



# City Council Agenda

Monday, February 20, 2023 at 7:00 pm

6550 N. High Street, Worthington, Ohio 43085

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Visitor Comments

## Special Presentation(s)

### 5. Good Neighbor Award

*Executive Summary:* The Community Relations Commission will present this recognition of Marlene and Emmett Ersley as recipients of the 2022 Good Neighbor Award from the Community Relations Commission.

*Recommendation:* Introduce and approve as presented.

## New Legislation - Resolution(s)

### 6. Resolution No. 07-2023- Appointment of Clerk of Council

To Elect Grace Brown as Clerk of Council in Accordance with Section 2.11 of the Charter of the City of Worthington

*Executive Summary:* This Resolution elects Grace Brown as Clerk of Council.

*Recommendation:* Introduce and approve as presented.

### 7. Resolution No. 08-2023- Appointing Members to Various City Boards and Commissions

Appointing Members to Various City Boards and Commissions and Re-Appointing a Member to the Worthington International Friendship Association

*Executive Summary:* This Resolution appoints a new member to the Architectural Review Board, two new members to the Parks & Recreation Commission and re-appoints a member to the Worthington International Friendship Association.

*Recommendation:* Introduce and approve as presented.

### 8. Resolution No. 09-2023 Right of Way Renewal (Level 3 Communications)

Approving an Agreement and Permit for between Level 3 Communications, LLC, a Delaware Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington

*Executive Summary:* This Resolution approves the renewal of a right of way agreement with Level 3

Communications.

*Recommendation:* Introduce and approve as presented.

## **New Legislation - Ordinance(s)**

### **9. Ordinance No. 02-2023 Creation of the Stafford Village TIF**

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

*Executive Summary:* This ordinance approves the creation of a tax increment financing (TIF) exemption for parcel number 100-006797, located at 84-104 Stafford Avenue in Worthington, and authorizes the City Manager to enter into an agreement with the property owner, Traditions at Worthington, dba National Church Residences.

*Recommendation:* Introduce for Public Hearing on March 6, 2023.

### **10. Ordinance No. 03-2023 Sewer Lining Project**

Amending Ordinance No. 39-2022 (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 2023 Sewer Lining Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 731-22)

*Executive Summary:* This ordinance appropriates funds for the Sanitary Sewer Repair & Rehabilitation Project Number 731-22.

*Recommendation:* Introduce for Public Hearing March 6, 2023.

### **11. Ordinance No. 04-2023 Payroll Clearing Fund**

Authorizing and Directing the Establishment of a Payroll Clearing Fund

*Executive Summary:* This legislation would create a payroll clearing fund to assist with the tracking and reconciliation of payroll expenses within the new financial software.

*Recommendation:* Introduce for Public Hearing on March 6th, 2023

## **Reports of City Officials**

### **12. Policy Item(s)**

#### **a. Permission to Bid HVAC for City Facilities**

*Executive Summary:* Staff is seeking a motion to solicit bids for the construction and installation of HVAC Equipment at the Fire Station, Griswold Center and Community Center.

*Recommendation:* Motion to approve as presented.

#### **b. Sale of Surplus Property (Medic)**

*Executive Summary:* Staff is seeking authorization to move forward with the sale of a Horton Ambulance, originally purchased in June 2013.

*Recommendation:* Motion to approve as presented.

## **Reports of Council Members**

### **Other Business**

### **Executive Session**

#### **13. Executive Session**

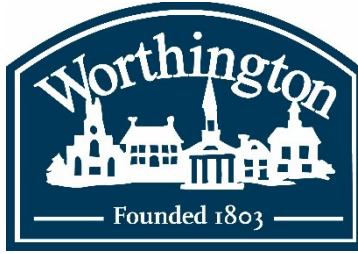
- a. To consider the appointment of a public official.**
- b. To conference with attorney(s) for the City concerning pending or imminent litigation.**

### **Adjournment**

#### **14. Motion to Adjourn**

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Contact: D. Kay Thress, Clerk of Council (Kay.Thress@worthington.org (614) 436-3100) | Agenda published on  
02/16/2023 at 3:10 PM



**STAFF MEMORANDUM**  
**City Council Meeting – February 20, 2023**

Date: February 15, 2023

To: Robyn Stewart, Acting City Manager

From: Lori Trego, Personnel Director

Subject: **Resolution –2022 Good Neighbor Award**

**EXECUTIVE SUMMARY**

This Resolution recognizes Marlene and Emmett Ersley as recipients of the 2022 Good Neighbor Award from the Community Relations Commission.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

The Community Relations Commission (CRC) established the Good Neighbor Award to recognize members of the community who promote cooperation and goodwill throughout their neighborhoods and the City of Worthington. The CRC voted to present the 2022 award to Marlene Ersley and posthumously to Emmett Ersley.

Commission Chair Eddie Pauline will attend to make the Good Neighbor Award presentation.

**ATTACHMENTS**

Resolution No. 06-2023

RESOLUTION NO. 06-2023

To Congratulate Marlene and Emmett Ersley on Their Recognition  
as Recipients of the 2022 Good Neighbor Award from the Worthington  
Community Relations Commission.

