target something like that, but there are not many businesses that want to make that type of a large scale investment.

Mr. Smith stated he requested this presentation and wanted the update in an official format for the residents on that western part of East Wilson Bridge Road concerned about the direction as a whole of what the City is going to do. He has met with eight of the nine residents in that area. They wanted to get on the same page as a block to sell the property or have the City help them sell the nine parcels as a block. Since that time one property owner has sold his property since he was unsure of what was going to happen from the City’s perspective, despite his promises that there would be a decision by the end of 2017. That was the extent of his outreach to the residents there and the market for the commercial is not there. Mr. McCorkle agreed that the market is not there and the costs to buy the house and tear it down it is cost prohibitive if you are trying to put a two story office building on it. Mr. Smith said one property owner who owns three of the parcels and is motivated to sell for the right price. The market with residential is what he is thinking. Mr. Smith wonders if there needs to be a formal or informal declaration to the CIC to say to back off officially and let the CIC keep the money for future use. In the past there have been opportunities where parcels have come available at a reasonable price and the City was not in a position to act quickly enough to acquire it. Mr. McCorkle said that was the question for council, if there was an appetite for the CIC to keep the $600,000 and come back with a plan of action. Mr. Greeson explained as a technical issue, the $600,000 is encumbered by Council’s actions but not transferred to the CIC’s accounts. He stated that should be looked at more closely in the budget process.

Policy Item(s)

- Financial Report – April 2018

Mr. Bartter provided the following highlights for the City’s financial report for April:

- The Fund balances for all funds increased from $26,697,378 on January 1, 2018 to $28,168,668 as of April 30, 2018.

- Year to date income tax collections are below 2017 year to date collections by $-268,946 or -3.22%.

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

MOTION

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

The motion carried unanimously by a voice vote.

Mr. Greeson shared the following items:
1) Bike and Pedestrian Appointments
2) 1st Quarter Report was distributed. Contact staff with questions.
3) Survey work regarding School Resource Officers and City Contributions. He understands that the schools will be making a request to the City for funding.

REPORT OF COUNCIL MEMBERS

Mr. Smith shared that the CIC did meet last week and he understands that Mr. McCorkle will discuss PACE funding in the future.

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:32 p.m.

___________________________________
Clerk of Council

APPROVED by the City Council, this 4th day of June, 2018.

______________________________
Council President
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, May 21, 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 p.m.

ROLL CALL


Member(s) Absent: 0

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 approximately thirty five visitors present.

PLEDGE OF ALLEGIANCE

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

SPECIAL PRESENTATION(S)

- Oath of Office – Assistant Fire Chief

Mr. Greeson expressed how the Oath of Office ceremony is one of his favorite things to do as City Manager. It is a tradition that marks the beginning of employment with the City of Worthington for many and in the case of those whose ceremony is held in front of City Council, it marks the beginning of a significant leadership journey within the organization and the community. The words of the oath are embedded within the City’s charter, which serves as the community’s local constitution and each employee of the City of Worthington is required to adhere to them. They reflect the employee’s obligation
to meet legal and ethical standards and they embody the commitment that a public servant makes to a higher calling. Mr. Greeson shared that Fire Chief Bailot will introduce the new Assistant Fire Chief, Mark Zambito whose leadership journey took him from Worthington, to Upper Arlington, and then back home to Worthington.

Chief Bailot shared that it is his privilege to recognize Assistant Fire Chief Mark Zambito. Chief Zambito began his career in 1996 with the Charleston West Virginia Fire Department, before coming to the City of Worthington in April 2001. While with Worthington he served as a firefighter paramedic before being promoted to Lieutenant in January of 2014. During his tenure here he served on the Engine Purchasing Committee, the Wellness Committee, and was a 2016 recipient of the Medical Director’s Commendation. Chief Zambito was hired by Upper Arlington in September 2016 as their Deputy Fire Chief and serving as their interim Fire Chief for roughly four months shortly after arriving there. During his 17 months in Upper Arlington, he was instrumental in staff development and recruitment, served as the EMS Coordinator and implemented the Community Assistance and Referral and Education service. After an extensive hiring process, Chief Zambito was selected from a competitive applicant pool to fill the position of Assistant Fire Chief with the City of Worthington. In addition to his numerous certifications, he holds a Bachelor of Arts degree in Health Education and Emergency Medicine and a Master of Science degree in Fire and Emergency Administration. Chief Bailot expressed his appreciation having Chief Zambito back in Worthington where he belongs and looks forward to working side by side with him for many years.

Mr. Greeson administered the Oath of Office

Badge Presentation – Chief Zambito’s wife and three children pinned his badge. Chief Bailot presented his new white helmet, which designates him as a chief officer at an incident scene.

Chief Zambito introduced his family, his wife Lori, his oldest son Collin, middle son Jared, and youngest son Gavin. His father, Michael, mother Joyce, and brother in-law Jonathan. Chief Zambito expressed how happy they are to be here and he promises that he will make everyone very proud. President Michael gave her appreciation and congratulations, expressing how happy she is that he is a part of the team.

- Electric Aggregation

Mr. Greeson explained that there have been several conversations and a detailed memorandum produced around the concept of electric aggregation. Council had earlier authorized staff to solicit proposals for consultants to assist the City with electric aggregation. Council then authorized staff to enter into a relationship with Energy Alliances. During the last conversation on this topic, Council requested a presentation to serve as an “Electric Aggregation 101” and Energy Alliances are prepared to give a presentation and answer any questions. At the end of the presentation, Mr. Greeson requested that Council give specific direction to staff in order to be adequately prepared
for this issue to be on the ballot in November. If that is to happen preparation has to begin very soon. Mr. Greeson introduced Mr. Rich Surace from Energy Alliances.

Mr. Surace thanked Council for having him back to speak about this topic. He explained that municipal energy aggregation allows communities to get together, combining residents and small businesses together to get better pricing, terms, and conditions than would otherwise be possible as an individual consumer. Suppliers appreciate this approach because it generates a large group of customers at one time. The process is governed from start to finish by the Public Utilities Commission of Ohio (PUCO), so there are strict rules that will need to be followed regarding eligibility and how programs are conducted. Any government entity in the state, including villages, cities, townships, and counties are able to aggregate. Currently, there are over 400 buying groups in Ohio that are certified to aggregate with many in the northern part of the state utilizing FirstEnergy. AEP has seen a slower adoption of aggregation, however it is increasing.

There are several milestones that must be checked off before aggregating. The first is having City Council approval to place the issue on the ballot. After that, the ballot initiative must pass by a simple majority of voters. When the ballot initiative has been passed, the next step is to develop a Plan of Operation and Governance. There also must be two public hearings that give community members the chance to understand what the program entails and to decide how the program should be run. After the Plan of Operation and Governance has been adopted, Energy Alliances will file the application with the state that will then have 30 days to
approve the application. Once the application is approved, Energy Alliances will go to AEP and get the list of customers to then bid for suppliers. After that is done, they will come back to present the options such as price and sustainability to decide what is a good fit for what is trying to be accomplished.

Ms. Dorothy asked how often competitive bids would be obtained, particularly if a favorable one was not received on the first try. Mr. Surace said that would depend on the market, if the market begins to move in a favorable direction then they would start the conversation to get pricing. The turnaround time would be quick and suppliers typically have their models ready to go.

Mr. Robinson asked if it would be the voters who are authorizing the council to enter into this type of agreement. Mr. Surace said that is correct. Mr. Robinson then asked what the typical length of the agreement would be such as 12, 24, or 36 months. Mr. Surace replied the length varies however they typically go out 36 months. Some states have rules that prohibit contracts going out for more than 36 months.

Mr. Myers asked for clarity about what is meant by favorable terms and conditions. Mr. Surace said that there is an end use agreement between the supplier and the resident that lays out the price and any termination fees. It lays out the responsibilities of the end-use customer and the supplier. Mr. Myers questioned if the servicing entity would still be AEP. Mr. Surace said that is correct, AEP will still make sure energy gets to the homes. Mr. Myers asked if it is an opt-out plan and what opportunities are available after an agreement is entered into to opt-out. Mr. Surace said that people can come and go as they want. Mr. Myers asked what about people who have already gone with an alternative supplier. Mr. Surace said typically after the opt-out window they would work with people wanting to opt-in. Mr. Myers asked how many of these agreements have Energy Alliances done. Mr. Surace replied they have almost 70 programs.

Mr. Surace described that they will work closely with the City to develop a plan so residents understand what is going to the ballot and what it means. This is a customized plan that includes things such as newsletters, social media, and other tactics to make sure residents know what the aggregation plan is and is not.

Mr. Robinson questioned that if Worthington has roughly 5000 households, how many of those could be estimated to participate. Mr. Surace said he would expect between 3500-4000. Statistically 25% of people have already made arrangements on their own and then approximately 90-95% for all others who receive an opt-out letter decides to participate.
Mr. Surace explained who are and are not eligible for this program during the initial run. This includes those who are currently not with another supplier are eligible. Those who are using the Percentage of Income Payment Plan which is set by the State are not eligible; however residents using budget billing are eligible. Those who have already opted out are not eligible. If it is a 36-month program those individuals should not see any communications during that length of time. When the program is renewed, that would reset the clock since it is a new agreement. President Michael asked if they can opt-in. Mr. Surace said yes they can opt-in if they choose to interact with the supplier to get in. However, if they decide they opt-out they will not receive any marketing materials. Mr. Myers questioned if someone decides that they made a bad decision, who handles the customer service for that person, Worthington or Energy Alliances. Mr. Surace said that in most cases, Energy Alliances will work with the community for those questions to help a resident opt-in or opt-out. Ms. Kowalczyk asked if it was the default for someone with a question to call Energy Alliances. Mr. Surace said that it depends, during the initial opt-out time they may have the letter with an 800 number to call, however later on they would typically call the City starting the process. Ms. Dorothy asked about people who are already producing their own energy and are able to sell their excess energy, are they able to participate or decide to opt-out. Mr. Surace said in that situation it may be best for them to opt-out since this program might not be a fit for them. They typically are already incentivized to have their own agreements with energy utility to sell their energy. Ms. Dorothy asked if this information would be distributed in the information sent out to residents. Mr. Surace said that it would be included with frequently asked questions.
is still the distributor and anyone in the city could still enroll in their energy efficiency programs. Mr. Surace said that is correct.

Mr. Surace said that a big part of aggregation is to try to get through the overwhelming nature of shopping around. In the past there were only a handful of suppliers and offers on the market, but now there over 40 suppliers and 100 offers. However, this goes beyond price and is more about the entire value of the program. This consists of price, terms and conditions, ability to leave and enter the program and the ability to provide additional renewable energy. The program is not mandatory and it is not always the best option for all residents. Aggregation is not always better than what the future market may offer. Mr. Myers asked if the price is locked in for the duration of that contract. Mr. Surace said that yes, the price is locked in for the length of the contract regardless of what the market does.

Mr. Surace described the story of renewable energy sources and how renewable projects send their power to the same electric grids as other power sources. Buying renewable energy credits to help offset what energy is coming from fossil fuels. Ms. Dorothy stated that the graphic shown is slightly misleading; however she agrees that if we invest renewable energy credits we are investing in renewable power, but it does not mean renewable power is being used. Mr. Surace said that was correct.
Mr. Surace said that suppliers like aggregation because they are able to get a lot of customers at one time, reducing their costs and they are able to provide lower costs. Energy Alliances is a full service consultant, doing everything from beginning to end. This includes ballot issue awareness, drafting and submitting PUCCO certification materials, handling the bidding process, working with suppliers on opt-out materials, reporting, and customer service issues. They will also run individual savings reports that show what is saved versus just receiving power from AEP Ohio. Mr. Myers asked who those reports would come to. Mr. Surace said they would likely go to Mr. Greeson’s office for him to share. Ms. Dorothy stated that the savings reports would show that if you use more energy, you would save more money if they are using a lower rate. That is counter-intuitive of also trying to save energy and not use as much. It is a little misleading what the savings report is showing. Mr. Myers asked what the report would look like. Mr. Surace said that it would show the number of customers in the program and what the rate is now versus what the utility rate would have been. It is a good pulse on how the program is working.

Mr. Smith questioned if they were to urge staff to take this to the next step then who would provide the wording and the language for what goes on the ballot. Mr. Surace said that there have already been some brief conversations on the starting point and they are confident on their end that they could complete what is necessary for them to do in the next several weeks. Mr. Smith stated he would like to do what is appropriate to encourage staff to move forward.

Ms. Kowalczyk asked whether the November ballot would be the most advantageous for getting support for the measure, considering there are school levies on the ballot. Mr. Surace said that they have good experience with November ballots. They make sure that this does not muddy the issue with other things. Mr. Myers stated that education is critical since this is a down ballot, local item. In his experience down ballot items are more likely to receive a “NO” vote because people know less about it. Mr. Robinson
asked what Energy Alliances success rate has been in elections. Mr. Surace said that for ballots they have run or helped others to run, their record is 70-2.

Ms. Kowalczyk asked if there were instances where communities were successful at the ballot but have not pursued a contract. Mr. Surace said that there are several, including Dublin and communities in the Dayton area. Ms. Kowalczyk asked if there was any blowback from the community that voted on the measure but didn’t implement it. Mr. Surace said that he was not aware of any. Mr. Smith asked if up until they enter into a program, the City is not charged for their services. Mr. Surace said that is correct.

Mr. Foust questioned staff if the series of steps that needs to occur allows for the break of council in the summertime and if there will be any obstacles. Mr. Greeson said that the legislation would need to be adopted in July to get it to the Board of Elections by their deadline in early August. Ms. Dorothy asked how much the City of Worthington should be expected to do in regards to the volume of calls and what amount of time would Energy Alliances be doing in the beginning. Mr. Surace said that is up to the City. Some cities delegate everything to them; others like to be more involved. Their intention is to make this process easy.

MOTION  
Mr. Smith moved and Mr. Robinson seconded a motion to direct staff to work with Energy Alliances to bring a ballot language proposal to Council by the last council meeting in June.

The motion to direct staff to work with Energy Alliances to bring a ballot language proposal to Council by the last council meeting in June carried unanimously by a voice vote.

APPROVAL OF THE MINUTES

- Joint Meeting – May 7, 2018
- Regular Meeting – May 7, 2018

MOTION  
Mr. Foust moved and Mr. Myers 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. 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.

The foregoing Ordinance Title was read.

Mr. Greeson explained that one of the City’s firefighters is a member of Task Force One, which is a Federal Emergency Management Agency (FEMA) emergency response asset from the State of Ohio. He and his dog participated on behalf of the City of Worthington in a FEMA response. The City is being reimbursed by FEMA for the associated expenses of that response.

There being no additional comments, the clerk called the roll on Ordinance No. 20-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 20-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)

The foregoing Ordinance Title was read.

Mr. Greeson said that part of the annual street program which has already been approved by Council authorized staff to put out a bid for portions that can be purchased off of a state contract. Mr. Whited explained this is a part of the Street Improvement Program and the crack sealing program is a preventative maintenance approach that allows for the protection of pavement by sealing those cracks, reducing maintenance costs, prolonging pavement life, and mitigating adverse weather effects.

There being no additional comments, the clerk called the roll on Ordinance No. 21-2018. The motion carried by the following vote:

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

No 0
Ordinance No. 21-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)

The foregoing Ordinance Title was read.

Mr. Whited said that this is a similar pavement preservation approach that allows us to maintain pavement through a chemical process that rejuvenates the pavement and extends its useful life. Ms. Dorothy asked if this is part of a new program that will hopefully improve the entire lifecycle costs of the roads and how is that being kept track of. Mr. Whited responded that is correct and they are keeping track of it through the use of a database program that tracks the pavement condition and life during the period of time the rejuvenator is down. It will take a number of years to fully get a handle of the results.

There being no additional comments, the clerk called the roll on Ordinance No. 22-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 22-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)

The foregoing Ordinance Title was read.

President Michael explained that this ordinance would require a motion to insert the dollar figure $1,066,425 as well as “Columbus Asphalt Paving” being added to amend this ordinance.
MOTION

Mr. Myers moved, Ms. Dorothy seconded a motion to amend Section 1. to insert the sum of One Million Sixty Six Thousand Four Hundred Twenty Five Dollars ($1,066,425) and insert in Section 2. the firm of Columbus Asphalt Paving, Inc.

The aforementioned motion carried unanimously by a voice vote.

Mr. Greeson explained that this is the more expensive portion of the annual street program. Previously the annual street program had been submitted, including the streets that would have various works bid in a competitive process. The most responsive and responsible bidder was Columbus Asphalt Paving. Mr. Whited said that this is actually four items of the Capital Improvements Program, the Street Improvement Program, the Granby Street Improvements, repaving of the Community Center Parking lot in areas that will not be touched in the future McCord Park improvements, and $80,000 of work as part of Bike and Ped recommendations.

Ms. Dorothy asked where is this money coming from, she understands some is coming from Bike and Ped, but where else are funds coming from. Mr. Whited replied the Street Improvement Program and the various funds that support that program as well as Bike and Ped. Additionally there was a CIP project for improvements on Granby and for improvements to the Community Center parking lot. Ms. Dorothy asked if the Street Improvement Funds are general funds or funds dedicated from license fees. Mr. Bartter replied that all CIP funds are income tax revenue except for $150,000 that comes from the Motor Vehicle License tax that is transferred at the end of the year.

There being no additional comments, the clerk called the roll on Ordinance No. 23-2018 (As Amended). The motion carried by the following vote:

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

No 0

Ordinance No. 23-2018 (As Amended) was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mr. Greeson explained that there have been presentations since as early as last fall on this subject. He said that he would like to welcome Ethan Barnhardt, the City’s
exceptional intern, who did much of the research and work on this topic to answer any questions Council may have.

