



6550 N. High Street
Worthington, Ohio 43085

T: 614-436-3100

Worthington City Council Agenda

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

Monday, March 16, 2020 ~ 7:30 PM

CITY COUNCIL MEMBERS

Bonnie D. Michael
President

Scott Myers
President Pro-Tem

Peter Bucher
Council Member

Rachael Dorothy
Council Member

Beth Kowalczyk
Council Member

David Robinson
Council Member

Douglas Smith
Council Member

CITY STAFF MEMBERS

Matthew Greeson
City Manager

D. Kay Thress
Clerk of Council

1. Call To Order

2. Roll Call

3. Pledge of Allegiance

4. Visitor Comments

5. Special Presentation(s)

5.A. **Resolution No. 19-2020** Recognition of Robert (Bob) Burpee's Service to Worthington

Expressing the Appreciation and Best Wishes of the Worthington City Council to Robert (Bob) Burpee for his Outstanding Service to the City of Worthington and the Worthington Community.

Executive Summary: City Council will recognize and express appreciation for Bob Burpee's Service to Worthington.

Recommendation: Introduce and Approve as Presented

5.B. Resolution No. 20-2020 Recognition of Amy Lloyd's Service to Worthington.

Expressing the Appreciation and Best Wishes of the Worthington City Council to Amy Lloyd for her Outstanding Service to the Community.

Executive Summary: City Council will recognize and express appreciation for Amy Lloyd's service to Worthington.

Recommendation: Introduce and Approve as Presented

5.C. Presentation – Community Energy Savers Program

6. Approval of the Minutes

6.A. Meeting Minutes - March 2, 2020

Recommendation: Motion

7. Public Hearings on Legislation

7.A. Ordinance No. 08-2020 Establish Salary for Vice Mayor

Establishing Compensation for the Vice Mayor of the Municipality of Worthington.

Executive Summary: This Ordinance establishes the salary for the Vice Mayor.

Recommendation: Motion to Amend and Approve as Amended

Legislative History: Introduced on March 2, 2020

7.B. Ordinance No. 12-2020 Establish Compensation - Assistant Director/Parks and Recreation Superintendent

Amending Ordinance 46-2019 to Establish Compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent.

Executive Summary: This Ordinance amends Ordinance 46-2019 to establish compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent.

Recommendation: Approve as Presented

Legislative History: Introduced on March 2, 2020

8. New Legislation to Be Introduced

8.A. Resolution No. 21-2020 Opioid Settlement - One Ohio Plan

Supporting a Unified Plan for the Allocation and Use of Opioid Settlement Proceeds and Authorizing the City Manager to Execute the One Ohio Memorandum of Understanding and Formal Agreements Implementing a Unified Plan.

Executive Summary: This Resolution acknowledges the City's support of a unified distribution plan for opioid settlement proceeds and authorizes the City Manager to execute the One Ohio Memorandum of Understanding and subsequent agreements to implement the plan.

Recommendation: Introduce and Approve as Presented

8.B. Ordinance No. 13-2020 Appropriation - Diamond Brite Surfacing In Community Center Pools

Amending Ordinance No. 45-2019 (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 Community Center Pools Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 706-20)

Executive Summary: This request funds the replacement of Diamond Brite surfacing in the Community Center Pools.

Recommendation: Introduce for Public Hearing on April 6, 2020

8.C. Ordinance No. 14-2020 Settlement - Mondrach

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance and to Authorize the City Manager to Enter into a Settlement Agreement with Dustin and Susan Mondrach.

Executive Summary: This Ordinance authorizes the City Manager to enter into a settlement agreement with Dustin and Susan Mondrach and appropriate the necessary funds.

Recommendation: Introduce for Public Hearing on April 6, 2020

9. Reports of City Officials

10. Reports of Council Members

11. Other

12. Executive Session

13. Adjournment

RESOLUTION NO. 19-2020

Expressing the Appreciation and Best Wishes of the
Worthington City Council to Robert (Bob) Burpee for his
Outstanding Service to the City of Worthington and the
Worthington Community.

WHEREAS, Robert Burpee has diligently served the City of Worthington for 21 years as a member of the Parks and Recreation Commission since 1998 including multiple terms as Chair and Vice Chair; and,

WHEREAS, Robert Burpee has been a Board Member for the Worthington Youth Boosters for many years and played a key role in building a positive relationship and partnership between the Worthington Youth Boosters and the City of Worthington Parks and Recreation Department allowing for the quality provision of youth sports services to thousands of children in the Worthington community; and,

WHEREAS, Robert Burpee has contributed greatly to improving Worthington's parks and recreation facilities and services including the expansion of the Worthington Community Center, the addition of the Godown Dog Park, Perry Park ball diamond renovations and improvements, the completion of the Parks Master Plan, multiple park and playground renovations, and the addition of pickleball courts through his role as a Parks and Recreation Commission Member; and,

WHEREAS, Worthington City Council is pleased to recognize Robert Burpee and thank him for his dedication and outstanding service to the Worthington community,

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

SECTION 1. That on behalf of the community, City Council hereby expresses to Robert Burpee sincere appreciation for his contributions and dedicated service and extends him best wishes in future pursuits.

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

Adopted _____

President of Council

Attest

Clerk of Council

RESOLUTION NO. 20-2020

Expressing the Appreciation and Best Wishes of the
Worthington City Council to Amy Lloyd for her
Outstanding Service to the Community.

WHEREAS, Amy Lloyd has volunteered countless hours to serve the City of
Worthington as a member of the Architectural Review Board since 2008; and,

WHEREAS, Amy Lloyd has worked to preserve and enhance the unique
character of Old Worthington and the entire Architectural Review District; and,

WHEREAS, Amy Lloyd has participated in training opportunities and has made
herself available for assistance to applicants; and,

WHEREAS, Amy Lloyd has demonstrated the utmost respect and dignity in her
service on the Board; and,

WHEREAS, Amy is well respected and brought exceptional personal integrity to
her position on the Architectural Review Board; and,

WHEREAS, Worthington City Council recognizes and appreciates the service
given by Amy Lloyd during her tenure on the Architectural Review Board;

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

SECTION 1. That on behalf of the residents of the community, the City Council
hereby expresses to Amy Lloyd sincere appreciation for her contributions and years of
dedicated service and extends her best wishes for the future.

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

Adopted _____

President of Council

Attest

Clerk of Council



CITY OF WORTHINGTON
Worthington City Council Minutes
March 2, 2020

6550 N. High Street
Worthington, Ohio 43085

CALL TO ORDER – Roll Call, Pledge of Allegiance

Worthington City Council met in Regular Session on Monday, March 2, 2020, 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 Present: Peter Bucher, Rachael R. Dorothy, Beth Kowalczyk, Scott Myers David Robinson, Douglas K. Smith, and Bonnie D. Michael

Member(s) Absent:

Also present: City Manager Matt Greeson, Assistant City Manager Robyn Stewart, Law Director Tom Lindsey, Director of Personnel Lori Trego, Director of Service & Engineering Dan Whited, Director of Planning & Building Lee Brown, Director of Parks & Recreation Darren Hurley, Chief of Police Robert Ware, Acting Chief of Fire & EMS Mark Zambito, Clerk of Council D. Kay Thress, Management Assistant Ethan Barnhardt

There were approximately 38 visitors present.

PLEDGE OF ALLEGIANCE

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

VISITOR COMMENTS

There were no visitor comments.

SPECIAL PRESENTATION

- American Legion - 100th Anniversary of Memorial Day Parade

Mr. Lippert explained how he is a co-director of the Worthington Memorial Day Parade and this is going to be the 100th anniversary of the parade. It was first started in 1919 by the Daughters of the American Revolution and it has been going on continuously since.