WHEREAS, the Worthington Community Relations Commission established the Good Neighbor Award to recognize members of the community who promote cooperation and goodwill throughout their neighborhoods; and,

WHEREAS, on February 20, 2023, the Worthington Community Relations Commission will present the 2022 Good Neighbor Award to Marlene and Emmett Ersley; and,

WHEREAS, Marlene and Emmett Ersley of Sanbridge Circle have exemplified the term “good neighbor” because of their kindness and generosity toward their neighbors; and,

WHEREAS, Emmett passed away in September 2022 but is fondly remembered for using his snow blower to clear the sidewalks and driveways throughout the neighborhood even though he was in his late 80’s; and,

WHEREAS, Marlene is known to sit on her front porch in the summer with little baggies of dog treats awaiting visits from her furry friends. Marlene and Emmett spoiled, loved and welcomed every dog in the neighborhood to have a treat; and,

WHEREAS, the Ersley home is always open to neighborhood kids. After school they enter through the front door, go to the kitchen and help themselves to a snack a before joining Emmett and Marlene to share the days events; and,

WHEREAS, Marlene is affectionately known as the “Queen of Sanbridge Circle.” She is always willing to help her neighbors by asking if she can get them something from the grocery store, passing along coupons or interesting articles, or generously providing an emergency cup of flour or sugar to save a meal; and,

WHEREAS, Marlene and Emmett Ersley’s warm, welcoming and generous spirit has enriched the lives of their human and canine neighbors alike;

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

SECTION 1. That this Council does hereby recognize Marlene and Emmett Ersley for their kindness, consideration and the promotion of goodwill within their neighborhood and the City of Worthington.

SECTION 2. That the Clerk of Council be instructed to forward a duly certified copy of this Resolution to Marlene Ersley and to record said Resolution in the appropriate record book.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council



RESOLUTION NO. 07-2023

To Elect Grace Brown as Clerk of Council in  
Accordance with Section 2.11 of the Charter of the  
City of Worthington.

WHEREAS, the Charter of the City directs City Council to elect as an officer of  
the City an individual, not a member of Council, to serve as Clerk of Council; and,

WHEREAS, the retirement of Clerk of Council D. Kay Thress, creates a vacancy  
in this position; and,

WHEREAS, Grace Brown has served as City Clerk since December 2022; and,

WHEREAS, Grace Brown has served the City well during her tenure and has  
served as Clerk recently; and,

WHEREAS, Grace Brown is well-qualified to serve as Clerk of Council;

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

SECTION 1. In accordance with Section 2.11 of the Charter of the City of  
Worthington, Grace Brown is hereby elected to the position of Clerk of City Council.

SECTION 2. 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

RESOLUTION NO. 08-2023

Appointing Members to Various City Boards and  
Commissions and Re-Appointing a Member to the  
Worthington International Friendship Association.

WHEREAS, the Architectural Review Board, and the Parks and Recreation Commission have vacancies; and, the Worthington International Friendship Association has a member whose term expired at the end of 2022; and

WHEREAS, City Council has reviewed applications from interested individuals and conducted interviews for the vacancies on the Architectural Review Board and the Parks and Recreation Commission; and,

WHEREAS, the member to be re-appointed to the Worthington International Friendship Association has expressed a desire to continue her service; and,

WHEREAS, City Council desires to make the aforementioned appointments;

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

SECTION 1. That Damien Healy is hereby appointed to the Architectural Review Board to a term expiring on December 31, 2023.

SECTION 2. That Christian (C.J.) Carpenter and Noah Barnard are hereby appointed as student representatives to the Parks and Recreation Commission to a term expiring on December 31, 2023.

SECTION 3. That Anne Brown is hereby re-appointed to the Worthington International Friendship Association to a term expiring on December 31, 2025.

SECTION 4. That members are directed to serve the interests of the City of Worthington in such capacity when discharging the duties as a member of each of these groups.

SECTION 5. That the Clerk be and hereby is instructed to record this Resolution in the appropriate record book upon its adoption.

Adopted \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest

\_\_\_\_\_  
Clerk of Council





**STAFF MEMORANDUM**  
**City Council Meeting – February 20, 2023**

Date: February 13, 2023

To: Robyn Stewart, Acting City Manager

From: D. Kay Thress, City Clerk

Subject: Resolution No. 09-2023, Renewal of Right of Way Agreement – Level 3 Communications

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**EXECUTIVE SUMMARY**

This Resolution approves the renewal of a right of way agreement with Level 3 Communications.

**RECOMMENDATION**

Introduce and Approve as Presented

**BACKGROUND/DESCRIPTION**

Section 949 of the City's Codified Ordinances requires that persons desiring to utilize the City's Rights of Way to provide public utility and/or telecommunications services, other than cable television service, obtain a Telecommunication and Utility Permit. The City has received an application from Level 3 Communications for renewal of its permit that expired May 22, 2022. This Resolution authorizes the Acting City Manager to sign the above-mentioned permit for the use of the Rights of Way in Worthington. The permit is for three years.

