Worthington City Council Agenda

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

Monday July 02, 2018 ~ 7:30 PM

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Approval of the Minutes
   5.A. Council Meeting Minutes - June 18, 2018

   Recommendation: Introduce and Approve as Presented

6. Public Hearings on Legislation
   6.A. Ordinance No. 35-2018 Additional Appropriation – Water Main Repairs

   Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

   Executive Summary: This Ordinance appropriates an additional $78,000 for water main repairs that occurred in 2017.

   Recommendation: Approve as Presented

   Legislative History: Introduced June 18, 2018
6.B. **Ordinance No. 36-2018** Appropriation - Fire Station and Municipal Building Roof 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 the Costs of the Municipal Building Roof Project (680-18) and the Fire Station Roof Project (648-17) and all Related Expenses and Determining to Proceed with said Projects.

**Executive Summary:** This Ordinance appropriates funds for the replacement of the roofs at the Fire Station and Municipal Building.

**Recommendation:** Motion to Table

**Legislative History:** Introduced June 18, 2018

6.C. **Ordinance No. 37-2018** Kemper House (800 Proprietors Road) TIF Legislation

Kemper House (800 Proprietors Road) TIF Legislation

**Executive Summary:** This Ordinance authorizes Tax Increment Financing (TIF) for the Kemper House project at 800 Proprietors Road.

**Recommendation:** Motion to Amend and Approve as Amended

**Legislative History:** Introduced June 18, 2018

7. **New Legislation to Be Introduced**

7.A. **Resolution No. 38-2018** School Resource Officer

Authorizing the City Manager to Enter into an Agreement with the Worthington City School District for School Resource Officer Services and Amending the Staffing Chart of the City of Worthington to Increase by One the Number of Police Officer Positions in the Division of Police.

**Executive Summary:** This resolution increases the Staffing Chart for the Division of Police by one officer and authorizes the City Manager to enter into a contract with Worthington Schools for the provision of School Resource Officer (SRO) services.
Recommendation: Introduce and Approve as Presented

7.B. Resolution No. 39-2018  Amendment to Development Plan - 350 West Wilson Bridge Road

Authorizing an Amendment to the Final Development Plan for 350 West Wilson Bridge Road and Authorizing a Variance (Tim Spencer/Trivium Worthington LLC).

Executive Summary: The Resolution authorizes an Amendment to Development Plan (ADP) with a Variance for signage - 350 West Wilson Bridge Road (Tim Spencer/Trivium Worthington LLC) ADP 04-18

Recommendation: Introduce and Approve as Presented

7.C. Ordinance No. 38-2018  Adoption of New Code Language - Small Cell Technology in the Right of Way

To Enact New Chapter 955 “Small Cell Technology in the Right of Way” of the Codified Ordinances of the City of Worthington

Executive Summary: This Ordinance adopts a new chapter in the City’s Codified Ordinances regarding Small Cell Technology in the City’s Right of Way

Recommendation: Introduce for Public Hearing on July 9, 2018


Amending Chapter 1501 of the Codified Ordinances of the City of Worthington Concerning the Enforcement of the Ohio Fire Code; and to Repeal or Amend Sections of the Codified Ordinances in Conflict Therewith.

Executive Summary: This Ordinance amends Chapter 1501 of the Codified Ordinances regarding the administration and enforcement of the Ohio Fire Code by the Division of Fire.

Recommendation: Introduce for Public Hearing on July 16, 2018

7.E. Ordinance No. 40-2018  Appropriation - East Wilson Bridge Road Shared-Use Path Survey
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 Surveying for the East Wilson Bridge Road Shared-Use Path and to Proceed with said Project.

**Executive Summary:** This Ordinance authorizes an appropriation of $30,000 from the Capital Improvement Fund Unappropriated Balance to pay the cost of surveying for the East Wilson Bridge Road shared-use path and to proceed with said project.

**Recommendation:** Introduce for Public Hearing

7.F. **Ordinance No. 41-2018** Appropriation from TIF Funds

Adjusting Annual Budget for TIF Appropriations

**Executive Summary:** This request is intended to adjust the annual budget by providing for an appropriation from the Worthington Square and West Dublin-Granville Rd. Municipal Public Improvement TIF Funds Unappropriated Balance.

**Recommendation:** Introduce for Public Hearing on July 16, 2018

8. Reports of City Officials

9. Reports of Council Members

10. Other

11. Executive Session

11.A. Executive Session

**Executive Summary:** Purchase of Property Pending Litigation
Appointment to a Board or Commission
Economic Development Assistance

12. Adjournment
CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, June 18, 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


Members Absent:

Also present: City Manager Matthew Greeson, Assistant City Manager Robyn Stewart, Director of Law Tom Lindsey, Director of Finance Scott Bartter, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Clerk of Council D. Kay Thress

There were twenty 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)

Resolution No. 36-2018

Expressing the Appreciation and Best Wishes of the Worthington City Council to Richard Macer for His Outstanding Service to the Community.

Introduced by Mr. Myers.

MOTION

Ms. Dorothy made a motion to adopt Resolution No. 36-2018. The motion was seconded by Ms. Kowalczyk.
There being no additional comments, the motion to adopt Resolution No. 36-2018 passed unanimously by a voice vote.

Ms. Michael remarked that this is bitter sweet to say “good bye” after so many wonderful years of service. She told Mr. Macer that we really appreciate all that you have done.

Mr. Greeson reported being pleased to have the Chairman of the Community Relations Commission, Jack Miner here this evening to offer comments and help the City recognize one of its most stalwart, reliable, humble volunteers and one of the finest gentlemen we have in this community, Mr. Richard Macer.

Mr. Miner thanked Mr. Greeson and Council members for this opportunity. He shared that as he talked with the CRC and how the work that they do is really on the shoulders of those that came before them that is truly Richard that we are talking about. He has been with the CRC since before the Commission began. We are fortunate to not only have current members of the CRC in attendance but also former members present this evening.

Council acknowledged several of those former members.

Mr. Miner read Resolution No. 36-2018 in its entirety and presented Mr. Macer with a certified copy.

Mr. Macer thanked Council for this recognition. He shared that it has been his pleasure to have worked with that particular Commission. They were trying to make Worthington an All American City; the kind of place where everybody is comfortable, feel welcome, and is saluted. This is what he guesses was his charge as a kid and perhaps as a family coming into Worthington in 1970 where all three of his children graduated from Thomas Worthington. It has been a pleasure to actually help add a voice, add a muscle or two to try to make Worthington the great community it is today. He feels very proud of being in the Worthington community, to act through Dave Elder, Harvey Minton, Mike Coulter, Courtney Chapman, and all of these people who have led the Community Relations Commission. There are several Council members who are not here today but have been recognized by naming the building after him, who were very supportive of the Commission. He is happy, proud and pleased that he was able to actually add his nickel or dimes worth to it so that the City can look at the results and be proud in it. He thanked Council for that opportunity and honor.

Ms. Michael thanked him again. She doesn’t think people realize how much time and effort and great work he did behind the scenes. It has been a pleasure having him in the community.

APPROVAL OF THE MINUTES

- Regular Meeting – June 4, 2018
- Committee of the Whole Meeting – June 11, 2018
MOTION

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

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

PUBLIC HEARINGS ON LEGISLATION

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

Ordinance No. 28-2018

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

The foregoing Ordinance Title was read.

Mr. Greeson explained that the Law Enforcement Trust Fund comes from fines and forfeitures. Its use is limited to Police Department law enforcement activities. The Chief has recommended that we appropriate $16,000 from that trust fund for the purpose of contracting with Lexipol, a significant vendor that assists divisions of Police across our country with keeping their policies and procedures up to date. They also offer training related to those policies and procedures. The Chief’s memorandum in the Agenda packet outlines all of this in a little more detail.

Ms. Dorothy commented that this is to review our current policies and look at what other current best practices are and then make changes as we deem appropriate on an ongoing basis. Mr. Greeson agreed. He shared that one of the most important things you can do in a Police organization is to keep your policies up to date in terms of best practices for policing, keep them up to date and current with case law, and constantly offer training to the officers on how to best implement our policies and procedures. It is helpful to them and it is an important risk management tool in the management of the City as well.

Ms. Dorothy stated that this year we will see if we need to update anything but then we will have that ongoing policy of how to train people on a continual basis. When Mr. Greeson agreed, Ms. Dorothy shared that it looks like a good expenditure to her.

There being no additional comments, the clerk called the roll on Ordinance No. 28-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 28-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.
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.

The foregoing Ordinance Title was read.

When asked by Mr. Bartter how he should present the information, Ms. Michael directed him to report on all the legislation and then Council will vote on each separately.

Mr. Bartter reported there being four pieces of legislation that authorizes the issuances of “not to exceed” a total of $4,460,000 to finance multiple capital improvements projects that includes the Northbrook Sewer Project, the Kenyonbrook Trunk Sewer Improvements, Hardy Way Sewer Relocation, Phase 1 of the Energy Conservation Measures, Roof Replacement projects for the South end of the Community Center and for the Fire Station, and the East Wilson Bridge Road waterline. The 2018 – 2022 CIP adopted by City Council with the passage of Resolution No. 72-2017 planned for the issuance of debt for the aforementioned projects. He anticipates issuing these notes in September. With us this evening is Brian Cooper, who is our municipal advisor from Umbaugh and Associates. He can talk further about the process of issuance.

Mr. Cooper shared that he last spoke with Council in the winter when the City adopted its Debt Policy. He added that they also received the investment policy and some of the other financial policies at the same time. They are fiduciary to the City and on a financial transaction they sit on the same side of the table with the City. They are not selling a product but rather representing the City’s interest in the financial markets. They often help with structuring, timing and advice related the issues of securities. With respect to the note legislation before Council this evening, there are a few goals and objectives that he wants to cover. We want to fund the water and sewer improvements, energy conservation improvements and fire station and community center roof improvements as Mr. Bartter mentioned. We want to maintain flexibility of the term and amortization structure until the City’s full capital plan can come to fruition next year. The best way to do that is with the issuance of notes versus bonds. Notes are a short term instrument while bonds are long term fixed instruments. We also want to obtain an investment grade rating from the State Treasurer’s Ohio Market Access Program, which will give the notes the highest short term rating that is possible in the market. That will help with the interest rate and the ease of execution when those notes go out for sale. We also want to help plan the timing, sale, and distribution of the various purpose notes.

Mr. Cooper explained a chart of current interest rates, how the market works, how notes provide flexibility until projects are finished and permanent financing can be obtained. At
the same time notes also provide a lower form of borrowing with rates likely to be in the 2% versus a fixed rate for a twenty year around 3.25% to 3.50%.

To Ms. Dorothy’s comment about doing the calculations and them just be a guesstimate of what the rates might be next year, Mr. Cooper further explained how the markets work regarding short term and long term debt. He explained that when the City is in notes there is interest rate risk as the market fluctuates. He shared that while the interest rate chart shows a steady notching up in interest rates on the short term, long term rates have remained relatively stable and they are rather flat out further. We could have a recession and if that comes, the rates could go down. So rates just like stock and bond prices are impossible to predict. Fundamentally from the City’s perspective, what you want to decide first is what do we need to fund today because you don’t want to borrow more than what you might need. Then determine if this is all we need or will there be more in the future and then determine if we need flexibility to do more in the future or do we want to just go straight to bonds. He and Mr. Barter talked at length about these options over the course of a year and based on where we are with capital planning and future issuances, notes are the recommendation right now.

Mr. Cooper stated that we want to fund the improvements. The notes are expected to be issued on September 5th. He further explained the steps in the note process.

Mr. Cooper asked if there were any questions about the ordinances or the market.

Mr. Robinson asked Mr. Cooper to provide an idea about the cost of fixed rate bond issuance and the factors that determine those costs.

Mr. Cooper reported that the cost associated with fixed rate bonds would include: 1) Cost of underwriting, 2) Bond Counsel, 3) Related cost of preparing the legal documents and bond proceedings along with an official statement (primary disclosure document that would be used to market and sell the bonds), 4) Municipal advisor, 5) Paying agent and Bond registrar (track payments), 6) Rating Agency costs, and 7) Other market driven costs.

When asked by Mr. Robinson what the cost would be for a $4,460,000 bond issuance, Mr. Cooper replied that the approximate costs would be about $120,000 to $150,000 depending on all of the costs and the final estimates.

There being no additional comments, the clerk called the roll on Ordinance No. 29-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 29-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.
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 Griswold Center; and Approving Related Matters in Connection with the Issuance of the Notes.

The foregoing Ordinance Title was read.

Ms. Dorothy understands that this debt will be paid back in large part by our Capital Improvement Fund, which is mainly funded through income tax. Does she understand correctly that some money will also be designated from property taxes? Mr. Bartter agreed with her understanding. He explained that the General Bond Retirement Fund is actually the fund that pays the debt service on our debt. That Fund is largely funded by a transfer out of the Capital Improvement Program but is also slightly supplemented by about $110,000 of property tax.

Ms. Dorothy commented that many times we decide whether or not we are going to do a cash basis for our CIP or if we are going to do notes or bonds. Eventually we have to pay everything back. The reason why we choose to do notes and bonds to begin with is because this is a long term investment that we are comfortable with having the City of Worthington residents and businesses pay over the long term since people get to use these improvements over the long term. That is the general outline of what we are doing and why we are doing it. Mr. Bartter agreed.

There being no additional comments, the clerk called the roll on Ordinance No. 30-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 30-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.
When asked by Ms. Dorothy how long we expect these roofs to last, Mr. Whited replied that the realistic useful life is a minimum of 25 years. Shingles are guaranteed for 35 to 50 as specified in the bid documents but generally speaking, about 25 years or longer.

There being no additional comments, the clerk called the roll on Ordinance No. 31-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 31-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

When asked by Ms. Dorothy how long we expect the waterline to last, Mr. Whited replied that he would hope for 50 years or more. It depends on capacity and demand, traffic and quality of construction and all of those different things.

There being no additional comments, the clerk called the roll on Ordinance No. 32-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 32-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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)
The foregoing Ordinance Title was read.

Mr. Greeson shared that in recent meetings members have authorized appraisers and acquisition specialists for the Northeast Gateway Project. These are the funds that are necessary to begin right of way acquisition. He welcomed Mr. Brehm of EMH&T to the meeting and invited Mr. Whited to provide an overview.

Mr. Whited confirmed that this is a follow up to our recent discussions about hiring the appraisers, who will begin work next week. There are 124 parcels, 35 landowners for permanent and temporary easements and rights of way along with several relocations. This gives us the ability to follow through with compensation to the landowners as a result of the appraisals. We are well through the design phase and have those plans in place. We have had numerous meetings with individuals; most recently regarding utilities because we have some more complicated easements that exists, ones that are needed, and some that need vacated, and those that are swapped in and out. It has been a pretty time consuming process. Mr. Brehm and his staff have been extremely helpful in getting that work through as well as Mr. Lindsey. He would be happy to answer any questions.

Mr. Dorothy asked how far along in the process are we and do we have any anticipated time of completion. Mr. Whited replied that we haven’t begun yet. We have approval of the contracts for the consultants for the appraisals that will begin next Monday. Our goal for the completion of that process is October/November of 2019.

Ms. Michael believes this is one project that has the largest number of utility relocations of anything we have done in Worthington. Mr. Whited agreed.

There being no additional comments, the clerk called the roll on Ordinance No. 33-2018. The motion carried by the following vote:

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

No 0

Ordinance No. 33-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

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.

The foregoing Ordinance Title was read.

Mr. Greeson shared that Council has had at least two presentations on this topic. He noted that Rich Surace from Energy Alliances, who we selected as our consultant and partner to
assist us in this endeavor, is in attendance. Mr. Lindsey, Mr. Surace or he would be happy to answer any questions members may have.

In summary, Mr. Greeson stated that if members approve this ordinance tonight it accomplishes one very important step in the process, it would put before the Worthington voters the decision on whether to allow the City to pool the community’s buying power, essentially authorizing us to aggregate and begin the process of creating an opt-out electric aggregation program. Members’ stated goals as staff understands them and as we plan to communicate them to the citizens and small businesses of Worthington are that our desire for this program is to offer cost savings and to pursue green energy or renewable energy usage. That would be accomplished through the purchase of renewal energy certificates. Staff and our Energy Alliance partners will be spending a great deal of time making sure that we communicate this effectively to the public. We plan to place information on the City’s website this week and issue a press release. Plans also include presentations before community groups, offer a town hall meeting, and distribute information through our various City means in an effort to effectively answer the citizen’s questions regarding this ballot initiative. It is our belief that in the current market we will be able to achieve both the goals (save money and increase renewable energy usage). Should the voters choose to adopt this measure, and the PUCO certifies our program, we will be able to secure an electric supplier through an RFP process.

Ms. Kowalczyk mentioned that she had a concern with the language that would go on the ballot so she asked Mr. Lindsey if there was any way to make it more user friendly so that people would understand what they were voting on. She asked Mr. Lindsey to share his response with Council.

Mr. Lindsey shared that the language Mr. Surace and Energy Alliances has recommended as their template for the ordinance is the language that he suspects, although it is difficult to verify, is the same ballot language that 99.9% of communities have used for their aggregation programs. The ballot language, which is approved by the Secretary of State, has become a standard language. So it is his recommendation that we stick with the standard language as it has proven successful for the overwhelming majority of communities that have placed this on the ballot.

Ms. Michael agreed that the reading of the language is difficult.

Ms. Kowalczyk reported her concern is just that people won’t know what they are voting on. She also understands the necessity to meet all the requirements to get it on the ballot so we have to make sure we engage in a very strong public education campaign.