Mr. Barnhardt explained that many of the details have already been discussed at this point. He said that this was one of the first projects Mr. Greeson gave him when he started with the City as an intern last May. It is extremely fulfilling to see something that began as a research project come to this point where it is pending legislation. He said there are several speakers that have invited, including a group from Youth to Youth that would like to make comments. Additionally, representatives from Columbus Public Health, and Mr. Lindsey and himself are available to answer any questions.

President Michael said that she has three speaker slips from people who would like to speak on this topic.

Rob Crane, 8600 Dublin Road

Dr. Crane explained that he is a family doctor and a Professor of Family Medicine at Ohio State. He said that he was at this council nearly 15 years ago to ask Worthington to lead Columbus and become one of the first smoke free communities in the state. Worthington did that. He said that since then it has culturally changed from walking into a restaurant or bar that has a smoking section and you helped change that. Tonight you are doing that again. Since then, he has spoken at hundreds of city council meetings across the country working to encourage raising the age to purchase tobacco products to better protect kids. He wanted to be here tonight to congratulate you on what you’ve done, but not only that, but on how you have done it. City staff has crafted a wonderful enforcement mechanism to do this the right way. The other suburbs in the region have no enforcement at all. By following the Columbus Health Department, you are doing this in the best possible way to protect kid’s brains and to save them from this terrible addiction.

Jaila Dorsey and Chakiya Christmas, Youth to Youth International

Ms. Dorsey said they are teens from Youth to Youth International which is a youth drug and alcohol prevention program based out of Columbus since 1982. Over the past three years, they have worked on tobacco prevention activities throughout Franklin County and have the pleasure of advocating for Tobacco 21. Ms. Christmas said that statistics show that 90% of adult smokers started before they were the age of eighteen. It is also known that many teens get their first cigarettes from people who can legally buy them. When an eighteen year old friend can easily buy cigarettes, cigars, or vapes, this increases the chance of a young person trying their first tobacco product. Tobacco 21 removes the possibility of a teen legally buying tobacco that they can share with other teens. This reduces the chance that someone will try tobacco under the age of 18 and reduces the likelihood of becoming a lifetime smoker. Ms. Dorsey said in the early 2000s, when smoke free indoor laws were being passed throughout Ohio, it happened similar to Tobacco 21 with each city passing its own laws until the state passed theirs. People could smoke in restaurants and bars until their City passed a ban. If a neighboring city had no ban, it was easy for smokers to drive down the street to a
restaurant not covered by the law and keep smoking. As more cities passed the law, it became harder and harder to smoke in public and smoking became less of a norm. Ms. Christmas said that since cities like Upper Arlington, Bexley, and Columbus passed Tobacco 21, teens have had to go farther and farther from home to buy tobacco, making it less likely that they will. Today Worthington has a chance to join cities like these and pass Tobacco 21. They would like to congratulate you on considering this law and hope that you pass the law today.

Nancy Zajano, 6696 Markwood Street

Ms. Zajano said she is happy to be here tonight to congratulate you on behalf of Drug Safe Worthington. They are so happy about this step to prevent addiction to tobacco among our young people. In the Worthington Schools there has been an increase in the use of tobacco, especially through vaping of e-cigarettes. Lori Povosil, the Chair of Drug Safe Worthington notes that students are moving from vaping to traditional cigarettes and the rate of smoking which has been at a low point is beginning to come up again. She expressed her happiness that this ordinance is being considered tonight because it will make it more difficult for young people to access tobacco from their older friends. As the research has shown, if we can prevent students from starting tobacco until after 21 they are less likely to begin using later on in life. Our Chair Lori Povosil is not able to be here tonight, she is meeting at the Insight Program with students and parents of those who have been caught with infractions to the alcohol, tobacco, and drug policy of the Worthington Schools. Many of those students are there for tobacco infractions. Drug Safe Worthington is very encouraged by your actions and do hope that you pass this ordinance tonight.

Ms. Kowalczyk said that this is an important topic to her since she lost a parent to lung cancer. She is proud to be able to support this legislation and have it pass through City Council. The statistic about kids if they do not try cigarettes until age 21, they will not smoke is staggering to her. This is a great step forward and she is fully in support of it.

Mr. Myers asked Mr. Lindsey if they vote tonight for this, would they be the first to delegate authority to the City of Columbus. Mr. Lindsey replied that in terms of Tobacco 21 legislation, that is correct. The City already delegates enforcement authority to Columbus Public Health in other areas. He would also note that Dublin is moving forward with Franklin County Public Health to do some enforcement for them; however he is not familiar with the details of their ordinance. Mr. Myers mentioned that in his experience as a prosecutor, he is always leery of delegating authority to someone else. Mr. Lindsey said that the City delegates authority for health code enforcement. Under this, there is also the possibility for criminal charges for serious offenders that would go to the Environmental Court where the Columbus City Prosecutor already handles cases for the City of Worthington.

Ms. Dorothy wanted to thank Drug Safe Worthington, Ethan Barnhardt, and everyone else who has brought this forward. She thinks this is going to be a really life changing program for those people living and working in Worthington and the kids who go to
school here. She appreciates the City of Columbus's partnership and the supporters who have come out tonight. She looks forward to passing this legislation.

President Michael also wanted to thank the coordinated efforts of Ethan, the City of Columbus who has done a lot presenting information on this topic, and Drug Safe Worthington. She has not received one negative comment about moving forward with this.

There being no additional comments, the clerk called the roll on Ordinance No. 24-2018. The motion carried by the following vote:

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

No  0

Ordinance No. 24-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)

The foregoing Ordinance Title was read.

Mr. Whited explained that this is a follow-up to a previous discussion around the right of way acquisition appraisal services for the Northeast Gateway Project. This is to approve the contracts, scopes and fees that have already been negotiated. The work was reviewed by a group from Worthington and the Ohio Department of Transportation. This includes contract one for Right-of-Way Acquisitions and Relocation Appraisals, contract two for Appraisal Review, and contract three for Relocation Review. Those firms selected are Transystems out of Columbus for contract one, Martin and Wood for contract two, and Heritage Land Services in Westerville for contract three.

Ms. Dorothy asked where we are getting the money for this project. Mr. Bartter replied that it is from the CIP fund, which is funded through the municipal income tax. A portion of this will be reimbursed through Ohio Public Works Commission (OPWC) funding.

There being no additional comments, the clerk called the roll on Ordinance No. 25-2018. The motion carried by the following vote:

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

No  0
Ordinance No. 25-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Mr. Greeson explained that this discussion was separated last week with an in depth presentation from Mr. Hurley and the Parks Commission regarding the process, followed by extensive testimony regarding the various options. As promised, a resolution has been brought to Council. In the absence of a specific consensus around one particular option at the prior meeting, there are essentially three options. The resolution references a conceptual master plan, when you adopt that resolution we need reference to the version of the conceptual plan that should be attached to the resolution. In addition to the picture which serves as the conceptual plan that would guide more detailed design, it is possible through your conversion that you may want to add additional criteria or elements to the resolution if that is Council’s prerogative.

Mr. Hurley said he would get right to the point this evening regarding the three different options that were framed at the previous week’s meeting. The three designs, A, B, and C will all be the same except for the outlined area. Option A is the Parks and Recreation Commission’s recommended version; containing a small demonstration garden and containing the full size PlayTrail from one end to the other. Option B has the full garden at its current size and location. The play area would exist on either side of the garden. Option C would have about 80% of the existing garden, removing six plots from the east end of the garden. The play area would be on one or both sides, however there is some question as to whether the PlayTrail would fit to the south of the garden and that would need to be figured out during design. He explained that the way the resolution is written, Council would approve the overall concept plan, amending it to note either option A, B, or C.

Mr. Robinson explained that he had made his viewpoints about the garden clear and he wanted to speak specifically about the options presented. His overall support is for retaining the garden in the compromising option C. His problem with options one and three is that both are ambiguous about the eventual elimination of the garden. He believes that after the extensive community process and debate, if the garden is retained, Council should be clear about its position that it views the Community Garden as a positive asset and that it should be expected to find a permanent home in the park. That is why he forwarded councilmembers option four, which not only clarifies the desired outcome of the garden, but also requires the garden group to do some things to elevate the operation of the garden. Namely, the garden group formalizes its organizational structure to facilitate accountability and expansion of its programs, whether that is educational or additional plots. Additionally, the garden group commits to the removal of the temporary fencing by the end of the year 2018 and works with staff and the Parks and Recreation Commission to design and implement perimeter aesthetic improvements as soon as possible. Next, the garden group work with staff and the PRC to work on establishing an additional garden as feasibility and funding are determined. Lastly, the
garden and its operations remain in the current location without the diminishment or removal until further action by the City Council. He believes that this option clarifies many issues and establishes the principle that the garden is a positive asset and should not face eventual removal as part of the resolution.

Ms. Dorothy asked for clarification about whether options B and C call for the eventual removal of the gardens. Mr. Hurley said that he was not sure, but Mr. Robinson may be referring to the options listed in the Parks and Recreation Commission minutes that served as a starting point for their discussion and debate. Nothing approved in the resolution under options A, B, or C would give any stipulation as to the future of the garden. Mr. Robinson said that there is a little bit of confusion around the term option being used to reference both the design choices as well as the language that stipulates the requirements or elements of the plan. So the options A, B, or C are static design elements that do not address the issue of organization, additional plots, or eventual elimination of the gardens. In the text that was provided to Council, options one, two, and three have descriptions of what might be expected. Mr. Hurley stated that the only thing in the Council’s packet containing options one, two, and three were the minutes of the Parks and Recreation Commission meeting, in which he gave them a sheet before they had their discussion containing some potential motions to get them started knowing that there would be debate amongst them around the conditions of what their motion might be. He has not provided anything tonight that would attach any conditions to these options. If the Council in deliberation decided to attach conditions, then that is certainly their prerogative. Mr. Robinson replied that be that as it may, he would like to propose conditions. By not having conditions, that leaves things very ambiguous and uncertain. If a design is simply approved, what does that have to say about additional plots, the aesthetic issue of the garden, and the future of the garden. He comes back to his language under option four which proposes the adoption of the option C design, with four criteria regarding group organization, aesthetic improvements, additional gardens, and that the garden will not be diminished or removed unless there is further, formal City Council action.

Mr. Foust stated that he is struggling with the idea of compromise on this subject. Compromise sounds attractive, and seems like the responsible and mature thing to do. The challenge here is to build an optimal park. We have heard from three dozen people in a campaign that they have mounted, but we have not heard from the tens of thousands of people a year who will use this park for its more conventional purposes. The numbers over the next decade, we are talking about a half a million or more visits to this park. The consultant did their job. The individuals appointed to the Commission did their job coming to a recommendation. He views this somewhat like the instructions given when there was an appeal to an Architectural Review Board decision. With an ARB decision, there are City guidelines about architecture review standards. With that said, Mr. Myers who advised them at the time, if the ARB has done its job then the sole role of Council is to determine if policy or procedure was not followed or a standard overlooked. Otherwise it is the duty of Council to honor the decision of the ARB. He holds that same standard in this situation and he is troubled at this discussion of a compromise.
Mr. Smith appreciated the discussion from both sides last week and it led him to write down his thoughts on the subject. He explained that Dr. Weatherington-Rice spoke last week about the cultivation of the soil and the nutrients involved and how it takes years to cultivate soil which is something that cannot be changed with words. To move or eliminate the garden would be disruptive and it is an important issue. On the one hand there are neighbors who have legitimate complaints and they have aesthetics and safety concerns about the garden. Mr. Smith stated that he believes the safety and aesthetic issues can be addressed under Mr. Robinson’s plan. For safety, let’s make sure that garden leaders are taking it upon themselves to be respectful of the neighbors and the property. As for aesthetic, gardeners should be able to help with this issue by taking responsibility for the appearance. One resolution he might offer as part of the designing process is to figure out something that would make that space look more inviting and attractive. Speaking to the garden’s purpose, there are questions about whether that space could be used differently to serve more people. He explained he believes there are two points that are pertinent to this issue. The first is about the design of the PlayTrail from the perspective of a parent, of which he himself as a parent of two young children is the proposed end user. The proposed PlayTrail is a concern to him; he can picture his seven year old daughter climbing on one thing and his three year old son running 50-60 yards away to the end of the trail. As a parent he is concerned. The PlayTrail is going to be more user-friendly if it is visible from all the features. He explained his second point about concerning speculation, he feels building a feature in the park is akin to commercial or residential development where you do not know exactly who the users will be. Sports teams will use the ball fields and their families will use the features of the park, including the proposed trails. In contrast to building for an unknown user, there is currently a feature being used by Worthington residents, the Community Garden and we know there is a demand for more of that feature. He explained that during his first term on Council he proposed a transitional garden in the community to increase the number of edible plants. From his perspective, he sees plenty of green space in all the City’s parks. He believes there need to be more gardens, not less. He is glad that the Parks and Recreation Commission have found several other potential garden sites and he encourages the development of these additional spaces this season. His final thought is that we live in a fast food nation and our culture has developed into a fast food culture, we must make sure to shift our culture to one that places less of a value on fast foods and more of a value on slow foods. There is inherent value in a PlayTrail, but there is more value in keeping the community garden where it is. He would like to support Mr. Robinson’s idea of keeping the wording he has proposed tonight, and is supportive of option B, C, or option four.

Mr. Myers apologized that he was not in attendance at the previous week’s Council meeting. He stated that he is unsure of what he is voting on tonight and the conversation is beginning to sound like déjà vu all over again. From what he read in the motion and the minutes, the vote is on a conceptual plan. Much like when Council voted on the amendments to the comprehensive plan for the United Methodist Children’s Home (UMCH), the vote was on a conceptual view of what could happen. The City has hired a consultant to work on a conceptual plan and his understanding after going through this process multiple times, is that a conceptual plan is less about what is actually built and
more about setting priorities about what we want built. Mr. Robinson responded that there is quite a difference between this and UMCH. UMCH was offering ideas about what we may or may not want, there was no developer and no specific plan. This park is entirely within our control to execute the conceptual plan. Mr. Myers replied that in reality it is not and we cannot do anything yet because there is not the money. The hope was that the General Assembly would include the City in their capital budget this year, but that did not work out and we are at least a million dollars short from putting a shovel in the ground. We also know that we are a series of actual design plans away from doing anything.

Mr. Myers said that Mr. Robinson’s proposal is very specific, but council is voting on a conceptual process. Mr. Robinson responded the reason he offered A, B, C, D was following the precedent of the options as presented to the commission. As part of the discussion as to whether the park should be moved, retained, or shrunk, there were many other related issues that emerged that he believes affect one’s willingness to support one or another design. For instance, including the aesthetic issue in the resolution speaks to the concerns of the neighbors. It is an attempt to address the issues that emerge that are of a concern to the community relating to whether the park will be retained or not. For example, alternative sites that were discussed last week and whether or not any of those sites are viable or not. If there were a viable site, it would be an important factor to the reasoning about whether the garden could or should be removed. It is an attempt to be comprehensive and coherent in the presentation of the design plan.

Ms. Dorothy said that she sees Mr. Myers’ point and she was confused when Mr. Robinson brought up options 1, 2 and 3 since the resolution referenced options A, B, and C. She said that she appreciates all of the input that has been received so far regarding this park. The Commission was fairly evenly split on what to do with the park and how to serve as many residents of Worthington as possible. The Community Garden has been fairly happily coexisting aside from some aesthetic issues that have been brought forth to Council and can be taken care of diligently. However, the garden does serve a portion of the community who do not have anywhere else to go. There is a waiting list and we could make more community gardens, but that has yet to be determined. Currently we have a great plan with plenty of ball fields and play areas for lots of people in the community, but we can be more inclusive by having more incidental contact with each other by breaking down the silos that we have put ourselves in. People who are there for baseball fields can see people in the Community Garden. She would like to see the Community Garden there, but does not want to tie the hands of staff on how it is done, or the hands of the people that are part of the Garden. She does want people to have a lot of buy-in and pride in the community to maintain the Community Garden to a level everyone in the community is proud of. She stated she does believe that it is not good that it sometimes does not look as good as it should. She concluded by stating she is more in support of adopting one of the options keeping some part of the Community Garden.

Ms. Kowalczyn explained that in additional to all of the testimony and the letters and emails received, she has had the opportunity to talk with gardeners and she visited the site on several occasions. She also spoke with one of the members of the Parks and
Recreation Commission to understand their thought process. It seemed to her that when discussing the number of potential people who could be served by the original proposal versus the people impacted by the removing the garden, it does not seem like a fair comparison. You must look at the number people adversely impacted by these proposals. There really are not a number of people adversely impacted if we keep the garden. There is a potential of new people, but not adversely impacting people who could not otherwise participate in what the park has to offer. As the process played out, keeping the existing Community Garden was on the wish list; but it was the one thing on this list that was determined to be disposable. That was the direction given to the consultant to develop a plan, they weren’t given the full wish list in the beginning and it was taken back to the public for feedback and that point was when options were developed for keeping the garden. She emphasized that she believes the Community Garden exemplifies our City’s values of sustainability, community engagement, civic involvement, and supporting the Resource Pantry. That is why she thinks it is important to maintain it in a location that is visible. The Community Center is the perfect place for it and it has been there for eight years. We should be enhancing that visibility, not moving it and starting all over again. She stated that she feels comfortable saying she supports options B or C. She said that she sees Mr. Robinson’s list of items that are conditions to be an attempt to address some issue brought up and it is important to acknowledge these issues. One primary issue is a communications issue about who to contact when there are problems and finding ways to resolve issues that impact the neighborhood. While they may not need to be conditions that need to be fully enforced, but at a minimum they could be a direction of Council on where they want the garden to go.