**ATTACHMENT(S)**

Resolution No. 09-2023  
Right of Way Agreement – Level 3 Communication

RESOLUTION NO. 09-2023

Approving an Agreement and Permit for between Level 3 Communications, LLC, a Delaware Limited Liability Company, to Operate and Maintain a Telecommunications System Within the City of Worthington Pursuant to and Subject to the Provisions of Chapter 949 of the Codified Ordinances of the City of Worthington.

WHEREAS, Level 3 Communications, LLC, a Delaware Limited Liability Company, has requested authority to provide telecommunications services in the City of Worthington; and,

WHEREAS, the City of Worthington has enacted a comprehensive Right-of-Way Ordinance, Chapter 949 of the Codified Ordinances of the City of Worthington; and,

WHEREAS, City Council found the technical ability, and plan for services of Level 3 Communications, LLC, acceptable; and,

WHEREAS, Level 3 Communications, LLC, has facilities within the community that were formerly owned and operated by tw telecom, ICG Communications, Inc., WilTel Communications Group, LLC, and TelCove Inc. (fka Adelphia Business Solutions of Ohio, Inc.); and,

WHEREAS, the authority is nonexclusive; and,

WHEREAS, Level 3 Communications, LLC, has certified that the company meets the criteria of Section 949.05 of the Codified Ordinances of the City of Worthington for the issuance of a permit;

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

SECTION 1. That pursuant to Chapter 949 of the Codified Ordinances of the City of Worthington, an agreement between the City of Worthington and Level 3 Communications, LLC, a Delaware Limited Liability Company, as attached hereto and made a part hereof is hereby authorized and approved and the City Manager is hereby authorized and directed to execute said agreement on behalf of the City, upon approval thereof by the Director of Law.

SECTION 2. 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

**TELECOMMUNICATIONS AND UTILITY PERMIT FOR THE USE OF PUBLIC  
RIGHTS-OF-WAY WITHIN THE CITY OF WORTHINGTON, OHIO**

This Agreement is executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between Level 3 Communications, LLC, a Delaware corporation limited liability company, ("Company") and the City of Worthington, Ohio, an Ohio municipal corporation (the "City") pursuant to Resolution No. \_\_\_\_\_ passed by the Worthington City Council on \_\_\_\_\_, 20\_\_\_\_.

Now, therefore, in consideration of the foregoing and of the covenants, promises and conditions hereinafter set forth it is hereby agreed as follows:

- I. That the Company, a limited liability company organized under the laws of the State of Delaware, its successors and assigns, is hereby granted the non-exclusive right, privilege and authority in accordance with the provisions of Chapter 949 of the Codified Ordinances of the City to acquire, construct, maintain and operate a telecommunications system and/or utility in the City in and under, above, across and along the streets, alleys, thoroughfares, public rights-of-way, public property and easements as the same now exist or may hereafter be laid out in the City, with minimum interference with the proper use of same, for the provision of all competitive telecommunications services as authorized by the Public Utilities Commission of Ohio.
- II. The Company shall construct and operate the telecommunications and/or utility system in accordance with all laws, ordinances, construction standards, governmental requirements, FCC technical standards and any other standards incorporated by reference. Nothing in this Agreement permits the Company to provide any other utility services or cable television services.
- III. The Company shall comply with the applicable requirements of Chapter 949 of the City Codified Ordinances.
- IV. The Company shall pay the annual permit fee as determined by City Codified Ordinances Section 949.07.
- V. The Company agrees that all contractors and subcontractors proposed for work on construction, installation, operation, maintenance and repair of the system shall be properly licensed under the laws of the state of Ohio and all City ordinances.
- VI. Subject to the final requirements of this Section VI, in those areas where telephone and electric services are provided by underground facilities, the Company shall place all new facilities underground. In all other areas, the Company agrees to use its Best Efforts (as defined in Chapter 949 of the City Codified Ordinances) to place all facilities in the City right-of-way underground except for equipment which is customarily placed on or above the ground in conjunction with underground transmission facilities. In addition, where the City Manager or his designee determine that such transmission facilities should not be located underground, the City Manager shall have the authority to relieve the Company of the requirement to do so. In making such a determination, the City Manager may take into account unusual circumstances or physical characteristics including but not limited to the existence of underground facilities which might interfere with the operations of the Company, topographical features or use requirements which may interfere with existing facility locations. The City Manager may also relieve the Company of the requirement to locate transmission facilities underground when to do so in a particular circumstance

would not be in the best interest of the City. The installation of above-ground locator wire markers is prohibited.