Mr. Myers commented that he hopes everyone knows that he is not shy about taking positions on things. He really doesn’t like people that sit on the fence but he is sitting on the fence on this one. He has read a great deal and talked on this matter but has encountered some that are greatly opposed to this and others who think it is great. He hasn’t decided yet so he is going to be an active listener in the education process. He still doesn’t know about this to make an informed decision. So he feels compelled, not because
he doesn’t support it necessarily but he doesn’t think he can vote for something that he doesn’t fully understand yet. So he will vote no, not necessarily because he doesn’t support the project but rather he doesn’t feel comfortable enough yet with it. He is going to be one of those people who is going to be educated during this process.

Mr. Robinson remarked that he would love to sit down with Mr. Myers to talk about this topic. Mr. Myers replied that he is all ears.

Mr. Lindsey commented that he appreciates Councilmember Myers if not certain how to vote it is certainly his prerogative and he would not ever question any council member in that regard. This particular vote is to put the issue on the ballot and is a required step in order to allow the city the opportunity to present a program. There are two additional critical votes that Council will have in this regard. He explained the supplementary votes and reiterated that this is simply the first step that is required in the process.

Mr. Robinson thanked Mr. Lindsey for his comments. He suggested to Mr. Myers that he frame this vote in his mind as stimulating a much needed public discussion, debate and education process about a very critical issue. He believes Mr. Myers was quoted in the paper as saying this was a no brainer as the public will ultimately decide as to move forward. That is really what we are voting on tonight. We are putting it out there to the public, letting them vote on it in November, and all of us being better for the discussion whether it passes or fails. He is sure it will pass but that is really what is at stake tonight.

Ms. Dorothy emphasized that she thinks it is great to give the electorate chances to make their own decision. Going but back to Ms. Kowalczyk’s original idea that in general when the electorate doesn’t understand what they are voting on, they usually do vote “no”. She thinks that is a little bit what we are seeing with Mr. Myers but she does like to give the electorate the chance to vote on things as much as possible.

As to Mr. Myers, Ms. Kowalczyk reported being curious as to whether there is anything in particular that sticks out to him that would. . . Mr. Myers offered the following example: He opted out of AEP two years ago. With this discussion he began thinking about who his supplier of electricity is because he had forgotten and he doesn’t have a contract. He also wanted to find out his rate. He looked at his AEP bill and his supplier is some number. He surmised that there would be an index on PUCO’s website but he could not find one. He wondered what rate he is paying and there are seventeen or eighteen different numbers on that and he started thinking about rotary phones. He recalls how easy it was when he knew Ohio Bell was his carrier and he paid $17.98 a month. A long distance call cost him $0.38 a minute and he knew exactly what it was and who he was paying it to and his life was simple. Then President Reagan came along and we got deregulation. Now he has a seven page cell phone bill, a five page cable bill, and a three page electric bill so he has a general dislike for deregulation because it has not made his life easier. He looks at this as the next step in deregulations. So he comes at it with a certain bias that may not be supported by any of the facts in this action but he is true to his bias and he will admit his bias. So he comes to this conversation with that background. He is probably paying less for his electric bill than he was two years ago but he is having a hard time confirming that.
Again, this is a conscience call for him, not a policy call at this point. He doesn’t think he needs to defend his vote any further and asked for the question to be called.

There being no additional comments, the clerk called the roll on Ordinance No. 34-2018. The motion carried by the following vote:

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

No  1  Myers

Ordinance No. 34-2018 was thereupon declared duly passed and is recorded in full in the appropriate record book.

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 37-2018  
Providing for Adoption of the Tax Budget for the Fiscal Year Beginning January 1, 2019.

Introduced by Mr. Smith.

MOTION  
Mr. Myers made a motion to adopt Resolution No. 37-2018. The motion was seconded by Ms. Dorothy.

Mr. Bartter explained that the County tax budget is an annual housekeeping item that we are required to adopt and submit to Franklin County Budget Commission by July 20\textsuperscript{th} of each year. Failure to meet those deadlines as prescribed in Ohio Revised Code 5705.30 may result in a loss of Local Government Funds, which was a bigger stick about ten years ago than it currently is but we still like to adhere to all applicable rules and regulations. The Tax Budget does not appropriate funds or transfer funds. Some of these numbers are going to change between now and when we actually do an annual appropriation ordinance in December. The General Fund expenditures were pulled from the 2019 expenditures as listed in the 2018 Budget. As a matter of procedure, if at some point we were interested in increasing our charter millage, this would be the document to start that process. As we are not currently doing that there has been no change.

When asked by Ms. Dorothy if we only have this one time a year to do that if we choose, Mr. Bartter replied that he thinks we can do it here and then later as long as we change it by the time we accept the rates in early September.

Ms. Dorothy commented that members will go over this again during budget times but she had a little bit more time on her hands this week and she was looking at several of the special revenue funds that have some big numbers in those lines. We have dedicated funding sources for those that are not our income tax or property tax. When she asked if that was correct, Mr. Bartter agreed that it was.

Ms. Dorothy then asked where we get the money for the street maintenance repair and state highway fund, to which Mr. Bartter replied that there is some dedicated income from
gas tax and motor vehicle license tax but it is not enough to fully support those funds. So in addition to that we transfer funds from the General Fund, which is income tax based to support street maintenance and repair, state highway, water, sanitary sewer, and police pension. Members may recall that for the budget process last year, a large part of the balancing that we did in the budget for 2018 was from a reduction of $275,000 in the transfer to the police pension fund. So we are using some of that fund balance and reducing that transfer to help balance the General Fund. In 2018, we are going to transfer about $640,000 out of the General Fund into some of these various special revenue funds because they are not self-supporting.

Ms. Dorothy stated that we do have these special line items that are not fully funded by their separate revenue source therefore we are still using much of our General Income Tax to top them off up to $640,000. Mr. Bartter offered the example of some legislation that is going to be introduced tonight for public hearing later on the water main breaks and the water bill. That needs to be paid out of the water fund. The appropriation wasn’t there so we are going to increase the transfer to move it out of the General Fund into the water fund and then pay the bill out of the water fund.

When asked by Ms. Michael if we are headed into deficit spending this year, Mr. Bartter replied that it is still early. In 2019 he thinks our challenge is going to be in our budgetary process to present a budget to Council that is balanced in expenditures and revenues. He thinks we will flatten out on revenue but expenditures at this point are a little bit unknown but we don’t have a police contract or a fire contract. This tax budget assumes 2% across the board and a 5% increase on health care. It is still yet to be determined if those will be accurate numbers.

There being no additional comments, the motion to adopt Resolution No. 37-2018 passed unanimously by a voice vote.

**Ordinance No. 35-2018**

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

*Introduced by Ms. Dorothy.*

**Ordinance No. 36-2018**

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the Municipal Building Roof Project (680-18) and the Fire Station Roof Project (648-17) and all Related Expenses and Determining to Proceed with said Projects.

*Introduced by Ms. Kowalczyk.*
Ordinance No. 37-2018  Kemper House (800 Proprietors Road) TIF Legislation  

Introduced by Mr. Robinson.

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

REPORTS OF CITY OFFICIALS

Policy Item(s)

- Financial Report – May 2018

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

- The Fund balances for all funds increased from $26,697,378 on January 1, 2018 to $28,809,675 as of May 31, 2018.

- The General Fund balance increased from $13,491,664 as of January 1, 2018 to $14,484,791 as of May 31, 2018.

- Year to date income tax collections are below 2017 year to date collections by $-544,927 or -4.91%.

Mr. Bartter shared that the month of May was not real great as we were down 10%. He thinks some of that was timing because it looks like we are going to be up in June and he believes we were up in April. We were down considerably in net profit revenue which he thinks are impacts of the state legislature’s change in the collection process. He did request a motion by Council to accept the Financial Report.

Ms. Michael asked that he track how that impacts us going forward. Mr. Bartter stated that staff will compare net profit collections to prior year collections. Ms. Michael asked that the payment schedule also be tracked.

Mr. Robinson asked Mr. Bartter to help him understand how income tax revenues can be down by 5 to 10% and yet combined fund balances are up almost $2M for the year. Mr. Bartter explained that our income tax losses are being offset in the General Fund by increases in interest income, increases in property tax and an increase in Parks & Recreation. Our expenditures are also tracking low due to some position vacancies and not spending yet on some of these capital improvement programs that have actually been appropriated. That is all continuing to build the fund balance. He thinks we could be on a decline though as we look from July until December but we will have to wait and see. When asked by Mr. Robinson if it is regarding expenditures or the other income sources,
Mr. Bartter replied both. He clarified not the other income sources but he thinks the income taxes might accelerate in its decrease and expenditures will increase.

Mr. Robinson commented that he would expect property taxes and interest incomes to remain stable or rise. Mr. Bartter agreed.

Mr. Robinson commented that in looking at the year over year chart on Packet page 164, the May Year to Date Revenue to Expenditures All Funds, 2017 saw a significant spike in revenue. He asked if that was from a significant employer bonus. Mr. Bartter agreed that it was. Mr. Robinson noted that in 2018 when compared to 2016 and 2015, looks like we are still up so things are not as bleak as the 5 to 10% decrease makes it sound. Mr. Bartter agreed. It just spiked in 2017 but the more we base on 2017 then the worse it looks. Mr. Robinson remarked that he appreciates the conservative orientation that Mr. Bartter brings to the table.

MOTION

Mr. Foust moved, Mr. Smith seconded a motion to accept the Financial Report. The aforementioned motion carried unanimously by a voice vote.

Mr. Greeson shared the following information items:

- This Friday is the employee luncheon. Council members are welcome to join us.
- Applications were distributed for the vacancy for the Bike and Pedestrian Advisory Board for members to review and discuss in the future.
- Electric Aggregation – Anne Brown and he will begin working with Rich Surace to get the word out quickly on that subject. If members find a resident that has a question, Finance Manager Steve Gandee will be our point of contact for those questions.
- Council wanted video streaming of Council meetings. That equipment is being installed this week by SwagIt. We will spend the month of July testing and getting the bugs out and providing some training. We plan to begin live video streaming once members return from the August recess.

Ms. Stewart shared that she left an information sheet at members’ places this evening regarding the National League of Cities annual conference. We typically budget for up to three council members to attend. This year it is in Los Angeles, November 7-10. The lowest rate is the Early Bird registration which is valid until July 15th. If you are interested in attending please let her know as soon as possible.

REPORT OF COUNCIL MEMBERS

Mr. Foust asked to be excused from the July 2nd meeting as he will be traveling out of state.

Ms. Dorothy shared that she attended the Bike and Pedestrian master plan kick off meeting, which she knows there were more things that Mr. Hurley and other staff members went to
afterwards. She asked if staff can provide additional information about that. Mr. Whited replied that he had a conflict and was unable to attend. Rob Whetmore did attend but he hasn’t had a chance to get a report from him. Ms. Dorothy asked that staff provide any additional information.

Ms. Kowalczyk thinks everyone on Council received an e-mail about the review of the SR-161 – Evening St. intersection. This was in response to a constituent who had contacted her. She got to see the leading pedestrian interval in action this weekend while walking to the Arts Festival. She thanked staff for putting that in place as it looks like a very effective tool. She is curious about whether we have plans to put that in place in other intersections in the City. Mr. Greeson replied that with Ms. Dorothy’s encouragement he believes we installed one at New England and High St. He invited Mr. Whited to comment. Mr. Whited reported that we will install them at other intersections but it is a little complicated depending on the controlling units that is in place and how the signalization works. Kudos to Steve Tennant and our Street Light Technician Bill Halfen for accomplishing it there as it took some time and energy to go through the mechanizations that were required with that controller. They did a good job and we hope to monitor that and find other places to place them. Ms. Kowalczyk added that she really appreciates the updated signage as well and the action on that issue.

Mr. Kowalczyk then shared that the Old Worthington Partnership had their board meeting recently. She shared the following information:

- There was quite a bit of discussion regarding Farmer’s Market and whether businesses in Old Worthington should have the opportunity to have their own vendor stall at the market. The board came up with the idea of having a rotating vendor table that would feature a business in Old Worthington because there is a concern about businesses losing money to competing vendors in the market. In the interest of accommodating the business owners, they are going try this idea and see how that goes.
- They also talked about feedback on the extended hours of the Farmer’s Market to 1:00 p.m. The Partnership haven’t received any complaints about the extended hours from residents.
- If members haven’t got their tickets to Picnic with the Partnership you are out of luck as they are sold out. She hopes to see people there as it will be a great event.

Mr. Greeson reported that staff has had some downtown merchants express concern about the extra hour and we are going to connect them with the Partnership and facilitate a conversation about that. Ms. Kowalczyk agreed that there was some discussion about one or two merchants concerned about the extended hours. She just forgot to bring that up. She is glad that we are initiating that conversation.

Ms. Michael reported that the Convention and Visitors Bureau (CVB) entered into an agreement with the Old Worthington Partnership. She and Mr. Greeson are working on a cover memo to go with the agreement to distribute to members. The CVB will be paying for a part-time person to carry out some of the work of the CVB through the end of this
year. In the fall we will begin a much more global discussion as to the role of the CVB, bed tax money, etc. She just wanted members to know that this discussion will be going on and we will be getting additional information out. Mr. Greeson shared that this effort was necessitated by the retirement of the longtime executive director of the CVB, Mindy Mace. They chose this interim solution to get them through their planning period both to assess the future of the CVB and also develop some new marketing strategies and plans for where they go next. Ms. Michael expressed her appreciation to all the groups involved.

Ms. Michael reminded members that the City is a member of COhatch. As a result, we have ten hours a month that the City can use COhatch for City related meetings. Just let Mr. Greeson or Mr. McCorkle know and they can get that scheduled. She and Ms. Kowalczyk tried it out this past weekend and it was wonderful.

EXECUTIVE SESSION

ADJOURNMENT

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

The motion carried unanimously by a voice vote.

President Michael declared the meeting adjourned at 8:42 p.m.

___________________________________
Clerk of Council

APPROVED by the City Council, this 2nd day of July, 2018.

______________________________
Council President
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 18, 2018
To: Matthew H. Greeson, City Manager
From: Scott F. Bartter, Finance Director

Subject: Ordinance No. 35-2018: Additional Appropriation - Water Main Repairs

EXECUTIVE SUMMARY
This Ordinance appropriates an additional $78,000 for water main repairs that occurred in 2017.

RECOMMENDATION
Approve as Presented

BACKGROUND/DESCRIPTION
This Ordinance provides funding for water main repairs. The Ordinance includes a transfer of funds from the General Fund to the Water Fund to cover the cost of the water main repairs billed by the City of Columbus based on the agreement between the City of Worthington and City of Columbus for water service. The Ordinance appropriates the funds in the Water Fund so the payment can be made. The 2018 Operating Budget appropriated $50,000 for water main repairs. At Council request, this amount was double the 2017 appropriation of $25,000, but still short of the $127,613.90 bill from the City of Columbus. This appropriation provides the additional amount needed to cover this expense.

The current water contract between the City of Columbus and the City of Worthington requires that Columbus maintenance crews repair water main breaks as they occur. While the lines are owned by the City of Worthington, the water contained in them is owned by the City of Columbus, necessitating the current contractual agreement. The water contract includes a provision stating the City of Worthington will pay for repairs exceeding 150% of the Equivalent Maintenance Ratio (EMR) occurring throughout the City of Columbus water distribution system. The EMR compares the break frequency in Worthington with that in the entire system maintained by Columbus. The EMR is defined as the total length of water mains in the City of Worthington’s water distribution system, divided by the total length of
water mains maintained by the City of Columbus and multiplied by the total number of water main repairs completed during the previous year.

In 2017, the EMR for Worthington was nineteen (19) breaks. A total of forty (40) breaks occurred in Worthington in 2017, resulting in 21 breaks in excess of the EMR. The cost to repair the twenty-one (21) excess breaks was $127,613.90. Staff has reviewed each break to confirm all forty breaks occurred in Worthington. For historical reference, below is the water main repair costs since 2012.

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$19,652.90</td>
</tr>
<tr>
<td>2013</td>
<td>$123,206.65</td>
</tr>
<tr>
<td>2014</td>
<td>$60,566.31</td>
</tr>
<tr>
<td>2015</td>
<td>$16,799.97</td>
</tr>
<tr>
<td>2016</td>
<td>$83,089.90</td>
</tr>
<tr>
<td>2017</td>
<td>$127,613.90</td>
</tr>
</tbody>
</table>

For additional historical information, below is the total amount received in the water fund as a result of the City of Worthington’s water surcharge.

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$50,824.06</td>
</tr>
<tr>
<td>2013</td>
<td>$46,672.66</td>
</tr>
<tr>
<td>2014</td>
<td>$46,190.11</td>
</tr>
<tr>
<td>2015</td>
<td>$47,295.78</td>
</tr>
<tr>
<td>2016</td>
<td>$47,092.22</td>
</tr>
<tr>
<td>2017</td>
<td>$45,163.77</td>
</tr>
</tbody>
</table>

In addition to water main repairs, the water fund funds half (.5) of a full-time maintenance technician along with half the cost of all applicable fringe benefits (health insurance, life insurance, dental insurance, vision insurance, Medicare, and workers comp). The other half (.5) of this full-time maintenance technician position is funded from the sewer fund.

Because this fund is not self-sustaining, meaning there isn’t enough revenue to cover the expenses in the fund, the General Fund must subsidize these operations. For this reason we must appropriate $78,000 from the General Fund to transfer to the Water Fund, where $78,000 will be added to the existing appropriation of $50,000, for a total water main repair appropriation of $128,000.

FINANCIAL IMPLICATIONS/FUNDING SOURCES
The Ordinance appropriates and additional $78,000 in the General Fund to transfer to the Water Fund.

ATTACHMENTS
Ordinance No. 35-2018
ORDINANCE NO. 35-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund and Water Fund Unappropriated Balances.