Mr. Myers proposed hypothetically if Council adopts option C, which is 80% of the existing garden that the garden and the PlayTrail could co-exist in some form or another. The PlayTrail is something that he has been lobbying to build for years. He and his children grew up playing in natural settings, not in prefabricated plastic and metal structures. Under option C with 80%, we may get that, but it is not a sure thing because there is no promise there is enough room to put the PlayTrail in with 80% of the garden. Going back to his first point, he explained that Council is discussing placing conditions on something without even knowing what the design is going to look like yet. The purpose is to assign priorities, not to design a park. The park design is supposed to come later. He said that he believes he is voting on something one way or another without really knowing what he is voting on. This leads him to want to vote no on down ticket items regardless of what is proposed. He thought that the discussion at this meeting was to establish whether he was willing to give up the play trial for a garden and he believes that is not the discussion being had.

President Michael said that the one option that had been previously discussed that she wanted to bring back up was to do some type of grandfathering for existing gardeners, find another community garden site, and the City could move their soil from one site to another. Or as gardeners give up their spot, that space would go towards being used for future park development. It is not a perfect solution for both sides; however it is a form of compromise.
Mr. Robinson responded to Mr. Myers’ earlier comments, stating that the details of the designs will be worked out. He views this discussion as analogous to someone decorating their living room at home. A major design element is deciding where the sofa is going to go and then the other things are worked out around it. This discussion is about the major design element in the portion of the park that is in dispute. Council has been asked to provide clarity about which basic design option they support. Three different options have been presented. He explained that in response to the issue of grandfathering is why he has attempted to introduce some specific elements into his proposal following the example of the City that laid out options and conditions. He is attempting to give clarity about what is the future of the garden. His commitment is that it is a positive public good and the location within McCord Park is what makes it desirable. If we decide to keep the garden in the park, we should say this is not just for tomorrow; it will not be diminished, or grandfathered. We as a City and as a Council have voted to say this is a good use of the space.

Mr. Foust replied to Mr. Robinson’s analogy by saying he and his wife have owned many sofas and eventually the one they bought in 1983 no longer fit and they moved it on down the road. He stated he feels that he is the lone voice saying that the Community Garden does not fit in the optimal park.

President Michael explained that nobody likes the idea of possibly reducing the garden as attrition takes place and allowing the space to move towards a different use and opening up some other community gardens so there are other places for people to garden. Mr. Foust asked if it is conceivable to make these new sites more attractive than the current site if done correctly. Ms. Kowalczyk stated that according to some of the testimony that is not necessarily the case, at least for one or two of the sites and these locations have not been vetted at this point. She said that one of the overwhelming things that she heard from everybody; including those who want to move the garden, was that community gardens are important to the City. Mr. Robinson added an additional comment that the stipulation changing the garden in the future according to his option requiring City Council approval, it acknowledges that this Council or any future Council could change the plans in the future. It attempts to make sure that the future is not left uncertain, which he explained opens the possibly of this issue emerging again in the future. This leaves it a little bit more difficult to remove or diminish the garden and requires its return to council. Ms. Dorothy stated that she agrees with much of what Ms. Kowalczyk said regarding the values of the community and the reasons why it is so important that the garden be in such a prominent park. However, she acknowledged that values do change throughout time but she does not anticipate a greatly diminished need for space in the Community Garden unless there are a lot more community gardens throughout Worthington. She does hope that there is a committed effort to look for additional community garden sites and there are more people gardening throughout the City. However, it does seem like there is a life cycle for the City’s parks and every twenty years we look at the needs and demographics of the community. She does believe that this could change throughout time, but she does believe that we want to highlight having a garden here. She is concerned about tying people’s hands in the future, but ultimately she stated she believes that we need to keep the Community Garden.
Mr. Myers stated that nobody is arguing against the Community Garden, that is not the issue. The issue is whether that is the correct place for the Community Garden. He was not here last week, so he did not hear the arguments and maybe someone on Council could help him. He has always divided people who grow things into two camps, landscapers and gardeners. Many in his family were gardeners and they were less concerned about aesthetics than landscapers. Landscapers like things to be very proper and in the right place. He fully understands as a gardener himself that the soil and location are critical. Why is it that this is the only spot that this garden can go in Worthington. Ms. Kowalczyk responded that it is not that it is the only spot; it is that it has been there for eight years and the soil has been developed over that time. That is what was heard previously and many have put a lot of time effort and money into it and to have them be told that it can be moved somewhere else means that a lot of their work was all for naught. They are not going to just pick up and move to start all over again.

President Michael stated that the one comment made last time was about how it is a foot and half of soil that makes a difference, which has been made very nutritious and could be dug-up and moved. That is one thing that was brought up that she wanted to reiterate for Mr. Myers. Many people have talked about how much they enjoy the garden and they enjoy gardening, but there were also neighbors who explained how distracting and detracting the garden is. There are issues that have been brought up on both sides. Ms. Kowalczyk stated that some of the comments from people who garden are that there is engagement for people who are older and that this is their only activity. There was a letter received from a woman who said she goes there every single day to garden and interact with the other people at the garden. She also uses the garden to support herself because she is on a fixed income. Another gentleman said that he does not have a garden in his own yard and does not live close to the Community Garden, but he comes there because that is where he can garden. She is not sure if there are issues with picking up the soil and moving it to a different location or if there are other environmental factors that affect the success of the garden. But it is not just about simply lifting soil and moving it.

President Michael stated that there are several speakers who have asked to discuss this subject. She requested for only those who have new information that was not given last week to speak.

Dave Kessler - 6988 Eastview Dr.

Mr. Kessler introduced himself as a member of the Parks and Recreation Commission and stated that they worked pretty hard on this plan. He wanted to provide several pieces of information that were not provided at the previous meeting. First, he stated that there is not a compromise plan. When looking at the playground at McCord Park, almost half of that will be used to make a full size soccer field on the west side of the park. There is not going to be much of a playground. The way the lost play area for the kids is recovered is with the play trial. If you look at where the garden is now from the southern border of the garden to the large landscaping mound is maybe fifteen feet. If you take out the mound, that makes it close to thirty feet. That is not a PlayTrail. If the
garden is maintained, there will be no PlayTrail because there is not enough room. Furthermore, pushing the walking path right against the property line is really not what is done anywhere else. There is nowhere else where playground equipment is right up against a house, there is typically a sense of separation. He asked that it be kept in mind that the compromise plan eliminates the neighborhood playground, leaving only a little room for a couple of playground pieces and the rest will be gone. The neighbors will not be pleased with that.

Secondly, is a point regarding the garden as a design element. The City Council has never done anything with the garden; they have had nothing to do with it. When the previous Parks and Recreation director at the time had the idea to try a community garden and she came to him with the concept, he was supportive of the director’s ideas. She said that if it doesn’t work out, it will go back to the turf that it was previously. She wanted to avoid going to Council and the pushback that could potentially come from the neighbors. As a proof of concept, the Community Garden worked proving that there was interest and the Commission is very supportive of having a garden. But there is nothing magic about that specific location. Now they are designing the park for the next twenty plus years and have to take into account that the garden was not designed to go there. There should be a garden and the Parks and Recreation Commission’s recommendation was that this was our garden until whatever construction crew hired to build our park needs that piece of ground. That could be next year or it could be the year after, or never. He suggested that Council direct the commission to find another place for a garden, implement it immediately and allow gardeners who currently have plots, have plots for free in the new garden and allow them to begin doing their soil amendments. He grew beautiful tomatoes in the garden during year one when the soil was clay, people will be able to garden in an awesome place where we can put a little more thought into it.

Julie Weatherington-Rice, 298 W New England Ave.

Dr. Weatherington-Rice explained that looking at this from a forty thousand foot position and knowing how long she had been trying to get the garden started, she was under the impression that we had a garden now. To hear that we never really had one is really surprising. She was surprised when the decision was made 4-3 to end that location as the community gardens. So she made a request of the Director to find out who was on the commission, what their technical training was, and to get minutes from the April meeting. What she wanted to understand was how the vote split 4-3 and the backgrounds of the people who made those votes. She looked at the training of the people who are on the commission and one person is a landscape architect with a background in earth sciences and horticulture. Another person is city forester who would also have a background in earth sciences and horticulture. Interestingly, those two people and one other person voted to stay with the idea of the community gardens, voting against the 4-3 plan that came forward. So the plan that came forward was voted on by four members of the commission who from everything she can tell looking at their academic background and their career paths does not qualify them as experts in earth sciences and horticulture. Understanding what happens over eight years to a plot of ground requires a little bit of technical background and the people who had it didn’t vote to see it go away. She
admitted it is probably not a great location but that was done in 2010. There are some options, and she explained she did discuss what it would take to dig it up and move the soil. But, if you do move it, it needs to be started now, plots need to be put in now, and you need to start building new soils. She has no problem with grandfathered people and shrinking it over time. What needs to be thought about is the critical value provided to the community; Worthington has a very strong sustainable position going back to 1803. This is something that has been valued in the community for a long time and if you are going to continue it; it needs to be done in an organized manner. She agreed it is conceptual at this point, but you’ve got to conceptualize if you are going to agree to gardening. As you look at other spots, you need to make sure that you actually have access to that land. She urged Council not to make a rash decision because this is what the community is all about.

*President Michael* said that *Council* now needed to make a decision and staff has asked for a choice made from one of three plans. She asked for thoughts on the three options to figure out how to frame a resolution.

**Resolution No. 33-2018**


*Introduced by Mr. Robinson.*

**MOTION**

Mr. Foust made a motion to adopt Resolution No. 33-2018. The motion was seconded by Mr. Smith.

President Michael explained that the resolution needs to be amended by selecting one of the options. Mr. Greeson recommended that it should be done by amending section one by McCord Park by denoting option A, B, or C and should there be additional criteria listed such as the ones suggested by Mr. Robinson, those could be done as subsections under section one.

Mr. Smith inquired that if *Council* goes with option B; conceptually could we still maintain most if not all features of the PlayTrail. Mr. Kolwicz with POD Design explained that this is a difficult question to answer because it has not been detail designed yet. What they have found is that with the garden remaining exactly the way it is, it will mostly likely be bookended with a small neighborhood playground and a small playground that serves the greenspace. The impact of this option is a smaller greenspace for the programming right outside of the Community Center. In terms of the PlayTrail, they just won’t know until finding out what exactly is desired from a programming standpoint what could fit along that route. Mr. Smith followed-up by asking if it has been looked at to move north where the current parking lot is next to the soccer field. Mr. Kolwicz stated that nature based play approach would be in place no matter where it goes, however having it implemented in the elongated fashion is dependent on the garden. Mr. Smith asked if it would still be possible to incorporate most of the features that have been discussed throughout this process. Mr. Kolwicz said that the feedback
received from the neighbors indicated the desire to have a playground not just by the Community Center, but also near the neighborhood which had not previously been the case. After walking the property and seeing the full magnitude of the soccer field space and fencing off the baseball field, the commission felt that the constraints of that space would limit the ability to get the PlayTrail concept through that zone. President Michael asked depending on the space used by the Community Garden if that affects the number of the features of the PlayTrail we would be able to have. Mr. Kolwicz replied that something gives one way or another and they have been working to find what a happy medium is between having the various components. Mr. Myers stated that goes to the point he has been trying to make, at this stage of the planning process, we are establishing priorities, not plans. This resolution will set the priority of the Community Garden vis-à-vis the PlayTrail. We are setting the Community Garden at a higher priority than the playground. As far as this being forever or certain sizes or certain people, we are not there yet. In his experience it is always smaller than you anticipate and end up with less of what you want.

Ms. Dorothy asked if we keep the Community Garden, in addition to the PlayTrail one of the things we are shifting priorities is the open space and what is the purpose of the open space. Mr. Kolwicz replied that it is a combination of potential users, the first being programmed activities and two reservable shelters that provide adequate space for people to spill out into the lawn space. Mr. Robinson said that one of attractions of option C was the shelter house area was not reduced compared to Option A. Yes this is setting priorities, but we should avoid either-or thinking. It is not the gardens versus the playgrounds. If the garden is retained, it will require that the playground be slightly condensed, but the playground will still be there. There are specific drawings that show what the impact is and he believed most of the features could be retained along with the garden. Mr. Foust asked how much area is being allocated to a playground if the garden is retained in full. Mr. Mr. Kolwicz replied that he could not give a calculation of area like that. He stated the PlayTrail concept works best when there is room on either side of the trail to have play amenities along the route. Mr. Smith said that he does not see the need to intertwine the natural and manmade features, he agrees with Mr. Myers to make it all natural because that’s what works.

President Michael said that she is hearing that the direction of the conversation is moving more towards option C.

MOTION Ms. Dorothy moved and Ms. Kowalczyk seconded a motion to amend section one of Resolution 33-2018 by adopting Option C.

There being no additional comments, the motion to amend section one of Resolution 33-2018 by adopting Option C carried unanimously by a voice vote.

President Michael asked if anyone wanted to make any additional recommendations to amend section one. Mr. Foust explained that if Council finds a couple years out that they cannot build and optimal park is there willingness to gradually and thoughtfully grandfather those people who are currently using the 80% of the garden, and over time
develop alternate sites. He explained that he did not believe that 80% is still not a great long-term solution when trying to create an optimal park with appropriate play space for young children. President Michael stated she thought that staff could investigate more fully looking into other solutions for community gardening, so as the design process is going on, we can also be looking at options for more than one site. Ms. Kowalczyk said that she agreed with that statement but would also like to provide direction for gardeners who may not know what is happening. She stated her vote on Option C would not include a provision for a phase out. Mr. Robinson stated a future council can decide to eliminate the garden. He agreed with Ms. Kowalczyk that some certainty after this extensive public process would be desirable. He stated that he moves that point D of his option be added to the resolution, that the garden and its operation in this is location without diminishment or removal be retained until future formal action by City Council.

Mr. Myers stated that this motion contradicts the resolution, it says without diminishment or removal, but the resolution states that we are reducing the garden by 20%. Mr. Robinson stated that since we adopted option C, there is an addended condition that henceforth, the garden and its operations remain in this location. Mr. Greeson said from a process standpoint, Council will ultimately approve the final design. It will come back to council for additional action before the installation of the park facilities is procured. Mr. Hurley added that when the staff made the recommendation at the Commission meeting regarding Option C, the language used provided security to current gardeners but would not allow new ones in until they had gotten through a detailed design. The garden has had 74 gardeners over the eight years, so there has been quite a bit of turnover. He stated part of the recommendation was to begin planning with 80% of the garden and when the playground debate began it may then consider additional parts of the garden only if plots were vacated over time and alternate garden was established. It would provide some flexibility for the planning prospects, but would also provide security for the gardeners currently there who would not be removed involuntarily. Mr. Foust stated that if under the amendment as proposed by Mr. Robinson, the City would set a basement of 80% and box ourselves without knowing what the future looks like, he could not support that. Mr. Hurley said that was the spirit of letter E on the option that was in the Commission minutes. Mr. Robinson said that Mr. Hurley’s statements substantiate his belief that this addendum is a desirable thing. It sounds like not allowing new gardeners in will keep this issue alive going forward as the park design implementation unfolds. It is very likely that we will hear a year from now that we want to shrink the garden and we will have this debate again. A future Council can always override what is done here tonight and it does not box anyone into anything, it is simply making it more difficult to do so and requiring that it come to Council. It provides clarity and reduces the likelihood of ongoing dispute over the garden. Mr. Smith agreed that he sees this as a clarification for the designer to move forward to not go any less than 80% of the garden. That might encourage the designer to be a little more creative when incorporating some of these features.

**MOTION**

Mr. Robinson moved and Mr. Smith seconded a motion to amend section one of Resolution 33-2018 by adding 1-A that reads the garden and its operations remain in the McCord Park location.
without further diminishment or removal except for that set forth in this resolution unless or until further formal action by City Council.

There being no additional comments, the motion to amend section one of Resolution 33-2018 failed by a 4-3 voice vote with Councilmembers Kowalczyk, Robinson, and Smith voting for the motion.

There being no additional comments, the motion to adopt Resolution No. 33-2018 carried by a 6-1 voice vote with Councilmember Myers voting against the motion.

**Resolution No. 34-2018**

Adopting a Position Description for Part-time Firefighter-EMT Basic/Paramedic

**Introduced by Ms. Kowalczyk.**

**MOTION**

Ms. Dorothy made a motion to adopt Resolution No. 33-2018. The motion was seconded by Mr. Myers.

*Mr. Greeson stated that the City is in a process where they are hiring new part-time firefighters. They have recently promoted two existing part-time firefighters into full-time vacancies. It is customary after that is done to review job descriptions so that they reflect current desired job duties.*

There being no additional comments, the motion to adopt Resolution No. 34-2018 carried unanimously by a voice vote.

**Ordinance No. 26-2018**

Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The Griffin 105 Group, LLC)

**Introduced by Mr. Smith.**

**Ordinance No. 27-2018**

Accepting Sanitary Sewer Improvements Constructed in a Public Easement Located Adjacent to the Greenwich Street Right-of-Way in the Replat of Lots 81 and 82 of Morris’ Addition to the Town of Worthington.

**Introduced by Mr. Foust.**

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

**REPORTS OF CITY OFFICIALS**
Discussion Items(s)

Mr. Greeson stated that there was a rainy but successful Touch a Truck. LimeBike started their services in the City over the past weekend. He explained that Mr. Hurley’s staff in addition to successfully navigating through questions about community gardens; they have diligently helped children touch trucks and brought bicycle amenities to the community. He also thanked everyone for being a part of the swearing in ceremony for Chief Zambito earlier in the evening.

REPORT OF COUNCIL MEMBERS

Ms. Dorothy stated that she did have a cemetery committee meeting and they are fast making preparations for Memorial Day. She hoped that everyone would be in attendance for the parade and at the ceremony following the parade on Memorial Day. Also, there will be additional information about the Ozem Gardner property presentation in June.

Ms. Kowalczyk thanked staff, she has had a lot of comments about pedestrian safety and traffic issues and she understands that a Safety Committee has been put together to work through those issues. She looks forward to seeing what they come up with as a result.

ADJOURNMENT

MOTION

Mr. Myers made a motion, seconded by Mr. Foust, to adjourn.

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 10:08 p.m.

___________________________________

Clerk of Council

APPROVED by the City Council, this ______ day of May, 2018.