- VII. The rights, privileges and authority hereby granted shall not be effective prior to acceptance of this Agreement by the Company and the City and shall terminate three years from the date of acceptance.
- VIII. The Company shall, at its sole cost and expense, fully indemnify, defend and hold harmless the City, its officers, public officials, boards and commissions, agents and employees from and against any and all lawsuits, claims, causes of action, actions, liability, and judgments for injury or damages in connection with the Company's (including its employees, contractors and subcontractors) acts or omissions pursuant to this permit.
- IX. Whenever in this Agreement the City or Company is referred to, such reference shall be deemed to include the respective successor or assign of either, and all rights, privileges, and obligations herein contained shall bind and inure to the benefit of such respective successor or assign, in which the predecessor of such successor or assign is divested of all such rights, privileges, or obligations, whether so expressed or not.
- X. The terms and provisions of this Agreement are joint and several, and the invalidity of any part shall not affect the validity of the Agreement.
- XI. If this permit involves the installation of small cell facilities or wireless support structures in the right of way, then the Company shall also comply with the applicable requirements of Chapter 955 of the City Codified Ordinances. In the case of any conflict between the requirements of Chapter 955 and Chapter 949 of the City Codified Ordinances, the provisions of Chapter 955 shall control.

LEVEL 3 COMMUNICATIONS, LLC

By: [Signature]

Name: Danett Kennedy

Title: SIC Manager

CITY OF WORTHINGTON

By: \_\_\_\_\_

Name: Robyn Stewart

Title: Acting City Manager

Approved as to Form:

\_\_\_\_\_  
Law Director, City of Worthington



**STAFF MEMORANDUM**  
**City Council Meeting – February 20, 2023**

Date: February 16, 2023

To: Robyn Stewart, Acting City Manager

From: David McCorkle, Assistant City Manager & Economic Development Director

Subject: Parcel TIF Proposal for Stafford Village Redevelopment

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**EXECUTIVE SUMMARY**

This ordinance would approve the creation of a tax increment financing (TIF) exemption for parcel number 100-000679, located at 84-104 Stafford Avenue in Worthington, and authorize the City Manager to enter into an agreement with the property owner, Traditions at Worthington, dba National Church Residences.

**RECOMMENDATION**

Introduce for Public Hearing on March 6<sup>th</sup>, 2023.

**BACKGROUND/DESCRIPTION**

In 2020, the Worthington City Council voted to approve Stafford Village, an 85-unit senior housing facility at the northeast corner of Hartford Street and East Stafford Avenue. The 3.062-acre site, being developed by National Church Residences, includes a requirement for 34 of the units to be “affordable” with the remainder at “market rate” for a period of 30 years.

Staff from the Worthington Schools and the City have identified the TIF as an appropriate tool to help offset the costs of public improvements to nearby Hartford Field.

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 parcel 100-006797. Under such an arrangement, owners of the property will pay service payments to the county in amounts equivalent to the taxes otherwise due on the improved value of the land, which

If excess TIF revenues are generated, the fund could also be used by National Church Residences or the City to make other public improvements to the area immediately surrounding The Hartford project.

Under State law, municipalities may employ three types of tax increment financing for economic development projects: *parcel*; *district*; and *urban redevelopment* TIF. Staff believes that *parcel* TIF represents the best mechanism to declare improvements as a public purpose and fund public infrastructure improvements to benefit Hartford Field and the surrounding properties. Parcel number 100-006797 will be the only parcel under this exemption.

- Worthington City Council must adopt an ordinance declaring improvements to certain parcels of real property within the City to be a public purpose. Staff recommends that Worthington City Council identify parcel number 100-006797 as comprising property on which improvements will constitute a public purpose.

- Under the same legislation, Worthington City Council should specify that 100 percent of the improvements are exempt from real property taxes for 30 years.
- City Council must designate those public infrastructure improvements made, to be made, or in the process of being made that directly benefit the TIF'ed parcel. Staff recommends that public infrastructure improvements at and around Hartford Field may include demolition, earthwork, drainage/utilities, asphalt parking and an expanded play area, baseball fields with backstops, fencing, and clay infields, canopy trees, seeding, and other landscaping, walking paths, goal posts, bike racks, benches, trash cans, tables, and chairs, and assisting with legal, administrative, and overhead costs associated with these improvements.
- Because the proposed TIF seeks to make the Worthington City Schools whole on the project, State law requires only that City Council provide notice to the Board of Education of Worthington City Schools (Schools) at least 14 days prior to adopting the ordinance (see ORC §§5709.40(D)(5) and 5709.83). Staff has been in direct contact with the Schools on this issue well in advance of the City Council's action and provided formal notice to the Schools on February 7, 2023.
- Staff recommends that City Council not enter into a compensation agreement with the Schools, but rather amend the existing Memorandum of Understanding (MOU) to allow for the reimbursement of approximately \$600,000 from available TIF funding.
- Worthington City Council must establish a municipal public improvement tax increment equivalent fund into which will be deposited annual service payments in lieu of taxes paid by the owner(s) of the TIF'ed properties (see ORC §§5709.42 & 5709.43).
- The owners of the TIF parcel, Traditions at Worthington (dba National Church Residences), will enter into a TIF agreement with the City setting forth the parties' understanding of how the exemption is structured. Once such an agreement is fully executed, staff recommends that the City apply for the TIF exemption to the Franklin County Auditor on behalf of the owners of the exempted properties (see ORC §5709.911).