The Worthington American Legion Leasure-Blackston Post is named after the first Worthington casualty from both World War I and World War II. This year they will have the McDonalds All American Alumni Band participating with people coming from 33 different states to march in our parade. This is a great opportunity for the community to put their best foot forward. To date they have 27 groups signed up to march in the parade and that number usually tops over 100. Since this is their 100th year, they are looking for any ideas from Council and City leadership to learn how to get more youth involvement in the parade.

Mr. Greeson added that from a staff standpoint, it is a great blessing to work with the Post each year to perform an important function, honoring those who lost their life in service and continuing a great Worthington tradition.

President Michael expressed her thanks and applauded the Post for doing such an outstanding job.

Ms. Dorothy thanked the Post for organizing the parade and for conducting the ceremony after the parade. The Circle of Honor is being rebuilt to make sure it honors everyone. The Post works with the cemetery to ensure that it looks beautiful. She conveyed how it would be great to have more youth and people attend the ceremony after the parade.

Mr. Lippert brought up that Mayor Holmes has agreed to be the keynote speaker this year.

- Good Neighbor Award

Resolution No. 11-2020

To Congratulate Seth and Liam Keasel on Their Recognition as Recipients of the 2019 Good Neighbor Award from the Worthington Community Relations Commission.

Introduced by Mr. Bucher.

MOTION

Ms. Kowalczyk made a motion to adopt Resolution No. 11-2020. The motion was seconded by Mr. Smith.

There being no comments, the motion to adopt Resolution No. 11-2020 passed unanimously by a voice vote.

Resolution No. 12-2020

To Congratulate George and Michelle Geissbuhler on Their Recognition as Recipients of the 2019 Good Neighbor Award from the Worthington Community Relations Commission.

Introduced by Mr. Myers.

MOTION Ms. Dorothy made a motion to adopt Resolution No. 12-2020. The motion was seconded by Mr. Robinson.

There being no additional comments, the motion to adopt Resolution No. 12-2020 passed unanimously by a voice vote.

Mr. Pauline reminded everyone that the Community Relations Commission (CRC) has been presenting the Good Neighbor Award annually since 1993 to thank community members that promote cooperation and goodwill throughout their neighborhood. While it is an honor to receive this award, we should also bring attention to those that do the nominating for this honor. We are all busy people, and to take the time in order to recognize one of your neighbors is noteworthy. The CRC hopes people participate in this process to ensure that those serving our community and neighbors are appropriately recognized. He described how Seth and Liam were nominated by Lynn and Nick Masucci, and George and Michelle were nominated by John and Leslie Cross. He thanked them for taking the time to recognize their neighbors.

Mr. Pauline read the text of Resolution No. 11-2020 and Resolution No. 12-2020 in their entirety and presented all with certified copies.

APPROVAL OF THE MINUTES

- Meeting Minutes – February 10, 2020
- Meeting Minutes (Special) – February 18, 2020
- Meeting Minutes – February 18, 2020

MOTION Mr. Bucher moved, and Ms. Kowalczyk seconded a motion to approve the meeting minutes as presented.

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

NEW LEGISLATION TO BE INTRODUCED

Resolution No. 13-2020 Appointing Members to Various City Boards and Commissions.

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to adopt Resolution No. 13-2020. The motion was seconded by Ms. Dorothy.

President Michael stated that the appointees include Susan Hinz to the Architectural review Board, Alan McKnight to the Parks and Recreation Commission, and Rebecca Green to the Bike and Pedestrian Advisory Board.

There being no additional comments, the motion to adopt Resolution No. 13-2020 passed unanimously by a voice vote.

Resolution No. 14-2020

Adopting a Job Description for the Position of Support Services Technician, Amending the Staffing Chart and Pay Resolution to Accommodate Said Position, Authorizing the City Manager to Appoint at a Starting Rate in Excess of Step B for Support Services Technician and Authorizing a Shift Differential for this Position.

Introduced by Mr. Robinson.

MOTION

Mr. Bucher made a motion to adopt Resolution No. 14-2020. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson explained how we are working through the transition of our dispatching services to the Northwest Center. This resolution is creating new positions in the Division of Police for administrative support.

Ms. Trego explained how this resolution gives the City Manager discretion to appoint qualified individuals at step C and D of the pay range. The positions will be open to current communications technicians with experience. The selection process is anticipated to begin this spring in preparation for this transition.

There being no additional comments, the motion to adopt Resolution No. 14-2020 passed unanimously by a voice vote.

Resolution No. 15-2020

Adopting a Job Description for Assistant Director/Parks and Recreation Superintendent and Amending the Staffing Chart to Accommodate Said Position.

Introduced by Mr. Smith.

MOTION

Mr. Myers made a motion to adopt Resolution No. 15-2020. The motion was seconded by Ms. Dorothy.

Mr. Greeson detailed how when the City has a vacancy or anticipated retirement it is customary to review the job description and assess current organizational needs. Mr. Hurley has an important upcoming vacancy stemming from the retirement of the long time Recreation Superintendent.

Mr. Hurley explained how Holly Keller is retiring in March after 30 years with the Parks and Recreation Department. This reworked position will decrease in salary a little bit and will be restructured to provide more support for himself. This transition will also help to

oversee the Griswold Center and the Community Center. He envisions Parks and Recreation Superintendent will become a little more universal. He plans to come back to look at the Community Center Manager further down the line.

Ms. Dorothy asked about how many fulltime and part-time employees that Parks and Recreation has. Mr. Hurley answered that they have 23 full time positions, and the part-time and seasonal employment varies, but at any given time there are 70 to 100 part-time staff. Ms. Dorothy expressed how people enjoy the many programs offered at the community center. It is a very difficult task and she appreciates all of Mr. Hurley's work. Mr. Hurley explained how he hopes there is a promotional opportunity in this transition.

There being no additional comments, the motion to adopt Resolution No. 15-2020 passed unanimously by a voice vote.

Resolution No. 16-2020

Amending the Personnel Rules and Regulations of the City of Worthington to include a Sexual Abuse and Molestation Prevention Policy

Introduced by Mr. Robinson.

MOTION

Mr. Bucher made a motion to adopt Resolution No. 16-2020. The motion was seconded by Ms. Kowalczyk.

Mr. Greeson presented how the City has property and casualty insurance and the carrier from a risk management standpoint has recommended adopting a sexual abuse and molestation prevention policy. This is comprised of best practices to make sure those activities do not occur. Our staff have worked to develop the policy that is included in the agenda tonight. If adopted, we will spend time educating employees about the policy and conducting training.

Ms. Kowalczyk asked how this new policy differs from what is currently going on. Ms. Trego said that there was not a formal policy previously. This is comprehensive, providing guidelines for supervising minors and extensive training requirements for employees and volunteers. Ms. Kowalczyk said when looking at references to mandatory reporting requirements, she wondered if we can also include elder abuse and neglect within this policy. Mr. Lindsey responded that it is a good suggestion, but staff needs to look at whether it would be best to incorporate that within this policy or draft a separate standalone policy.

Ms. Dorothy explained that considering the training and reporting, it will be positive having people be more cognizant about things such as human trafficking. She is pleased we will have training. These things are happening in the community around us.

Mr. Hurley noted some of these new policies were taken from existing policies. Training has previously existed dealing with detecting child abuse and reporting procedures.

There being no additional comments, the motion to adopt Resolution No. 16-2020 passed unanimously by a voice vote.

Ordinance No. 08-2020

Establishing Compensation for the Vice Mayor of the Municipality of Worthington.

Introduced by Mr. Robinson.

Ordinance No. 09-2020

To Amend the Official Zoning Map of the City of Worthington, Ohio, to Change Zoning of Certain Land from the R-10 District and S-1 District to the C-3 District (Southwest corner of Larrimer Avenue & High Street and Larrimer & Longfellow Avenue)

Introduced by Mr. Bucher.

MOTION

Mr. Myers made a motion to refer Ordinance No. 09-2020 to the Municipal Planning Commission. The motion was seconded by Ms. Kowalczyk.

The motion passed unanimously.