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

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

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

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>101.1110.560985</td>
<td>Operating Transfer - Transfers</td>
<td>$78,000.00</td>
</tr>
<tr>
<td>204.6010.540640</td>
<td>Water Main Repairs – Water</td>
<td>$78,000.00</td>
</tr>
<tr>
<td><strong>Total All Funds</strong></td>
<td></td>
<td><strong>$156,000.00</strong></td>
</tr>
</tbody>
</table>

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

Passed _________________

___________________________
President of Council

Attest:

___________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 15, 2018
To: Matthew H. Greeson
From: Daniel Whited, P.E. Director of Service & Engineering
Subject: Ordinance No. 36-2018 – Appropriation - Fire Station and Municipal Building Roof Project

EXECUTIVE SUMMARY
This Ordinance appropriates funds for the replacement of the roofs at the Fire Station and Municipal Building.

RECOMMENDATION
Motion to Table until the project can be re-bid

BACKGROUND/DESCRIPTION
On June 4th, City Council authorized the advertisement for bids to replace the roofs at the Fire Station and Municipal Building. Bids were scheduled to be opened at noon on June 27, however no bids were received. The engineer is checking with roofing companies to find out why they did not bid on the project. The information will be considered and staff will prepare to re-bid the project. Staff recommends the Ordinance be tabled until the project is re-bid.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)
The engineer’s estimate is 427,000. 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. The windows and doors will be considered for the 2019-2023 CIP that will be proposed later this year.

ATTACHMENTS
Ordinance No. 36-2018
ORDINANCE NO. 36-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Costs of the Municipal Building Roof Project (680-18) and the Fire Station Roof Project (648-17) and all Related Expenses and Determining to Proceed with said Projects.

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8130.533409 an amount not to exceed __________________________ ($________) to pay the cost of the Municipal Building Roof Project and all related expenses (Project No. 680-18).

SECTION 2. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.8130.533378 an amount not to exceed __________________________ ($________) to pay the cost of the Fire Station Roof Project and all related expenses (Project No. 648-17).

SECTION 3. That the City Manager be and hereby is authorized and directed to enter into an agreement with the firm of _____________ for the provision of the aforementioned services.

SECTION 4. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 5. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed __________

____________________________________
President of Council

Attest:

_________________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 28, 2018

To: Matthew H. Greeson, City Manager

From: David McCorkle, Economic Development Manager

Subject: Ordinance No. 37-2018 - Kemper House (800 Proprietors Road) TIF Legislation

EXECUTIVE SUMMARY
This Ordinance authorizes Tax Increment Financing (TIF) for the Kemper House project at 800 Proprietors Road.

RECOMMENDATION
Motion to amend and approve as amended.

The attachment “TIF Agreement” was revised to include the newly-consolidated parcel number for the site, and to clarify ownership assignment language in Section 1 at the Developer’s request. The proposed Ordinance has been labeled “As Amended” to note the revisions.

BACKGROUND/DESCRIPTION
This item is intended to provide background information and supporting documentation for the recommended 75%, 10-year non-school TIF legislation associated with the Kemper House project. This redevelopment effort represents an opportunity for the City to use TIF to capture and redirect non-school taxes from the incremental increase in value of those parcels into a new TIF fund. From this TIF fund, the City would direct up to $200,000 in property tax revenues to reimburse the developer for a portion of the public development costs, as well as to the City to make public improvements to the area immediately surrounding this project.

In 2017, the City of Worthington was contacted by the developers of the Kemper House project, who were interested in establishing an assisted living memory care community at 800 Proprietors Road in Worthington. The proposed community is designed incorporating the “household” concept of care. The community will provide residents with a full range of congregate services. It will address the needs of seniors with memory impairment, offering...
special features designed to energize and promote health and wellness, memory functions, and improved quality of life. The environment is designed to provide the comforts of home with soft colors, comfortable finishes, variable light levels, and large windows to accommodate substantial sunlight. “Nesting areas” are provided where furnishings are kept in familiar settings to help with recognition of surroundings.

The site is comprised of three (3) parcels totaling approximately 4.84 acres. This site long has been identified by City staff as a redevelopment priority. The redevelopment of this former Worthington Foods site, which likely will involve the consolidation of the three parcels into a single parcel, will include numerous public improvements. The developer has requested TIF assistance from the City to help offset some of these costs.

This redevelopment project represents an opportunity for the City to use TIF to capture and redirect non-school taxes from the incremental increase in value of those parcels. Under such an arrangement, owners of the properties pay “service payments” to the county in amounts equivalent to the taxes otherwise due on the improved value of the land, which funds are then redirected into a City-controlled TIF fund. From the TIF fund, the City would direct up to $200,000 in property tax revenues to reimburse the developer for a portion of the public development costs, as well as to the City to make public improvements to the area immediately surrounding this project.

Eligible TIF expenditures include the clean-up and replanting of vegetation along the hillside on SR161, brick wall repair and clean-up at the intersection of SR161 and Proprietors Road, construction of a multi-purpose path along Proprietors Road, preservation and maintenance of the mature Swamp White Oak tree on the site, environmental remediation, relocation of the railroad easement, and legal, administrative, and overhead costs associated with these improvements.

City staff is recommending that the Worthington City Council adopt an enabling ordinance to exempt from 75 percent of real property taxes, for a 10-year period, improvements made to the parcels comprising the Kemper House memory care site. The City estimates that the true value of the improvements to the parcels will total approximately $5.4 million across the term of the TIF.

ATTACHMENTS

- Notice to Board of Education of Worthington City Schools
- Ordinance No. 37-2018
- TIF Agreement
June 7, 2018

Julie Keegan, President
Board of Education of Worthington City Schools
c/o Jeff McCuen, Treasurer
200 East Wilson Bridge Road
Worthington, Ohio 43085

Re: City of Worthington Parcel TIF Notice – 800 Proprietors Road / Kemper House

Dear Ms. Keegan:

I write to provide the Board of Education of the Worthington City School District with notice of to-be-proposed tax increment financing (TIF) for parcels comprising 900 Proprietors Road in Worthington, Franklin County. Specifically, the City is contemplating exempting parcel numbers 100-004079; 100-000401; and 100-002205; these parcels likely will be consolidated into a single parcel as part of their redevelopment into an assisted living memory care community.

Pursuant to Ohio Revised Code (ORC) §5709.40(D)(5), and on behalf of the Worthington City Council, I am providing notice that the City contemplates declaring improvements to these parcels to be a public purpose and therefore exempt from taxes.

Project Background

In 2017, the City of Worthington was contacted by the developers of the Kemper House project, who were interested in establishing an assisted living memory care community at 800 Proprietors Road in Worthington. The proposed community is designed incorporating the “household” concept of care. The community will provide residents with a full range of congregate services. It will address the needs of seniors with memory impairment, offering special features designed to energize and promote health and wellness, memory functions, and improved quality of life. The environment is designed to provide the comforts of home with soft colors, comfortable finishes, variable light levels, and large windows to accommodate substantial sunlight. “Nesting areas” are provided where furnishings are kept in familiar settings to help with recognition of surroundings. City of Worthington Parcel TIF Notice
Specially trained and certified staff are on duty around the clock to provide loving support, empathetic care, and attend to general health concerns – all in an enriched environment.

The site is comprised of three (3) parcels totaling approximately 4.84 acres. This site long has been identified by City staff as a redevelopment priority. The redevelopment of this former Worthington Foods site, which likely will involve the consolidation of the three parcels into a single parcel, will include numerous public improvements. The developer has requested TIF assistance from the City to help offset some of these costs.

This redevelopment project represents an opportunity for the City to use TIF to capture and redirect non-school taxes from the incremental increase in value of those parcels. Under such an arrangement, owners of the properties pay “service payments” to the county in amounts equivalent to the taxes otherwise due on the improved value of the land, which funds are then redirected into a City-controlled TIF fund. From the TIF fund, the City would direct up to $200,000 in property tax revenues to reimburse the developer for a portion of the public development costs, as well as to the City to make public improvements to the area immediately surrounding this project.

**TIF Exemption**

Proposed redevelopment of the 800 Proprietors Road site – into the Kemper House – represents a good source of incremental increase in property tax revenue. It also provides local access to valuable health care for those suffering from Alzheimer’s or dementia. Through the use of this proposed TIF, the City can capture and redirect non-school tax revenue to assist with the substantial costs associated with the clean-up and replanting of vegetation along the hillside on SR161, brick wall repair and clean-up at the intersection of SR161 and Proprietors Road, construction of a multi-purpose path along Proprietors Road, preservation and maintenance of the mature Swamp White Oak tree on the site, environmental remediation, relocation of the railroad easement, and legal, administrative, and overhead costs associated with these improvements.

To these ends, City staff will be recommending that the Worthington City Council adopt an enabling ordinance to exempt from 75 percent of real property taxes, for a 10-year period, improvements made to the parcels comprising the Kemper House memory care site. The City estimates that the true value of the improvements to the parcels will approximate $6.3 million across term of the TIF.

The City intends to structure this as a non-school TIF, meaning the City’s enabling ordinance will include language directing that payments in lieu of taxes be paid to the Schools in the amount of taxes that otherwise would have been paid (see ORC §5709.82(C)(2)).
City of Worthington Parcel TIF Notice
June 7, 2018
Page 3

Request

Worthington City Council will take action on July 2, 2018 to review staff recommendations and may adopt an ordinance declaring improvements to the above-cited parcels to be a public purpose and therefore creating the TIF exemption. Staff has prepared a draft ordinance – to be introduced by City Council on June 18 – containing language to allow for the TIF exemption, a copy of which is attached for your reference. Please review this correspondence and provide a response, if any, to this notice.

Feel free to address any concerns or questions to me at (614) 436-4518 or via email at dmccorkle@ci.worthington.oh.us.

Sincerely,

David McCorkle
Economic Development Manager

Enclosure

cc: Matt Greeson, City Manager
Robyn Stewart, Asst. City Manager
Tom Lindsey, Law Director
Scott Bartter, Finance Director
ORDINANCE NO. 037-2018
As Amended

Declaring Improvements to Real Property within the City to be a Public Purpose; Declaring such Property to be Exempt from Real Property Taxation; Describing the Public Improvements to be Made that will Directly Benefit the Parcels of Real Property; Requiring the Owners of the Real Property to Make Service Payments In Lieu of Taxes; Authorizing the City Manager to Enter Into a Tax Increment Financing Agreement with the Property Owner; and Establishing a Municipal Public Improvement Tax Increment Equivalent Fund for the Deposit of Service Payments.

WHEREAS, Ohio Revised Code ("ORC") §§5709.40, 5709.42 and 5709.43 (the "TIF Statutes") provide that this Council may, under certain circumstances, declare improvements to real property within the City to be a public purpose, thereby exempting those improvements from real property taxation, as well as describe certain public infrastructure improvements to be made that directly benefit the real property, provide for payments in lieu of taxes by the owners of the real property, and establish a municipal public improvement tax increment equivalent fund; and,

WHEREAS, this Council desires to encourage the development of the real property described and depicted on EXHIBIT A attached to this Ordinance (the "Property") to achieve the economic development goals of the City in a manner that is consistent with the existing neighborhood; and,

WHEREAS, The Griffin 105 Group, LLC, and any related entity formed for the specific purpose of developing said Property (collectively, the "Developer") desires to construct on the Property a memory care facility (the "Project"); and,

WHEREAS, in connection with the construction of the Project, the City and the Developer desire to execute a tax increment financing agreement substantially in the form attached hereto as EXHIBIT B (the "TIF Agreement"), which TIF Agreement would provide for the construction of the Project and for the financing of certain Public Infrastructure Improvements, as defined below and in the TIF Agreement; and,

WHEREAS, the City is desirous of cleaning-up and replanting vegetation along the hillside on SR161, repairing and cleaning-up the brick wall at the intersection of SR161 and Proprietors Road, constructing of a multi-purpose path along Proprietors Road, preserving and maintaining the mature Swamp White Oak tree on the site, remediating the surrounding environment, relocating the railroad easement, and assisting with legal, administrative, and overhead costs associated with these improvements; and,
ORDINANCE NO. 037-2018
As Amended

WHEREAS, it is necessary and appropriate and in the best interests of the City to provide for the payment of annual service payments in lieu of taxes ("Service Payments") by the current and future owners of the Property (each an “Owner,” and collectively, the “Owners”) with respect to the Improvements pursuant to ORC §5709.42; and,

WHEREAS, the designated public infrastructure improvements described in EXHIBIT C attached hereto (the “Public Infrastructure Improvements”) will directly benefit the Property; and,

WHEREAS, it is in the best interests of the City to declare the Improvements to the Property to be a public purpose, as Improvements are defined below and in ORC §5709.40(A)(4), and to provide an exemption from real property taxes as set forth in this Ordinance; and,

WHEREAS, notice of this Council’s intention to declare the Improvements exempt from real property taxes and to pass this Ordinance has been delivered to the Board of Education of the Worthington City School District (the “Board”) in accordance with ORC §5709.83, and this Council ratifies and affirms the delivery of such notice; and,

WHEREAS, pursuant to ORC §5709.40(D)(1), this Ordinance directs the Service Payments to be paid to the Board in the amount of the taxes that would have been payable to the Board if the Improvements had not been exempted from taxation, as such payments and their distribution to the Board are described under ORC §5709.42; and,

WHEREAS, pursuant to ORC §5709.82(C)(2), it is the City’s intention that Service Payments paid to the Board as directed in this Ordinance represent the full scope of compensation to the Board and the Board shall not be compensated under an income tax sharing arrangement as otherwise described under ORC §5709.82(D); and,

WHEREAS, the City intends to apply for exemptions from taxation on behalf of the Owner or Owners of the Property, pursuant to ORC §5709.911; and,

WHEREAS, this Council desires that the Public Infrastructure Improvements be constructed; and,

WHEREAS, the City and the Developer have negotiated and otherwise planned for, and intend to incur, the costs to construct the Public Infrastructure Improvements; and,

WHEREAS, this Council desires that a portion of the costs of the Public Infrastructure Improvements and related expenses be paid from the Service Payments
ORDINANCE NO. 037-2018
As Amended

made in respect to the Improvements, as the use and applicability of such Service Payments are further described in EXHIBIT C.

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

SECTION 1. Pursuant to and in accordance with the provisions of the TIF Statutes, this Council hereby determines and finds that it is in the best interests of the City to declare the Improvements to the Property to be a public purpose and to grant an exemption from real property taxes on those Improvements, and this Council finds and determines that seventy-five percent (75%) of the applicable increase in true value of the Property subsequent to the effective date of this Ordinance (the “Improvements”) is hereby declared to be a public purpose, with said exemption commencing on the first day of the first tax year after the effective date of this Ordinance in which the Improvements attributable to the construction of one or more completed new or redeveloped buildings on the Property first appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (i) ten (10) years after such commencement date or (ii) the date on which the City can no longer require Service Payments, all in accordance with the requirements of ORC §5709.40 and ORC §5709.42.

SECTION 2. As provided in ORC §5709.42, the Owner or Owners of the Property are hereby required to, and shall make, Service Payments to the Treasurer of Franklin County (the “County Treasurer”) on or before the final dates for payment of real property taxes without penalty or interest, which Service Payments shall be retained by the County Treasurer or remitted to the City for deposit in the TIF Fund (as defined below), pursuant to ORC §5709.40 and ORC §5709.42 and as provided in Section 4 of this Ordinance. Each Service Payment shall be in the same amount as the real property taxes that would have been charged and payable against the Improvements (after credit for any other payments received by the City under ORC §319.302) had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the TIF Statutes. Any late Service Payments shall be subject to penalty and bear interest at the then current rate established under ORC §323.121(B)(1) and ORC §5703.47 or any successor provisions thereto, as the same may be amended from time to time (the payment of penalties and interest are collectively referred to herein with the annual service payments in lieu of taxes and any related amounts received by the City under ORC §319.302 as the Service Payments).

Service Payments are to be paid to the Board by the County Treasurer in an amount equal to the property tax payments the Board would have received from the portion of the Improvements exempted from taxation had the Improvements not been exempted. Any remaining Service Payments, after payments made to the Board under this Section, shall be allocated and deposited in accordance with Section 4 of this Ordinance.
SECTION 3. This Council finds and determines that the Public Infrastructure Improvements will directly benefit the Property.

SECTION 4. This Council hereby authorizes and directs the Director of Finance to establish, pursuant to and in accordance with the provisions of ORC §5709.43, the 800 Proprietors Road Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”) to be maintained in the custody of the City. The TIF Fund shall receive all Service Payments made in respect of the Improvements which are received by the City from the County Treasurer in accordance with this Ordinance.

The Service Payments received by the City shall be deposited into the TIF Fund and used (i) first, to pay the City’s customary and reasonable costs related to the exercise of its rights and the discharge of its obligations under the TIF Statutes, this Ordinance, and all other related laws, agreements and undertakings, (ii) second, to pay the costs of the construction of the Public Infrastructure Improvements, and (iii) third, if any Service Payments remain in the TIF Fund after the payments described in (i) – (ii) above, to make payments to the City to be used for purposes of making any other future Public Infrastructure Improvements.

The TIF Fund shall remain in existence for so long as the Service Payments are collected and used for the aforesaid purposes, after which the TIF Fund shall be dissolved in accordance with ORC §5709.43(D). Upon such dissolution, any incidental surplus remaining in the TIF Fund shall be disposed as provided in ORC §5709.43(D).