#### TIF Exemption – Terms & Benefits

Proposed redevelopment of the 84-104 Stafford Avenue site – into The Hartford - represents a good source of incremental increase in property tax revenue. It also responds to demand made by the community for senior living options near downtown Worthington. Through the use of this proposed TIF, the City can capture and redirect non-school tax revenue to assist with the substantial costs of making improvements to Hartford Field, and making further public improvements in the area immediately surrounding the site (e.g., pedestrian crossings, sidewalk improvements, bike and pedestrian amenities, etc.). The City estimates that the true value of the improvements to the parcels will approximate \$5.2 million.

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)).

**ATTACHMENTS**

Ordinance 02-2023

TIF Agreement



ORDINANCE NO. 02-2023

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, Traditions at Worthington, dba National Church Residences, and any related entity formed for the specific purpose of redeveloping said Property (collectively, the “**Developer**”) desires to construct on the Property a new, 85-unit apartment building and one single-family home converted to an apartment for a total of 86 units, including 34 senior apartments to be designated as “affordable apartments” (the “**Project**”) in accordance with Ordinance 07-2020; 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 designated public infrastructure improvements described in EXHIBIT C attached hereto (the “**Public Infrastructure Improvements**”) will directly benefit the Property; 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 §5709.40(D)(3), the Board intends to take no formal action in response to the City’s notice hereof, contingent upon the City and the Board amending the existing memorandum of understanding substantially in the form on file with the City (the “**Board Compensation MOU**”), to include approximately \$600,000 in available reimbursements to the Board for Public Infrastructure Improvements to occur at Hartford Field, a public greenspace maintained by the Board located adjacent to the Property (“Hartford Field”), which reimbursements shall be payable solely from Service Payments received by the City; and,

WHEREAS, the City and Board are desirous of updating Hartford Field to include demolition, earthwork, drainage/utilities, asphalt parking and an expanded play area, baseball fields with backstops, fencing, and clay infields, canopy trees, seeding, and other landscaping, walking paths, goal posts, bike racks, benches, trash cans, tables, and chairs, and assisting with legal, administrative, and overhead costs associated with these improvements; and,

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, 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, 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 Board, Developer, City, or any combination thereof, 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 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 one-hundred percent (100%) 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) thirty (30) 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 Stafford Village Municipal 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 in accordance with the Board Compensation MOU, 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 or the person acting in such capacity 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, including but not limited to amendments to the Board Compensation MOU as described herein.

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.

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 Department of Development 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 Ohio Department of Development 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:

\_\_\_\_\_  
Clerk of Council

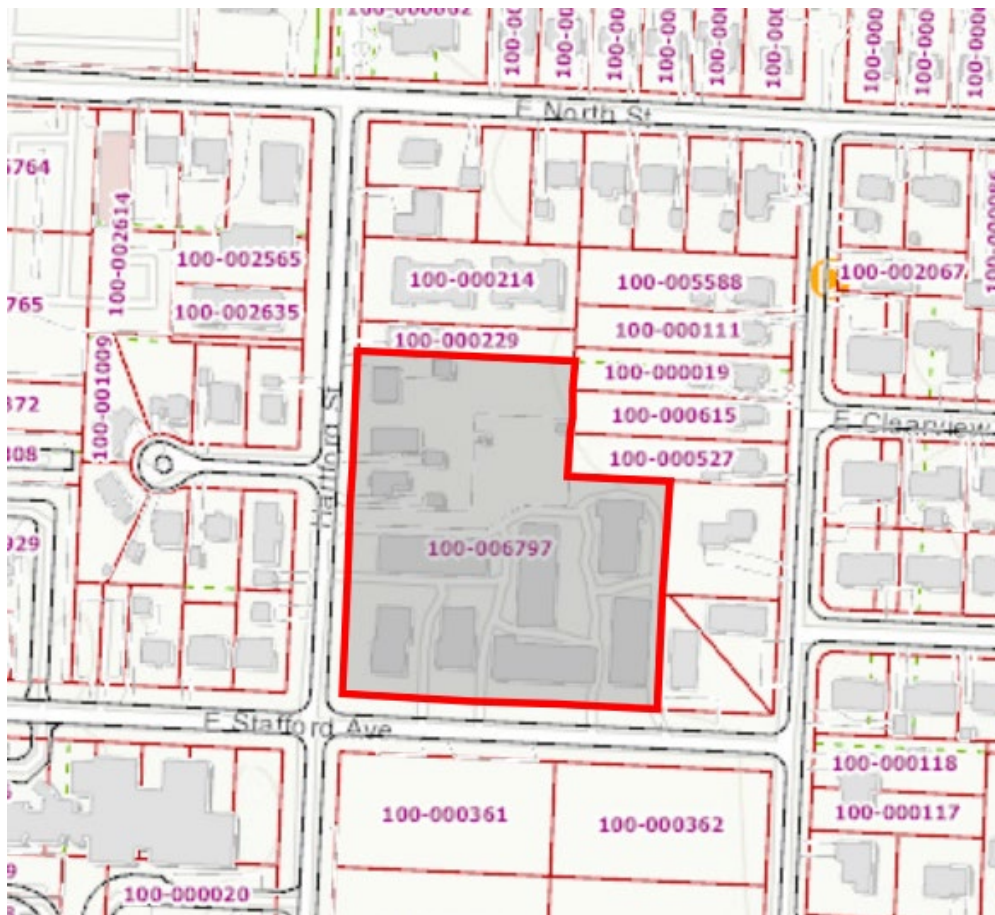
Introduced February 20, 2023  
P.H. March 6, 2023

## EXHIBIT A

### PROPERTY DESCRIPTION

Real property located at 84-104 Stafford Avenue, Parcel Number 100-006797, as that real property is located in the City of Worthington, Franklin County.