___________________________________

Council President
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 23, 2018
To: Matthew H. Greeson
From: R. Lee Brown
Subject: Ordinance Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The Griffin 105, LLC)

EXECUTIVE SUMMARY
This Ordinance subdivides, combines parcels, plats an access easement, dedicates public right-of-way and authorizes Variances to permit Lot #2 to be less than the required 1-acre minimum lot size and 200-feet of road frontage in the Restricted Light Industrial District (I-1 District) for 800 Proprietors Road.

RECOMMENDATION
Motion to Amend to attach and Updated Subdivider's Agreement (Exhibit B) and Approve as Amended

BACKGROUND/DESCRIPTION
Background & Request:
Worthington Foods was a manufacturing facility that occupied 8.75-acres at the northeast corner of Proprietors and E. Granville Roads. The property was sold in 2005 and the plant and most other buildings were demolished to allow for redevelopment of the site into 88,000 square feet of office condominiums. The northern building, which was a retail store that sold the Morningstar Farms products manufactured at the facility, was split from the larger parcel and has housed several businesses since that time. The southern 7.75 acres was comprised of many tax parcels, but viewed by the City as one lot as part of the 2005 subdivision. The tax parcels were never combined at the Franklin County offices. The land began to develop in 2005 with four office condominiums being constructed over the following four years, covering roughly 3-acres. For various reasons, a small piece of land (~0.34-acre) on the north side (comprised of 3 tax parcels) and the southern ~4.8 acres (comprised of 3 tax parcels) were never developed.

In January 2018, City Council approved rezoning the southern ~4.8-acre property as a Planned Unit Development (PUD) to allow for construction of the Kemper House, an
Alzheimer’s/Dementia/ Memory Care Facility. The PUD Final Plan and Architectural Review Board approval were given for the project at the April 12, 2018 meeting of the Municipal Planning Commission and Architectural Review Board.

This application for Subdivision approval would allow the sale of the Kemper House property and the northern 1/3 acre lot at the north end of the site to the developer, and require combination of tax parcels and dedication of right-of-way.

Project Details:
1. The Preliminary Plat information was represented as part of the PUD. Copies of the pertinent plans have been included with this application such as plans showing existing and proposed conditions, tree preservation, utilities, grading and landscaping.
2. Lot #1 would be 4.517-acres at the south end of the site. Dedication of 0.261-acre area that is currently in a highway easement as public right-of-way is proposed. No direct vehicular access is permitted along the south property line and around the curve. On the west side, a 4’ wide, 0.998-acre strip of land is being dedicated as public right-of-way to allow for construction of a multi-use path. Also dedicated on the plat would be an access easement to allow traffic to the railroad property to the east of the site.
3. Lot #2 would be 0.366-acre at the north end of the site. Dedication of 4’ of property (0.008-acre) is also proposed along the Proprietors Rd. frontage of this lot.
   a. Variances will be needed for minimum lot size and frontage for a parcels in the Restricted Light Industrial District (I-1 District).
   b. Properties in the I-1 District are required to have a minimum of 200-feet of road frontage and 1-acre minimum lot size.
4. The Final Plat has been approved by the Franklin County Engineer’s Map Room and City of Worthington’s Service & Engineering Department.

Land Use Plans:
Worthington Comprehensive Plan Update & 2005 Strategic Plan
An area plan focusing on the Proprietors/Huntley Road corridor should be developed that makes recommendations for repositioning it in the market place to make it attractive and competitive in the region. Issues such as building renovation, aesthetics, and possible road and infrastructure improvements should be addressed. In any case it is critical that the City protect the industrial corridor as an employment center. As long as the industrial corridor continues to be economically attractive to investment and production, it will continue to be a vital part of Worthington’s success.

Worthington Design Guidelines
New development sites generally are larger than existing sites and may involve one large or many smaller land parcels. These sites often have natural and man-made features that serve as enhancements to a development or that blend in with the existing built environment of the city. Natural features include watercourses, distinct topography, and mature trees. Man-made features include fences, stone walls, gardens and plantings, and historic buildings. Planning for the development of a site should include an inventory and evaluation of features, and the development should retain those that add scenic or historic value or that help integrate the new development into the existing cityscape.
Connecting new development with what has come before is an important consideration. In the past, new commercial development tended to extend the urban fabric, building at the edges of existing development. Most development after the mid-20th century, which had an automobile orientation, went to the edge of town and grew as separate shopping centers or individual buildings with little to connect them physically. In Worthington, new developments should build upon and extend the pedestrian scale and walkability of the city's commercial heart. Efforts to establish this connection can include multiple pathways to existing streets, following traditional grid street patterns in commercial developments, and extending amenities such as sidewalks, lawns and shade trees into new developments.

**Staff & Commission Recommendations:**

Staff is recommending approval, as the resultant parcel would accommodate the already approved development, and the dedication of additional public right-of-way would help meet the bike and pedestrian needs of the City.

Municipal Planning Commission reviewed and recommended approval to City Council at its meeting on May 10, 2018.

*The Architectural Review Board & Municipal Planning Commission meeting minutes for May 10, 2018 are not complete at the time of this report.*

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

N/A

**ATTACHMENTS**

- Final Plat – Exhibit A
- Subdivider’s Agreement – Exhibit B
- Application & Materials
ORDINANCE NO. 26-2018

Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The Griffin 105 Group, LLC)

WHEREAS, application has been made by David Hodge, Esq. on behalf of The Griffin 105 Group, LLC to subdivide a 8.75-acre tract of land located at 800 Proprietors Road; and,

WHEREAS, the request has received a complete and thorough review by the Municipal Planning Commission on May 10, 2018 and approval has been recommended by the Commission; and,

WHEREAS, Section 1107.01 of the Codified Ordinances provides that City Council may by Ordinance, permit variances from the standards established in the Planning and Zoning Code with regard to the approval of a Subdivision or Development Plan in order to afford justice and address practical difficulties to interested persons;

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

SECTION 1. That the Final Plat of the Kemper House of Worthington Subdivision, submitted by David Hodge, Esq. on behalf of The Griffin 105 Group, LLC as per Case No. SUB 02-18, Drawing No. SUB 02-18, dated April 25, 2018 attached hereto as Exhibit “A” be approved.

SECTION 2. That the City Manager is authorized to enter into a Subdivider’s Agreement with the Developer attached hereto as Exhibit “B”.

SECTION 3. That there be and hereby is granted variances from Section 1149.02 to permit Lot #2 to be less than the required 1-acre minimum lot size and the required 200-feet of road frontage in the Restricted Light Industrial District (I-1 District).

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
7.A. - Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
7.A. - Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is executed on this ___ day of ____________, 20__, by and between ________________________, an Ohio ________________ (the “Subdivider”) and the City of Worthington, Ohio, an Ohio municipal corporation (the “City”), pursuant to Chapter 1101 of the Codified Ordinances of the City of Worthington and the Final Subdivision Plat for the Kemper House of Worthington (the “Subdivision”).

NOW, THEREFORE, in consideration of the mutual promises contained herein and for other good and valuable consideration received by the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The proposed Subdivision and its ultimate use shall conform to the Subdivision Plat as approved by City Council and the requirements of law, including without limitation, the Planning and Zoning Code and the Building Code of the City of Worthington, except as may be otherwise authorized by proper authority.

2. No transfer of any lot, parcel or tract from said Subdivision shall be made, nor shall any construction work, including grading, be started which may affect the arrangement of streets or other public improvements until approval of the Final Plat is obtained by the Subdivider and the performance bond or irrevocable letter of credit acceptable to the City or certified check guaranteeing the completion of public improvements in accordance with Paragraph V of this Agreement is provided to the City.

3. The Subdivider shall pay the entire cost and shall construct, install or otherwise provide all public improvements necessary to serve the Subdivision as required by Title One – Subdivision Platting Regulations of the Codified Ordinances, in connection with the Subdivision, under the supervision of the City Engineer, including, at a minimum:

(a) Sanitary sewers, including manholes, services and all appurtenances.

(b) Water lines, fire hydrants, and all appurtenances necessary to serve the lots in the Subdivision including taps and curb boxes available to each lot.

(c) Construction of an 8-foot multi-use path along the Proprietors Road frontage. The multi-use path will be located in the public right-of-way for Proprietors Road. A section of the multi-use path that is located in front of the Bicentennial Oak is not to be constructed at this time. The property owner will be responsible for the construction of this section in the future if something happens to the Bicentennial Oak. The property owner is responsible for snow removal and maintenance.

(d) Monuments and stakes.

(e) Storm sewers, including manholes, inlets and all appurtenances, and drainage improvements.

(f) Landscaping and screening features, and street trees along Proprietors Road and East Granville Road (SR-161) that are located in the public right-of-way shall be maintained by the property owner.
4. Prior to beginning any construction work, detailed engineering drawings and specifications shall be furnished to the City by the Subdivider for all of the public improvements to be installed in the Subdivision.

5. The Subdivider shall, in accordance with Section 1101.15 of the Codified Ordinances, provide to the City a performance bond or irrevocable letter of credit acceptable to the City, or a certified check, in an amount equal to the estimated cost of constructing said improvements, guaranteeing the completion thereof within one year from the date of approval of this Subdivider’s Agreement, or such extension of time as may be granted by Council. Said performance bond or letter of credit acceptable to the City or certified check shall be released upon acceptance of the public improvements by the City and upon the furnishing by the Subdivider of an additional bond or letter of credit acceptable to the City, or a certified check, in an amount equal to ten percent (10%) of the estimated cost of construction, guaranteeing the maintenance of said improvement for a period of one (1) year from the date of acceptance. Said maintenance bond or letter of credit acceptable to the City or certified check shall be released upon satisfactory completion of the one (1) year maintenance period. The Subdivider shall be responsible for the maintenance and care of all subdivision improvements for a period of one (1) year after acceptance of said improvements by the City.

6. The Subdivider shall deposit with the Finance Director a sum of money as prescribed by the City Engineer to defray the cost of inspection, engineering services, and other expenses, as may be incurred by the City in connection with the inspection of the installation of said public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the Subdivider shall, immediately upon demand by the City, deposit such additional sums as are estimated to be necessary. Upon completion and acceptance of said improvements, any unexpended balance shall be refunded.

7. The City Engineer shall be notified, in writing, seven (7) days before any construction is begun on said improvements in order that inspection may be provided.

8. The Subdivider shall hold the City of Worthington, its officials, and employees free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said public improvements, and shall defend, at its own cost and expense, any suit or action brought against the City of Worthington, or its officials and employees, by reason thereof, until the public improvements have been accepted by the City Council and until the end of the one (1) year maintenance period.

9. The Subdivider or the contractor constructing the public improvements shall carry at least the following minimum amounts of insurance: General Public Liability Insurance, on an occurrence basis, in an amount not less than Five Hundred Thousand Dollars ($500,000) for injuries, including those resulting in death, to any one person, and an amount not less than One Million Dollars ($1,000,000) for damages on account of any one accident or occurrence; and Property Damage Insurance on an occurrence basis in an amount not less than Two Hundred Fifty Thousand Dollars ($250,000) for damages on account of any one accident or occurrence.

Said insurance shall be maintained in full force and effect during the construction of the Subdivision improvements and shall protect the City, its officials, employees, agents and representatives from claims for damages to property arising in any manner from the negligent or wrongful acts, errors or omissions of the Subdivider or the contractor, their employees, agents, or representatives in the construction of the Subdivision improvements. Certificates of insurance naming the City as an additional insured shall be obtained and filed with the City prior to commencement of construction of the Subdivision improvements. These certificates shall contain a provision that coverage afforded under the policies shall not be cancelled unless at least thirty (30) days prior actual written notice has been given to the City.

10. Any violation of, or noncompliance with, any of the provisions of this Agreement shall constitute a breach of contract and the City shall have the right to stop the work forthwith and hold the bonding company responsible for the completion of said improvements according to the approved plat and this Agreement, or to use the certified check, or the letter of credit for such purpose. The City shall notify the Subdivider, in writing, of any such
breaches, violations or noncompliance with any of the provisions or stipulations of this Agreement and shall provide a reasonable time for the Subdivider to remedy the breach, violation or noncompliance before the City shall have the right to stop work and hold the bonding company responsible for completion of said improvements.

11. The acceptance and approval of all required improvements be and hereby is conditioned upon the Subdivider or its authorized agent complying in full with Section 1101.16 of the Worthington Codified Ordinances unless the requirements as applicable to this Subdivision have been modified or deleted by action of Worthington City Council.

12. Upon approval and acceptance of the public improvements, reproducible as-built construction drawings of the public improvements shall become the property of the City of Worthington and shall be kept on file in the office of the City Engineer.

13. In consideration whereof, the City of Worthington hereby grants the Subdivider, or its duly authorized agent, the right and privilege to make the improvements provided for herein.

14. This Agreement shall inure to the benefit of and be binding on the heirs, executors, successors or assigns of the Subdivider.

15. This Agreement shall be recorded in the Office of the Franklin County Recorder at the expense of the Developer and shall become a public record of Franklin County, Ohio.

16. All representations, warranties, covenants and agreements of Subdivider contained herein or made in writing in connection herewith shall survive the execution and delivery of this Agreement.

IN WITNESS WHEREOF, the parties to this Agreement have caused it to be executed and subscribed by their duly authorized representatives as of the date first written above.

__________________________               CITY OF WORTHINGTON

By ___________________________               By ___________________________
Print Name ___________________________               Matthew H. Greeson, City Manager
Its ___________________________               ___________________________

Approved as to form:

__________________________               Tom Lindsey, Director of Law

City of Worthington

[Acknowledgements contained on the following page.]
STATE OF ________
COUNTY OF __________________

BE IT REMEMBERED, that on this ___ day of _______________, 20__, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by _______________________, the ______________________ of _______________ , an Ohio ______________________________, on behalf of the ______________.

______________________________
Notary Public

STATE OF OHIO
COUNTY OF FRANKLIN

BE IT REMEMBERED, that on this ___ day of _______________, 20__, the foregoing instrument was acknowledged before me, a Notary Public in and for the jurisdiction aforesaid, by Matthew H. Greeson, the City Manager of the City of Worthington, an Ohio municipal corporation, on behalf of the City.

______________________________
Notary Public

This document prepared by:
Tom Lindsey
City of Worthington Department of Law
374 Highland Avenue
Worthington, Ohio  43085
(614) 431-2424
7.A. Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
### Abutting Property Owners List for 800 Proprietors Rd.

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
<th>City, State, Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Step by Step Academy</td>
<td>445 E. Granville Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Worthington Seventh Day Adven</td>
<td>5615 Lynx Dr.</td>
<td>Westerville, OH 43081-5242</td>
</tr>
<tr>
<td>WFP Properties LLC</td>
<td>874 Proprietors Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>BCR Worthington LLC</td>
<td>5763 Rushwood Dr.</td>
<td>Dublin, OH 43017</td>
</tr>
<tr>
<td>Harding Heritage Foundation</td>
<td>430 E. Granville Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Simsbury Investments LLC</td>
<td>110 Polaris Parkway</td>
<td>Westerville, OH 43082</td>
</tr>
<tr>
<td>Ohio Railway Museum, Inc.</td>
<td>990 Proprietors Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Universal Builders of America Inc.</td>
<td>966 Proprietors Rd.</td>
<td>Worthington, OH 43085</td>
</tr>
<tr>
<td>Baker Rentals</td>
<td>3319 E. Livingston Ave.</td>
<td>Columbus, OH 43227-1923</td>
</tr>
<tr>
<td>Apogee Property Management Ltd.</td>
<td>5820 Sunbury Rd.</td>
<td>Columbus, OH 43230-1152</td>
</tr>
<tr>
<td>GVS Ohio Holdings II LLC</td>
<td>c/o World Class Capital, 401 Congress Ave, 33rd Floor</td>
<td>Austin, TX 78701</td>
</tr>
<tr>
<td>Silcott Railway Equipment Ltd.</td>
<td>P.O. Box 206</td>
<td>Worthington, OH 43085-0206</td>
</tr>
<tr>
<td>Norfolk Southern Railway</td>
<td>Tax Department</td>
<td>Norfolk, VA 23510</td>
</tr>
<tr>
<td>Eugene L Matan Estate</td>
<td>c/o Kim L. Arnett Exec. PO Box 787</td>
<td>Logan, OH 43138-0787</td>
</tr>
</tbody>
</table>
Kemper House of Worthington

Preliminary and Final Plat

Supporting Statement

Worthington Foods was a manufacturing facility that occupied 8.75 acres at the northeast corner of Proprietors Road and Dublin-Granville Road. The property was sold in 2005 and the plant and most other buildings were demolished to allow for redevelopment of the site into 88,000 square feet of office condominiums. The northern building, which was a retail store that sold the Morningstar Farms products manufactured at the facility, was split from the larger parcel and has housed several businesses since that time. The southern 7.75 acres began to develop in 2005 with four (4) office condominiums being constructed over the following four (4) years, covering roughly three (3) acres.

For various reasons, the subject property never developed and consists of three (3) parcels generally located at the northeast corner of Proprietors Road and Dublin-Granville Road – 4.841 acres, and three (3) noncontiguous parcels located to the north along the east side of Proprietors Road – 0.374 acres.

In January Worthington City Council approved rezoning the southern 4.841 acres from the I-1, Restricted Industrial District to the PUD, Planned Unit Development District to allow for construction of the Kemper House, an Alzheimer’s / Dementia Memory Care Facility. Since the rezoning approval this property has also received PUD Final Plan and Architectural Review Board approval for the project.

Worthington Municipal Code Section 1101.02 provides, “[a]ll of the requirements set forth in these Subdivision Regulations shall apply to the division or combination of any parcel of land by an instrument of conveyance. No parcel of land, lot, tract or part thereof shall be divided, subdivided, combined, conveyed or transferred unless the same is in compliance with such requirements.” Several issues arose through the zoning entitlement phase of this development, warranting that the property be platted:

- Additional right-of-way is sought by the City of Worthington to accommodate future road improvement and/or a shared use path along the Proprietors Road frontage. This plat dedicates the specified frontage to the City of Worthington in fee.