Ordinance No. 10-2020

To Amend Section 1123.73 to the Codified Ordinances of the City of Worthington to add a definition of Transient Guest to the Tourist Home definition found in the Definition Section of the Planning & Zoning Code.

Introduced by Ms. Kowalczyk.

MOTION

Ms. Dorothy made a motion to refer Ordinance No. 10-2020 to the Municipal Planning Commission. The motion was seconded by Mr. Myers.

The motion passed unanimously.

Ordinance No. 11-2020

To Amend Section 1174.05(c)(B) of the Codified Ordinances of the City of Worthington to amend the caliper inch fee associated with the Natural Features section of the Development Standards and Development Standards Text Found in the Planned Unit Development.

Introduced by Mr. Smith.

MOTION Mr. Myers made a motion to refer Ordinance No. 11-2020 to the Municipal Planning Commission. The motion was seconded by Ms. Kowalczyk.

The motion passed unanimously.

Ordinance No. 12-2020 Amending Ordinance 46-2019 to Establish Compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent.

Introduced by Mr. Myers.

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

- Permission to Bid – Community Center Swimming Pool Diamond Brite Replacement

Mr. Greeson explained how we need Council's permission to bid for replacing the Diamond Brite surface on the bottom of the pool at the Community Center. This will complete the remainder of the leisure pool. We did the lazy river last year. If the bids are sufficient, we will also do the lap pool.

President Michael asked whether this would be completed during the shutdown? Mr. Hurley said that it would be.

Mr. Robinson asked about the lifecycle of the surface. Mr. Hurley said it should be good for 15-20 years. Currently we have had about 17 years from the current surfacing. Mr. Robinson asked how many vendors provide this surface. Mr. Hurley responded there are lots of vendors who build pools, but finding people willing to do smaller amounts of work can be a challenge. He is hoping that the size of this project will draw more interest. The problem is that a lot of pools want this work done during the same timeframe. Mr. Robinson asked if we could get warranties for this work. Mr. Hurley said that is not typical, but you can typically see what the quality of the work is. The issue is more about the initial application.

President Michael asked if this helps us preserve the walls and floors of the pools. Mr. Hurley said it is more about the aesthetics. It impacts a lot of how the pool looks. With bad diamond brite it becomes abrasive. You do not want a pool without diamond brite.

MOTION Ms. Dorothy made a motion to authorize the City Manager to bid the project. The motion was seconded by Mr. Robinson.

The motion passed unanimously.

Mr. Greeson discussed planning for the upcoming City Council retreat. There has been some discussion about start times with it being proposed to begin on Friday at 5:30 pm and 8:30 am start on Saturday. They will be working with the facilitator to put together a more detailed agenda.

He forecasted to Council some of the proposed upcoming Committee of the Whole topics. He proposed discussing next week the potential Joint Recreation District and having POD Designs to talk more about McCord Park. In April we plan to have in our consultants to talk about the recent waterline study. We will be distributing an analysis completed of Rush Run and we will have Sustainable Streams here to talk about Rush Run and the proposed Huntley Bowl project.

REPORT OF COUNCIL MEMBERS

Mr. Bucher asked when Council would see the retreat agenda. Mr. Greeson said it should be by next Monday.

Ms. Kowalczyk explained how the Worthington Partnership is hosting Worthington First Wednesday. This month is national reading month, so the theme is reading. She encouraged everyone to attend. She brought up how everyone should get tickets for the Slice of Worthington honoring all the pizza places in town and raising money for feedworthingtonkids.org. Councilmembers should be on the lookout for an invitation to the annual meeting for the Partnership on April 23rd at the Griswold Center.

Ms. Dorothy said that WIFA is starting to coordinate getting a citizen's delegation together to travel to Sayama. There is an information seminar planned for March 18th to talk about what the opportunities and responsibilities are.

EXECUTIVE SESSION

MOTION

Mr. Bucher moved, Ms. Kowalczyk seconded a motion to meet in Executive Session to discuss pending litigation, economic development negotiations, appointment and compensation of personnel.

The clerk called the roll on Executive Session. The motion carried by the following vote:

Yes 7 Robinson, Dorothy, Smith, Myers, Bucher, Kowalczyk, Michael

No 0

Council recessed at 8:20 p.m. from the Regular meeting session.

MOTION

Mr. Myers moved, Mr. Smith seconded a motion to return to open session at 9:23 p.m.

The motion carried unanimously by a voice vote.

ADJOURNMENT

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

President Michael declared the meeting adjourned at 9:23 p.m.

Management Assistant

*APPROVED by the City Council, this
16th day of March, 2020.*

Council President



STAFF MEMORANDUM
City Council Meeting – March 16, 2020

Date: March 12, 2020

To: Matthew H. Greeson, City Manager

From: Tom Lindsey, Law Director

Subject: **Ordinance No. 08-2020 – Establish Salary for Vice Mayor**

EXECUTIVE SUMMARY

This Ordinance establishes the salary for the Vice Mayor.

RECOMMENDATION

Motion to Amend Section 1 as noted below; Approve as Amended

BACKGROUND/DESCRIPTION

Section 2.06 of the City Charter provides that the salary of the Vice-Mayor shall be established by ordinance. It also provides that the salary shall not be increased or decreased during the Vice-Mayor's term of office.

Recently retired Vice Mayor Jim Lorimer has generously served without compensation for over twenty years. However, in recognition of the important responsibilities of the Vice Mayor position, including presiding over Mayor's Court, it is appropriate for Council to establish a salary for the Vice Mayor position prior to the selection of a new Vice Mayor.

The ordinance that was introduced on March 3, 2020 included a fixed salary component of \$1,000 per year and a variable salary component of \$150 per session that the Vice Mayor presides over Mayor's Court. The total salary would be capped at \$2,500 per year.

Based on Ohio Administrative Code 145-1-26(G)(9), compensation on a per session basis is not included as earnable salary for pension purposes. Therefore, it is recommended that the ordinance be amended to designate a fixed salary of \$2,400 per year.

The 3/16/20 Amended Version makes the following charges to the original ordinance:

SECTION 1. That the salary of the Vice Mayor of the Municipality of Worthington, Franklin County, State of Ohio, shall for the period commencing January 1, 2020, be a fixed amount of \$2,400.00 per year.

ATTACHMENTS

Ordinance No. 08-2020 (As Amended)

Ordinance No. 08-2020

ORDINANCE NO. 08-2020
As Amended

Establishing Compensation for the Vice Mayor of
the Municipality of Worthington.

WHEREAS, Worthington City Council has determined it is appropriate to establish the compensation for the position of Vice Mayor of the Municipality of Worthington;

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

SECTION 1. That the salary of the Vice Mayor of the Municipality of Worthington, Franklin County, State of Ohio, shall for the period commencing January 1, 2020, be a fixed amount of \$2,400.00 per year.

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

ORDINANCE NO. 08-2020

Establishing Compensation for the Vice Mayor of
the Municipality of Worthington.

WHEREAS, Worthington City Council has determined it is appropriate to establish the compensation for the position of Vice Mayor of the Municipality of Worthington;

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

SECTION 1. That the salary of the Vice Mayor of the Municipality of Worthington, Franklin County, State of Ohio, shall for the period commencing January 1, 2020, be a fixed amount of \$1,000.00 per year and a variable amount of \$150.00 per session that the Vice Mayor presides over Mayor's Court, provided that the total salary shall not exceed \$2,500.00 annually.

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 – March 16, 2020

Date: February 26, 2020

To: Matthew H. Greeson, City Manager

From: Lori Trego, Personnel Director

Subject: **Ordinance No. 12-2020 – Establish compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent**

EXECUTIVE SUMMARY

This Ordinance amends Ordinance 46-2019 to establish compensation for the Unclassified Position of Assistant Director/Parks and Recreation Superintendent.

RECOMMENDATION

Approve as Presented.