SECTION 5. The City Manager is hereby authorized to execute the TIF Agreement on behalf of the City substantially in the form attached hereto as EXHIBIT B, which TIF Agreement includes provisions regarding the construction of the Project and the Public Infrastructure Improvements providing for, among other things, the payment of Service Payments with respect to the Property and the use of the TIF Funds, together with such revisions or additions thereto as approved by the City Manager as consistent with the objectives and requirements of this Ordinance, which approval shall be conclusively evidenced by the signing of said TIF Agreement. The City Manager and other appropriate City officials are further authorized to provide such information and to execute, certify or furnish such other documents, and to do all other things as are necessary for and incidental to carrying out the provisions of the TIF Agreement.

SECTION 6. The City Manager, the Director of Finance and the Director of Law, and any other City official, as appropriate, are each authorized and directed to sign any other documents, instruments or certificates and to take such actions as are necessary or appropriate to consummate or implement the transactions described in or contemplated by this Ordinance.
ORDINANCE NO. 037-2018
As Amended

SECTION 7. Pursuant to ORC §5709.40(I), the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its passage, and on or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the City Manager shall cause to be prepared and submitted to the Director of the Development Services Agency the status report required thereunder.

SECTION 8. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 9. 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 June 18, 2018
P.H. July 2, 2018

Clerk of Council
EXHIBIT A

PROPERTY DESCRIPTION

Real property located at 800 Proprietors Road, Parcel Number 100-000401, as that real property is located in the City of Worthington, Franklin County.

The parcels enumerated herein and any subsequent purported subdivisions and/or re-assigned parcel number identifications or street addresses shall constitute the “Property.”
EXHIBIT B

TAX INCREMENT FINANCING AGREEMENT
Between
THE CITY OF WORTHINGTON
And
THE GRIFFIN 105 GROUP, LLC

This Tax Increment Financing Agreement ("Agreement") has been made and entered into as of the ___ day of ____________, 2018 (the "Effective Date") by and between the City of Worthington, Ohio (the "City"), a municipal corporation organized and existing under the constitution and the laws of the State of Ohio, with its main office located at 6550 North High Street, Worthington, Ohio 43085, and The Griffin 105 Group, LLC, an Ohio limited liability company (the "Developer"), with principal offices at 470 Olde Worthington Road, Suite 100, Westerville, Ohio 43082. The City and the Developer are collectively referred to herein as the "Parties."

WITNESSETH:
WHEREAS, the Developer, and any related entity formed for the specific purpose of developing the Property, as described herein, owns or plans to acquire all of the real property described and/or depicted in Exhibit "A", attached to this Agreement and incorporated herein, located in the City (collectively, the "Property"), and identified in tax year 2017 by the Franklin County Auditor as comprising the following tax parcel number: 100-000401; and

WHEREAS, the Developer has proposed the redevelopment of the Property as an assisted living memory care community (the "Project"), as more fully described in Exhibit B, Scope of Work, attached to this Agreement and incorporated herein; and

WHEREAS, the City anticipates passing or has passed Ordinance No. XX-2018 (the "TIF Ordinance"), pursuant to and in accordance with Ohio Revised Code ("ORC") Sections 5709.40, 5709.42 and 5709.43 (the "TIF Statutes"), (i) declaring that the increase in assessed value of the Property (which increase in assessed value is the "Improvement", as that term is defined in ORC Section 5709.40(A)(4)) is a "public purpose"; (ii) declaring that the Public Infrastructure Improvements (as defined hereafter) to be made are designated as those public infrastructure improvements that directly benefit, or that once made will directly benefit, the Property; (iii) providing for the exemption of seventy-five percent (75%) of the Improvement on the Property from real property taxation (hereinafter referred to as the "Exempted Portion of the Improvement"), commencing with the first day of the first tax year after the effective date of the TIF Ordinance in which the Improvements attributable to the construction of the Project on the Property first appears on the tax list and duplicate of real and public utility property, and ending on the earlier of (a) ten (10) years after such commencement date or (b) the date on which the City can no longer require Service Payments (as hereinafter defined) to be paid to the 800 Proprietors Road Public Improvement Tax Increment Equivalent Fund (the "TIF Fund"), which TIF Fund is established in the TIF Ordinance, all in accordance with the requirements of...
the TIF Statutes; and (iv) providing for the payment of service payments in lieu of real property taxes (the “Service Payments”, as further defined in Section 1 hereof), which are to be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Exempted Portion of the Improvement; and

WHEREAS, the City has determined that the construction of the Project by the Developer and the fulfillment generally of this Agreement, are in the best interests of the City and will advance the health, safety and welfare of its residents; and

WHEREAS, in consideration of actions to be taken by the City, the Developer has agreed to construct the Improvements; and

WHEREAS, the City will cause to be made certain related public infrastructure improvements, as outlined in Exhibit “C”, attached hereto and incorporated herein (collectively, the “Public Infrastructure Improvements”) that, once made, will directly benefit the Property; and

WHEREAS, the determination by the City in the TIF Ordinance that the Improvement to the Property is a “public purpose” was made solely and exclusively for the purpose of permitting the aforementioned tax exemption and imposition of the obligation to pay Service Payments to pay or finance costs of the Public Infrastructure Improvements; and

WHEREAS, the City and the Developer desire to enter into this Agreement, which defines the rights and responsibilities of each party.

NOW THEREFORE, the Developer, pursuant to this Agreement and for itself and its successors and assigns to or of the Property, hereby declares that the Property and the Project shall be held, developed, encumbered, leased, occupied, improved, built upon, used and conveyed subject to the terms and provisions of this Agreement; and, in consideration of these premises and the mutual covenants and obligations of the Parties hereto set forth, each of them does hereby covenant and agree as follows:

§1. Covenant to Make Payments in Lieu of Taxes. The Developer agrees, for itself and its successors and assigns to or of the Property or any part thereof (the Developer and each successor or assign is individually referred to as an “Owner” and collectively as the “Owners”), that the Owners shall pay all Service Payments with respect to the Exempted Portion of the Improvement on the Property pursuant to and in accordance with the TIF Statutes, the TIF Ordinance and this Agreement. All such Service Payments as are levied and assessed from time to time shall be made semiannually to the Treasurer of Franklin County (or to the Treasurer’s designated agent for collection of the Service Payments) on or before the date on which the semi-annual payment in respect of real property taxes would otherwise be due and payable for the Exempted Portion of the Improvement. Each semiannual payment of Service Payments shall be in the same amount as the real property taxes that would have been charged and payable against the Exempted Portion of the Improvement had an exemption from taxation not been granted, and otherwise shall be in accordance with the requirements of the TIF Statutes, including any interest assessed on any late payment of the Service Payments (currently established under Sections 323.121(B)(1) and 5703.47 of the ORC, as the same may be amended from time to time). The payment of penalties and interest are collectively referred to
herein with the service payments in lieu of taxes as the “Service Payments”. The Service Payments shall be allocated and distributed in accordance with Section 5 of this Agreement.

The exemption provided in the TIF Ordinance commences with the first day of the first tax year after the effective date of the TIF Ordinance in which any Improvement that is attributable to the construction of the Project on the Property first appears on the tax list and duplicate of real and public utility property and ends when the City can no longer use the Service Payments for any lawful purpose under the TIF Statutes or on the tenth (10th) anniversary of such commencement date, whichever is first to occur.

No Owner shall, under any circumstances whatsoever, be required for any period of any tax year to pay, whether pursuant to ORC Section 5709.42 or this Agreement, (i) both real property taxes with respect to the Exempted Portion of the Improvement and Service Payments with respect to the Exempted Portion of the Improvement, or (ii) an amount of Service Payments in excess of that amount of real property taxes that would otherwise be payable during such period had the Exempted Portion of the Improvement not had an exemption from taxation.

Notwithstanding the current configuration of the Property, the Parties acknowledge for all purposes of this Agreement that, without affecting or changing the area comprising the Property, those parcels within the Property may change from time to time in number, area and designation.

The obligations of the Developer under this Agreement are contingent on acquisition of the Property by the Developer.

§2. Priority of Service Payments. By its execution hereof, the Developer, as Owner, on behalf of itself and subsequent Owners, hereby grants to the City a continuing lien on the Property as security for the timely payment of the Service Payments in accordance with the TIF Statutes, the TIF Ordinance and this Agreement, which lien shall have the priority stated in ORC Section 5709.91.

§3. Exemption Applications. In respect of portions of the Property owned by the Developer at the time of the filing described in this Section 3, the Developer agrees and consents to the City preparing and filing all necessary applications and supporting documents to obtain the exemption from real property taxation for the Exempted Portion of the Improvement authorized by the TIF Statutes and the City (including, but not limited to, the Developer signing the Ohio Department of Taxation DTE Form 24, filed with the County Auditor, with its consent that the City execute that form). The Developer, on behalf of itself and each subsequent Owner, agrees that it shall assist and cooperate with the City, and that it shall cause each subsequent Owner by deed or declaration to assist and cooperate with the City, in the preparation and filing by the City of such applications and supporting documents that are necessary to enable the City to collect Service Payments thereunder (including, but not limited to, the Developer signing and timely filing the Ohio Department of Taxation DTE Form 26), and the Developer and each Owner shall cooperate with the City in connection with the preparation and filing of the initial and any further applications required to accomplish that purpose, and will not undertake any acts which would prohibit, prevent, delay or hinder the City from obtaining the Service Payments hereunder.
§4. Covenants to Run With the Land. It is intended and agreed that the covenants of the Developer as Owner in Sections 1, 2 and 3 hereof shall be covenants running with the land and that they shall, in any event and without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by, the City against the Property, the Project and the Owners. It is further intended and agreed that such covenants shall remain in effect for the full period of exemption provided in accordance with the requirements of the Statutes, the TIF Ordinance enacted pursuant thereto and this Agreement. The Developer as Owner shall include in all recorded or recordable documents conveying the Property, or any part thereof, the legal responsibility and obligation of the new Owner to make Service Payments as a condition of ownership. Notice of sale, and copies of all recorded documents related to transferring the obligations hereunder, shall timely be provided to the City by the Owner (transferor). It is further agreed by the Developer, as Owner, that all such covenants, whether or not such provisions are included by any Owner in any deed to such Owner’s successors and assigns, shall be binding upon each Owner and shall be enforceable by the City in the manner provided herein.

In amplification of, and not in restriction of, the provisions of this Section 4, it is intended and agreed that the City and its respective successors and assigns shall be deemed a beneficiary of the covenants provided herein. Such covenants shall run in favor of the City for the entire period of the exemption provided by the TIF Ordinance and the TIF Statutes, without regard to whether the City has at any time been, remains or is an owner of any land or interest therein, to which such covenants relate. The City shall have the right in the event of any breach of any covenant herein contained, to exercise all of the rights and remedies, and to maintain all actions or suits at law or in equity or in other proper proceedings, to cure such breach, to which it or any other beneficiaries of such covenant may be entitled.

The Developer further agrees for itself and any Owners, that all agreements, covenants, rights, duties, remedies and obligations of the Developer and of the City, and their respective successors and assigns, set forth in this Agreement, shall be binding upon them and their respective successors and assigns, which Agreement shall survive any recording and shall be valid and enforceable by and against the Parties referred to in this Agreement, in accordance with the terms and provisions contained therein. Any agreement or covenant referred to in this Agreement as being a covenant running with the land, shall run with the land and be valid and enforceable by and against the Parties referred to herein, in accordance with the terms and provisions thereof.

The City agrees that upon expiration of the period of exemption as that period is defined in this Agreement and the TIF Ordinance, and fulfillment of the obligations of the Developer and any subsequent Owner(s) under this Agreement with respect to each portion of the Property owned by such Owner, the City will, upon request by an Owner, execute and deliver to the Owner a recordable instrument evidencing that the obligations under this Agreement (and under any deed or Declaration) with respect to the portions of the Property owned by the Owner are fully satisfied and that the Owner and such property are released from all further obligations under this Agreement (and under any deed or Declaration).

§5. Use of TIF Payments. The Developer and the City agree that all Service Payments related
to any Improvement when received by the City shall be deposited in the TIF Fund, as required by ORC Section 5709.43. The TIF Fund shall be an account maintained in the custody of the City and shall receive all distributions required to be made to the City. As provided in further detail below, a portion of the costs of the Public Infrastructure Improvements will be reimbursed to the Developer by the City from the TIF Fund.

All Service Payments shall first be used by the City to pay the City’s customary and reasonable costs related to the exercise of its rights and the discharge of its obligations under the TIF Statutes, the TIF Ordinance and all other related laws, agreements and undertakings.

Upon completion of the Public Infrastructure Improvements constituting the clean-up and replanting of vegetation along the hillside on SR161, brick wall repair and clean-up at the intersection of SR161 and Proprietors Road, construction of a multi-purpose path along Proprietors Road, preservation and maintenance of the mature Swamp White Oak tree on the site, environmental remediation, relocation of the railroad easement, and legal, administrative, and overhead costs associated with these improvements as described on Exhibit “C”, and conveyance to the City (by a method determined by the City Engineer), the Developer shall subsequently provide a certified statement of expenses that it incurred in order to design and construct such Public Infrastructure Improvements (the “Certified Statement”). After payment to the City for the City’s costs, the Service Payments shall be used to reimburse the Developer for the Developer’s expense in constructing the Public Infrastructure Improvements as shown on the Certified Statement, up to the amount of Two Hundred Thousand dollars ($200,000.00) (the “Reimbursement Amount”), notwithstanding the Developer’s total cost of construction. The Developer may assign its right to receive payments hereunder to (i) a lender as required in any financing agreements that the Developer enters into in order to finance the construction of the Public Infrastructure Improvements or (ii) any affiliate, successor, or assignee of the Developer, in either case subject to prior review and approval of such assignment by the City. Either this Agreement must be recorded or a recorded declaration of covenants must be filed with respect to the Property prior to the conveyance of any portion of the Property.

Should the Developer convey its interest in the Property prior to receiving full payment of the Reimbursement Amount by the City, only the Developer, and not a successor Owner of the Property or any part thereof, shall be entitled to the payments from the TIF Fund for the cost shown on the Certified Statement. No such reimbursement shall be made to the Developer from any fund other than the TIF Fund. If there are insufficient funds in the TIF Fund to make a payment to the Developer because either the Developer or a successor in interest has failed to pay the Service Payments, the City shall have no obligation to reimburse the Developer until the TIF Fund receives the Service Payments from the County.

After reimbursement is made to the Developer, the City may then use Service Payments to pay for the cost of the Public Infrastructure Improvements, and then thereafter, for any lawful purpose. The TIF Fund shall remain as an account in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City’s general fund, all in accordance with ORC Section 5709.43.
§6. **Developer’s Grant of Easements.** The Developer, as Owner, hereby covenants to grant at no cost such temporary and permanent easements on the Developer’s Property to the City that are necessary for the City to maintain, operate and repair the Public Infrastructure Improvements as they may be reasonably requested by the City, to the extent that such temporary and permanent easements have not been granted to the City by the Developer’s plat. The City shall be responsible for preparation of any documents required for such easements that are not conveyed to the City by the Developer’s plat.

§7. **Agreement Binding on Parties; No Personal Liability.** All covenants, obligations and agreements of the Developer and the City contained in this Agreement shall be effective to the extent authorized and permitted by applicable law, and shall be binding upon and inure to the benefit of the successors and assigns of the Parties hereto. No such covenants, obligation or agreement shall be deemed to be a covenant, obligation or agreement of any present or future member, officer, agent or employee of the City in other than their official capacity or of any individual person who is an officer, member, director or shareholder of the Developer other than in their capacity as an officer, member, director or shareholder, and neither the members of the City Council nor any City official executing this Agreement or any individual person executing this Agreement on behalf of the Developer, shall be liable personally by reason of the covenants, obligations or agreements of the Developer or the City contained in this Agreement.

§8. **Notices.** All notices, requests, demands and other communications between the Parties required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and (i) delivered personally, (ii) deposited in the United States Mail by registered or certified mail, postage prepaid, or (iii) sent by any nationally recognized courier delivery service, and addressed as follows:

If to the City:

Matthew H. Greeson  
City Manager, City of Worthington  
6550 North High Street  
Worthington, Ohio 43085

With a copy to:

Tom Lindsey  
Director of Law, City of Worthington  
370 Highland Avenue  
Worthington, Ohio 43085

If to the Developer:

The Griffin 105 Group, LLC  
470 Olde Worthington Road, Suite 100,  
Westerville, Ohio 43082  
Attn: Donald Kenney Jr.
Any party may change the address and/or persons to which notices are to be addressed by giving the other party notice in the manner stated herein.

§9. Complete Agreement. All present negotiations, considerations, representations and understandings between the Parties as to the implementation of the exemptions authorized by the TIF Ordinance and the subject matters of this Agreement are incorporated herein. This Agreement may only be amended by a written instrument duly authorized and executed by the Parties hereto, and subject to authorization by the Worthington City Council, if required.

§10. No Third Party Beneficiaries. None of the provisions of this Agreement or any document contemplated hereby is intended to grant any right or benefit to any person or entity that is not a party to this Agreement.

§11. Governing Law. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

§12. Severability. If any provision in this Agreement or any portion thereof shall be invalid or unenforceable for any reason, such invalidity or lack of enforceability shall not affect the validity or enforceability of any other provision or portion thereof. To the extent an interpretation of a provision or a portion thereof can be made which will make it valid or enforceable, the Parties agree that the interpretation making it valid or enforceable should be chosen.

[Balance of Page Intentionally Left Blank]
IN WITNESS WHEREOF, the City and the Developer, each by a duly authorized representative, have caused this Tax Increment Financing Agreement to be executed as of the Effective Date.

THE GRIFFIN 105 GROUP, LLC

By: ________________________________
    Donald Kenney Jr., Owner

THE CITY OF WORTHINGTON

By: ________________________________
    Matthew H. Greeson, City Manager

Approved as to form:

____________________________
Tom Lindsey
Director of Law
Exhibit “A”

Property Description

Real property located at 800 Proprietors Road, Parcel Number 100-000401, as that real property is located in the City of Worthington, Franklin County.