- The present owner of the property owns to the centerline of Dublin-Granville Road, this will dedicate that road frontage to the City of Worthington in fee.

- As provided above, the property presently consists of six (6) separate tax parcels, this will accommodate the combination of the parcels into two (2) separate parcels. The southern parcel will consist of 4.517 acres after property is dedicated to Worthington, and the northern parcel will consist of 0.366 acres after property is dedicated to Worthington.

- The southern parcel has been encumbered with an access easement benefitting the Norfolk Southern railroad and the Railway Museum. This plat accurately reflects the vacation / termination of that easement and its relocation to the north side of the property.

The Applicant respectfully requests review and approval of this Preliminary and Final Plat request, necessary to allow the project to proceed as approved.
800 Proprietors Rd.
7.A. Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
7.A. - Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
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7.A - Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
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7.A. Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
7.A. Approving the Final Plat for the Kemper House of Worthington and Authorizing Variances (The...
Date:      May 17, 2018
To:        Matthew H. Greeson
From:      Dan Whited, Director of Service & Engineering
Subject:   Ordinance No. 27-2018 - Acceptance of Greenwich Street Sanitary Sewer

EXECUTIVE SUMMARY
This Ordinance accepts the new sanitary sewer constructed by Bob Webb Lewis Center, LLC along Greenwich Street to serve the new homes at lots 81 and 82.

RECOMMENDATION
Approve as Presented

BACKGROUND/DESCRIPTION
Bob Webb Lewis Center, LLC has completed construction of the new sanitary sewer along Greenwich Street servicing the parcels of the Replat of Lots 81 and 82 of Morris’ Addition. The sewer was inspected by the Department of Service and Engineering during construction, was completed in accordance with the approved plans and specifications, and has passed the required tests for leakage and deflection. The developer has also complied with all provisions of the “Agreement to Install Utilities” entered into with the City.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
The City will assume maintenance responsibility for the sewer line as it has for the other City sewer lines. The developer will guarantee the workmanship and materials for a one-year maintenance period.

ATTACHMENTS
Ordinance No. 27-2018
ORDINANCE NO. 27-2018

Accepting Sanitary Sewer Improvements Constructed in a Public Easement Located Adjacent to the Greenwich Street Right-of-Way in the Replat of Lots 81 and 82 of Morris’ Addition to the Town of Worthington.

WHEREAS, the public sanitary sewer improvements constructed in a public easement located adjacent to the Greenwich Street right-of-way in the Replat of Lots 81 and 82 of Morris’ Addition to the Town of Worthington are substantially complete, and;

WHEREAS, the City staff has recommended acceptance of the public sanitary sewer improvements constructed in a public easement located adjacent to the Greenwich Street right-of-way in the Replat of Lots 81 and 82 of Morris’ Addition to the Town of Worthington;

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

SECTION 1. That the sanitary sewer line is hereby accepted as a public improvement subject to the receipt of a letter from the developer guaranteeing the workmanship and materials for a one-year maintenance period beginning the effective date of this ordinance as established in the Agreement to Install Utilities.

SECTION 2. That notice of passage of this Ordinance shall be by publication of a notice, one time, in a newspaper of general circulation in the City setting 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, and that this Ordinance shall take effect and be in force from and after earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ______________

____________________________________
President of Council

Attest:

________________________________
Clerk of Council
RESOLUTION NO. 35-2018

To Withdraw the Previously Filed Objection to the Renewal
of the Liquor Permits for C & B Machinery Inc. DBA
Monkeys Bar & Grill located at 6116 Huntley Road

WHEREAS, on December 11, 2017 Council passed Resolution No. 79-2017
objecting to the renewal of the liquor permits for C & B Machinery Inc. dba Monkeys Bar &
Grill located at 6116 Huntley Road pursuant to Ohio Revised Code Section 4303.271(B); and

WHEREAS, the Monkeys Bar & Grill was closed on or about May 7, 2018 in
accordance with a settlement agreement with C & B Machinery Inc. and its sole shareholder
Marlen Silva; and

WHEREAS, the settlement agreement requires the business to remain closed and
the liquor permits to remain in safekeeping until the Ohio Division of Liquor Control
approves a transfer of ownership of the liquor permits; and

WHEREAS, the City retains the right to object to the transfer of ownership and/or
location of the liquor permits should the location be within the City of Worthington; and

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

SECTION 1. That City Council hereby withdraws the previously filed objection to
the renewal of the liquor permits for C & B Machinery Inc. dba Monkeys Bar & Grill
located at 6116 Huntley Road.

SECTION 2. That the Law Director is hereby directed to file this resolution with the
Ohio Division of Liquor.

SECTION 3. 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 – June 4, 2018

Date: May 31, 2018
To: Matthew H. Greeson
From: Tom Lindsey, Law Director
Subject: Resolution No. 35-2018 - Withdrawal of Objection - Monkeys Bar Liquor Permit

EXECUTIVE SUMMARY
This Resolution withdraws the objection to the renewal of the liquor permits for C & B Machinery Inc. dba Monkeys Bar & Grill located at 6116 Huntley Road.

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION
On December 11, 2017 Council passed Resolution No. 79-2017 objecting to the renewal of the liquor permits for C & B Machinery Inc. dba Monkeys Bar & Grill located at 6116 Huntley Road pursuant to Ohio Revised Code Section 4303.271(B).

The Monkeys Bar & Grill was closed on or about May 7, 2018 in accordance with a settlement agreement with C & B Machinery Inc. and its sole shareholder Marlen Silva. The agreement requires the business to remain closed and the liquor permits to remain in safekeeping until the Ohio Division of Liquor Control approves a transfer of ownership of the liquor permits. The City retains the right to object to the transfer of ownership and/or location of the liquor permits should the location be within the City of Worthington.

The proposed resolution will allow the Ohio Division of Liquor Control to officially close the objection hearing.

ATTACHMENTS
Resolution No. 35-2018
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 25, 2018

To: Matthew H. Greeson

From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 28-2018 Appropriation - Law Enforcement Trust Fund

EXECUTIVE SUMMARY
This Ordinance appropriates $16,000 from the Law Enforcement Trust Fund to obtain services that will result in a comprehensive update to the Police Department’s internal policy and procedures manual.

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION
The Chief of Police has requested an additional appropriation from the Law Enforcement Trust Fund to obtain additional services from Lexipol, a vendor that specializes in the management, updating and training of police policies and procedure manuals. This appropriation would fund supplemental publication services which will allow the Police Department to create daily training bulletins and will allow direct links to department specific procedural manuals. Additionally, Lexipol will provide standard policy cross-reference services to identify if there are any deficiencies in the existing police policies.

FINANCIAL IMPLICATIONS/FUNDING SOURCES
The City's Law Enforcement Trust Fund is a special revenue fund created as required under Ohio law to receive proceeds from the sale of confiscated/forfeited property. Funds can only be expended from this fund for law enforcement purposes as determined by the Chief of Police.

ATTACHMENTS
Ordinance No. 28-2018
ORDINANCE NO. 28-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Law Enforcement Trust 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 Law Enforcement Trust Fund unappropriated balance to:

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>214.1414.512216</td>
<td>Training – Law Enforcement Trust</td>
<td>$16,000.00</td>
</tr>
</tbody>
</table>

Total All Funds $16,000.00

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

Passed ________________________

________________________________________
President of Council

Attest:

________________________________________
Clerk of Council

____________________
Introduced P.H

____________________
Effective
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 25, 2018
To: Matthew H. Greeson, City Manager
From: Scott F. Bartter, Finance Director
Subject: Ordinance No. 29-2018 - Authorizing the Issuance of Bond Anticipation
Notes for Sanitary Sewer Improvements

EXECUTIVE SUMMARY
This Ordinance authorizes the issuance of notes not to exceed $660,000 for costs associated with
the Northbrook Relief Sewer, Kenyonbrook Trunk Sewer Improvements and the Hardy Way
Sewer Relocation project.

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND
With the December 4, 2017 passage of Resolution No. 72-2017, the Worthington City Council
adopted the 2018-2022 Capital Improvement Program (CIP). The CIP as adopted proposed the
issuance of approximately $13,385,000 in debt over the entirety of the five-year program. The
Ordinance is one of four ordinances before City Council authorizing the issuance of bond
anticipation notes in an amount not to exceed $4,460,000 to finance various capital improvement
projects as outlined in the adopted CIP. The use of bond anticipation notes provides the City the
flexibility to roll these notes into a larger bond issuance in 2019, therefore saving the City from
full bond issuance costs in both 2018 and 2019.

This Ordinance authorizes the issuance of notes not to exceed $660,000 for costs associated with
the Northbrook Relief Sewer, Kenyonbrook Trunk Sewer Improvements, and the Hardy Way
Sewer Relocation projects (Projects #656-17 and #675-18).

FINANCIAL IMPLICATIONS/FUNDING SOURCES
Repayment of this debt will occur from the General Bond Retirement Fund. Revenue from the
General Bond Retirement Fund is received primarily from a transfer from the Capital
Improvement Fund, but additionally receives .17 mills of property tax (from the 5 mills assessed
by the City) that amounts to approximately $110,000 annually.
ATTACHMENTS
Ordinance No. 29-2018
Certificate of Estimated Life
CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Worthington, Ohio

The undersigned Finance Director of the City of Worthington, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:
   Designing, engineering, constructing and reconstructing various sewer improvements, with related site improvements and all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 40 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: June 4th, 2018

Scott F. Bartter
Finance Director
City of Worthington, Ohio
ORDINANCE NO. 29-2018

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED $660,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS SEWER IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND ALL NECESSARY APPURTENANCES THERETO; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTES

WHEREAS, the Finance Director (the "Finance Director") of the City has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 40 years and notes being 20 years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF WORTHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed $660,000, for the purpose of paying the cost of the Project.

Section 2. Term of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 40 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Various Purpose Notes Issue. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Worthington, Ohio Various Purpose Notes, Series 2018," or as otherwise determined by the Finance Director.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed
$660,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Finance Director and certified to this Council and shall mature on such date as shall be determined by the Finance Director and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in such denominations as shall be determined by the Finance Director. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth and determining such terms and other matters pertaining to the Notes, their issuance, sale or delivery, including without limitation the aggregate principal amount of the Notes to be issued, the dated date of the Notes, the maturity date of the Notes, the purchase price of the Notes, the specified interest rate of the Notes, authorized denominations of the Notes, the Original Purchaser of the Notes (as defined herein), and shall include such additional information as is required by and consistent with the terms of this ordinance.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the City's charter millage limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall
be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed 4.50% per annum. The Finance Director is authorized and directed to cause the Notes to be sold on a competitive or negotiated basis. In the event that the Notes are sold on a competitive basis, a notice of sale (or similar document) shall be published or released in the form and manner as shall be approved by the Finance Director. In accordance with the terms of such document, the Notes may be awarded and sold to such purchaser or purchasers as shall offer, in the opinion of the Finance Director, the best rate of interest on the Notes, as the Finance Director shall designate in the Certificate of Fiscal Officer.

In the event that the Notes are sold on a negotiated basis, the Notes shall be sold to such purchaser or purchasers as the Finance Director shall designate in the Certificate of Fiscal Officer.

The Finance Director is authorized and directed to execute on behalf of the City a note purchase agreement, term sheet or similar document with the purchaser or purchasers of the Notes (the "Original Purchaser") setting forth the conditions under which the Notes are to be sold and delivered, which documents shall be in such form and shall contain such terms, covenants and conditions not inconsistent with the terms of this Ordinance and permitted by applicable law as shall be approved by the Finance Director.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. The accrued interest received from such sale shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the City's Bond Retirement Fund, in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Finance Director and the City Manager, provided that any and all of such signatures may be a facsimile, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The
principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes (the "Note Registrar"), or to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Note Registrar for the Notes. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.
A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book-Entry System. In the event that the Notes are issued to a Depository (as defined below) for use in a book-entry system, the following terms shall have the following meanings for purposes of this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of securities, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be
registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council. Debt service charges on Notes in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar shall furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Finance Director and City Manager, City Clerk or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Note Registrar and a Depository to be delivered in connection with the issuance of the Notes to such Depository for use in a book-entry system.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Note certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the Depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of
printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

**Section 12. Income Tax Pledge.** The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Notes and the Bonds in each year until full payment is made.

**Section 13. Federal Tax Law Compliance.** The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Finance Director, or any other officer of the City, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Finance Director, which action shall be in writing and signed by the Finance Director, or any other officer of the City, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate
arbitrage profits to the United States Department of the Treasury. The Finance Director of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The City Manager and Finance Director are hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Ohio Market Access Program. If determined necessary by the Finance Director, the City is hereby authorized to participate in the Ohio Market Access Program ("OMAP") with respect to the Notes. The Standby Note Purchase Agreement for OMAP is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the officers of the City executing that Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate equal to the AAA Municipal Market Data rate plus 400 basis points, maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes within the ten-mill limitation imposed by law on all property subject to ad valorem
taxes levied by the City, and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Code to the same extent that interest on the Notes is so excluded.

Section 16. Appointment of Bond Counsel. The appointment of the law firm of Bricker & Eckler LLP to serve as Bond Counsel with respect to the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval by the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Bonds.

Section 17. Appointment of Municipal Advisor. The appointment of H.J. Umbaugh & Associates, Certified Public Accountants, LLP to serve as a municipal advisor to the City in connection with the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 19. Satisfaction of Conditions for Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 20. Filing of Note Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Auditor of Franklin County, Ohio.

Section 21. Publication and Effective Date. 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 ________________
Attest:

President of Council

Introduced
P.H

Effective

Clerk of Council

Approved as to form:

Law Director
CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _________ duly adopted by the City Council of the City of Worthington, Ohio on June 18, 2018, and that a true copy thereof was certified to the County Auditor of Franklin County, Ohio.

______________________________
Clerk of Council
City of Worthington, Ohio
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 30, 2018

To: Matthew H. Greeson

From: Scott Bartter, Finance Director

Subject: Ordinance No. 30-2018 - Bond Anticipation Notes - Energy Conservation Measures

EXECUTIVE SUMMARY
This Ordinance authorizes the issuance of notes not to exceed $1,735,000 for Phase 1 of the Energy Conservation Measures project.

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION
With the December 4, 2017 passage of Resolution No. 72-2017, the Worthington City Council adopted the 2018-2022 Capital Improvement Program (CIP). The CIP as adopted proposed the issuance of approximately $13,385,000 in debt over the entirety of the five-year program. The Ordinance is one of four ordinances before City Council authorizing the issuance of bond anticipation notes in an amount not to exceed $4,460,000 to finance various capital improvement projects as outlined in the adopted CIP. The use of bond anticipation notes provides the City the flexibility to roll these notes into a larger bond issuance in 2019, therefore saving the City from full bond issuance costs in both 2018 and 2019.

This Ordinance authorizes the issuance of notes not to exceed $1,735,000 for Phase 1 of the Energy Conservation Measures project (Project #677-18). The total cost for this project is $2,076,759, however, a portion will be funded using cash and therefore is not included in the note issuance.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
Repayment of this debt will occur from the General Bond Retirement Fund. Revenue from the General Bond Retirement Fund is received primarily from a transfer from the Capital Improvement Fund, but additionally receives .17 mills of property tax (from the 5 mills assessed by the City) that amounts to approximately $110,000 annually.
ATTACHMENTS
Ordinance No. 30-2018
Certificate of Estimated Life
CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Worthington, Ohio

The undersigned Finance Director of the City of Worthington, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

   Purchasing and installing energy conservation measures for the Community Center and Griswold Center

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 15 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: June 4th, 2018

Scott F. Bartter
Finance Director
City of Worthington, Ohio
ORDINANCE NO. 30-2018

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED $1,735,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PURCHASING AND INSTALLING ENERGY CONSERVATION MEASURES FOR THE COMMUNITY CENTER; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTES

WHEREAS, the Finance Director (the "Finance Director") of the City has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 15 years and notes being 20 years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF WORTHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed $1,735,000, for the purpose of paying the cost of the Project.

Section 2. Term of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 15 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Various Purpose Notes Issue. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Worthington, Ohio Various Purpose Notes, Series 2018," or as otherwise determined by the Finance Director.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed $1,735,000, which sum does not exceed the amount of the Bonds. The Notes shall be
dated the date established by the Finance Director and certified to this Council and shall mature on such date as shall be determined by the Finance Director and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in such denominations as shall be determined by the Finance Director. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth and determining such terms and other matters pertaining to the Notes, their issuance, sale or delivery, including without limitation the aggregate principal amount of the Notes to be issued, the dated date of the Notes, the maturity date of the Notes, the purchase price of the Notes, the specified interest rate of the Notes, authorized denominations of the Notes, the Original Purchaser of the Notes (as defined herein), and shall include such additional information as is required by and consistent with the terms of this ordinance.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the City's charter millage limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall
be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed 4.50% per annum. The Finance Director is authorized and directed to cause the Notes to be sold on a competitive or negotiated basis. In the event that the Notes are sold on a competitive basis, a notice of sale (or similar document) shall be published or released in the form and manner as shall be approved by the Finance Director. In accordance with the terms of such document, the Notes may be awarded and sold to such purchaser or purchasers as shall offer, in the opinion of the Finance Director, the best rate of interest on the Notes, as the Finance Director shall designate in the Certificate of Fiscal Officer.

In the event that the Notes are sold on a negotiated basis, the Notes shall be sold to such purchaser or purchasers as the Finance Director shall designate in the Certificate of Fiscal Officer.