The parcel 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**  
**TRADITIONS AT WORTHINGTON**

This Tax Increment Financing Agreement (“**Agreement**”) has been made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2023 (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 Traditions at Worthington, dba National Church Residences, an Ohio not-for-profit corporation (the “**Developer**”), with principal offices at 2335 N. Bank Dr., Columbus, Ohio 43220. 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 2023 by the Franklin County Auditor as comprising the following tax parcel number: 100-006797; and

**WHEREAS**, the Developer has proposed the redevelopment of the Property for the specific purpose of constructing a new, 85-unit apartment building and one single-family home converted to an apartment for a total of 86 units, including 34 senior apartments to be designated as “affordable apartments” (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. 02-2023 (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 one-hundred percent (100%) 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) thirty (30) 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

Stafford Village 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**, 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, during their respective periods of ownership of the Property, 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 thirtieth (30<sup>th</sup>) 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. This Agreement shall be recorded by the City at its sole cost and expense to place, of record with the Office of the Recorder of Franklin County, Ohio, evidence and notice of the legal responsibility and obligation of each future Owner to make Service Payments as a condition of ownership. It is agreed by the Developer, as Owner, that all covenants in this Agreement, whether 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

Board of Education of the Worthington City School District (the “**Board**”), Developer, City, or any combination thereof, 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.

Pursuant to the Board Compensation MOU (as defined in the TIF Ordinance), upon completion of the Public Infrastructure Improvements at Hartford Field and legal, administrative, and overhead costs associated with these improvements as described on Exhibit “C”, the Board 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 Board for the Board’s expense in constructing the Public Infrastructure Improvements as shown on the Certified Statement, approximately Six Hundred Thousand dollars (\$600,000.00) (the “**Reimbursement Amount**”), notwithstanding the Board’s total cost of construction. For avoidance of doubt, the payment obligation of the City hereunder shall be limited to Service Payments available for such purpose. The Board may assign its right to receive payments hereunder to a lender as required in any financing agreements that the Board enters into in order to finance the construction of the Public Infrastructure Improvements, subject to prior review of such assignment by the City.

Should the Developer convey its interest in the Property prior to the Board receiving full payment of the Reimbursement Amount by the City, only the Board, 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 Board from any fund other than the TIF Fund. If there are insufficient funds in the TIF Fund to make a payment to the Board 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 Board until the TIF Fund receives the Service Payments from the County.

After reimbursement of the Reimbursement Amount is made to the Board, the City may then use Service Payments to pay for the cost of any other Public Infrastructure Improvements 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. 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.

§7. 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:

Robyn Stewart  
Acting 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:

National Church Residences  
2335 N. Bank Dr.  
Columbus, Ohio 43220  
Attn: Matthew Rule

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.

§8. 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.

§9. 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.

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

§11. 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.

**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.

TRADITIONS AT WORTHINGTON dba NATIONAL  
CHURCH RESIDENCES

By: \_\_\_\_\_  
President & CEO

THE CITY OF WORTHINGTON

By: \_\_\_\_\_  
Robyn Stewart, Acting City Manager

Approved as to form:

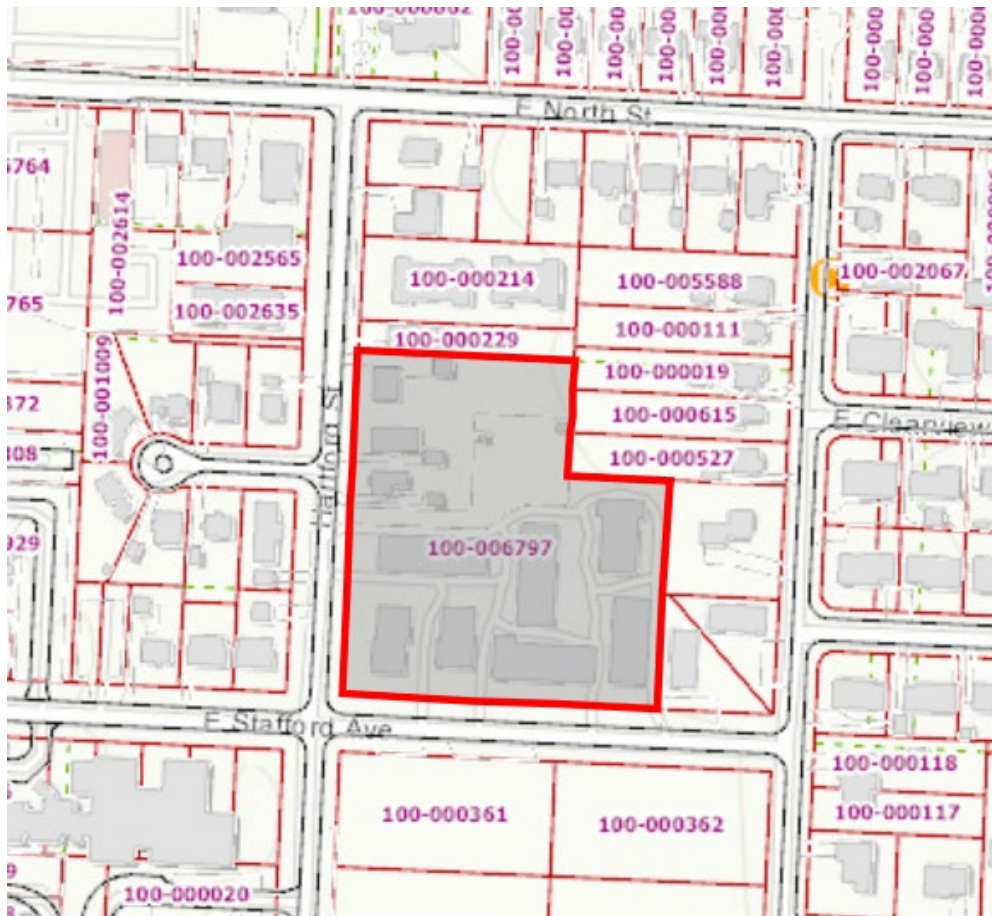
\_\_\_\_\_  
Tom Lindsey  
Director of Law

## Exhibit “A”

### Property Description

Real property located at 84-104 Stafford Avenue, Parcel Number 100-006797, as that real property is located in the City of Worthington, Franklin County.

The parcel 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**

National Church Residences Stafford Worthington OH (the “**Developer**”) intends to redevelop 3.062 acres of commercial property located at 84-104 Stafford Avenue, Worthington, Franklin County (parcel number 100-006797) (the “**Property**”). The property was rezoned in 2020 to a Planned Unit Development, permitting the construction of a new, 85-unit apartment building and one single-family home converted to an apartment for a total of 86 units, including 34 senior apartments to be designated as “affordable apartments”, by National Church Residences (NCR) at Stafford Village, at the northeast corner of Hartford Street and East Stafford Avenue (the “**Project**”). An accompanying resolution was also approved by Worthington City Council with an agreement requiring that 34 of the units are "affordable" with the remainder at "market rate" for a term of 30 years.

The tax increment financing for the Project is specifically intended to first provide a means to reimburse the Board of Education of the Worthington City School District for the costs associated with improvements to Hartford Field, which is located adjacent to the Project, including demolition, earthwork, drainage/utilities, asphalt parking and an expanded play area, baseball fields with backstops, fencing, and clay infields, canopy trees, seeding, and other landscaping, walking paths, goal posts, bike racks, benches, trash cans, tables, and chairs, and assisting with legal, administrative, and overhead costs associated with these improvements.

Future public improvements that directly benefit the Property may, at the discretion of the City, also be funded with the Stafford Village TIF Fund after the City and Board have been fully reimbursed. These improvements could include structured parking for senior affordable and/or senior mixed-income housing, an intergenerational playground, enhanced crosswalks to the Hartford Field, walking paths and other landscaping connecting senior affordable and/or senior mixed-income housing to nearby amenities.

## **Exhibit “C”**

### **Public Infrastructure Improvements**

The Public Infrastructure Improvements may include:

- Improvements to Hartford Field;
- Bike and pedestrian improvements on and surrounding the Property;
- Future Public Infrastructure Improvements that directly benefit the Property;
- 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 Board, the Developer, the City, or a combination thereof, in which case any party 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 Board, the Parties agree that the Board shall be paid approximately \$600,000 from available TIF Funds 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.





**STAFF MEMORANDUM**  
**City Council Meeting – February 20, 2023**

Date: February 1, 2023

To: Robyn Stewart, Acting City Manager

From: John Moorehead, P.E., Director of Service and Engineering

Subject: Ordinance No. 03-2023 Sanitary Sewer Repair & Rehabilitation Project  
Number 731-22

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**EXECUTIVE SUMMARY**

This ordinance appropriates funds for the Sanitary Sewer Repair & Rehabilitation Project Number 731-22.

**RECOMMENDATION**

Introduce for Public Hearing March 6, 2023.

**BACKGROUND/DESCRIPTION**

In 2019 the Service & Engineering Department completed the final phase of a city-wide Sanitary Sewer Evaluation Study as required by the Ohio EPA Director's 2009 Final Findings and Orders. Recommendations from that study and other needs identified through annual in-house televising of sewer lines make up the repairs being sought by this project.