The parcels enumerated herein and any subsequent purported subdivisions and/or re-assigned parcel number identifications or street addresses shall constitute the “Property.”
Exhibit “B”

Scope of Work

The Griffin 105 Group, LLC (the “Developer”) intends to redevelop commercial property located at 800 Proprietors Road, Worthington, Franklin County (parcel number 100-000401) (the “Property”). The Property contains 4.84 acres, and currently sits empty as the former site of Worthington Foods. As part of the redevelopment project, the Developer will rezone and consolidate the Property’s existing parcels from a I-1 zoning designation to the City’s Planned Unit Development designation. The Developer will construct an Alzheimer’s, Dementia and Memory Care Facility with four (4) primary buildings, interconnected by interior walkways, totaling 49,657 square feet (the “Project”). This Project will provide a neighborhood of 54 private and semi-private rooms which average 399 square feet for each resident.

The tax increment financing in the Project is specifically intended to assist the Developer in the costs associated with cleaning-up and replanting vegetation along the hillside on SR161, repairing and cleaning-up the brick wall at the intersection of SR161 and Proprietors Road, constructing of a multi-purpose path along Proprietors Road, preserving and maintaining the mature Swamp White Oak tree on the site, remediating the surrounding environment, relocating the railroad easement, and assisting with legal, administrative, and overhead costs associated with these improvements, as well as other future public improvements that may be determined by Worthington City Council to directly benefit the Property.
Exhibit “C”

Public Infrastructure Improvements

The Public Infrastructure Improvements may include:

- Clean-up and replanting of vegetation along the hillside on SR161;
- Repair and clean-up of the brick wall at the intersection of SR161 and Proprietors Road;
- Construction of a multi-purpose path along the eastern side of Proprietors Road;
- Preservation and maintenance of the mature Swamp White Oak tree on the site;
- Remediation of the surrounding environment;
- Relocation of the railroad easement
- Professional fees, including architectural, design, engineering, contract administration, and legal costs;
- All inspection fees and other governmental fees related to the foregoing; and
- Any other costs for the aforesaid Public Infrastructure Improvements as permitted by law.

Public Infrastructure Improvements described herein may from time-to-time be constructed or caused to be constructed by the Developer, the City, or a combination thereof, in which case either or both parties may be reimbursed from Service Payments under this Ordinance according to their relative proportion of costs borne to construct the Public Infrastructure Improvements. In the case of any such reimbursements to the Developer, the Parties agree that the Developer shall be reimbursed in an amount up to, and not to exceed, $200,000 during the term of the Agreement.

The Public Infrastructure Improvements shall also include any other future improvements as may be designated by City Council to directly benefit the Property.
Date: July 2, 2018

To: Worthington City Council

From: Matt Greeson, City Manager

Subject: School Resource Officer

EXECUTIVE SUMMARY
This resolution increases the Staffing Chart for the Division of Police by one officer and authorizes the City Manager to enter into a contract with Worthington Schools for the provision of School Resource Officer (SRO) services.

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION
The Worthington School District has asked that the City provide a School Resource Officer (SRO) for Thomas Worthington High School (TWHS). The staff is seeking approval of a resolution that would increase the City’s Staffing Chart by one employee and authorize the City Manager to negotiate and enter into an agreement with Worthington Schools for provision of SRO services.

The City Council heard an informational presentation and had a discussion on this matter at its meeting on June 4, 2018. The School Board had two public discussions regarding the matter and voted on June 25, 2018 to authorize the Superintendent to enter into a contract for services.

In order to have an officer in place sometime near the start of the new school year, legislation needs to be adopted and the job postings and personnel selection made pursuant to the collective bargaining agreement. An incumbent officer will be selected for this specialized position, which necessitates the increase in the Staffing Chart to hire a new officer for patrol duties.

Staff conducted research on what other Central Ohio municipalities are providing to their school districts. This research was previously distributed and 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.

The goals of the program will be jointly established by the Schools and the City and reflected in an agreement. Further guidance on how these goals will be implemented will be provided in school administrative guidelines and the working program manual. Attached is a draft of a program manual that staff will work with the Schools to finalize. In general, the goals of the program are to:

a) Make the campus a safe environment for learning,
b) Foster a positive relationship between students, staff and law enforcement,
c) Encourage more cooperation between students and the police,
d) Reduce or discourage juvenile crime, and
e) Seek alternative methods of enforcement that hold youth responsible for their actions while providing life enhancing skills to address conflict.

As requested by the City Council, the Schools provided a jurisdictional breakdown of the student population at TWHS. It includes 1,043 students from the City of Columbus; 643 students from the City of Worthington; 29 students from the Village of Riverlea; and 50 students from areas served by Worthington Kilbourne High School who presumably open enroll or are in specialized programs.

Additionally, Chief Strait responded to questions via email that were posed about the history of the Worthington Division of Police staff providing support to TWHS. A memorandum providing the content of that email is enclosed.

I have also enclosed a copy of the City of Columbus contract with Columbus City Schools for SRO services. Worthington Schools is working with the City of Columbus to provide an SRO in Worthington Kilbourne High School. There is a desire to have similar contract language. We have reviewed these documents and recommend that we enter into a contract that is substantially similar in wording with changes that will be made in the names of the parties, specifically outlined goals, chain of command, cost share and provisions for notice of termination.

Both City and Schools staff are available to answer your questions.

**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**
Resolution
Matrix of Research on School Resource Officers in other Central Ohio Municipalities
Draft School Resource Officer Program Manual
Columbus City Schools and City of Columbus School Resource Officer Agreement
Memorandum from Chief Jerry Strait with history of police support at Thomas Worthington High School
Estimated Cost of a School Resource Officer
RESOLUTION NO. 38-2018

Authorizing the City Manager to Enter into an Agreement with the Worthington City School District for School Resource Officer Services and Amending the Staffing Chart of the City of Worthington to Increase by One the Number of Police Officer Positions in the Division of Police.

WHEREAS, on June 25, 2018 the School Board of the Worthington City School District approved the superintendent’s recommendation to enter into agreements with the City of Worthington and the City of Columbus to provide school resource officers for Thomas Worthington High School and Worthington Kilbourne High School; and,

WHEREAS, the City Manager, Police Chief, and Law Director are working with the Worthington Schools administration on a school resource officer services agreement that will be substantially similar to the existing contract between the City of Columbus and the Columbus City Schools District; and,

WHEREAS, the agreement will provide for one full time police officer to serve as a school resource officer at Thomas Worthington High School with the Worthington Schools paying half of the costs associated with the school resource officer; and,

WHEREAS, the agreement will set forth the goals of the school resource officer program, the general role and duties of the school resource officer, the chain of command, and the notice provisions for termination; and,

WHEREAS, in its adoption of Resolution 74-2017 City Council approved a Staffing Chart for the City providing the staffing levels for each of the departments and divisions of the City; and,

WHEREAS, City Council wishes to amend the Staffing Chart to add one Police Officer Position in the Division of Police to meet the Division’s needs, including providing a school resource officer for Thomas Worthington High School;

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

SECTION 1. That the City Manager is hereby authorized and directed to negotiate and execute an agreement with the Worthington School District for school resource officer services at Thomas Worthington High School, subject to approval to form by the Law Director.

SECTION 2. That the City Manager, Police Chief, Finance Director, and the Law Director are hereby authorized to take all actions, including the execution of all documents or amendments, necessary to enter into, implement, and administer the school resource officer program for Thomas Worthington High School, and that are not substantially inconsistent with this Resolution.
RESOLUTION NO. 38-2018

SECTION 3. That City Council does hereby amend the Staffing Chart of the City to increase by one the number of Police Officer positions in the Division of Police.

SECTION 4. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book.

Adopted______________________

_________________________________
President of Council

Attest

_________________________________
Clerk of Council
<table>
<thead>
<tr>
<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)</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 (2) 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 inquiring. In discussion only might be a 25% city contribution</td>
<td>(5) SRO's two of which they cost share, third floats to middle schools/elementary school and private school 50% of 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>
</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>
</tr>
<tr>
<td><strong>Are special provisions written into a specific duty?</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>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>CBA speaks to selection of the SRO's as special events such as Prom/Graduation, other events are special duty KSA's then seniority</td>
</tr>
<tr>
<td><strong>How are special events handled (Football games, Prom etc...)? Who pays OT?</strong></td>
<td>special duty 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. 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>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</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>By school year</td>
<td>There is a wage adjustment based on the contract negotiation. City finance sends bill to the schools each quarter. If an officer is pulled away cost is deducted</td>
<td>Based upon the CBA, as presented to the schools in the contract</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</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%, they work on special projects w/ Community service Dc's, 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>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</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>N/A</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>No but addresses notification of fault or non-conformance in contract language</td>
<td>Not specifically mentioned in the MOU</td>
<td>Contract</td>
<td>NO</td>
<td>N/A</td>
<td>N/A</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 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.
AGREEMENT

Between

Columbus City Schools and the Columbus Division of Police with respect to the

SCHOOL RESOURCE OFFICER ("SRO") INITIATIVE

This agreement establishes the terms of engagement between Columbus City Schools and the Columbus Division of Police and defines guidelines and tasks regarding the utilization of SROs in the Columbus City Schools.

I. Philosophy

a. The Columbus City School District ("CCS") and Columbus Division of Police ("CPD") are committed to a safe, secure and orderly educational atmosphere that supports the advancement of high levels of academic achievement for all of our students.

b. The SRO will serve as a liaison between the school and the Division of Police as well as provide a positive law enforcement presence within the school. School personnel and the SRO will improve the building environment through cooperative and collaborative relationships. SROs are not expected to perform tasks of school administrators and/or duty teachers.

c. The purpose of this document is to establish an SRO Initiative and to set forth guidelines to ensure that law enforcement, school and District personnel and the communities they serve have a shared understanding of the goals of this Initiative. Moreover, it is to establish a requirement that SROs and CCS building administrators receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate.

d. The guidelines contained herein are intended to establish uniformity in the handling of a student while simultaneously ensuring that each case is handled individually:

e. While it is recognized that the CCS Administrators are responsible for issues related to the educational environment, CPD is responsible for matters pertaining to law enforcement and facilitating a safe environment. At times issues may arise where CCS and CPD are not in agreement. In those cases the preferred course of action is that the CCS building administrator and the SRO will meet to discuss and resolve the issue. If they are unable to resolve the issue, then it shall be forwarded to the CCS Director of Safety and Security and the
appropriate High School Resource Unit ("HSRU") Sergeant for resolution.

II. SRO Program Goals
   a. The SRO Initiative will:
      i. Foster a safe learning environment in the schools through their presence.
      ii. Prevent juvenile delinquency by early detection, consultation and application of intervention measures.
      iii. Foster positive relationships among students, parents and guardians, school and District personnel and police.

III. General Policies
   a. SROs are responsible for issues involving violations of law, not for school discipline issues, or incidents that may be best resolved by the schools' authority instead of court intervention.
   b. The SRO will be primarily assigned to a single, specific high school and remain on the school grounds during duty hours except for matters of official police business, training, or approved leave usage. While still reporting to their primary assigned high schools, the HRSU sergeant may temporarily direct SROs to another school location pursuant to a request from the CCS Director of Safety and Security. Nothing in this agreement shall prevent an SRO from leaving school property to address law enforcement matters in accordance with CPD policy and procedures.
   c. CPD discourages the use of casual leave while school is in session. The SRO shall notify the school principal or other building administrator and the HSRU Sergeant of any absence.
   d. Violations of school rules in the CCS Guide to Positive Student Behavior that do not amount to a violation of law are to be handled by school personnel.
   e. The SRO shall be informed as soon as possible of any school-related incident involving a violation of law and shall determine the appropriate law enforcement response. The SRO shall be informed as soon as possible of all incidents involving possible child abuse and/or neglect. The SRO shall promptly notify the CCS Department of Safety and Security of any arrests at the school, if school related or on school grounds. This information should be communicated via e-mail and include the front side of the Arrest Information Sheet (U-10).
   f. Upon request, the SRO shall advise directors of school sports and activities of plans for events such as football and basketball games,
and other special events requiring special duty police officers. This would include matters regarding staffing and the assistance of other CPD units.

g. The SRO shall not fraternize with any student at any time outside of the school environment. Volunteering, coaching, or providing other assistance for school organized activities shall not be considered fraternization.

h. The SRO should not transport any student in their personal vehicle nor allow a student to sit within their vehicle, except in emergency situations. Transportation in CCS approved vehicles is preferred.

i. The SRO shall meet with building-level school administrators, teachers, parents, and student representatives annually to discuss issues of school safety. SROs will make themselves available to building level administrators and staff as necessary to discuss issues relating to the safety and security of their assigned building. The SROs shall be included in the development of building crisis plans and be present when emergency drills are activated.

j. The SRO shall be integrated into the school community through participation in faculty, staff, and student meetings, assemblies, and presentations, as appropriate.

1. Officers participating in meetings where FERPA related protected material is discussed will not divulge information learned to any person not authorized to receive the same information.

k. The SRO, building level administrators and safety and security office, shall work collaboratively to ensure appropriate responses to student and staff safety issues as set forth in this agreement.

l. The student’s parent or guardian should be notified of a child’s arrest as soon as practicable. This may be done by the SRO or CCS staff.

IV. Chain of Command

a. SROs are employed by the CPD and will follow the chain of command principle as determined by CPD. SROs are not under the direction or command of CCS personnel. CCS personnel are not under the direction or command of CPD personnel.

V. SRO Support and Staffing

a. CPD agrees to provide nineteen (19) SROs and two (2) Sergeants to be assigned to CCS secondary schools as determined by the HSRU Sergeants and the CCS Director of Safety and Security. Two of the 19 SROs will be designated as “relief” for and support to the regularly assigned SROs.
1. Staff coverage in schools during the assigned SRO absence may include instructing topics to students, relief coverage during an assigned SRO absence, and will include creating a presence in the systems Middle Schools to create connections with staff and students.

b. In the event of an SRO absence for longer than three consecutive school days (3) days, the CCS Director of Safety and Security will attempt to temporarily replace the SRO with one of the Relief SROs or, if not available, a Special Duty Officer with the understanding that CCS will be reimbursed as outlined in this Agreement. The method of contracting a Special Duty Officer will be coordinated by CCS Safety and Security and arranged through CPD. A Special Duty Officer may be contracted for up to the maximum number of hours of the SRO work schedule.

i. CPD agrees to reimburse CCS for all costs resulting from a contract for a Special Duty Officer(s) to replace an absent SRO after three consecutive days.

ii. CCS will provide copies of each invoice paid to CPD for Special Duty Officers, and CPD will apply this amount as a credit to the next quarterly invoice to CCS.

iii. The HRSU sergeant will inform the Director of Safety and Security of the absence of an SRO.

iv. CCS will, at their expense, add recommended additional special duty officer(s) to any particular school in the event of unusual circumstances when, in the opinion of the HSRU Sergeant and the Director of Safety and Security, additional officers are needed to help ensure the safety of the students and/or CCS staff/faculty. To the extent practicable, while serving as an SRO, Special Duty Officers should act within the policies, procedures, and scope set forth within this MOU.

v. CCS may reasonably request the removal or reassignment of an SRO from an assigned secondary school after consultation/discussion with the involved SROs chain of command CPD will accommodate the school district to the extent permitted by law, applicable contracts and rules and regulations and provide a replacement SRO at no additional cost to CCS.

VI. Duty Hours

a. Work Year: the services provided within the terms of this agreement are based upon the school district's fiscal year calendar (July 1-June
30. Per Item XIII, Term of Agreement, services will continue for the school year defined as the period of time students attend a normal school year (Fall through Spring) and does not include the period of time known as summer school.

b. Work Week: CPD will define the duty hours and days off for SROs. Duty hours will coincide with school hours as defined with any variation approved by the CPD chain of command (7:00 A.M.-3:00 P.M.). To the extent practicable, SRO vacation leaves will be scheduled for days outside the regular school calendar with the exception of professional development days. School events outside of the normal school hours requiring police officer support will be considered as special duty and handled separately.

VII. SRO Selection and Placement
   a. The CPD Assignment and Transfer Manual and current labor contract will govern selection and placement of SROs.

VIII. Addressing Student Issues
   a. SROs are responsible for criminal law issues, not school discipline issues. SROs shall not enforce the provisions of the Columbus City School’s "Guide to Positive Student Behavior" that are not a violation of law.

   1. Incidents involving offenses described as Level I and II offenses as defined in the Columbus City Schools’ Guide to Positive Student Behavior shall be considered school discipline issues to be handled by school administration. The SRO will have discretion, however, to take other law enforcement action, depending on the individual facts of the case.

   2. Incidents involving offenses described as Level III offenses as defined in the Columbus City Schools’ Guide to Positive Student Behavior shall be considered safety and security issues to be handled jointly by school administration and the SRO.

   3. Absent a real and immediate threat to student, teacher, or public safety, when a law is violated, the SRO and school administration may respond by handling the incident as a school discipline issue, issuing a warning, referring to an available diversion program, issuing a citation or summons, filing a delinquency petition, referral to a probation officer, or arrest, where necessary.
b. SROs should not make recommendations regarding matters of administrative disciplinary matters to CCS personnel. Likewise, CCS personnel should not make recommendations regarding criminal charges to CPD personnel unless they are the victim.
c. With respect to non-violent criminal situations, it is generally preferable that arrest is a last resort.
d. With respect to violent or potentially violent criminal situations, it is generally understood that arrests will be made. Where practicable, the SRO should notify school administration of any arrest.