The Finance Director is authorized and directed to execute on behalf of the City a note purchase agreement, term sheet or similar document with the purchaser or purchasers of the Notes (the "Original Purchaser") setting forth the conditions under which the Notes are to be sold and delivered, which documents shall be in such form and shall contain such terms, covenants and conditions not inconsistent with the terms of this Ordinance and permitted by applicable law as shall be approved by the Finance Director.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. The accrued interest received from such sale shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the City's Bond Retirement Fund, in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Finance Director and the City Manager, provided that any and all of such signatures may be a facsimile, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The
principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes (the "Note Registrar"), or to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Note Registrar for the Notes. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.
A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book-Entry System. In the event that the Notes are issued to a Depository (as defined below) for use in a book-entry system, the following terms shall have the following meanings for purposes of this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of securities, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be
registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council. Debt service charges on Notes in book-entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Notes as provided in this Ordinance.

The Note Registrar may, with the approval of this Council, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and this Council. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar shall furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Finance Director and City Manager, City Clerk or any other officer of this Council, is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, an agreement among the City, the Note Registrar and a Depository to be delivered in connection with the issuance of the Notes to such Depository for use in a book-entry system.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Note certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the Depository for the Notes for use in a book-entry system, the City and the Note Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver note certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of
printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Income Tax Pledge. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Notes and the Bonds in each year until full payment is made.

Section 13. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Finance Director, or any other officer of the City, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Finance Director, which action shall be in writing and signed by the Finance Director, or any other officer of the City, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate
Section 14. Transcript of Proceedings; Execution of Additional Documents.
The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The City Manager and Finance Director are hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Ohio Market Access Program. If determined necessary by the Finance Director, the City is hereby authorized to participate in the Ohio Market Access Program ("OMAP") with respect to the Notes. The Standby Note Purchase Agreement for OMAP is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the officers of the City executing that Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate equal to the AAA Municipal Market Data rate plus 400 basis points, maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes within the ten-mill limitation imposed by law on all property subject to ad valorem
taxes levied by the City, and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Code to the same extent that interest on the Notes is so excluded.

Section 16. Appointment of Bond Counsel. The appointment of the law firm of Bricker & Eckler LLP to serve as Bond Counsel with respect to the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval by the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Bonds.

Section 17. Appointment of Municipal Advisor. The appointment of H.J. Umbaugh & Associates, Certified Public Accountants, LLP to serve as a municipal advisor to the City in connection with the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 19. Satisfaction of Conditions for Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 20. Filing of Note Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Auditor of Franklin County, Ohio.

Section 21. Publication and Effective Date. 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

Approved as to form:

__________________________
Law Director
CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _________ duly adopted by the City Council of the City of Worthington, Ohio on June 18th, 2018, and that a true copy thereof was certified to the County Auditor of Franklin County, Ohio.

______________________________
Clerk of Council
City of Worthington, Ohio
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 30, 2018
To: Matthew H. Greeson
From: Scott Bartter, Finance Director
Subject: Ordinance No. 31-2018 - Bond Anticipation Notes - Roof Improvements

EXECUTIVE SUMMARY
This Ordinance authorizes the issuance of notes not to exceed $1,065,000 for the roof replacement projects for both the Community Center South End and the Fire Station.

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION
With the December 4, 2017 passage of Resolution No. 72-2017, the Worthington City Council adopted the 2018-2022 Capital Improvement Program (CIP). The CIP as adopted proposed the issuance of approximately $13,385,000 in debt over the entirety of the five-year program. The Ordinance is one of four ordinances before City Council authorizing the issuance of bond anticipation notes in an amount not to exceed $4,460,000 to finance various capital improvement projects as outlined in the adopted CIP. The use of bond anticipation notes provides the City the flexibility to roll these notes into a larger bond issuance in 2019, therefore saving the City from full bond issuance costs in both 2018 and 2019.

This Ordinance authorizes the issuance of notes not to exceed $1,065,000 for the roof replacement projects for both the Community Center South End and the Fire Station (Projects #648-17 and #650-17). The Community Center roof project is underway with a cost of $731,900. The Fire Station roof replacement project is expected to commence later in the summer at an estimated cost of $330,400.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
Repayment of this debt will occur from the General Bond Retirement Fund. Revenue from the General Bond Retirement Fund is received primarily from a transfer from the Capital...
Improvement Fund, but additionally receives .17 mills of property tax (from the 5 mills assessed by the City) that amounts to approximately $110,000 annually.

ATTACHMENTS
Ordinance No. 31-2018
Certificate of Estimated Life
CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the
City of Worthington, Ohio

The undersigned Finance Director of the City of Worthington, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:
   Replacing or improving the roofs of the Fire Station and the Community Center, and all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 20 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: June 4th, 2018

Scott F. Battez
Finance Director
City of Worthington, Ohio
ORDINANCE NO. 31-2018

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED $1,065,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF REPLACING OR IMPROVING THE ROOFS OF THE FIRE STATION AND THE COMMUNITY CENTER, AND ALL NECESSARY APPURTENANCES THERETO; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTES

WHEREAS, the Finance Director (the "Finance Director") of the City has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 20 years and notes being 20 years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF WORTHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed $1,065,000, for the purpose of paying the cost of the Project.

Section 2. Term of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 20 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Various Purpose Notes Issue. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Worthington, Ohio Various Purpose Notes, Series 2018," or as otherwise determined by the Finance Director.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed
$1,065,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the Finance Director and certified to this Council and shall mature on such date as shall be determined by the Finance Director and certified to this Council, provided that such date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as fully registered notes in such denominations as shall be determined by the Finance Director. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth and determining such terms and other matters pertaining to the Notes, their issuance, sale or delivery, including without limitation the aggregate principal amount of the Notes to be issued, the dated date of the Notes, the maturity date of the Notes, the purchase price of the Notes, the specified interest rate of the Notes, authorized denominations of the Notes, the Original Purchaser of the Notes (as defined herein), and shall include such additional information as is required by and consistent with the terms of this ordinance.

Section 6. General Obligation Pledge. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity and are hereby pledged for such purpose.

Section 7. Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the City's charter millage limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount not less than that which would have been levied if the Bonds had been issued without the prior issuance of the Notes, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Notes as and when the same falls due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payments of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall
be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

**Section 8. Sale of Notes.** The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed 4.50% per annum. The Finance Director is authorized and directed to cause the Notes to be sold on a competitive or negotiated basis. In the event that the Notes are sold on a competitive basis, a notice of sale (or similar document) shall be published or released in the form and manner as shall be approved by the Finance Director. In accordance with the terms of such document, the Notes may be awarded and sold to such purchaser or purchasers as shall offer, in the opinion of the Finance Director, the best rate of interest on the Notes, as the Finance Director shall designate in the Certificate of Fiscal Officer.

In the event that the Notes are sold on a negotiated basis, the Notes shall be sold to such purchaser or purchasers as the Finance Director shall designate in the Certificate of Fiscal Officer.

The Finance Director is authorized and directed to execute on behalf of the City a note purchase agreement, term sheet or similar document with the purchaser or purchasers of the Notes (the "Original Purchaser") setting forth the conditions under which the Notes are to be sold and delivered, which documents shall be in such form and shall contain such terms, covenants and conditions not inconsistent with the terms of this Ordinance and permitted by applicable law as shall be approved by the Finance Director.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. The accrued interest received from such sale shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the City's Bond Retirement Fund, in the manner provided by law.

**Section 9. Form and Execution of Notes; Payment of Notes.** The Notes shall be executed by the Finance Director and the City Manager, provided that any and all of such signatures may be a facsimile, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The
principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes (the "Note Registrar"), or to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Note Registrar for the Notes. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.
A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book-Entry System. In the event that the Notes are issued to a Depository (as defined below) for use in a book-entry system, the following terms shall have the following meanings for purposes of this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of securities, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be
registered in the name of the Depository or its nominee, as registered owner, and
immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry
form shall have no right to receive Notes in the form of physical securities or certificates;
(iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by
book-entry on the system maintained and operated by the Depository, and transfers of the
ownership of beneficial interests shall be made only by the Depository and by book-entry;
and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to
another Depository or to another nominee of a Depository, without further action by the
Council. Debt service charges on Notes in book-entry form registered in the name of a
Depository or its nominee shall be payable in same day funds delivered to the Depository
or its authorized representative (i) in the case of interest, on each Interest Payment Date,
and (ii) in all other cases, upon presentation and surrender of Notes as provided in this
Ordinance.

The Note Registrar may, with the approval of this Council, enter into an
agreement with the beneficial owner or registered owner of any Note in the custody of a
Depository providing for making all payments to that owner of principal and interest on
that Note or any portion thereof (other than any payment of the entire unpaid principal
amount thereof) at a place and in a manner (including wire transfer of federal funds) other
than as provided above in this Ordinance, without prior presentation or surrender of the
Note, upon any conditions which shall be satisfactory to the Note Registrar and this
Council. That payment in any event shall be made to the person who is the registered
owner of that Note on the date that principal is due, or, with respect to the payment of
interest, as of the applicable date agreed upon as the case may be. The Note Registrar
shall furnish a copy of each of those agreements, certified to be correct by the Note
Registrar, to other paying agents for Notes and to the City. Any payment of principal or
interest pursuant to such an agreement shall constitute payment thereof pursuant to, and
for all purposes of, this Ordinance.

If requested, the Finance Director and City Manager, City Clerk or any other officer
of this Council, is authorized and directed to execute, acknowledge and deliver, in the name
of and on behalf of the City, an agreement among the City, the Note Registrar and a
Depository to be delivered in connection with the issuance of the Notes to such Depository
for use in a book-entry system.

The City may decide to discontinue use of the book-entry system through the
Depository. In that event, Note certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the Depository for the Notes
for use in a book-entry system, the City and the Note Registrar may attempt to establish a
securities depository/book-entry relationship with another qualified Depository under this
Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and
the Note Registrar, after the Note Registrar has made provision for notification of the
beneficial owners by the then Depository, shall permit withdrawal of the Notes from the
Depository and authenticate and deliver note certificates in fully registered form to the
assigns of the Depository or its nominee, all at the cost and expense (including costs of
printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Income Tax Pledge. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Notes and the Bonds in each year until full payment is made.

Section 13. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Finance Director, or any other officer of the City, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Finance Director, which action shall be in writing and signed by the Finance Director, or any other officer of the City, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate
arbitrage profits to the United States Department of the Treasury. The Finance Director of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The City Manager and Finance Director are hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Ohio Market Access Program. If determined necessary by the Finance Director, the City is hereby by authorized to participate in the Ohio Market Access Program ("OMAP") with the respect to the Notes. The Standby Note Purchase Agreement for OMAP is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the officers of the City executing that Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate equal to the AAA Municipal Market Data rate plus 400 basis points, maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes within the ten-mill limitation imposed by law on all property subject to ad valorem
taxes levied by the City, and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Code to the same extent that interest on the Notes is so excluded.

Section 16. Appointment of Bond Counsel. The appointment of the law firm of Bricker & Eckler LLP to serve as Bond Counsel with respect to the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval by the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Bonds.

Section 17. Appointment of Municipal Advisor. The appointment of H.J. Umbaugh & Associates, Certified Public Accountants, LLP to serve as a municipal advisor to the City in connection with the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 19. Satisfaction of Conditions for Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 20. Filing of Note Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Auditor of Franklin County, Ohio.

Section 21. Publication and Effective Date. 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 _____________
8.E. - Bond Anticipation Notes - Roof Improvements

President of Council

Attest:                              Introduced
                                          P.H

Clerk of Council                    Effective

Approved as to form:

Law Director
CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _________ duly adopted by the City Council of the City of Worthington, Ohio on June 18th, 2018, and that a true copy thereof was certified to the County Auditor of Franklin County, Ohio.

__________________________
Clerk of Council
City of Worthington, Ohio
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 30, 2018

To: Matthew H. Greeson

From: Scott Bartter, Finance Director

Subject: Ordinance No. - 32-2018 Bond Anticipation Notes - East Wilson Bridge Road Waterline

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EXECUTIVE SUMMARY

This Ordinance authorizes the issuance of notes not to exceed $1,000,000 for the design and construction of the East Wilson Bridge Road waterline project.

RECOMMENDATION

Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION

With the December 4, 2017 passage of Resolution No. 72-2017, the Worthington City Council adopted the 2018-2022 Capital Improvement Program (CIP). The CIP as adopted proposed the issuance of approximately $13,385,000 in debt over the entirety of the five-year program. The Ordinance is one of four ordinances before City Council authorizing the issuance of bond anticipation notes in an amount not to exceed $4,460,000 to finance various capital improvement projects as outlined in the adopted CIP. The use of bond anticipation notes provides the City the flexibility to roll these notes into a larger bond issuance in 2019, therefore saving the City from full bond issuance costs in both 2018 and 2019.

This Ordinance authorizes the issuance of notes not to exceed $1,000,000 for the design and construction of the East Wilson Bridge Rd. waterline (Project #674-18).

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

Repayment of this debt will occur from the General Bond Retirement Fund. Revenue from the General Bond Retirement Fund is received primarily from a transfer from the Capital Improvement Fund, but additionally receives .17 mills of property tax (from the 5 mills assessed by the City) that amounts to approximately $110,000 annually.
ATTACHMENTS
Ordinance No. 32-2018
Certificate of Estimated Life
CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the 
City of Worthington, Ohio

The undersigned Finance Director of the City of Worthington, Ohio, as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvements described as follows (the "Improvements") exceeds five years:

   Designing, replacing, constructing and installing a waterline on East Wilson Bridge Road, with related site improvements and all necessary appurtenances thereto

2. The maximum maturity of the bonds proposed to be issued to pay the cost of the Improvements, calculated in accordance with Section 133.20, Ohio Revised Code, is 40 years, provided that if notes are issued in anticipation of the issuance of such bonds, the maximum maturity of such notes is 20 years.

Dated: June 4th, 2018

Scott F. Bartter
Finance Director
City of Worthington, Ohio
ORDINANCE NO. 32-2018

AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED $1,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF DESIGNING, REPLACING, CONSTRUCTING, AND INSTALLING A WATERLINE ON EAST WILSON BRIDGE ROAD, WITH RELATED SITE IMPROVEMENTS AND ALL NECESSARY APPURTENANCES THERETO; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTES

WHEREAS, the Finance Director (the "Finance Director") of the City has certified to this Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five years, the maximum maturity of bonds being 40 years and notes being 20 years;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF WORTHINGTON, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. Issuance of Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed $1,000,000, for the purpose of paying the cost of the Project.

Section 2. Term of the Bonds. The Bonds shall be dated prior to the maturity date of the Notes (as defined herein below), shall bear interest at the maximum average annual interest rate presently estimated to be 4.50% per annum, payable semiannually until the principal sum is paid, and shall mature in 40 annual installments.

Section 3. Issuance of Bond Anticipation Notes. It is necessary to issue, and this Council hereby determines that there shall be issued, notes in anticipation of the issuance of the Bonds.

Section 4. Various Purpose Notes Issue. It is hereby determined, that for the purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other limited tax general obligations notes of the City authorized by separate ordinance of this Council. The Notes and such other notes shall be jointly referred to herein as the "Combined Notes." As used in this Ordinance, the term "Notes" shall also mean the Combined Notes, where appropriate. The Combined Notes shall be designated "City of Worthington, Ohio Various Purpose Notes, Series 2018," or as otherwise determined by the Finance Director.

Section 5. Terms of the Notes; Certificate of Fiscal Officer Relating to Terms of Notes. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed
$1,000,000, which sum does not exceed the amount of the Bonds. The Notes shall be
dated the date established by the Finance Director and certified to this Council and shall
mature on such date as shall be determined by the Finance Director and certified to this
Council, provided that such date shall not be later than one year after the date of issuance of
the Notes. The Notes shall be issued as fully registered notes in such denominations as
shall be determined by the Finance Director. Coupons shall not be attached to the Notes.
The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of
the United States Securities and Exchange Commission.

The Finance Director is hereby authorized and directed to execute a Certificate of
Fiscal Officer Relating to Terms of Notes (the "Certificate of Fiscal Officer") setting forth
and determining such terms and other matters pertaining to the Notes, their issuance, sale or
delivery, including without limitation the aggregate principal amount of the Notes to be
issued, the dated date of the Notes, the maturity date of the Notes, the purchase price of the
Notes, the specified interest rate of the Notes, authorized denominations of the Notes, the
Original Purchaser of the Notes (as defined herein), and shall include such additional
information as is required by and consistent with the terms of this ordinance.

Section 6. **General Obligation Pledge.** The Notes shall be the full general
obligation of the City, and the full faith, credit and revenue of the City are hereby pledged
for the prompt payment of the same. The par value to be received from the sale of the
Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent
necessary, be used only for the retirement of the Notes at maturity and are hereby pledged
for such purpose.

Section 7. **Debt Service Levy.** There shall be and is hereby levied annually on
all the taxable property in the City, in addition to all other taxes and inside the City's
charter millage limitation, a direct tax (the "Debt Service Levy") for each year during
which any of the Notes are outstanding, in an amount not less than that which would have
been levied if the Bonds had been issued without the prior issuance of the Notes, for the
purpose of providing, and in an amount which is sufficient to provide, funds to pay interest
upon the Notes as and when the same falls due and to provide a fund for the repayment of
the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not
be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio
Constitution.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied
and extended upon the tax duplicate and collected by the same officers, in the same
manner, and at the same time that taxes for general purposes for each of such years are
certified, extended and collected. The Debt Service Levy shall be placed before and in
preference to all other items and for the full amount thereof. The funds derived from the
Debt Service Levy shall be placed in a separate and distinct fund, which shall be
irrevocably pledged for the payments of the premium, if any, and interest on and principal
of the Notes and Bonds when and as the same falls due. Notwithstanding the foregoing,
if the City determines that funds will be available from other sources for the payment of
the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall
be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. Sale of Notes. The Notes shall bear interest, based on a 360-day year of twelve 30-day months, payable at maturity, at such rate per annum as shall be determined by the Finance Director and certified to this Council, provided that such rate shall not exceed 4.50% per annum. The Finance Director is authorized and directed to cause the Notes to be sold on a competitive or negotiated basis. In the event that the Notes are sold on a competitive basis, a notice of sale (or similar document) shall be published or released in the form and manner as shall be approved by the Finance Director. In accordance with the terms of such document, the Notes may be awarded and sold to such purchaser or purchasers as shall offer, in the opinion of the Finance Director, the best rate of interest on the Notes, as the Finance Director shall designate in the Certificate of Fiscal Officer.