BACKGROUND/DESCRIPTION

Staff has recommended the adoption of a job description for the unclassified position of Assistant Director/Parks and Recreation Superintendent. This Ordinance amends Ordinance 46-2019 to include this position at a salary not to exceed \$92,000. This salary is comparable to similar positions in the area market.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The unclassified position of Assistant Director/Parks and Recreation Superintendent will replace the classified position of Recreation Superintendent, Step D of pay range 26 with a salary of \$103,915.

ATTACHMENTS

Ordinance No. 12-2020

ORDINANCE NO. 12-2020

Amending Ordinance 46-2019 to Establish
Compensation for the Unclassified Position of
Assistant Director/Parks and Recreation
Superintendent.

WHEREAS, the salaries for the unclassified positions of the Municipal Service must be fixed by City Council;

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

SECTION 1. The salary of the Assistant Director/Parks and Recreation Superintendent (Class Specification No. 253) is hereby established to be \$92,000.

SECTION 2. The provisions of this ordinance supersede Ordinance No. 46-2019, passed December 2, 2019, to the extent it pertains to the position specified in Section 1.

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

Passed _____

President of Council

Attest

Clerk of Council



STAFF MEMORANDUM
City Council Meeting – March 16, 2020

Date: March 11, 2020

To: Matthew H. Greeson, City Manager

From: Tom Lindsey, Law Director

Subject: **Resolution No. 21-2020 - Opioid Settlement - One Ohio Plan.**

EXECUTIVE SUMMARY

This Resolution acknowledges the City's support of a unified distribution plan for opioid settlement proceeds and authorizes the City Manager to execute the One Ohio Memorandum of Understanding and subsequent agreements to implement the plan.

RECOMMENDATION

Introduce and Approve as Presented

BACKGROUND/DESCRIPTION

A large number of states, counties, and cities across the country have sued manufacturers, distributors, and retailers of prescription opiate drugs seeking, among other things, reimbursement for monies spent addressing the opioid crisis. All federal actions are being handled by one judge (In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio)). The judge has certified a "Negotiation Class" which includes all counties and cities, whether they have filed a lawsuit or not. The class includes the City of Worthington which did not file a separate lawsuit. The list of Class Members, arranged by state, is available at the Class website: www.OpioidsNegotiationClass.info.

The attorneys representing the state and local governments involved in the litigation have proposed an allocation of prospective settlement dollars from the multidistrict litigation. If a large majority of local governments agree to a settlement distribution plan, then Ohio would be able to present a united front during negotiations over the settlement. This could prove advantageous to Ohio in terms of negotiating a more favorable settlement.

The attached One Ohio Memorandum of Understanding (“One Ohio Plan”) sets forth the general framework for the proposed allocation and use of settlement proceeds. It is anticipated that formal agreements implementing the terms of the Memorandum of Understanding will be entered into at a future date.

The One Ohio Plan would allocate thirty percent of settlement proceeds directly to local governments for anything related to addressing the opioid epidemic, including past incurred expenses. Fifty-five percent would be allocated to a foundation managed by a board made up of members from local governments. The foundation would allocate the funds to designated regions for the purposes of addressing efforts regarding abating the opioid epidemic, substance abuse, mental health and addiction. The remaining fifteen percent would be allocated to the state of Ohio to combat the opioid epidemic.

According to a recent article in the Columbus Dispatch, cities and counties representing over eighty-five percent of Ohio residents, including Columbus and Franklin County, have already agreed to the One Ohio Plan. <https://www.dispatch.com/news/20200311/ohio-state-local-governments-will-pursue-joint-damages-settlement-over-opioids>

The estimated distribution for the City of Worthington would be \$745,441 per \$1 billion dollars of settlement proceeds. The distribution for each city and county can be found the February 12, 2020 article describing the One Ohio Plan in the Columbus Dispatch. <https://www.dispatch.com/news/20200212/columbus-franklin-county-could-get-millions-from-possible-unified-opioid-settlement>

The proposed resolution would acknowledge City Council’s support of the One Ohio Plan and would authorize the City Manager to execute the Memorandum of Understanding and any formal agreements to implement the One Ohio Plan.

ATTACHMENTS

Resolution No. 21-2020

Exhibit A

One Ohio Plan (Ohio Abatement Strategies)

Regional Breakdown

RESOLUTION NO. 21-2020

Supporting a Unified Plan for the Allocation and Use of Opioid Settlement Proceeds and Authorizing the City Manager to Execute the One Ohio Memorandum of Understanding and Formal Agreements Implementing a Unified Plan.

WHEREAS, the City of Worthington is a member of the negotiation class as designated by the federal district court in In re: National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio); and,

WHEREAS, the attorneys representing the State of Ohio and various local governments involved in the litigation have proposed a unified plan for the allocation of use of prospective settlement dollars from the multidistrict litigation; and,

WHEREAS, the One Ohio Memorandum of Understanding (“One Ohio Plan”) sets forth a non-binding general framework of a unified plan for the proposed allocation and use of opioid settlement proceeds and it is anticipated that formal agreements implementing the One Ohio Plan will be entered into at a future date; and,

WHEREAS, participation in the One Ohio Plan by a large majority of Ohio cities and counties should improve Ohio’s relative bargaining position during settlement negotiations, and

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

SECTION 1. That Council hereby acknowledges its support of a unified plan for the allocation and use of opioid settlement proceeds as generally described in the One Ohio Memorandum of Understanding, attached hereto as Exhibit A.

SECTION 2. That the City Manager is hereby authorized to execute the One Ohio Memorandum of Understanding in substantially the form contained in the attached Exhibit “A” and approved to form by the Director of Law.

SECTION 3. That the City Manager is hereby authorized to execute the any formal agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the One Ohio Memorandum of Understanding and this Resolution, subject to approval to form by the Law Director.

RESOLUTION NO. 21-2020

SECTION 4. 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

ONE OHIO MEMORANDUM OF UNDERSTANDING

Whereas, the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and,

Whereas, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and,

Whereas, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio;

Now therefore, the State and its Local Governments, subject to completing formal documents effectuating the Parties' agreements, enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. "The State" shall mean the State of Ohio acting through its Governor and Attorney General.
2. "Local Government(s)" shall mean all counties, townships, cities and villages within the geographic boundaries of the State of Ohio.
3. "The Parties" shall mean the State of Ohio, the Local Governments and the Plaintiffs' Executive Committee of the National Prescription Opiate Multidistrict Litigation.
4. "Negotiating Committee" shall mean a three-member group comprising one representative for each of (1) the State; (2) the Plaintiffs' Executive Committee of the National Prescription Opiate Multidistrict Litigation ("PEC"); and (3) Ohio Local Governments (collectively, "Members"). The State shall be represented by the Ohio Attorney General or his designee. The PEC shall be represented by attorney Joe Rice or his designee. Ohio Local Governments shall be represented by attorney Frank Gallucci, or attorney Russell Budd or their designee.
5. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the State, PEC and the Local Governments.

6. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Memorandum of Understanding.
7. “Approved Purpose(s)” shall mean evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers, as is further set forth in the agreed Opioid Abatement Strategies attached as Exhibit A. For purposes of the Local Government Share, “Approved Purpose(s)” will also include past expenditures.
8. “Pharmaceutical Supply Chain” shall mean the process and channels through which Controlled Substances are manufactured, marketed, promoted, distributed or dispensed.
9. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be divided with 30% going to Local Governments (“LG Share”), 55% to the Foundation (structure described below) (“Foundation Share”), and 15% to the Office of the Ohio Attorney General as Counsel for the State of Ohio (“State Share”).
2. All Opioid Funds, regardless of allocation, shall be utilized in a manner consistent with the Approved Purposes definition. The LG Share may also be used for past expenditures so long as the expenditures were made for purposes consistent with the remaining provisions of the Approved Purposes definition. Prior to using any portion of the LG Share as restitution for past expenditures, a Local Government shall pass a resolution or take equivalent governmental action that explains its determination that its prior expenditures for Approved Purposes are greater than or equal to the amount of the LG Share that the Local Government seeks to use for restitution.
3. The division of Opioid Funds paid to Local Governments participating in an individual settlement shall be based on the allocation created and agreed to by the Local Governments which assigns each Local Government a percentage share of Opioid Funds. The allocations are set forth in Exhibit B. With respect to Opioid Funds, the allocation shall be static.
4. In the event a Local Government merges, dissolves, or ceases to exist, the allocation percentage for that Local Government shall be redistributed equitably based on the

composition of the successor Local Government. If a Local Government for any reason is excluded from a specific settlement, the allocation percentage for that Local Government shall be redistributed equitably among the participating Local Governments.