IX. Daily Duties of the SRO
a. The daily duties of the SRO will be:
   i. Maintain a visible presence in and around the school grounds through patrols of hallways, bus loading areas, and parking lots. Critical times for these patrols include:
      1. Morning arrival to school
      2. Afternoon departure from school
      3. Lunch periods
   ii. Other activities as agreed upon by CCS and SRO.
   ii. Initiate law enforcement action, depending on the individual facts of the case as needed and deemed appropriate by the SRO pursuant to Section VIII of this agreement.
      1. Enforce laws pertaining to the safety and welfare of the students and staff.
      2. Conduct investigations of criminal incidents
      3. Assist other law enforcement personnel with criminal investigations and criminal street gang related intelligence
      4. Inform CCS Safety and Security and the building level school administrator of gang activity within the school
b. As soon as practical, the SRO shall make building level school administrator and on site CCS Safety and Security personnel aware of any enforcement or diversion actions taken.
c. Provide instruction for students, parents and teachers on law enforcement related topics.
d. At the building administrator's request, the SRO will attend school staff meetings that are held during SRO duty hours.
   i. Provide information relating to school building security plans.
   ii. Develop collaborative plans to prevent/minimize dangerous situations resulting from student unrest
   iii. Assist with all other matters pertaining to the law enforcement function at the school
iv. Provide guidance to the administrator regarding law enforcement issues

e. Appropriate deal with unauthorized visitors on school grounds. At the request of the building level school administrator or on the initiative of the SRO, the SRO should take the appropriate law enforcement action against unauthorized visitors.

f. Respond to emergency and non-emergency situations requiring a police response, including, but not limited to:
   i. Medical emergencies
   ii. Disturbances
   iii. Motor vehicle accidents on school grounds
   iv. Criminal offenses
   v. Traffic control
   vi. Fire drills
   vii. Evacuations

g. Monitor the safety and security of the school grounds, including securely locked perimeter doors and reporting any noted potential safety or fire hazards to the appropriate authority.

h. Maintain contact with CPD Personnel.

i. Attend special school functions and assemblies during school hours.

j. The SRO shall maintain daily activity reports and submit monthly summaries of these reports to building-level school administrators, district level school administrators, and CPD, on form to be developed by CPD and CCS.

k. In circumstances where a Use of Force Report is filed by CPD, a copy shall also be provided to the school administrator in the CCS building in which the incident occurred as well as to the CCS Director of Safety and Security. The parties acknowledge that, in certain circumstances where an investigation is ongoing and the document is exempt from disclosure under R.C. 149.43, the report will not be immediately provided.

X. Respect for the Rights of Students

a. A SRO may conduct or participate in a search of a student’s person, possessions, or locker in accordance with law.

   i. The SRO shall not ask school officials to search a student’s person, possessions, or locker in an effort to circumvent legal limitations on the right to conduct a search. However, the SRO may provide building administrators with any information he or she possesses concerning a student.
ii. A school official may request an SRO to be present or participate in a student search where appropriate. Where school personnel conduct a search outside of the presence of an SRO, they shall notify the SRO should the search produces evidence of criminal activity or any activity that could jeopardize the health and/or safety of a student, teacher, school official, SRO, or member of the public.

iii. When practicable, the SRO shall inform school administrators prior to questioning a student.

iv. The SRO shall not ask school officials to question a student in an effort to circumvent legal protections.

XI. Training and Feedback

a. CCS and CPD shall develop pre-service and in-service training on the following topics:

i. Child and adolescent development and psychology;

ii. Positive Behavioral Interventions and Supports ("PBIS"), conflict resolution, peer mediation, or other restorative justice techniques

iii. Children with disabilities or other special needs

iv. Cultural Sensitivity

v. Familiarization with non-punitive approaches to discipline available to the school district such as diversion in lieu of arrest and specific school programs designed to improve the overall school climate or effectively address student behaviors.

b. Once the training programs have been developed, full-time SROs shall be provided with pre-service training and annual in-service training which shall be given on a schedule mutually developed by CCS and CPD.

c. CPD and CCS shall review the SRO program at each of the District’s secondary schools on a periodic basis.

XII. Facility Requirements

a. Each secondary school will provide its SRO with reasonable, secure and private office space. Each SRO position will be provided:

i. Desk drawers, desk chair, filing cabinet with locking drawers and necessary office supplies

ii. Telephone within SRO office for general business use

iii. Computer with internet access. SROs shall conform to CCS and CPD policies and procedures regarding internet access and sign a CCS acceptable use agreement.

iv. Printer in the office of the SRO

XIII. Term of Agreement

a. The term of the agreement is July 1, 2016 through June 30, 2018.
b. This agreement represents a continuation of SRO services provided by CPD to CCS

c. Bi-Annual renewal terms will be initiated within sixty calendar days prior to the expiration of the current contract between CCS and the City of Columbus in order to be concluded before the beginning of the fiscal year for CCS.

XIV. Payment of Invoices

a. Payments for the 2016-2017 school year shall be $1,120,127.00 annually and $1,159,331.00 for the 2017-2018 school year.

b. The Board of Education for the Columbus City School District agrees to pay the City of Columbus quarterly. Properly submitted invoices will be paid within thirty (30) days of the invoice date.

For the Columbus City Schools:

Stan Bahorek, Treasurer

For the Columbus Division of Police

Ned Pettus, Jr., Safety Director

Contract Approved as to Form
Columbus City Schools
Office of Legal Services

AUG 18 2016

Approved as to Form
Columbus City Attorney’s Office

Packet Page # 69
# CITY OF WORTHINGTON

## TOTAL COMPENSATION PACKAGE--2018

- **20A Step D** -

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## NON-PERSONNEL EXPENSES

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WORTHINGTON DIVISION OF POLICE

Memorandum

Integrity, Respect, Commitment, Honesty, Professionalism

To: Matt Greeson, City Manager

From: Jerry L. Strait, Jr. Chief of Police

Date: June 28, 2018

Subj: Summary of a Police Presence in Worthington Schools

Matt,

I was recently requested to provide answers to an inquiry via email related to a history of our policing interaction with regards to schools in Worthington. While dates are approximated, please see my response.

How long have officers been there?

We had James Probasco, Worthington class of 58 and then a high school math teacher (Thomas Worthington), was the Captain of our Police Reserve Force from the mid 1970’s until his retirement in the late 1990s. Jim worked as a part-time paid officer for our Division until 2000, was well known as a teacher and officer at the school.

We had DARE in place which was a federal grant to local police agencies. The grant ended and the City of Columbus did not wish to continue with DARE, which ended the program for majority of all of the Worthington Schools. This was in the late 90’s to 2000 (aprx) and we had two DARE Officers in the schools daily, elementary and middle schools: Officer Tommy Vern, Officer Max Wetzel, Officer Tina Stevens and then Officer Kirk Allton. We continued on at our expense until 2002 for elementary schools.

Since 2002 when she was a juvenile detective and now is our Community Service Officer Tammy Floyd currently does outreach to the Elementary/Middle Schools or our own inter-departmental referrals (summer bike rodeos). She conducts investigations and follow ups to referrals from Franklin County Children’s Services. The majority of these are mandatory reporting cases per the statutes under the Ohio Revised Code. I as Chief of Police am required by law to address these via a MOU for the investigation of child abuse and neglect cases.

We had a Reserve Officer at Thomas I believe from 2000 to 2004 Tommy Vern, Tom retired after 25 years of service from the Division. (Former DARE Officer)

In 2010-2014 Officer Dysert began working with the schools, his position was a Patrol Support Investigator, but he spent much of his time in the high school working with the Deans and Counselors. He was also very active with the football and lacrosse teams. His work was the catalyst that started the Drug Safe Worthington program.

2013 With joint cooperation for enhanced safety, we introduced A.L.I.C.E Active Aggressor training for all administration, teachers and staff for every school in the district. Now we provide refresher training every August to all new personnel for the entire district.

2014-2016 Officer Damien Tige St. John worked as our Patrol Support Officer, with 1/3 of his assignment being as a liaison to Thomas Worthington High School.
2016 Officer Sean Ord took over as Patrol Support Officer, again we have allocated a 1/3 of his assigned duties to Thomas Worthington High School.

- They have been there 3 days a week - correct?

Those assigned to the Patrol Support Officer function can be pulled away as 2/3 of his assigned duties are for other law enforcement purposes. His presence is variable, but could be more than 3 days a week. Internal or external concerns or threats involving the schools could serve as a reason for the officer to provide additional attention to those special circumstances. These could perceived or real concerns of safety identified by school staff or our Division.

- Have they been stationed outside or inside the school?

We never statically stationed officers. They walk the halls, provide a presence, speak with students, teachers and staff, conduct the investigations that the schools call on, many are student requested, primarily thefts, work at the bus/car drop off area, and we’ve had officers serve as guest lectures, discuss safe driving initiatives, discuss legal issues in policing, volunteered as assistant coaches and referees for athletic events over the years.

- Have we paid for their service as an SRO?

Reserve Officer Vern retired and was hired as “security or dean” by the schools but maintained his status with us as a sworn officer. Officer’s that have been assigned to the Patrol Support Officer Position in the 1/3 capacity have been paid for by the City of Worthington. Special duty assignments are separate from this provision. (dances, sporting events etc.)

- Did the police department request SROs?

We did not specifically request it but see this a viable part of our continued mission to provide a Community Oriented Policing outreach to the community.

Best regards,

Jls/325
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date:       June 26, 2018
To:         Matthew H. Greeson
From:       R. Lee Brown, Director of Planning & Building
Subject:    Resolution No. 39-2018 - Amendment to Development Plan - 350 West Wilson Bridge Road

EXECUTIVE SUMMARY
The Resolution authorizes an Amendment to Development Plan (ADP) with a Variance for signage - 350 West Wilson Bridge Road (Tim Spencer/Trivium Worthington LLC) ADP 04-18

RECOMMENDATION
Introduce and Approve as Presented

BACKGROUND/DESCRIPTION

Background & Request:
This 4.47-acre property is located on the north side of West Wilson Bridge Road in the C-3 Zoning District. It was originally developed as part of Officescape, which includes the properties at 400, 450 and 500 West Wilson Bridge Road. This building, constructed in the late 1970’s, was home to notable companies like Mettler Toledo and Corecomm, but then was vacant for many years until Trivium Worthington LLC purchased and renovated the property to accommodate 53,000 square feet of modern office space in 2015.

A freestanding sign near W. Wilson Bridge Rd. was approved as part of the 2015 plans, but never installed. This application is a request for a differently designed freestanding sign.

Project Details:
1. An existing freestanding sign identifying the 350 and 400 buildings is west of the drive entrance to the site. Some tenants of the 350 building are identified on that sign, which is located on the 400 property.
2. This internally illuminated sign would be center on the 350 building and located at least 10’ from the W. Wilson Bridge Rd. right-of-way in a landscape bed. The sign is
proposed with an 8’ high x 10’ wide structure on a 2’ x 10’ base. The 22” section above the base would be angled in a similar way to the building, with only the address displayed. Above would be a 6’ high x 10’ wide sign box with 4 tenant names. The tenant panels are proposed as white acrylic with opaque bronze vinyl having the tenant names cut out. Sign area excluding the base would be 80 square feet, but the actual sign box is 60 square feet.

3. The sign background and box would be dark bronze, with Believable Buff used for the base and trim, and white for the graphics.

4. Four different letter styles and six different sizes are proposed for the tenant names.

5. Variances would be needed for sign area, and the number of letter styles and sizes on a sign.

Land Use Plans:
Worthington Comprehensive Plan
The 2005 Worthington Comprehensive Plan stresses the importance of local business as a means to support municipal services provided to residents. The plan points to the success of the freeway commercial area as being critical to the health of the City.

Wilson Bridge Road Corridor
Signs.
(1) General
A. All new signs, including sign face replacement, shall be subject to the provisions herein.
B. The provisions in Chapter 1170 shall apply to all signs in the WBC unless otherwise stated in this section.
C. Exterior lighting fixtures are the preferred source of illumination.

(2) Freestanding Signs
A. There shall be no more than one freestanding sign on parcels less than 2 acres in size, and no more than two freestanding signs on parcels 2 acres in size or greater.
B. Freestanding signs shall be monument style and no part of any freestanding sign shall exceed an above-grade height of 10’. Sign area shall not exceed 50 square feet per side, excluding the sign base. The sign base shall be integral to the overall sign design and complement the design of the building and landscape.
C. Freestanding signs may include the names of up to eight tenants of that parcel.
D. Light sources shall be screened from motorist view.

Recommendation:
Staff is recommending approval of this application. Although the Wilson Bridge Corridor Code language recommends external illumination and signs no greater than 50 square feet in area, the proposed sign seems compatible with the building and appropriately sized for the site. Also, the actual advertising part of the sign is not much larger than the requirement. Although there are different styles and sizes of lettering, each business has a separate section of the sign and the matching colors make it appear more uniform.

On June 14, 2017 the Municipal Planning Commission recommended approval to City Council on an Amendment to Development Plan with Variances.
*The Municipal Planning Commission meeting minutes for June 14, 2018 were not available at the time of this report.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**
N/A

**ATTACHMENTS**
Resolution No. 39-2018
Exhibit “A”
Application & Materials
RESOLUTION NO. 39-2018

Authorizing an Amendment to the Final Development Plan for 350 West Wilson Bridge Road and Authorizing a Variance (Tim Spencer/Trivium Worthington LLC).

WHEREAS, Tim Spencer of Trivium Worthington LLC has submitted a request for an amendment to the Final Development Plan for 350 West Wilson Bridge Road; and,

WHEREAS, Sections 1175.02 (f) and 1107.01 of the Codified Ordinances of the City of Worthington provide that when an applicant wishes to change, adjust or rearrange buildings, parking areas, entrances, heights or yards, following approval of a Final Development Plan, and variances are included, the modification must be approved by the City Council; and,

WHEREAS, the proposal has received a complete and thorough review by the Municipal Planning Commission on June 14, 2018 and approval has been recommended by the Commission.

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

SECTION 1. That the amendment to the approved Final Development Plan at 350 West Wilson Bridge Road as per Case No. ADP 04-18, Drawings No. ADP 04-18 dated May 31, 2018 attached hereto as Exhibit “A” be approved.

SECTION 2. That there be and hereby is granted a variance from Code Section 1181.05(e)(2)(B) to allow for the total sign area to exceed the allowable square footage, number of letter styles and sizes on a sign in the Code for a freestanding monument sign in the Wilson Bridge Corridor.

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

Adopted _________________

____________________________________
President of Council

Attest:

_______________________________
Clerk of Council
EXHIBIT "A"

D.F. Monument/Tenant Sign with Illuminated Graphics

ALUMINUM CLAD CABINET COMPONENTS, ASSEMBLED OVER WELDED I-LUM FRAMEWORK.

TENANT PANELS ARE 3/8" THICK TRANS. WHITE ACRYLIC WITH OPAQUE BRONZE VINYL APPLIED FIRST SURFACE. TENANT INFO WEDGED TO EXPOSE WHITE LETTERING.

‘ADDRESS’ GRAPHICS ARE ROUTED THRU FACE PLATE & BACKED UP W/P 1” THICK, CLEAR PUSH-THRU ACRYLIC. EDGES ARE POLISHED & OPAQUE VINYL IS APPLIED TO THE FACE.

SHAPES ARE HAL-CALCULATED WITH LED LIGHT CLUSTERS POSITIONED INSIDE CABINET FOR OPTIMUM LIGHT. LIGHT EMITS FROM BEHIND AND AROUND PERIMETER OF SHAPES TO CREATE SOFT HALO GLOW.

LED'S ARE POWERED BY PROTECTED POWER UNITS HOUSED INSIDE CABINET, DISCONNECT SWITCH INSTALLED.

UL LISTED E935704

PRIMARY 120 V ELECTRICAL FEED IS BROUGHT TO SITE BY OTHERS.

SIGN IS MOUNTED TO 6.025" O.D. x .285" STEEL SUPPORT PIPE USING (2) WELDED "PIPE SADDLES. PIPE IS SET IN CONCRETE FOUNDATION 10-1/2" x 4" x 3" DEEP, CONCRETE CASON 4" x 4" x 4"

MASONRY WORK (BY OTHERS):

COLORS:
- CABINET - DARK BRONZE, MAP #13135P
- TENANT PANEL BACKGROUND - OPAC BRONZE
- 350 BEST MATCH TO BRONZE PAINT
- TENANT GRAPHICS - TRANSLUCENT WHITE
- RETAINERS & REVEAL - RELIEVABLE BUFF, SW 6120 LIMESTONE BLOCK BASE - BEST COLOR MATCH TO BUILDING ADDRESS - OPAC WHITE, SW 6755-10

CITY OF WORTHINGTON

D. F. MONUMENT/TENANT SIGN WITH ILLUMINATED GRAPHICS

APPROVED WORTHINGTON MUNICIPAL PLANNING COMMISSION

DATE 05/31/18

CLERK OF COMMISSION

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 Packet Page # 78
Amendment to Development Plan Application

1. Property Location: 350 W. Wilson Bridge Rd

2. Present Use & Proposed Use: Office

3. Present & Proposed Zoning: C-3N

4. Applicant: Trivium Washington LLC
   Address: 210 N. Legg Street, Columbus, OH 43215
   Phone: 614-679-6039

5. Property Owner: Trivium Development LLC
   Address: 210 N. Legg Street, Columbus 43215
   Phone: 614-679-6039

6. Project Description: Freestanding Multi Tenant Monument, 4 Type of Tenants, 4 Type of Spaces

7. Variances Requested: 10 sq ft additional size, for maximum of 60 qf.

PLEASE READ THE FOLLOWING STATEMENT AND SIGN YOUR NAME:

The information contained in this application and in all attachments is true and correct to the best of my knowledge. I further acknowledge that I have familiarized myself with all applicable sections of the Worthington Codified Ordinances and will comply with all applicable regulations.