In the event that the Notes are sold on a negotiated basis, the Notes shall be sold to such purchaser or purchasers as the Finance Director shall designate in the Certificate of Fiscal Officer.

The Finance Director is authorized and directed to execute on behalf of the City a note purchase agreement, term sheet or similar document with the purchaser or purchasers of the Notes (the "Original Purchaser") setting forth the conditions under which the Notes are to be sold and delivered, which documents shall be in such form and shall contain such terms, covenants and conditions not inconsistent with the terms of this Ordinance and permitted by applicable law as shall be approved by the Finance Director.

The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery. The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in the Treasury of the City and used for the purpose aforesaid and for no other purpose. The accrued interest received from such sale shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes, or other obligations of the City, as permitted by law. Any premium received from the sale of the Notes may be used to pay the financing costs of the Notes within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the City's Bond Retirement Fund, in the manner provided by law.

Section 9. Form and Execution of Notes; Payment of Notes. The Notes shall be executed by the Finance Director and the City Manager, provided that any and all of such signatures may be a facsimile, and shall be payable as to both principal and interest at the office of Note Registrar (as defined hereinbelow). The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

The principal of and interest on the Notes shall be payable in lawful money of the United States of America without deduction for the services of the Note Registrar. The
The principal of and interest on the Notes shall be payable upon presentation and surrender of the Notes at their maturity at the office of the Note Registrar. No Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this ordinance unless and until a certificate of authentication, as printed on the Note, is signed by the Note Registrar as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Note so authenticated has been duly issued and delivered under this ordinance and is entitled to the security and benefit of this ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the Finance Director on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Notes.

Section 10. Appointment of Note Registrar. The Finance Director is hereby authorized and directed to serve as authenticating agent, note registrar, transfer agent, and paying agent for the Notes (the "Note Registrar"), or to execute on behalf of the City a Note Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Finance Director and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Note Registrar for the Notes. If at any time the Note Registrar shall be unable or unwilling to serve as such, or the Finance Director in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Finance Director may, and is hereby authorized and directed to, enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Note Registrar hereunder. Each such successor Note Registrar shall promptly advise all noteholders of the change in identity and new address of the Note Registrar. So long as any of the Notes remain outstanding, the City shall cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). Subject to the provisions of this ordinance, the person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Notes, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.
A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Note Registrar shall not be required to transfer or exchange (i) any Note during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Notes, and ending at the close of business on the day of such mailing, or (ii) any Notes selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed, and the Note Registrar shall authenticate and deliver, the Notes in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the Council and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Council or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. Book-Entry System. In the event that the Notes are issued to a Depository (as defined below) for use in a book-entry system, the following terms shall have the following meanings for purposes of this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book-entry and (ii) physical Notes in fully registered form are issued only to a Depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Notes, and to effect transfers of securities, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

The Notes may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance: (i) there shall be a single Note of each maturity; (ii) those Notes shall be
registered in the name of the Depository or its nominee, as registered owner, and
immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry
form shall have no right to receive Notes in the form of physical securities or certificates;
(iv) ownership of beneficial interests in any Notes in book-entry form shall be shown by
book-entry on the system maintained and operated by the Depository, and transfers of the
ownership of beneficial interests shall be made only by the Depository and by book-entry;
and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to
another Depository or to another nominee of a Depository, without further action by the
Council. Debt service charges on Notes in book-entry form registered in the name of a
Depository or its nominee shall be payable in same day funds delivered to the Depository
or its authorized representative (i) in the case of interest, on each Interest Payment Date,
and (ii) in all other cases, upon presentation and surrender of Notes as provided in this
Ordinance.

The Note Registrar may, with the approval of this Council, enter into an
agreement with the beneficial owner or registered owner of any Note in the custody of a
Depository providing for making all payments to that owner of principal and interest on
that Note or any portion thereof (other than any payment of the entire unpaid principal
amount thereof) at a place and in a manner (including wire transfer of federal funds) other
than as provided above in this Ordinance, without prior presentation or surrender of the
Note, upon any conditions which shall be satisfactory to the Note Registrar and this
Council. That payment in any event shall be made to the person who is the registered
owner of that Note on the date that principal is due, or, with respect to the payment of
interest, as of the applicable date agreed upon as the case may be. The Note Registrar
shall furnish a copy of each of those agreements, certified to be correct by the Note
Registrar, to other paying agents for Notes and to the City. Any payment of principal or
interest pursuant to such an agreement shall constitute payment thereof pursuant to, and
for all purposes of, this Ordinance.

If requested, the Finance Director and City Manager, City Clerk or any other officer
of this Council, is authorized and directed to execute, acknowledge and deliver, in the name
of and on behalf of the City, an agreement among the City, the Note Registrar and a
Depository to be delivered in connection with the issuance of the Notes to such Depository
for use in a book-entry system.

The City may decide to discontinue use of the book-entry system through the
Depository. In that event, Note certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as the Depository for the Notes
for use in a book-entry system, the City and the Note Registrar may attempt to establish a
securities depository/book-entry relationship with another qualified Depository under this
Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and
the Note Registrar, after the Note Registrar has made provision for notification of the
beneficial owners by the then Depository, shall permit withdrawal of the Notes from the
Depository and authenticate and deliver note certificates in fully registered form to the
assigns of the Depository or its nominee, all at the cost and expense (including costs of

8.F. - Bond Anticipation Notes - East Wilson Bridge Rd. Waterline
printing and delivering definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. Income Tax Pledge. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Notes and the Bonds in each year until full payment is made.

Section 13. Federal Tax Law Compliance. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The Finance Director, or any other officer of the City, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Finance Director, which action shall be in writing and signed by the Finance Director, or any other officer of the City, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Finance Director shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate
Section 14. Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Finance Director, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The City Manager and Finance Director are hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in their discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as they in their discretion shall deem necessary or appropriate.

Section 15. Ohio Market Access Program. If determined necessary by the Finance Director, the City is hereby authorized to participate in the Ohio Market Access Program ("OMAP") with respect to the Notes. The Standby Note Purchase Agreement for OMAP is hereby authorized in the form presented to this Council with such changes not materially adverse to the City as may be approved by the officers of the City executing that Standby Note Purchase Agreement. The City acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the City is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the City, the Treasurer of State agrees (a) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (b) to purchase renewal notes of the City in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at a rate equal to the AAA Municipal Market Data rate plus 400 basis points, maturing not more than one year after the date of their issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the City shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the City, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes within the ten-mill limitation imposed by law on all property subject to ad valorem
Section 16. Appointment of Bond Counsel. The appointment of the law firm of Bricker & Eckler LLP to serve as Bond Counsel with respect to the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval by the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Bonds.

Section 17. Appointment of Municipal Advisor. The appointment of H.J. Umbaugh & Associates, Certified Public Accountants, LLP to serve as a municipal advisor to the City in connection with the issuance of the Notes is hereby approved. The fees to be paid to such firm shall be subject to review and approval of the Finance Director, shall not exceed the fees customarily charged for such services, and shall be paid upon closing of the financing from proceeds of the Notes.

Section 18. Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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 19. Satisfaction of Conditions for Issuance. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 20. Filing of Note Ordinance. The Clerk of Council is hereby directed to forward a certified copy of this ordinance to the Auditor of Franklin County, Ohio.

Section 21. Publication and Effective Date. 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

Approved as to form:

_________________________

Law Director
CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. _________ duly adopted by the City Council of the City of Worthington, Ohio on June 18th, 2018, and that a true copy thereof was certified to the County Auditor of Franklin County, Ohio.

________________________________________________________
Clerk of Council
City of Worthington, Ohio
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 31, 2018
To: Matthew H. Greeson
From: Dan Whited, Director of Service & Engineering

Subject: Ordinance No. 33-2018 - Appropriation - Right of Way Acquisition for Northeast Gateway Project

EXECUTIVE SUMMARY
This Ordinance appropriates $2,856,200 for right of way acquisition for the Northeast Gateway Project at the intersection of Huntley, Wilson Bridge and Worthington Galena Roads

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION
Pending ODOT review and approval of consultant contracts, the process for appraisal, review, negotiation and acquisition of all necessary parcels will begin in the coming weeks. In order to streamline the acquisition process, and to expedite the momentum of the project, staff is proposing the appropriation of the funds necessary to complete each of the 124 identified parcel purchases. This is an estimated $2,856,200. Of that total, $2,356,255 will be reimbursed to the City of Worthington through the Federal Attributable Funds awarded for the project. It is critical these acquisitions take place in a timely manner to ensure the project meets various deadline dates to assure Federal reimbursement.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
Funding for the City’s share of right of way acquisition for this project is included in the Capital Improvements Program.

ATTACHMENTS
Ordinance No. 33-2018
ORDINANCE NO. 33-2018

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 Right-of-Way Acquisition 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; and,

WHEREAS, the Northeast Gateway Project will reconstruct Worthington Galena Road starting 600 feet north of the CSX railroad to Lakeview Plaza Boulevard, Wilson Bridge Road from the CSX Railroad to Worthington Galena Road, and Huntley Road starting 400 feet south of Wilson Bridge Road to Wilson Bridge Road; and,

WHEREAS, the Project will require the City of Worthington to acquire 34 permanent takes, 5 standard highway easements, 17 utility easements, 11 slope easements, 47 temporary takes, and 8 partial vacations of existing easements. In addition, one residential relocation and two commercial relocations are required; and,

WHEREAS, the total estimated cost for Right-of-Way Acquisition is $2,856,200 with reimbursement to the City from Federal Attributable Funds of $2,356,255.

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 Two Million Eight Hundred Fifty Six Thousand Two Hundred Dollars ($2,856,200) to pay for Right-of-Way Acquisition as part of the NE Gateway Intersection Improvement Project and all related expenses (Project No. 602-14).

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:

Introduced

P.H

Clerk of Council

Effective
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 31, 2018
To: Matthew H. Greeson
From: Tom Lindsey, Law Director
Subject: Ordinance No. 34-2018 - Ballot Issue - Electric Aggregation

EXECUTIVE SUMMARY
This Ordinance authorizes the City to adopt an electric aggregation program with opt-out provisions pursuant to Section 4928.20 of the Ohio Revised Code if approved by the electors at the November 6, 2018 election.

RECOMMENDATION
Introduce for Public Hearing on June 18, 2018

BACKGROUND/DESCRIPTION
Section 4928.20 of the Ohio Revised Code authorizes 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 electric aggregation and is regulated by the Public Utilities Commission of Ohio. Staff presented City Council background information regarding electric aggregation at the March 12th and May 21st meetings.

The proposed ordinance authorizes the City to adopt an electric aggregation program with opt-out provisions pursuant to Section 4928.20 if approved by a majority of the electors. It directs the Franklin County Board of Elections to place the issue on the November 6, 2018 ballot.

If the voters approve the ballot issue in November, then the City must adopt a Plan of Operation and Governance, which is the guiding document that provides for how the City’s electric aggregation 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 public hearings giving residents the opportunity to learn about and comment on the Plan.
ATTACHMENTS
Ordinance No. 34-2018
March 8, 2018 Memorandum on Electric Aggregation
ORDINANCE NO. 34-2018

To Authorize All Actions Necessary to Effectuate an Opt-Out Electric Service Aggregation Program Pursuant to Ohio Revised Code 4928.20; and Directing the Franklin County Board of Elections to Submit the Ballot Question to the Electors.

WHEREAS, Section 4928.20 of the Ohio Revised Code authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, subject to opt-out provisions, competitive electric service for the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electricity loads; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, governmental aggregation may permit residential and small business customers to realize lower electric rates from the collective purchasing of electric services; and

WHEREAS, this Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4928.20, Ohio Revised Code (the “Aggregation Program”), for the residents, businesses and other electric consumers in the City and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law.

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

SECTION 1. That provided this Ordinance and the Aggregation Program is approved by the electors of the City of Worthington pursuant to Section 2 of this Ordinance, the City of Worthington is hereby authorized to aggregate in accordance with Section 4928.20 of the Ohio Revised Code, the retail electrical loads located within the City of Worthington, and, for that purpose to enter into service agreements to facilitate for those loads the sale and purchase of electricity. The City of Worthington may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using an electric load center proposed to be aggregated and will provide for the opt-out rights described in Section 4 of this Ordinance.

SECTION 2. That the Board of Elections of Franklin County is respectfully directed to submit the following question to the electors of the City of Worthington at the general election on November 6, 2018.

“Shall the City of Worthington have the authority to aggregate the retail electric loads located in the City, and for that purpose, enter into service agreements to facilitate for those loads the sale and purchase of electricity, such aggregation to occur automatically except where any person elects to opt out?”
The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4928.20 of the Ohio Revised Code.

SECTION 3. That the Clerk of Council is instructed to file a certified copy of this Ordinance and the proposed form of the ballot question with the County Board of Elections not less than ninety (90) days prior to November 6, 2018.

SECTION 4. That upon the approval of a majority of the electors voting at the election provided for in Section 2 of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time, and location of each hearing. No plan adopted by this Council shall aggregate the electrical load of any electric load center with the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every three years without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure shall default to the standard service offer provided under division (a) of Section 4928.14 or division (d) of Section 4928.35, Ohio Revised Code until the person chooses an alternative supplier.

SECTION 5. That all formal actions of this Council concerning and related to the adoption of this Ordinance were taken in an open meeting of said Council, and that all deliberations of this Council that resulted in such formal action were made in meetings open to the public, when required by law, in full compliance with all legal requirements, including without limitation, provisions of the Charter of the City of Worthington, Chapter 109 of the Codified Ordinances of the City and Section 121.22 of the Ohio Revised Code.

SECTION 6. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed __________________

________________________
President of Council

Attest: 

________________________
P.H

________________________
Clerk of Council

Effective
March 8, 2018

TO: Members of City Council

FROM: Matt Greeson, 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/

STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: May 31, 2018
To: Matthew H. Greeson
From: Daniel Whited P.E., Director of Service & Engineering
Subject: Permission to bid the Fire Station Roof and Municipal Building Roof construction projects

EXECUTIVE SUMMARY
Staff requests permission to bid the roof projects at the Fire Station and the Municipal Building.

RECOMMENDATION
Motion authorizing the advertisement for bids

BACKGROUND/DESCRIPTION
Mays Consulting was hired in March of this year to assess the roof systems on the Fire Station and the Municipal Building. With the assessment completed, it was determined both buildings would require a full replacement their respective roof systems. Mays has engineered those roof systems complete with drawings and specifications. Staff is requesting City Council’s permission to advertise the project for bid.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
Both roof projects were included in the 2018 Capital Improvements Program. The CIP allocation for the Municipal Building roof is being used for the repair to the chimneys, which is being completed in advance of the roof replacement. Staff recommends utilizing the CIP allocation for windows and doors at the Municipal Building for the roof instead. The windows and doors will be considered for the 2019-2023 CIP that will be proposed later this year.

ATTACHMENTS
None
STAFF MEMORANDUM
City Council Meeting – June 4, 2018

Date: June 1, 2018
To: Worthington City Council
From: Matt Greeson, City Manager
Subject: Information and Discussion: Proposed School Resource Officer (SRO) program

EXECUTIVE SUMMARY
The City has been in discussion with Worthington Schools regarding the Division of Police providing a School Resource Officer (SRO) for Thomas Worthington High School. Staff will review information regarding this proposed program.

RECOMMENDATION
No formal action is requested at this time. Legislation authorizing an increase in the City's staffing chart and the City Manager to enter into a contract with Worthington Schools will be prepared for the June 18th City Council meeting.

BACKGROUND/DESCRIPTION
Recently, the City received an official request from Assistant Superintendent, Randy Banks, of the Worthington School District to provide a School Resource Officer (SRO) for Thomas Worthington High School for the 2018-2019 school year. This follows several conversations with the schools about such a program.

Staff met again this week with school representatives and expects to share information about such a program with the City Council at its June 4th meeting. The School Board is expected to similarly discuss the matter at its June 11th meeting. In order to have an officer in place sometime near the start of the new school year, legislation would need to be approved in June and job postings and a selection pursuant to the collective bargaining agreement made in July. The City Council would need to approve legislation authorizing an increase in the City's staffing chart for the Division of Police to accommodate the hiring of one additional position and authorize the City Manager to enter into a contract with Worthington Schools for SRO services. An incumbent officer would be selected for this specialized position, which would necessitate hiring a new officer for patrol duties.
Staff conducted research on what other Central Ohio municipalities are providing to their school districts. This research, which was previously distributed, is attached. It shows that Worthington is one of the few communities or school districts without full-time School Resource Officers in the high schools and that most cities are funding approximately 50% of the costs of such officers.

Additionally, staff has reviewed contracts, program manuals and duty descriptions from other jurisdictions, prepared draft documents for our City and have provided these to the School District for their review. Attached you will find the research, a draft SRO program manual and an estimated full cost of the SRO.

This memorandum and information agenda item was prepared to provide an update on the status of these discussions, to provide some background information and to prompt dialogue. Staff will briefly review the information and program with the goal of ascertaining what additional questions the City Council may have. Additional information and legislation would then be brought back on June 18th for further discussion and action.

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

It is estimated that the City’s share of an SRO at 50% of the cost for one full-year, including some one time start-up costs, would be $81,920. We believe that additional appropriations will not be required at this time, as we currently have vacancies and are carefully managing personnel expense lines. However, this is an increase in recurring expenses and will need to be factored into the FY 2019 appropriations.