5. If the LG Share is less than \$500, then that amount will instead be distributed to the county in which the Local Government lies to allow practical application of the abatement remedy.
6. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Foundation and disbursed as set forth below.
7. The LG Share shall be paid in cash and directly to Local Governments under a settlement or judgment, or through an administrator designated in the settlement documents who shall hold the funds in trust in a segregated account to benefit the Local Governments to be promptly distributed as set forth herein.
8. Nothing in this MOU should alter or change any Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties to seek and negotiate binding settlement or settlements with one or more defendants for all parties within Ohio.
9. Opioid Funds directed to the Foundation shall be used to benefit the local community consistent with the by-laws of the Foundation documents and disbursed as set forth below.
10. The State of Ohio and the Local Governments understand and acknowledge that additional steps should be undertaken to assist the Foundation in its mission, at a predictable level of funding, regardless of external factors.
11. The Parties will take the necessary steps to ensure there is the ability of a direct right of action under the expedited docket rules to the Ohio Supreme Court relative to any alleged abuse of discretion by the Foundation.

C. Payment of Counsel and Litigation Expenses

1. The Parties agree to establish a Local Government Fee Fund ("LGFF") to compensate counsel for Local Governments if the Parties cannot secure the separate payment of fees and associated litigation expenses for their counsel from a settling entity.
2. The LGFF shall be calculated by taking 11.05% of the total monetary component of any settlement accepted ("LGFF Amount"). Fees related to product or other items of value shall be addressed case by case.

3. The first 45% of the LGFF amount shall be drawn from the LG Share. The remaining 55% shall be drawn from the Foundation Share. No portion of the LGFF Amount may be assessed against or drawn from the State Share.
4. To the extent the Parties can secure the separate payment of fees and associated litigation expenses from a settling entity, the amount to be drawn for the LGFF will be proportionally reduced.
5. This LGFF Amount will be deposited into the LGFF and shall be divided with 60% being allocated to the National Prescription Opiate MDL ("M.D.L.") Common Benefit fund for fees and expenses and 40% to contingency fees.
6. Local Government contingent fee contracts shall be capped at 25% or the actual contract rate whichever is less. Eligible contingent fee contracts shall be executed as of March 6, 2020 and subject to review by the committee designated to oversee the Local Government Fee Fund.
7. Common Benefit awards will be coordinated as set forth in the M.D.L. Common Benefit Fee Order. Expenses will be addressed consistent with the manner utilized in the M.D.L.
8. Any balance left in the LGFF following the payment of fees shall revert to the Foundation.
9. Any attorney fees related to representation of the State of Ohio shall not be paid from the LGFF but paid directly from the State Share or through other sources.

D. The Foundation

1. The State of Ohio will be divided into 19 Regions (See attached Exhibit C). Eight of the regions will be single or two county metropolitan regions. Eleven of the regions will be multi-county, non-metropolitan regions.
2. Each Region shall create their own governance structure so it ensures all Local Governments have input and equitable representation regarding regional decisions including representation on the board and selection of projects to be funded from the region's Regional Share. The Expert Panel (defined below) may consult with and may make recommendations to Regions on projects to be funded. Regions shall have the responsibility to make decisions that will allocate funds to projects that will equitably serve the needs of the entire Region.
3. The Parties shall create a private 501(c)(3) foundation ("Foundation") with a governing board ("Board"), a panel of experts ("Expert Panel"), and such other regional entities as may be necessary for the purpose of receiving and disbursing Opioid Funds and other purposes as set forth both herein and in the documents establishing the Foundation. The Foundation will allow Local Governments to take

advantage of economies of scale and will partner with the State of Ohio to increase revenue streams.

4. Board Composition

a. The Board will consist of 29 members comprising representation from four classes:

- Six members selected by the State (five selected by the Governor and one selected by the Attorney General);
- Four members drawn from the Legislature
 - One representative selected by the President of the Ohio Senate;
 - One representative selected by the Ohio Senate Minority Leader;
 - One representative selected by the Speaker of the Ohio House of Representatives; and,
 - One representative selected by the Ohio House Minority Leader
- Eleven members with one member selected from each non-metropolitan Regions; and
- Eight members, with one member selected from each metropolitan Regions.

b. All board members shall serve as fiduciaries of the Foundation as required by Ohio Revised Code § 1702.30(B) governing directors of nonprofit corporations.

5. Board terms will be staggered. Five members, (one from each of the first three classes above, and two from the metropolitan class) will be appointed for an initial three-year term, eight members of the Board (two from the first class, including the Attorney General's representative, one from the second class, four from the third class, and one from the fourth class) will be appointed for an initial term of one year. The remaining members will be appointed for a two-year term. Board members may be reappointed. All subsequent terms will be for two years.

6. Eighteen members of the Board shall constitute a quorum. Members of the Board may participate in meetings by telephone or video conference or may select a

designee to attend and vote if the Board member is unavailable to attend a board meeting.

7. In all votes of the Board, a measure shall pass if a quorum is present, the measure receives the affirmative votes from a majority of those board members voting, and at least one member from each of the four classes of Board members votes in the affirmative.
8. The Foundation shall have an Executive Director appointed by the Governor.
 - a. The Governor shall appoint the Executive Director at his or her discretion from a list of three candidates provided to the Governor by the Board. If the Governor finds all three candidates to be unsatisfactory, the Governor may reject all three candidates and request the Board to provide three new persons to select from.
 - b. In choosing candidates to be submitted to the Governor, the Board shall seek candidates with at least six (6) years of experience in addiction, mental health and/or public health and who shall have management experience in those fields.
 - c. No funds derived from the Foundation Share shall be used to pay the Executive Director or any of the foundation staff in excess of the maximum range (range 42) of the Department of Administrative Services Exempt Schedule E2 or that schedule's successor.
 - d. The Executive Director shall serve as an ex officio, non-voting member of both the Board and the Expert Panel.
9. The Board shall appoint the Expert Panel. The Expert Panel shall consist of six members submitted by the Board Members representing the Local Governments, two members submitted by the Governor and one member submitted by the Attorney General. Expert Panel members may be members of Local Governments or the State. The Expert Panel will utilize experts in addiction, pain management, public health and other opioid related fields to make recommendations that will seek to ensure that all 19 regions can address the opioid epidemic both locally and statewide. Expert Panel members may also be members of the Foundation Board, but need not be.
10. The Foundation Board and the Regions shall be guided by the recognition that expenditures should ensure both the efficient and effective abatement of the opioid epidemic and the prevention of future addiction and substance misuse. In recognition of these core principles, the Board and the Regions shall endeavor to assure there are funds disbursed each year to support evidence-based substance abuse/misuse prevention efforts.