The proposed work will repair or rehabilitate 80 manholes and 13,285 ft of sewer main throughout the City. This project has been advertised for bid with the bid opening scheduled for Wednesday, March 1, 2023.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

The engineer's opinion of probable cost to complete the project is \$ 1,006,227.50.

**ATTACHMENTS**

Ordinance No. 03-2023

ORDINANCE NO. 03-2023

Amending Ordinance No. 39-2022 (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 2023 Sewer Lining Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 731-22)

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. 308.8170.533459 an amount not to exceed \_\_\_\_\_ (\$ \_\_\_\_\_) to pay the cost of the 2023 Sewer Lining Project (Project No. 731-22)

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

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

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

Passed \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Clerk of Council

Introduced  
P.H.



**STAFF MEMORANDUM**  
**City Council Meeting – February 20<sup>th</sup>, 2023**

Date: February 15<sup>th</sup>, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Ordinance 04-2023 – Creating a Payroll Clearing Fund

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**EXECUTIVE SUMMARY**

This legislation would create a payroll clearing fund to assist with the tracking and reconciliation of payroll expenses within the new financial software.

**RECOMMENDATION**

Introduce for Public Hearing on March 6<sup>th</sup>, 2023

**BACKGROUND/DESCRIPTION**

On March 17<sup>th</sup>, 2023, the City anticipates going live with the first change to the City's financial software system since 1994. This software manages all financial transactions within the City. As part of the transition to the new software it has been recommended by our new software consultants that the City create a Payroll Clearing Fund. This fund would be a zero-balance fund that would account for disbursements related to the bi-weekly processing of payroll. This new fund would be used only for the purpose of paying and compensating employees and paying employee deductions.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

None

ORDINANCE NO. 04-2023

Authorizing and Directing the Establishment of a Payroll Clearing Fund.

WHEREAS, the City is in the process of converting the financial software utilized for processing all financial transactions processed by the City; and

WHEREAS, as part of this conversion the City desires to establish a zero-balance fund within the General Ledger System that contains only entries related to payroll; and

WHEREAS, the purpose of the Payroll Clearing Fund is separate tracking of outstanding warrants or other disbursements related to the bi-weekly processing of payroll and to mimic the bank activity in the City's zero-balance payroll account; and

WHEREAS, the creation of said fund requires approval by City Council.

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

SECTION 1. City Council hereby authorizes the creation of the Payroll Clearing Fund, Fund 998 ("the Fund"), into which shall be paid and transferred from the various funds an amount of money equal to the various salaries and wages and other compensations due city employees.

SECTION 2. The Finance Director is authorized and directed to transfer from the funds of the various departments to the Fund sufficient moneys to pay the salaries, wages, and other compensations of the employees of the various departments of the city.

SECTION 3. The Fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the city for services rendered, paying employee deductions to those persons, agencies and organizations entitled to such payments.

SECTION 4. That notice of passage of this Ordinance shall be by publication of a notice, one time, in a newspaper of general circulation in the City setting forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council, and that this Ordinance shall take effect and be in force from and after 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 – February 20<sup>th</sup>, 2023**

Date: February 15, 2023

To: Robyn Stewart, Acting City Manager

From: John Moorehead, P.E. Director of Service & Engineering

Subject: Permission to Bid 2023 HVAC Improvement Program

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**EXECUTIVE SUMMARY**

This motion allows staff to solicit bids for the construction and installation of HVAC Equipment at the Fire Station, Griswold Center and Community Center.

**RECOMMENDATION**

Motion to approve as presented.

**BACKGROUND/DESCRIPTION**

Prater Engineering, a mechanical engineering consultant, completed an assessment of the HVAC systems serving City of Worthington facilities which found that many of these systems are well beyond their useful life expectancy. Prater has subsequently designed the first phase of HVAC improvement projects, which will renovate and replace equipment at the Fire Station, the Griswold Center and the Community Center. Staff is requesting permission to solicit bids for this project.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES**

The Engineer's opinion of probable cost for this work is \$1,525,000.00

**ATTACHMENTS**

None



**STAFF MEMORANDUM**  
**City Council Meeting – February 20<sup>th</sup>, 2023**

Date: February 15<sup>th</sup>, 2023

To: Robyn Stewart, Acting City Manager

From: Scott F. Bartter, Finance Director

Subject: Motion – Approve Sale of Surplus Property

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**EXECUTIVE SUMMARY**

Staff is seeking authorization to move forward with the sale of a Horton Ambulance, originally purchased in June of 2013.

**RECOMMENDATION**

Motion to approve as presented.

**BACKGROUND/DESCRIPTION**

Under Section 111.09(b) of the Codified Ordinances of the City of Worthington, City Council must approve the sale of a single item of surplus property with an estimated value of over \$5,000.

A Division of Fire Medic vehicle (Medic #103) was recently replaced as part of the Capital Improvement New and Replacement Equipment program. Staff is recommending the sale of the old Medic, originally purchased in 2013. Staff estimates the value to exceed \$5,000, and is therefore seeking Council approval prior to listing.