Applicant (Signature) 5/25/18

Property Owner (Signature) 5/25/18

APPROVED WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 6/14/18

MPC Approval Date: 6/14/18

City Council Approval Date: 6/14/18

email Tim@hwwmddevelopment.com
device@syncronic.com
<table>
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<th>IS-CAN Ohio X LLLP</th>
<th>2600 Corporate Center Dr., Suite 175</th>
<th>Columbus, OH 43231</th>
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<tr>
<td>Stephen Lewis</td>
<td>126 Saint Andre St</td>
<td>Worthington, OH 43085</td>
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350 W. Wilson Bridge Rd.

Multi-Tenant Monument Sign

Request to install a freestanding tenant monument sign to allow curbside identification for on-premise tenants. Any building identification is limited due to setback and architecture hence the importance of road side visibility.

To allow a sign to utilize more than 3 occupying tenants and allow each tenant to utilize their own brand identify type font.
350 W. Wilson Bridge Rd.

100-005397  04/17/2017
7.B. - Amendment to Development Plan - 350 West Wilson Bridge Road

D.F. Monument/Tenant Sign with Illuminated Graphics

ALUMINUM CLAD CABINET COMPONENTS, ASSEMBLED OVER WELDED ALUM. FRAMEWORK.

TENANT PANELS ARE 3/8" THICK TRANSLUCENT WHITE ACRYLIC WITH OPACIFY BRONZE VINYL APPLIED FIRST SURFACE. TENANT INFO REQUIRED TO EXPOSE WHITE LETTERING.

‘ADDRESS’ GRAPHICS ARE ROUTED THRU FACE PLATE & BACKED UP WITH 1" THICK, CLEAR PUSH THROUGH ACRYLIC. EDGES ARE POLISHED 3M OPACIFY VINYL IS APPLIED TO THE FACE.

SHAPES ARE HALO-LUMINATED WITH LED LIGHT CLUSTERS POSITIONED INSIDE CABINET FOR OPTIMUM LIGHT EMISSION FROM BEHIND AND AROUND PERIMETER OF SHAPES TO CREATE SOFT HALO GLOW.

LED'S ARE POWERED BY PROTECTED POWER UNITS HOUSED INSIDE CABINET. DISCONNECT SWITCH INSTALLED. UL LISTED #E15354

PRIMARY 120 V ELECTRICAL FEED IS BRING TO SITE BY OTHERS

SIGN IS MOUNTED TO 6.025" O.D. x 28" STEEL SUPPORT PIPE USING (2) WELDED RIGID SADDLES. PIPE IS SET IN CONCRETE FOUNDATION 10'-0" x 4' x 3' DEEP, CONCRETE CAISSON 4'-0" x 5'-0"

MASONRY WORK (BY OTHERS)

COLORS:
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- TENANT PANEL BACKGROUND - OPAQUE DARK BRONZE
- 1" VINYL MATCH TO BRONZE PAINT
- TENANT GRAPHICS - TRANSLUCENT WHITE
- RETAINERS & REVEAL - BELIEVABLE BUFF, SW 6120
- LIMESTONE BLOCK BASE - BEST COLOR MATCH TO BUILDING ADDRESS - OPAQUE WHITE, 3M 7725-10

APPROVED CITY OF WORTHINGTON
WORTHINGTON MUNICIPAL PLANNING COMMISSION
DATE 05/31/18

SIGNCOM, INC. 527 WEST RICH STREET COLUMBUS, OHIO 43215 TEL: 614-228-3999 FAX: 614-228-4326 info@signcominc.com

PAGE 1
Item 7.B. Page 12 of 12
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 28, 2018

To: Matthew H. Greeson, City Manager

From: Robyn Stewart, Assistant City Manager

Subject: Ordinance - Adoption of New Code Language - Small Cell Technology in the Right of Way

EXECUTIVE SUMMARY
This Ordinance adopts a new chapter in the City's Codified Ordinances regarding Small Cell Technology in the City's Right of Way

RECOMMENDATION
Introduce for Public Hearing on July 9, 2018

BACKGROUND/DESCRIPTION
Under Ohio Revised Code provisions originally adopted in 2017 (SB 331) and amended in 2018 (HB 478), cities are required to permit small cell facilities to be installed and maintained by one of the four major cellular phone service carriers in the right of way. Cities can establish design guidelines to influence and manage the facilities in such a way as to minimize the impact on the local community.

A small cell facility is a wireless facility that is smaller in size than the large macro towers. Under the new Ohio law, a small cell facility has an antenna that fits inside an enclosure not more than six cubic feet in volume and associated wireless equipment, typically placed inside a cabinet, that is cumulatively not more than 28 cubic feet in volume. The height of the pole may be up to 40 feet tall. These facilities are used by the cellular phone carriers to enhance the coverage and capacity of the services they provide to their customers.

Staff presented and discussed the draft design guidelines with City Council on June 11th. During that discussion, we indicted we were evaluating which components should be included in City Code and which should stay in the design guidelines. This evaluation resulted in the drafting of a new chapter for the City's Codified Ordinances. Chapter 955 will focus on small cell technology in the right of way. The new Code language indicates the City will issue design guidelines which will be adopted by resolution. Staff will prepare the
resolution adopting the guidelines for consideration by City Council at the same meeting as the public hearing on this Ordinance. Staff recommends the public hearing for the Ordinance be set for July 9th so the Ordinance will be effective on August 1st, which is the date the new state law takes effect.

Members of City staff as well as a representative from the City's legal advisors at Ice Miller will be present at the public hearing to discuss the proposed Code language and the guidelines, and answer questions.

ATTACHMENTS
Ordinance
ORDINANCE NO. 38-2018

To Enact New Chapter 955 “Small Cell Technology in the Right of Way” of the Codified Ordinances of the City of Worthington.

WHEREAS, the General Assembly recently enacted H.B. 478 regarding the regulation and placement of small cell technology in municipal right of ways; and,

WHEREAS, the purpose of this Ordinance is to establish general procedures and standards, consistent with H.B. 478 and all applicable federal, state, and local laws, for small cell technology in the City’s right of way and to ensure that small cell facilities and wireless support structures are carefully designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations; and,

WHEREAS, the City seeks to enhance the ability of wireless communications carriers to deploy small cell wireless technology in the City quickly, effectively and efficiently so that residents, businesses and visitors benefit from ubiquitous and robust wireless service availability while still preserving the character of the City’s neighborhoods and corridors; and

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

SECTION 1. That Part Nine of the Codified Ordinances of the City of Worthington, “Streets, Utilities, and Public Services Code,” be and the same is hereby amended to add new Chapter 955 “Small Cell Technology in the Right of Way” to read as follows:

CHAPTER 955
Small Cell Technology in the Right of Way

955.01 DEFINITIONS

(A) General use of terms.

(1) The terms, phrases, words, and their derivations used in this Chapter shall have the meanings given in this section.

(2) Words not defined shall be given their common and ordinary meaning.

(B) Defined terms.

(1) Abandoned means any Small Cell Facilities or Wireless Support Structures that are unused for a period of three hundred sixty-five days without the Operator otherwise notifying the City and receiving the City’s approval.
ORDINANCE NO. 38-2018

(2) Antenna means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

(3) Applicant means any Person applying for a Small Cell Permit hereunder.

(4) City means the City of Worthington.

(5) Collocation or Collocate means to install, mount, maintain, modify, operate, or replace wireless facilities on a Wireless Support Structure.

(6) Decorative Pole means a pole, arch, or structure other than a street light pole placed in the Right of Way to specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following (a) electric lighting; (b) specially designed informational or directional signage; (c) temporary holiday or special event attachments.

(7) Design Guidelines means those detailed design guidelines, specifications and examples adopted by the City Council pursuant to Section 955.04 for the design and installation of Small Cell Facilities and Wireless Support Structures, which are effective insofar as they do not conflict with federal and state law, rule and regulations.

(8) Operator means a wireless service provider, cable operator, or a video service provider that operates a Small Cell Facility and provides wireless service. Operator includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the “Telecommunications Act of 1996,” 110 Stat. 59, 47 U.S.C. 153(2), and services that are fixed in nature or use unlicensed spectrum.

(9) Permittee means the owner and/or Operator issued a Small Cell Permit pursuant to these Chapter and the Design Guidelines.

(10) Person means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

(11) Right of Way means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which is owned or controlled by the City of Worthington.

(12) Small Cell Facility means a Wireless Facility that meets both of the following requirements:

(a) Each Antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.

(b) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
ORDINANCE NO. 38-2018

(13) Small Cell Permit means the non-exclusive grant of authority issued by the City of Worthington to install a Small Cell Facility and/or a Wireless Support Structure in a portion of the Right of Way in accordance with these guidelines.

(14) Utility Pole means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric or telecommunications service. "Utility pole" excludes street signs and Decorative poles.

(15) Wireless Facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:
   (a) Equipment associated with wireless communications;
   (b) Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
   (c) The term does not include any of the following:
      (i) The structure or improvements on, under, or within which the equipment is Collocated;
      (ii) Coaxial or fiber-optic cable that is between Wireless Support Structures or Utility poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna.

(16) Wireless Support Structure means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a fifteen-foot or taller sign pole, or Utility pole capable of supporting Small Cell Facilities. Wireless Support Structure excludes (a) a Utility pole or other facility owned or operated by a municipal electric utility and (b) a Utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars and trolley buses.

(17) Wireline Backhaul Facility means a facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

955.02 GENERAL REQUIREMENTS

(A) General Requirements. The following requirements shall apply to all Small Cell Facilities and Wireless Support Structures proposed within the Right of Way.

(1) No Person shall occupy or use the Right of Way except in accordance with law.

(2) In occupying or using the Right of Way, no Person shall unreasonably compromise the public health, safety, and welfare.

(3) No Person shall occupy or use the Right of Way without first obtaining, under this chapter, Chapter 949, or section 1332.24 or 4939.031 of the Ohio Revised Code, any requisite consent of the City. Before placing Small Cell Facilities or Wireless Support Structures in the Right of Way, an Operator must apply for and receive a general right of way permit under Chapter 949. If the Operator’s activities in the Right of Way will consist solely of Collocating Small Cell Facilities, constructing, modifying, or replacing new Wireless Support Structures and associated Small Cell Facilities, removing such
facilities, or eligible facilities requests as defined by the Federal Communications
Commission, then the Operator shall not be required to pay the annual fee for holders of a
right of way permit provided in Chapter 949. This provision shall not be construed to
waive application fees or any other construction or work permit necessary for work in the
City.

(B) The permitting procedures and authorizations set forth herein in this chapter shall
apply only to Small Cell Facilities and Wireless Support Structures in the Right of Way,
and do not authorize the construction and operation of a Wireline Backhaul Facility,
which continues to be governed by Chapter 949.

(C) Nothing in this chapter precludes the City from applying its generally applicable
health, safety, and welfare regulations when granting consent for a Small Cell Facility or
Wireless Support Structure in the City’s Right of Way.

955.03 APPLICATION AND APPROVAL PROCESS

(A) Pre-Application Conference.

(1) The City requires pre-submittal conferences to meet with potential Applicants and
discuss projects on a conceptual level. The conference is intended to identify the correct
application type and content requirements for any given project, and also to create an
informal forum in which Applicants and the City can discuss any concerns that should be
addressed as soon as possible to avoid any unnecessary delays in the processing of an
application and deployment of wireless facilities in the City. The requirement for a pre-
submittal conference may be waived by the Director of Service & Engineering or
designee based on necessity and prior experience with the Applicant.

(2) An appointment is required for all pre-submittal conferences. The Director of
Service & Engineering may establish regular hours in which appointments are available
and the number of potential projects that may be discussed at a pre-submittal conference.

(B) Application Required. Prior to installation, modification, relocation or removal of a
Small Cell Facility, relocation or removal of an existing Wireless Support Structure,
installation of a new Wireless Support Structure, or Collocation on an existing Wireless
Support Structure in the Right of Way, the Operator shall apply to the City and receive
approval from the City. Prior to submitting such application, the Applicant must possess
a Telecommunications and Utilities Permit, as required by the City’s Codified
Ordinances Chapter 949, Section 949.03.

(C) Required Application Materials. Unless otherwise required by state or federal law,
the application shall be submitted to the Department of Service & Engineering with the
applicable fee and all required materials and information in accordance with the
requirements of this Chapter and the Design Guidelines in order for the application to be
considered complete.
ORDINANCE NO. 38-2018

(D) Application Processing Fee. For processing an application for consent, the City may charge a fee for each Small Cell Facility and Wireless Support Structure requested as prescribed under section 4939.0316 of the Ohio Revised Code and as listed on the associated application forms which shall be made available by the Department of Service & Engineering. The City may adjust this fee ten per cent every five years, rounded to the nearest five dollars.

955.04 DESIGN GUIDELINES

(A) City Council shall adopt by resolution detailed Design Guidelines with objective, technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area regarding all of the following, which the City shall consider in reviewing an application:

1. The location of any ground-mounted Small Cell Facilities;
2. The location of a Small Cell Facility on a Wireless Support Structure;
3. The appearance and concealment of Small Cell Facilities, including those relating to materials used for arranging, screening, and landscaping;

(B) The provisions in this section shall not limit or prohibit the discretion of the City Manager or Director of Service & Engineering to promulgate and make publicly available other information, materials, forms, or requirements in addition to, and separate from, the Design Guidelines so long as the information, materials, forms, or requirements do not conflict with this Chapter or other applicable state or federal law.

(C) Waiver of Guidelines. In the event that strict compliance with any provision in these guidelines, as applied to a specific proposed Small Cell Facility, would effectively prohibit the provision of personal wireless services, the City Manager may grant a limited, one-time exemption from strict compliance.

955.05 SAFETY REQUIREMENTS

(A) Prevention of failures and accidents. Any Person who owns a Small Cell Facility and/or Wireless Support Structure sited in the Right of Way shall at all times employ ordinary and reasonable care and install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.

(B) Compliance with fire safety and FCC regulations. Small Cell Facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
(C) Changes in state or federal standards and regulations. If state or federal standards and regulations are amended, the owners of the Small Cell Facilities and/or Wireless Support Structures governed by this chapter shall bring any facilities and/or structures into compliance with the revised standards and regulations within six months of the effective date of the standards and regulations, unless a different compliance schedule is mandated by the regulating agency. Failure to bring Small Cell Facilities and/or Wireless Support Structures into compliance with any revised standards and regulations shall constitute grounds for removal at the owner's expense.

(D) Indemnification. Any Operator who owns or operates Small Cell Facilities or Wireless Support Structures in the Right of Way shall indemnify, protect, defend, and hold the City and its elected officials, officers, employees, agents, and volunteers harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees to include reasonable attorney fees and costs of defense, proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury or death, property damage or other harm for which recovery of damages is sought, to the extent that it is caused by the negligence of the Operator who owns or operates Small Cell Facilities and wireless service in the Right of Way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the Operator, or their respective officers, agents, employees, directors, or representatives while installing, repairing, or maintaining facilities in the Right of Way.

(E) Surety bond or equivalent financial tool for cost of removal. All owners must procure and provide to the City a bond, or must provide proof of an equivalent financial mechanism, to ensure compliance with all provisions of this Chapter. The bond must be maintained for as long as the owner has Small Cell Facilities and/or Wireless Support Structures located in the Right of Way. The bond or equivalent financial method must specifically cover the cost of removal of unused or Abandoned Small Cell Facilities and/or Wireless Support Structures or damage to City property caused by an Operator or its agent of each Small Cell Facility and/or Wireless Support Structure in case the city has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.

955.06 INSTALLATION AND INSPECTION

(A) (1) Completion within 180 days. The Collocation or new Wireless Support Structure for which a Small Cell Permit is granted shall be completed within 180 days after issuance of the Small Cell Permit unless the City and the Applicant agree to extend this period. The City will agree to an extension if the delay is caused by (a) make-ready work for a City-owned Wireless Support Structure, or (b) the lack of commercial power or backhaul availability at the site, provided that the Operator has made a timely request within sixty (60) days after the issuance of the Small Cell Permit for commercial power or backhaul services. The additional time to complete installation may not exceed a total of 360 days after the issuance of the Small Cell Permit.
(2) Procedure for request for extension of time. In situations when completion will not occur within 180 days after issuance of the Small Cell Permit, the Applicant may request an extension of time. Such extension request must be completed utilizing the City’s extension of time form, which will include the length of time being requested and the reason for the delay. The extension must be filed with the Department of Service & Engineering.

(B) Requirement for work permit. Prior to commencing work in the Right of Way, the Applicant must obtain a right of way work permit from the Director of Service & Engineering as required in Section 949.06 (c). In most instances, this work permit will be able to be issued in conjunction with and utilizing the materials included for an application for Small Cell Permits issued under this Chapter. Once the work authorized by the right of way work permit commences, it should be completed within 45 days.

955.07 GENERAL PROVISIONS

(A) As-Built Maps and Records.

(1) Operator shall maintain accurate maps and other appropriate records, including an inventory, of its Small Cell Facilities and Wireless Support Structures as they are actually constructed in the Right of Way or any other City-owned property. The inventory shall include GIS coordinates, date of installation, type of Wireless Support Structure used for installation, Wireless Support Structure owner and description/type of installation for each Small Cell Facility and Wireless Support Structure.

(2) Upon City’s written request, Operator shall provide a cumulative inventory within thirty (30) days of City’s request. Concerning Small Cell Facilities and Wireless Support Structures that become inactive, the inventory shall include the same information as active installations in addition to the date the Small Cell Facility and/or Wireless Support Structure was deactivated and the date the Small Cell Facility and/or Wireless Support Structure was removed from the Right of Way. The City may compare the inventory to its records to identify any discrepancies.