11. Disbursement of Foundation Funds by the Board

- a. The Foundation Board shall develop and approve procedures for the disbursement of Opioid Funds of the Foundation consistent with this Memorandum of Understanding.
- b. Funds for statewide programs, innovation, research, and education may also be expended by the Foundation. Any statewide programs funded from the Foundation Share would be only as directed by an affirmative vote of the Board as set forth in paragraph D(7) above. Expenditures for these purposes may also be funded by the Foundation with funds received from either the State Share (as directed by the State) or from sources other than Opioid Funds as provided in paragraph 14 below.
- c. Funds approved for disbursement to the nineteen Regions shall be allocated based on each Region's share of Opioid Funds ("Regional Share"). Each Regional Share shall be calculated by summing the individual percentage shares of the Local Governments within that Region as set forth in Exhibit B. The Regional Shares for each Region are set forth in Exhibit D.
- d. Regions may collaborate with other Regions to submit joint proposals to be paid for from the Regional Shares of two or more Regions for the use of those Regions.
- e. The Foundation's procedures shall set forth the role of the Expert Panel and the Board in advising, determining, and/or approving disbursements of Opioid Funds for Approved Purposes by either the Board or the Regions. Proposed disbursements to Regions of Regional Shares shall be reviewed only to determine whether the proposed disbursement meets the criteria for Approved Purposes.
- f. Within 90 days of the first receipt of any Opioid Funds and annually thereafter, the Board, assisted by its investment advisors and Expert Panel, shall determine the amount and timing of Foundation funds to be distributed as Regional Shares. In making this determination, the Board shall consider: (a) Pending requests for Opioid Funds from Regions; (b) the total Opioid Funds available; (c) the timing of anticipated receipts of future Opioid Funds; (d) non-Opioid Funds received by the Foundation; and (e) investment income. The Foundation may disburse its principal and interest with the aim towards an efficient, expeditious abatement of the Opioid crisis considering long term and short term strategies.
- g. Votes of the Board on the disbursement and expenditure of funds shall, as with all board votes, be subject to the voting procedures in Section D(7) above. The proposed procedures should provide for the Board to hear appeals by Local Governments from any denials of requested use of funds.

12. The Foundation, Expert Panel, and any other entities under the supervision of the Foundation shall operate in a transparent manner. Meetings shall be open, and documents shall be public to the same extent they would be if the Foundation was a public entity. All operations of the Foundation and all Foundation supervised entities shall be subject to audit. The bylaws of the Foundation Board regarding governance of the Board as adopted by the Board, may clarify any other provisions in this MOU except this subsection. This substantive portion of this subsection shall be restated in the bylaws.
13. The Foundation shall consult with a professional investment advisor to adopt a Foundation investment policy that will seek to assure that the Foundation's investments are appropriate, prudent, and consistent with best practices for investments of public funds. The investment policy shall be designed to meet the Foundation's long and short-term goals.
14. The Foundation and any Foundation supervised entity may receive funds including stocks, bonds, real property and cash in addition to the proceeds of the Litigation. These additional funds shall be subject only to the limitations, if any, contained in the individual award, grant, donation, gift, bequest or deposit consistent with the mission of the foundation.

E. Settlement Negotiations

1. All Members of the Negotiating Committee, and their respective representatives, shall be notified of and provided the opportunity to participate in all negotiations relating to any Ohio-specific Settlement with a Pharmaceutical Supply Chain Participant.
2. No Settlement Proposal can be accepted for presentation to Local Governments or the State under this MOU over the objection of any of the three Members of the Negotiating Committee. The Chair shall poll the Committee Members at the conclusion of discussions of any potential settlement proposal to determine whether such objections exist. Although multiple individuals may be present on a Member's behalf, for polling purposes each Member is a single entity with a single voice.
3. Any Settlement Proposal accepted by the Negotiating Committee shall be subject to approval by Local Governments and the State.
4. As this is an "All Ohio" effort, the Committee shall be Chaired by the Attorney General. However, no one member of the Negotiating Committee is authorized to speak publicly on behalf of the Negotiating Committee without consent from the other Committee Members.
5. The State of Ohio, the PEC or the Local Governments may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written

notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

6. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

Acknowledgment of Agreement

We the undersigned have participated in the drafting of the above Memorandum of Understanding including consideration based on comments solicited from Local Governments. This document has been collaboratively drafted to maintain all individual claims while allowing the State and Local Governments to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to a specific outcome. Any resolution under this document will require acceptance by the State of Ohio and the Local Governments.

FOR THE STATE OF OHIO:

Mike DeWine, Governor

Dave Yost, Attorney General

FOR THE LOCAL GOVERNMENTS AND
PLAINTIFFS' EXECUTIVE COMMITTEE:

Frank L Gallucci III
Plevin & Gallucci Co., LPA

Anthony J. Majestro
Powell & Majestro PLLC

Michelle Kranz
Zoll & Kranz, LLC

Donald W. Davis, Jr.
Brennan, Manna & Diamond, LLC

Joe Rice
Motley Rice, LLC

Russell Budd
Baron & Budd, PC

Robert R. Miller
Oths, Heiser, Miller, Waigland
& Clagg, LLC

D. Dale Seif, Jr.
Seif & McNamee, LLC

James Lowe
Lowe, Eklund & Wakefield Co., LPA

Peter H. Weinberger
Dustin Herman
Spangenberg, Shibley & Liber LLP

Kevin M. Butler
Law Offices of Kevin M. Butler

We the undersigned ACCEPT / REJECT (Circle One) the One Ohio Memorandum of Understanding (“MOU”). We understand that the purpose of this MOU is to permit collaboration between the State of Ohio and Local Governments to explore and potentially effectuating earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this MOU between the State of Ohio and Local Governments in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Ohio.

OHIO ABATEMENT STRATEGIES

Opioid-Related Definition:

Funds from any settlement dollars should be used to prevent, treat and support recovery from addiction including opioids and/or any other co-occurring substance use and/or mental health conditions which are all long-lasting (chronic) diseases that can cause major health, social, and economic problems at the individual, family and/or community level.

Ohio Abatement Strategy Overview

Similar to and including many national settlement strategies, to abate addiction in Ohio, we have created an abatement plan that includes three main components that will work collaboratively to address Ohio's needs and also serve as a complement to and should be integrated with all other state and local government plans:

1. **Strategies for Community Recovery:** Included but not limited to prevention, treatment, recovery support and community recovery projects (examples include child welfare, law enforcement strategies and other infrastructure supports). These strategies have a hyper-local focus that allows communities to collaborate and expand necessary services to their community.
2. **Strategies for Statewide Innovation & Recovery:** Included but are not limited to strategies included in Community Recovery Component but also projects that promote statewide change and regional development for prevention, treatment, recovery supports and community recovery (examples include regional treatment hubs, drug tasks forces, data collection and dissemination). This component also includes research and development to understand how to better serve individuals and families in Ohio.
3. **Strategies for Sustainability:** Ohio's addiction and mental health epidemic was not created overnight, and it will not go away immediately. By collaborating to share resources and knowledge, Ohio's state and local communities can build a sustainable financing strategy and infrastructure to reverse the damage that has been done and prevent future epidemics and crises.

PART ONE: Community Recovery

Treatment

Expanding availability of treatment, including Medication-Assisted Treatment (MAT), for OUD and any co-occurring substance use or mental health condition.

Trauma-informed treatment services and support for individuals, their children and family members who have experienced trauma during their lives including trauma as a result of addiction in the family.

Expand access and support infrastructure developments for telemedicine / telehealth services to increase access to OUD treatment, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

Improve oversight and quality assurance of Opioid Treatment Programs (OTPs) to assure evidence-informed practices such as adequate methadone dosing.

Engage non-profits and faith community to uncover and leverage current community faith-based prevention, treatment and recovery support in partnership with medical and social service sectors.

Expand culturally appropriate services and programs that address health disparities in treatment for persons with mental health and substance use disorders, including for programs for vulnerable populations (i.e. homeless, youth in foster care, etc.); citizens of racial, ethnic, geographic and socio-economic differences, and new Americans to ensure that all Ohioans have access and treatment and recovery support services that meet their needs.

Development of National Treatment Availability Clearinghouse – Fund development of a multistate/nationally accessible database whereby healthcare providers can list locations for currently available in-patient and out-patient OUD treatment services that are both timely and accessible to all persons who seek treatment.