**ATTACHMENTS**

Research Matrix with Information from Other Central Ohio Municipalities
Draft School Resource Officer Program Manual
Cost of School Resource Officer
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Hilliard</th>
<th>Dublin</th>
<th>Upper Arlington</th>
<th>Reynoldsburg</th>
<th>Westerville</th>
<th>Bexley</th>
<th>Gahanna</th>
<th>New Albany</th>
<th>Grove City</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost Sharing Breakdown - How is cost calculated?</strong></td>
<td>(3) SRO's and are working on expanding program to the middle schools. They have a fourth SRO coming on this year, 50-50% sharing.</td>
<td>(5) SRO's schools pay 50% and their sergeant for a total of 7 SRO's (4) in middle schools</td>
<td>(2) SRO's but are investigating alternatives for additional at the request of the school board</td>
<td>They have two SRO's one in each high school</td>
<td>(5) SRO's, 3 in middle schools and (1) in high schools 50%/50% split between the schools and city</td>
<td>In discussion with city 50/50 for public schools, and one private school is requiring, in discussion only might be a 25% city contribution.</td>
<td>(3) SRO's two of which they cost share, third floats to middle school/elementary school and private school 50%/50% bill for two, third picked up by city, looking at adding a 4th</td>
<td>(1) SRO and One DARE Officer, the city pays the full cost, when the DARE officer is not teaching he becomes SRO</td>
<td>(2) SRO's, the city pays the full cost, The SRO's only cover their city. They have (2) DARE officers but one is being relocated back to patrol this year.</td>
</tr>
<tr>
<td><strong>Does the School or City pay for vehicle, additional training, vehicle maintenance?</strong></td>
<td>Costs is inclusive contractually of all officer related costs.</td>
<td>No per the agreement all tools and vehicles are provided.</td>
<td>They are in discussion with regards to vehicles and maintenance as of this writing.</td>
<td>City picks up 69% of the officers pay, they do not pick up a vehicle for the officers.</td>
<td>No currently the city picks up the costs of the cruiser.</td>
<td>N/A</td>
<td>No reference to cost sharing on vehicles, but they have a huge fleet.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Are special provisions written into the contract?</strong></td>
<td>Not specifically mentioned just under specialized positions.</td>
<td>Not specifically mentioned just under specialized positions.</td>
<td>Not specifically mentioned just under specialized positions.</td>
<td>Not specifically mentioned just under specialized positions.</td>
<td>N/A</td>
<td>Not specifically mentioned just under specialized positions.</td>
<td>N/A</td>
<td>CBA speaks to selection of the SRO’s as special events such as Graduation, Homecoming, etc.</td>
<td>CBA speaks to selection of the SRO’s as special events such as Graduation, Homecoming, etc.</td>
</tr>
<tr>
<td><strong>How are special events handled?</strong></td>
<td>Special duty</td>
<td>OT is projected in the budget amount based on a 10 month estimate.</td>
<td>Approved overtime by the Chief/District are paid jointly.</td>
<td>They City pays all OT and their SRO's attend almost every high school function that generates a large function.</td>
<td>Any overtime affiliated with the schools is the cities obligation. Special duty is like all other city related functions. For certain events the SRO is expected to attend.</td>
<td>N/A</td>
<td>They City shares some of the OT as their SRO’s attend almost every high school function that generates a large function. Others filled by Special Duty</td>
<td>N/A</td>
<td>Other events are special duty RSA’s then seniority</td>
</tr>
<tr>
<td><strong>How often are costs recalculated? Adjusted for increases in health insurance and wages?</strong></td>
<td>Based upon the contractual agreement in the CBA as presented to the school board.</td>
<td>Based upon the CBA as presented to the schools in the contract.</td>
<td>There is a wage adjustment based on the contract negotiations. City finance sends bill to the schools each quarter, if an officer is pulled away cost is deducted.</td>
<td>Based upon the CBA no special provisions.</td>
<td>N/A</td>
<td>There is a wage adjustment based on the contract negotiation.</td>
<td>N/A</td>
<td>No wage adjustments are made, it follows the contract.</td>
<td>No wage adjustments are made, it follows the contract.</td>
</tr>
<tr>
<td><strong>How has the officer been utilized in the summer, has the SRO been effective in filling shifts outside school year?</strong></td>
<td>The officers fill in during the summer on patrol and some breaks depending on manpower needs.</td>
<td>School pays during the summer the 69% as they work on special projects with Community service, city patrol, target enforcement, bike patrol</td>
<td>Officers are assigned to the Community Service Bureau, so officers work such events in the summer, training, &amp; every other year a school security assessment</td>
<td>The Division asks that they not generally take time off in the school year, so many take it during the summer work special work community school events</td>
<td>N/A</td>
<td>They cover 1st shift, take vacations, during the preferred time off, teach ALICE and safety town, bike patrol, teach RAD</td>
<td>N/A</td>
<td>Back to patrol or for them some specialty assignments, they know they'll be reassigned during the summer. They do not move them during the holiday breaks.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Are any SRO in a school located outside the City’s jurisdiction?</strong></td>
<td>No</td>
<td>1 in the City of Columbus, no formal agreement</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Is there a dispute resolution process in place, how have disciplinary boundaries been outlined?</strong></td>
<td>There is nothing in the contract. No but addresses notification of fault or non-conformance in contract language</td>
<td>not specifically mention in the CBA</td>
<td>Contract</td>
<td>NO</td>
<td>N/A</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
The School Resource Officer (S.R.O.) program is an example of the cooperative partnership between Worthington Division of Police and Worthington City Schools for the benefit of our community's youth. As a result of this cooperative effort, we are able to maintain a safe learning environment for the students of Worthington City Schools.
MISSION STATEMENT

We the members of the Worthington Division of Police and the Worthington City Schools will strive to provide a positive school environment for student and staff. We will accomplish this through mentoring, education, crime prevention and enforcement actions. This commitment will provide an educational environment that is conducive to learning.

GOALS

- Make the campus a safe environment for learning
- Foster a positive relationship between students, staff and law enforcement
- Encourage more cooperation between students and the police
- Reduce juvenile crime
- Seek alternative methods of enforcement that hold youth responsible for their actions while providing life enhancing skills to address conflict
SCHOOL RESOURCE OFFICER PROGRAM

The Worthington Division of Police School Resource Officer Program will be based on input from the Division of Police, the school administration, teachers, faculty and students. The program will be fashioned to fulfill four main roles:

1. MENTOR / PROBLEM SOLVER – The role of the S.R.O. is that of a mentor / problem solver. Officers can mentor students within the context of that officer’s knowledge, training and experience. The officer can be available to the students on a variety of issues that range from dealing with anger, personal conflicts, drug and alcohol issues, abuse and neglect and other issues that may in some way be connected with the law. The S.R.O. works closely with school counselors, social workers and psychologists in order to provide appropriate levels of support and information to students in need.

2. CRIME PREVENTION – A second role the S.R.O. fulfills is crime prevention. The officer will conduct various activities, including foot patrol and internal security, throughout the school property. The officer will periodically update information in reference to the “School Crisis Plan” which is relative to the physical security of school property and facilities. The officer will also be responsible for security at special events occurring during the school day such as assemblies.

3. EDUCATION – The third role of the S.R.O. is education. The overall mission of our school is to educate. It is very important that the S.R.O. participate in this mission. By becoming a member of the educational team, the S.R.O. will become more accepted by students, faculty and staff. Officers may provide presentations on law-related topics that are usually one hour in length and are provided to any class by teacher invitation. The officer may also speak to student support groups, parent support groups and provide training to administrators and faculty in the area of law enforcement. Officers are required to submit a lesson plan for any presentation to ensure consistency. Computerized lesson plans shall be retained by school administration and by the Worthington Division of Police.

4. LAW ENFORCEMENT ROLE – The S.R.O. will be responsible for the majority of law enforcement activities occurring at the school during school hours. This will involve the traditional enforcement activities of arrests, reports, and filing of charges, diversions, etc. In addition, the officer is responsible for information sharing between school officials and the police division. To establish and maintain credibility, it is imperative that the S.R.O. not be compromised in his/her position as an enforcement authority.

In order to maintain a clear distinction between the S.R.O.’s law enforcement role and the administrator’s educational role, the S.R.O. will act as a liaison between school administration and the police division. The S.R.O. shall be actively involved in the daily operations of school affairs and will offer input and guidance as related to law enforcement issues. The S.R.O. shall also be cognizant in maintaining a clear distinction between administrative and law enforcement authority.
OFFICER ASSIGNMENT AND SUPERVISION

S.R.O.'s will fall under the Patrol Bureau. The Patrol Bureau Lieutenant or designee will have direct daily supervision of the S.R.O.'s. These officer(s) will be assigned to the schools during the school year. During the school breaks and closures, including summer vacation, S.R.O.'s may be assigned to other duties as division needs dictate.

All officers will be heavily involved in educating our youth and other crime prevention and community relations activities. We believe this structure provides our community the most effective response to the needs of juveniles and offers us the opportunity to expand our services in crime prevention and community education.

S.R.O. UNIFORM – Officer will be in the uniform of the day, Class A or B at all times. The standard uniform of the day does not prevent the officer from performing any of the duties involved in the program.

SCHOOL LIAISON – The school will assign a representative to act as the liaison to the S.R.O. program. This person is very important in ensuring acceptance and successful continuation of the program.

OFFICE AREA – The school will provide office space for the S.R.O. The office will need a computer with internet access, desk, chairs, file cabinet and a separate telephone line. Students should have easy access to the office, but the office should provide for privacy when needed.
S.R.O. STANDARD OPERATING PROCEDURES

The S.R.O.'s activity in the school will be guided by the following procedures. These procedures have been drafted in a cooperative effort between the Worthington Division of Police and the Worthington City Schools.

DUTIES OF THE S.R.O. – The primary functions of the S.R.O. are to provide a safe and secure school environment, serve as an educational resource, and serve as a liaison between the school and the Division of Police. Specific daily assignments to accomplish this function may vary. The S.R.O. and school principal or designee will meet to discuss plans and strategies to address specific issues or needs that may arise. The S.R.O. will not be utilized in a parking enforcement role.

ROLE IN CRIME SUPPRESSION – One of the S.R.O.'s roles will be enforcement to include traditional criminal investigation and report taking. As a police officer, the S.R.O. has the authority to make arrests and use alternatives to arrest at his/her discretion. The following procedures will help the S.R.O. be as effective as possible in this role.

➢ The S.R.O. will be informed of all criminal activities that occur on the school campus during the day regardless of the seriousness of the offense. The S.R.O. will also inform school administration of all criminal activities occurring on campus to make sure all parties remain informed.

➢ Typically, for misdemeanor offenses other than drug offenses and offenses of violence, the S.R.O., working cooperatively with the school administration, will determine whether formal charges will be filed. For drug offenses and other offenses of violence, the S.R.O. may file formal charges, based on the totality of circumstances.

➢ For felony offenses, the S.R.O. will facilitate the filing of formal charges in cooperation with school administration and other Worthington Division of Police personnel.

ENFORCING / REPORTING SCHOOL POLICY VIOLATIONS – The S.R.O. is not a school disciplinarian and will take action only when there is a violation of law. School discipline is the responsibility of the appropriate school administrator. The S.R.O. will report school policy violations through the proper channels to be handled by school administration. It is the responsibility of the S.R.O. to become familiar with the student handbook.

SHARING OF INFORMATION – Recognizing communication and information sharing is essential to the success of the S.R.O. program. The following procedures should be followed to facilitate a free flow of information to and from the S.R.O.:

➢ The Ohio Revised Code, the Ohio Administrative Code, Ohio's Public Records Law, and relevant Worthington Division of Police and Worthington City Schools policies will govern sharing of information.
Juvenile fingerprints and photos, as part of the arrest record, will not be shared by the S.R.O.

If a juvenile is an uncharged suspect in a crime, his/her information will not be released unless authorized by a Bureau Commander or the Chief of Police.

ROLE IN ADMINISTRATIVE HIERARCHY – The S.R.O. will be accountable to the police division’s chain of command. However, while at the school, the S.R.O. will recognize the school principal’s authority under the direction of the designated District Administrator, and cooperate with school officials, including administrators and faculty. The S.R.O. will serve as part of the school administrative team but may not be assigned administrative job assignments unless agreed upon by the Chief of Police or designee and the designated District Administrator.

ROLE IN LOCKER, VEHICLE, AND PERSONAL SEARCHES – When requested, the S.R.O. may stand by to keep the peace while school administrators search persons, property or vehicles under the following, but not limited to, applicable reasons:

- Student may reasonably be considered a threat to assault the searcher.
- Student may attempt to escape in a situation in which the student would be a danger to themselves or a danger to others.
- Student may possess a weapon; a suspicion that may be supported on the slightest articulated indication including conclusions drawn as a result of teaching or law enforcement experience.
- Student is suspected of having drugs which may include needles or toxic substances.
- Items being searched may contain dangerous items.

The S.R.O. may perform searches independently of the school administration only under the existing provisions of the Ohio Constitution, Ohio Revised Code, and the Worthington Division of Police General Orders.

ROLE IN CRITICAL INCIDENTS – The S.R.O. will be familiar with the emergency operations manual of the Worthington City Schools. During any critical incident occurring on school property, the S.R.O. will act as a liaison between school administration, Worthington Division of Police, and other emergency resources. The S.R.O. will be on the school’s safety committee.
ROLE IN TRUANCY ISSUES – The Worthington Division of Police and Worthington City Schools take truancy very seriously. School administrators and the S.R.O. may investigate truant students to promote compliance with state attendance regulations.

ROLE AS AN EDUCATOR – The S.R.O. will serve as an educational resource to school faculty, staff and students. The S.R.O. may be called upon for presentation on specific topics that may lend valuable insight regarding a particular subject. The S.R.O. may not be a certified teacher; therefore, the normal classroom teacher will be present during any instructional period. The S.R.O. will maintain complete lesson plans on their topics of instruction and will furnish a list of topics to school personnel.

S.R.O. DAILY SCHEDULE – The S.R.O. will normally work from 7:00 a.m. until 3:00 p.m., Monday through Friday. S.R.O.’s will mark in and out of service each day using their radio. The S.R.O. may adjust their schedule, with approval from their supervisor, in order to accommodate school activities and requests. Overtime must also be approved in advance by the S.R.O. supervisor in order to accommodate these activities. S.R.O.’s are permitted to leave the school campus only for official business and must leave information with school officials regarding their whereabouts and estimated time of absence. Officers are permitted to eat their lunch at their assigned school. When school is not in session, such as holidays, professional days, calamity days and summer break, the S.R.O. will report the Patrol Bureau Lieutenant for further assignment.

LEAVES AND ABSENCES – S.R.O.’s will not be permitted to take extended leave during the school year. The Support Services Sergeant must approve personal days. Sick leave will be handled as directed by the Division’s general orders. In addition, the S.R.O. will notify the school administration of his/her sick leave. Depending on staffing levels, a substitute may be assigned to replace the S.R.O. from the police division.

TRANSPORTATION – S.R.O.’s will be assigned a cruiser to use when going to their assigned school. The cruiser will be parked in an area to ensure high visibility. The cruiser will be used for any required official business during the duty day. At no time will officers use their privately owned vehicle. If their assigned cruiser is down for service, a replacement cruiser will be assigned.

CONCLUSION

The S.R.O. program is a unique opportunity for the Worthington Division of Police and the Worthington City Schools to expand our partnership for the benefit of our community’s youth. With this cooperative effort, we will strive to maintain a safe learning environment for the students of the Worthington City Schools.
### CITY OF WORTHINGTON

**TOTAL COMPENSATION PACKAGE -- 2018**

- **20A Step D -**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>BASE ANNUAL COMPENSATION - Step D</td>
<td>$88,024.10</td>
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<tr>
<td>ALLOTED OT HOURS (50)</td>
<td>$3,173.95</td>
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**EMPLOYER PAID FRINGE BENEFITS**

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<tr>
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<tr>
<td>Employer Portion of OP&amp;F (19.5%)</td>
<td>$18,707.92</td>
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<tr>
<td>Workers Compensation (3.113%)</td>
<td>$2,839.00</td>
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<td>Medicare Contribution (1.45%)</td>
<td>$1,345.08</td>
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<td>Medical and Prescription Drug Insurance</td>
<td>$22,988.47</td>
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<td>City H.S.A Contribution</td>
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<td>Dental Insurance</td>
<td>$1,311.60</td>
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<td>Vision Insurance</td>
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<td>Life Insurance</td>
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<td>Annual Service Credit (5 Years)</td>
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<tr>
<td><strong>Fringe Benefit Subtotal</strong></td>
<td><strong>$50,835.86</strong></td>
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**TOTAL ANNUAL COMPENSATION PACKAGE**

**$138,859.96**

**ADDITIONAL PERSONNEL EXPENSES**

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<tr>
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<tr>
<td>Uniform Allowance</td>
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<td>Dry Cleaning Allowance</td>
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<tr>
<td>Holiday Pay</td>
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<tr>
<td>Pay in Lieu of Vacation (8 Years-Estimated)</td>
<td>$1,238.00</td>
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<td>Annual Training Costs</td>
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**TOTAL ADDN'L PERSONNEL EXPENSES**

**$8,023.10**

**TOTAL PERSONNEL**

**$146,883.06**

**ONE-TIME INITIAL START-UP**

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<th>Description</th>
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<tr>
<td>Police Initial Issue</td>
<td>$6,500.00</td>
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<tr>
<td>Police - Vest</td>
<td>$700.00</td>
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<tr>
<td>Student Resource Officer - Basic Training</td>
<td>$480.00</td>
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<tr>
<td>Academy (If Needed)</td>
<td>$5,000.00</td>
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**TOTAL ONE-TIME INITIAL START-UP**

**$12,680.00**

**NON-PERSONNEL EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Maintenance (Annual)</td>
<td>$4,278.00</td>
</tr>
</tbody>
</table>

**TOTAL NON-PERSONNEL EXPENSES**

**$4,278.00**