(B) Generally Applicable Health and Safety Regulations. All Small Cell Facilities and Wireless Support Structures shall be designed, constructed, operated and maintained in compliance with all generally applicable federal, state, and local health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

955.08 ANNUAL COLLOCATION FEE

For each attachment of a Small Cell Facilities to a Wireless Support Structures owned or operated by the City and located in the Right of Way, the City may charge the Operator an annual fee as prescribed in 4939.022 of the Ohio Revised Code and as listed on associated application forms which shall be made available by the Department of Service.
ORDINANCE NO. 38-2018

& Engineering. The City may adjust this fee ten per cent every five years, rounded to the nearest five dollars.

955.09 LIABILITY AND SIGNAL INTERFERENCE

(A) No Liability. The City shall not be liable to the Operator by reason of inconvenience, annoyance or injury to the Small Cell Facilities, Wireless Support Structures, and related ground or pole-mounted equipment or activities conducted by the Operator therefrom, arising from the necessity of repairing any portion of the Right of Way, or from the making of any necessary alteration or improvements, in or to, any portion of the Right of Way, or in, or to, City’s fixtures, appurtenances or equipment.

(B) Signal Interference Prohibited. In the event that an Operator’s Small Cell Facility interferes with the public safety radio system, or the City's or State of Ohio’s traffic signal system, then the Operator shall, at its cost, immediately cooperate with the City to either rule out Operator as the interference source or eliminate the interference. Cooperation with the City may include, but shall not be limited to, temporarily switching the transmission equipment on and off for testing.

955.10 REQUIREMENTS FOR REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR

(A) Replacement of Municipal-Owned Wireless Support Structure.

(1) When necessary to accommodate Small Cell Facility. The City may require, in response to an application to Collocate a Small Cell Facility on a City-owned Wireless Support Structure, the replacement or modification of the Wireless Support Structure at the Operator’s cost if the City determines that replacement or modification is necessary for compliance with construction and safety standards. Such replacement or modification shall conform to these Design Guidelines. The City may retain ownership of the replacement or modified Wireless Support Structure.

(2) Accommodation of reservation of space for future public safety or transportation uses. If the City has reserved space for future public safety or transportation uses on the City-owned Wireless Support Structure, the replacement or modification must accommodate the future use.

(B) Removal or Relocation Required for City Project.

(1) Operator shall remove and relocate the permitted Small Cell Facility and/or Wireless Support Structure at the Operator’s sole expense to accommodate construction of a public improvement project by the City.

(2) If Operator fails to remove or relocate the Small Cell Facility and/or Wireless Support Structure or portion thereof as requested by the City within 120 days of the City’s notice, then the City shall be entitled to remove the Small Cell Facility and/or
ORDINANCE NO. 38-2018

Wireless Support Structure, or portion thereof at Operator’s sole cost and expense, without further notice to Operator.

(3) Operator shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Small Cell Facilities and/or Wireless Support Structure, or portion thereof.

(C) Removal Required by City for Safety and Imminent Danger Reasons.

(1) Operator shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Small Cell Facility and/or Wireless Support Structure within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a Small Cell Facility and/or Wireless Support Structure (a) is necessary to protect the public health, safety, welfare, or City property, or (b) Operator fails to obtain all applicable licenses, permits, and certifications required by law for its Small Cell Facility and/or Wireless Support Structure.

(2) If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Small Cell Facility and/or Wireless Support Structure at the Operator’s sole cost and expense.

(D) Removal/Abandonment of Facilities.

(1) Operator shall remove Small Cell Facilities and/or Wireless Support Structures when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 60 days of the Small Cell Facility and/or Wireless Support Structure being Abandoned, or within 60 days of receipt of written notice from the City. When Operator abandons permanent structures in the Right of Way, the Operator shall notify the City in writing of such abandonment and shall file with the City the location and description of each Small Cell Facility and/or Wireless Support Structure Abandoned. Prior to removal, Operator must make application to the City and receive approval for such removal. Operator must obtain a right of way work permit for the removal. The City may require the Operator to complete additional remedial measures necessary for public safety and the integrity of the Right of Way.

(2) The City may, at its option, allow a Wireless Support Structure to remain in the Right of Way and coordinate with the owner to transfer ownership of such Wireless Support Structure to the City, instead of requiring the owner and/or Operator to remove such Wireless Support Structure.

(E) Restoration. Operator shall repair any damage to the Right of Way, any facilities located within the Right of Way, and/or the property of any third party resulting from
ORDINANCE NO. 38-2018

Operator’s removal or relocation activities (or any other of Operator’s activities hereunder) within ten (10) calendar days following the date of such removal or relocation, at Operator’s sole cost and expense. Restoration of the Right of Way and such property must be to substantially the same condition as it was immediately before the date Operator was granted a Small Cell Permit for the applicable location, or did the work at such location (even if Operator did not first obtain a Small Cell Permit). This includes restoration or replacement of any damaged trees, shrubs, or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

955.11 RULE MAKING AUTHORITY

The Director of Service & Engineering is hereby authorized to promulgate additional rules and regulations, including but not limited to the adoption of forms and application submittal requirements, to carry out the purpose and intent of this Chapter in order to protect the public health, safety and welfare. Such rules, and amendments thereto, shall be consistent with these Codified Ordinances, and shall be subject to the approval of the City Manager.

955.12 EFFECT OF PARTIAL INVALIDITY

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

§955.99 PENALTY

(A) For failure to comply with any provision of this Chapter or the Design Guidelines, the penalty shall be a civil forfeiture, payable to the City, in the amount of $250 per day for each day the violation continues.

(B) In addition to the civil forfeiture in division (A), the City may also pursue the remedies of revocation of the Small Cell Permit or specific performance of the violated provision.

(C) The City Manager may excuse violations of this Chapter for reasons of Force Majeure.

(D) For purposes of this section, "Force Majeure" means a strike, acts of God, acts of public enemies, orders of any kind of a government of the United States of America or of the State of Ohio or any of their departments, agencies, or political subdivisions; riots, epidemics, landslides, lightning, earthquakes, fires, tornadoes, storms, floods, civil disturbances, explosions, partial or entire failure of utilities or any other cause or event not reasonably within the control of the Permittee, but only to the extent the disabled
ORDINANCE NO. 38-2018

party notifies the other party as soon as practicable regarding such Force Majeure and then for only so long as and to the extent that, the Force Majeure prevents compliance or causes non-compliance with the provisions hereof.

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

Passed ____________

____________________________________
President of Council

Attest:

____________________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 28, 2018

To: Matthew H. Greeson, City Manager

From: Tom Lindsey, Law Director

Subject: Ordinance No. 39-2018 - Amendment - Fire Code

EXECUTIVE SUMMARY
This Ordinance amends Chapter 1501 of the Codified Ordinances regarding the administration and enforcement of the Ohio Fire Code by the Division of Fire.

RECOMMENDATION
Introduce for Public Hearing on July 16, 2018

BACKGROUND/DESCRIPTION
Section 3737.82 of the Ohio Revised Code requires the State Fire Marshal to adopt a state fire code which shall consist of rules relating to all aspects of fire safety. The Ohio Fire Code as adopted by the State Fire Marshal is currently set forth in Chapter 1301:7-7 of the Ohio Administrative Code. The most recent changes in the Ohio Fire Code became effective on December 15, 2017.

The Ohio Fire Code applies “to all aspects of fire safety at any structures, building, premises, vehicles or other locations within the territorial jurisdiction of the State of Ohio”. There is no statutory requirement for a city to adopt a local fire code. Regardless of whether a political subdivision adopts a local fire code, the Ohio Fire Code is effective and enforceable at all locations in the state.

Section 1501.01 of the Codified Ordinances currently provides that the “2007 Edition of the Ohio Fire Code is hereby adopted, as published by the International Code Council, as the Fire Code of the City of Worthington”. The proposed ordinance amends this section to simply state that the City will administer and enforce the Ohio Fire Code. This avoids the necessity of amending Section 1501.01 whenever the Ohio Fire Code is revised.

Section 1501.02 has been amended to eliminate the requirement that the City Clerk keep three copies of the Ohio Fire Code on file and have copies available for sale to the public.
The Ohio Fire Code is available online at https://codes.iccsafe.org/public/document/OHFC2017 and may be purchased from the International Code Council (ICC) at 1-888-422-7233 or West Group at 1-800-328-9352. The City Clerk has not had anyone review or purchase the Ohio Fire Code during the past ten years.

Section 1501.03 has been amended to reference the Ohio Fire Code and the authority of the Fire Chief to delegate enforcement responsibilities.

Section 1501.04 has been repealed because the definition is no longer necessary given the changes in Section 1501.01.

Section 1501.08 currently provides for a Board of Appeals to hear “applications for modifications of the requirements of the Fire Code.” However, Section 3781.20 of the Ohio Revised Code states that “Variances to the Ohio Fire Code can only be authorized by the State Fire Marshal or the State Board of Building Appeals.” This Ordinance repeals Section 1501.08. Section 3737.43 of the Ohio Revised Code provides a right to appeal to the State Board of Building Appeals. Decisions of the State Board may be appealed to the Court of Common Pleas.

A new section 1501.09 is proposed to expressly provide for the authority of the Fire Chief, in consultation with the City Manager, to adopt rules and regulations necessary for the administration and enforcement of the Ohio Fire Code.

Section 1501.99 has been amended to clarify the violation and penalty provisions. The specific criminal penalty for a misdemeanor of the fourth degree has been deleted. The section only states the individual penalty and not the organization penalty that may also apply. The specific criminal penalties for individuals and organizations for all misdemeanor offenses, including those of the fourth degree, are already set forth Chapter 501 of the Codified Ordinances. Language has been added to clarify that the imposition of a criminal penalty does not prevent civil enforcement efforts and imposition of a civil penalty does not prevent criminal prosecution. The goal of the Fire Prevention Bureau is always to seek voluntary compliance with the fire safety requirements. Civil penalties under the Ohio Fire Code would be the first approach if voluntary compliance is not achieved.

Staff recommends adoption of the proposed ordinance.

**ATTACHMENTS**
Ordinance No. 39-2018
ORDINANCE NO. 39-2018

Amending Chapter 1501 of the Codified Ordinances of the City of Worthington Concerning the Enforcement of the Ohio Fire Code; and to Repeal or Amend Sections of the Codified Ordinances in Conflict Therewith.

WHEREAS, Section 3737.82 of the Ohio Revised Code requires the State Fire Marshal to adopt a state fire code which shall consist of rules relating to all aspects of fire safety; and,

WHEREAS, the Ohio Fire Code as adopted by the State Fire Marshal is currently set forth in Chapter 1301:7-7 of the Ohio Administrative Code; and,

WHEREAS, the Ohio Fire Code applies “to all aspects of fire safety at any structures, building, premises, vehicles or other locations within the territorial jurisdiction of the State of Ohio”; and,

WHEREAS, the Fire Chief is required to enforce the Ohio Fire Code and there is no statutory requirement for the City to adopt the Ohio Fire Code or a local fire code.

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

SECTION 1. That Section 1501.01 of the Codified Ordinances be and the same is amended to read as follows:

1501.01 OHIO FIRE CODE.
(a) The City of Worthington shall administer and enforce the Ohio Fire Code as adopted or amended by the State Fire Marshal pursuant to Sections 3737.82 to 3737.86 of the Ohio Revised Code.

SECTION 2. That Section 1501.02 of the Codified Ordinances be and the same is amended to read as follows:

1501.02 COPY OF OHIO FIRE CODE AVAILABLE FOR INSPECTION.
A copy of the Ohio Fire Code shall be on file in the Office of the City Clerk for public inspection during usual business hours.

SECTION 3. That Section 1501.03 be and the same is amended to read as follows:

1501.03 ENFORCEMENT.
(a) The Chief of the Worthington Division of Fire and EMS and the Bureau of Fire Prevention of the City of Worthington Division of Fire are hereby charged with the administration and enforcement of the Ohio Fire Code.
ORDINANCE NO. 39-2018

(b) The Chief may delegate to other members of the Division of Fire full authorization to perform any of the duties or acts which are required or authorized to be performed by such Fire Chief or the Bureau of Fire Prevention.

SECTION 4. That Section 1501.04 of the Codified Ordinances be and same is repealed in its entirety.

SECTION 5. That Section 1501.08 be and the same hereby is repealed in its entirety.

SECTION 6. That new Section 1501.09 be and the same hereby is added to Chapter 1501 to read as follows:

1501.09 RULES AND REGULATIONS.
The Fire Chief, in consultation with the City Manager, may adopt any rules and regulations as may be necessary for the effective administration and enforcement of the Ohio Fire Code. Such rules and regulations shall be consistent with the Ohio Fire Code, the Ohio Revised Code, the Charter, and these Codified Ordinances. Such rules and regulations shall be reported to Council and unless amended or disapproved by resolution of Council within thirty days after such report, shall become effective. Amendments and supplements to the rules and regulations shall be made in the same manner. All rules adopted under this section shall be published and posted on the internet.

SECTION 7. That Section 1501.99 be and the same is amended to read as follows:

1501.99 VIOLATION AND PENALTY.
(a) Whoever violates any provision of the Ohio Fire Code, or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or violates or fails to comply with any rule or regulation adopted pursuant to Section 1501.09, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor of the fourth degree.

(b) The imposition of a criminal penalty pursuant to this section for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

(c) When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(d) The imposition of a penalty for a violation of this section shall not be held to prevent the enforced abatement, remedy, or removal of prohibited conditions through other legal measures or actions.
ORDINANCE NO. 39-2018

(e) The imposition of a civil penalty pursuant to the Ohio Fire Code shall not bar or prevent a prosecution or penalty under this section.

SECTION 8. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed ____________________

__________________________________
President of Council

Attest:

_______________________________
Clerk of Council
STAFF MEMORANDUM
City Council Meeting – July 2, 2018

Date: June 25, 2018

To: Matthew H. Greeson

From: R. Lee Brown, Director of Planning & Building
       Dan Whited, Director of Service & Engineering

Subject: Ordinance - Appropriation - East Wilson Bridge Road Shared-Use Path

EXECUTIVE SUMMARY
This Ordinance authorizes an appropriation of $30,000 from the Capital Improvement Fund Unappropriated Balance to pay the cost of surveying for the East Wilson Bridge Road shared-use path and to proceed with said project.

RECOMMENDATION
Introduce for Public Hearing

BACKGROUND/DESCRIPTION
City Council approved the Wilson Bridge Road Streetscape Improvement Plan in 2015, which identified a 10-foot shared-use path to be located on the south side of East Wilson Bridge Road. The starting point for this shared use path was High Street, and continuing east along E. Wilson Bridge Road to the Community Center with the eventual connection to the Northeast Gateway project that is currently underway.

The 2018 Capital Improvement Plan allocated $228,000 to be used for the design of a project to construct a 10-foot wide shared-use path along the south side of East Wilson Bridge Road. The total project area is over 4,500-feet from High Street to the railroad crossing.

The first part of this project is to enter into a Professional Services Agreement with the GPD Group to provide professional engineering services related to the proposed shared-use path. They will be providing professional engineering services, including but not limited to field survey, base mapping, and existing right-of-way resolution for the south side of East Wilson Bridge Road.
The appropriation of $30,000.000 will be used towards the already budgeted $10,000.00 allocated to Professional Services.

This work will be extremely beneficial to City staff as properties redevelop throughout the corridor, and will make it easier to determine the necessary right-of-way dedication needed to permit the installation of a 10-foot shared-use path while not impacting variety of other utilities on the south side of East Wilson Bridge Road.

FINANCIAL IMPLICATIONS/FUNDING SOURCES
$30,000
ORDINANCE NO. 40-2018

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 Surveying for the East Wilson Bridge Road Shared Use Path and to Proceed with said Project. (Project No. 681-18)

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

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

SECTION 1. That there be and hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Account No. 308.4010.533410 the sum of Thirty Thousand Dollars ($30,000) to pay the cost of Surveying for the East Wilson Bridge Road Shared Use Path and all related expenses (Project 681-18).

SECTION 2. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an “Ordinance Determining to Proceed” with the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

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

Passed __________________

___________________________________
President of Council

Attest:

____________________________
Clerk of Council
Date: June 26, 2018

To: Matthew H. Greeson, City Manager

From: David McCorkle, Economic Development Manager

Subject: Ordinance No. 41-2018 - Appropriations from TIF Funds

EXECUTIVE SUMMARY
This request is intended to adjust the annual budget by providing for an appropriation from the Worthington Square and West Dublin-Granville Rd. Municipal Public Improvement TIF Funds Unappropriated Balance.

RECOMMENDATION

BACKGROUND/DESCRIPTION
This request provides an appropriation from both the Worthington Square (Mall) TIF Fund and the West Dublin-Granville Rd. (Linworth Plaza) TIF Fund for the duration of 2018. Appropriated funds will be used to reimburse the developers of both sites for public infrastructure improvement costs associated with their respective projects. Expenses will be reimbursed per the terms of the executed TIF agreements between the City of Worthington and the property owners.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

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<tr>
<th>Account No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>940.9020.540528</td>
<td>County Auditor Fees</td>
<td>$700.00</td>
</tr>
<tr>
<td>940.9020.560980</td>
<td>TIF Fund Reimbursement</td>
<td>$27,000.00</td>
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ATTACHMENTS
Ordinance No. 41-2018
ORDINANCE NO. 41-2018

Amending Ordinance No. 41-2017 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Worthington Square and West Dublin-Granville Rd. Municipal Public Improvement TIF Funds Unappropriated Balance to Provide Funds for the Payment of Franklin County Auditor Fees and Reimbursable Expenses.

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 unappropriated balance to:

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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