Ensure that each patient's needs and treatment recommendations are determined by a qualified clinical professional. Offer training and practice support to clinicians on the American Society of Addiction Medicine (ASAM) levels of care (or other models) and the most effective methods of treatment continuation between levels of care for people with addiction including opioids and any other co-occurring substance use or mental health conditions and make all levels of care available to all Ohioans.

Early Intervention and Crisis Support

Fund the expansion, training and integration of Screening, Brief Intervention and Referral to Treatment (SBIRT) and Screening, Treatment Initiation and Referral (STIR) programs and ensure that healthcare providers are screening for addiction and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for mental health and substance use disorders.

Support work of Emergency Medical Systems, including peer support specialists, to effectively connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

Create an intake and call center to facilitate education and access to treatment, prevention and recovery services for persons with addiction including opioids and any co-occurring substance use or mental health conditions.

Create a plan to meet the distinct needs of families of children and youths who experience severe emotional disorders and provide respite and support for these caregivers to reduce family crisis and promote treatment.

Create community-based intervention services for families, youth, and adolescents at-risk for addiction including opioids and any co-occurring substance use or mental health conditions.

Create school-based contacts who parents can engage with to seek immediate treatment services for their child.

Develop best practices on addressing individuals with addiction in the workplace, including opioids and any other co-occurring substance use or mental health conditions.

Implement and support assistance programs for healthcare providers with OUD and any co-occurring substance use disorders or mental health (SUD/MH) conditions.

Address the Needs of Criminal-Justice Involved Persons

Address the needs of persons involved in the criminal justice system who have opioid use disorder (OUD) and any co-occurring substance use disorders or mental health (SUD/MH) conditions.

Support pre-arrest diversion and deflection strategies for persons with addiction including opioids and any other co-occurring substance use or mental health conditions, including established strategies such as sequential intercept mapping and other active outreach strategies such as the Drug Abuse Response Team (DART) or Quick Response Team (QRT) models or other co-responder models that engage people not actively engaged in treatment.

Support pre-trial services that connect individuals with addiction including opioids and any other co-occurring substance use or mental health conditions to evidence-informed treatment, including MAT, and related services.

Support treatment and recovery courts for persons with addiction including opioids and any other co-occurring substance use or mental health conditions, but only if these problem-solving courts provide referrals to evidence-informed treatment, including MAT.

Provide evidence-informed treatment, including MAT, evidence-based psychotherapies, recovery support, harm reduction, or other appropriate services to individuals with addiction

including opioids and any other co-occurring substance use or mental health conditions who are incarcerated, on probation, or on parole.

Provide evidence-informed treatment, including MAT, evidence-based psychotherapies, recovery support, harm reduction, or other appropriate re-entry services to individuals with addiction including opioids and any other co-occurring substance use or mental health conditions who are leaving jail or prison or who have recently left jail or prison.

Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis substance use disorder/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

Mother-Centered Treatment and Support

Finance and promote evidence-informed treatment, including MAT, recovery, and prevention services for pregnant women, post-partum mothers, as well as those who could become pregnant and have addiction including opioids and any other co-occurring substance use or mental health conditions.

Training for obstetricians and other healthcare personnel who work with pregnant women or post-partum women and their families regarding treatment for addiction including opioids and any other co-occurring substance use or mental health conditions.

Invest in measures to address Neonatal Abstinence Syndrome, including prevention, care for addiction and education programs.

Fund child and family supports for parenting women with addiction including opioids and any co-occurring substance use or mental health conditions.

Enhanced family supports and childcare services for parents receiving treatment for addiction including opioids and any co-occurring substance use or mental health conditions.

Recovery Support

Identify and support successful recovery models including but not limited to: college recovery programs, peer support agencies, recovery high schools, sober events and community programs, etc.

Provide technical assistance to increase the quantity and capacity of high-quality programs that model and support successful recovery.

Training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users. To reduce stigma and to normalize a culture of recovery, government staff will be provided with onboarding and training that generates a cultural shift and provides all government employees with tool and resources to feel supported and to support colleagues who may be struggling with substance use disorder.

Convene community conversations and trainings that engage non-profits, civic clubs, the faith-based community, and other stakeholders in training and techniques for providing referrals and supports to those persons to family and friends struggling with substance use disorder.

Identify and address transportation barriers to permit consistent participation in treatment and recovery support.

Support the development of recovery-friendly environments in all sectors, schools, communities and workplaces to promote and sustain health and wellness goals. Put resources toward:

1. Supportive and recovery housing;
2. Supportive employment/jobs;
3. Certification of peer coaches, peer-run recovery organizations, recovery community organizations;
4. Crisis intervention and relapse prevention; and
5. Services and structures that support young people living a life in recovery including, recovery high schools and collegiate recovery communities.

Prevention

Invest in school-based programs that have demonstrated effectiveness in preventing drug misuse and that appear promising to prevent the uptake and use of opioids. Investment in school and community-based prevention efforts and curriculum that has demonstrated effectiveness in reducing Adverse Childhood Events (ACEs) and their impact by increasing resiliency, and preventing risk-taking, unhealthy or dangerous behaviors such as: drug use, misuse, early alcohol use, and suicide attempts.

Assist coalitions and community stakeholders in aligning state, federal, and local resources to maximize procurement of school and community education curricula, programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, aging and elderly community members and others in an effort to build a comprehensive prevention and education response that addresses prevention across the lifespan.

Invest in environmental scans and school surveys to identify effective prevention efforts and realign prevention and treatment responses with those emerging risk factors and changing patterns of substance misuse.

Fund community anti-drug coalitions that engage in drug prevention efforts and education.

Prevent Over-Prescribing of Opioids and Other Drugs of Potential Misuse

Training for healthcare providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

Continuing Medical Education (CME) on prescribing of opioids and other drugs of concern.

Support for non-opioid pain treatment alternatives, including training providers to offer or refer patients to multi-modal, evidence-informed treatment of pain.

Development and implementation of a National Prescription Drug Monitoring Program (PDMP) – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to: a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for healthcare providers relating to opioid use disorder (OUD) and other drugs of concern.

Prevent Overdose Deaths and Other Harms (Harm Reduction)

Increase availability and distribution of naloxone and other drugs that treat overdoses for use by first responders, persons who have experienced an overdose event, patients who are currently prescribed opioids, families, schools, community-based service providers, social workers, and other members of the general public.

Promote and expand naloxone strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then engaged and retained in evidence-based treatment programs.

Provide training and education regarding naloxone and other drugs that treat overdoses for first responders, persons who have experienced an overdose event, patients who are currently prescribed opioids, families, schools, and other members of the general public.

Develop data tracking software and applications for overdoses/naloxone revivals.

Invest in evidence-based and promising comprehensive harm reduction services and centers, including mobile units, to include; syringe services, supplies, naloxone, staffing, space, peer-support services, and access to medical and behavioral health referrals.

Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

Services for Children

Review the continuum of services available to Ohio's youths, young adults, and families to identify gaps and to ensure timely access to appropriate care for Ohio's youngest citizens and their parents.

Fund additional positions and services, including supportive housing and other residential services to serve children living apart from custodial parents and/or placed in foster care due to custodial opioid use.

Expand collaboration among organizations meeting the prevention, treatment, and recovery needs of Ohio's young people and organizations serving youths, such as Boys & Girls Clubs, YMCAs and others. Support the growth of recovery high schools, collegiate recovery communities, and alternative peer groups for youths recovering from mental illness and substance use disorders.

First Responders (EMS, Firefighters, Law Enforcement and other criminal justice professionals)

Provide funds for first responders and criminal justice professionals and participating subdivisions for cross agency/department collaboration and other public safety expenditures relating to the opioid epidemic that address both community and statewide supply and demand reduction strategies including criminal interdiction efforts.

Training public safety officials and responders safe-handling practices and precautions when dealing with fentanyl or other drugs.

Provide trauma-informed resiliency training and support that address compassion fatigue and increased suicide risk of public safety responders.

Workforce

Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

Scholarships/loan forgiveness for persons to become certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD/MH field, and scholarships for certified addiction counselors, licensed alcohol and drug counselors, licensed clinical social workers, and licensed mental health counselors practicing in the SUD/MH field for continuing education licensing fees.

Funding for clinicians to obtain training and a waiver under the federal Drug Addiction Treatment Act to prescribe MAT for opioid use disorders.

Training for healthcare providers, students, and other supporting professionals, such as peer recovery coaches/recovery outreach specialists to support treatment and harm reduction.

Dissemination of accredited web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

PART TWO: Statewide Innovation & Recovery

Leadership, Planning and Coordination

Provide resources to fund the oversight, management, and evaluation of abatement programs and inform future approaches.

Community regional planning to identify goals for opioid reduction and support efforts or to identify areas and populations with the greatest needs for prevention, treatment, and/or services.

A government dashboard to track key opioid/and addiction-related indicators and supports as identified through collaborative community processes.

Provide funding for grant writing to assist already established community coalitions in securing state and federal grant dollars for capacity building and sustainability.

Stigma Reduction, Training and Education

Commission statewide campaigns to address stigma against people with mental illness and substance use disorders. Stigma and misinformation deeply embed the deadly consequences of Ohio's public health crisis. These prevent families from seeking help, fuel harmful misperceptions and stereotypes in Ohio communities, and can discourage medical professionals from providing evidence-informed consultation and care. Ohio's campaign to end stigma should include chronic disease education; evidence-based prevention, treatment, and harm reduction strategies; stories of recovery; and a constant reframing of mental illness and addiction from a personal moral failing to a treatable chronic illness.

Coordinate public and professional training opportunities that expand the understanding and awareness of adverse childhood experiences (ACEs) and psychological trauma, effective treatment models, and the use of medications that aid in the acute care and chronic disease management of both mental illness and addiction.

Strengthen the citizen workforce by providing community-based trainings, such as Mental Health First Aid, Crisis Intervention Training, naloxone administration, and suicide prevention. These best practice trainings should be allowable as Continuing Education Units for professional development and when offered in an educational setting, provide academic credit.

Development and dissemination of new accredited curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service Medication-Assisted Treatment.

Training for emergency room personnel treating opioid overdose patients on post-discharge planning. Such training includes community referrals for MAT, recovery case management and/or support services.

Public education relating to drug disposal.

Drug take-back disposal or destruction programs.

Public education relating to emergency responses to overdoses.

Public education relating to immunity and Good Samaritan laws.

Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.

Invest in public health education campaigns that inform audiences about the ease of contraction of hepatitis C, and that engage persons at-risk to receive testing and treatment.

Convene and host community conversations and events that engage local non-profits, civic clubs, and the faith-based community as a system to support prevention.

Fund programs and services regarding staff training, networking, and practice to improve staff capability to abate the opioid crisis.

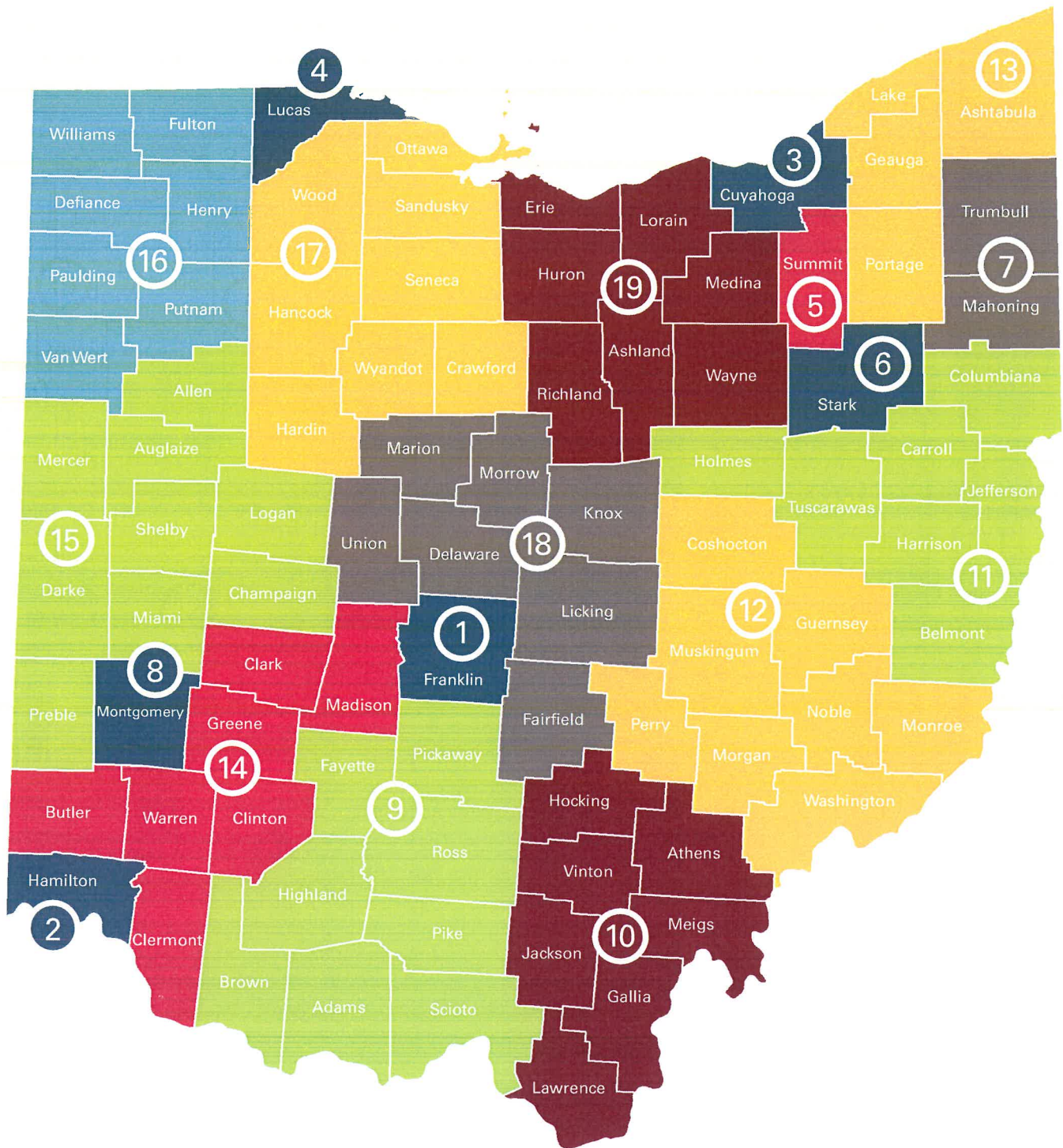
Support infrastructure and staffing for collaborative cross-systems coordination to prevent opioid misuse, prevent overdoses, and treat those with addiction including opioids and/or any other co-occurring substance use and/or mental health conditions (e.g. behavioral health prevention, treatment, and recovery services providers, healthcare, primary care, pharmacies, PDMPs).

Support community-wide stigma reduction regarding accessing treatment and support for persons with substance use disorders.

RESEARCH

Ensuring that funding is flexible to invest in short and long-term research and innovation projects that embrace new advances, technology and other strategies that meet the needs of Ohioans today and in the future.

Regional Breakdown





STAFF MEMORANDUM
City Council Meeting – March 16, 2020

Date: February 26, 2020

To: Matthew H. Greeson, City Manager

From: Darren Hurley, Parks & Recreation Director

Subject: **Ordinance No. 13-2020 - Funding Replacement of Diamond Brite in Community Center Pools**

EXECUTIVE SUMMARY

This request funds the replacement of Diamond Brite in the Community Center Pools.

RECOMMENDATION

Introduce for Public Hearing on April 6, 2020

BACKGROUND/DESCRIPTION

The swimming pool walls and floors at the Community Center are covered with Diamond Brite surfacing. Over time since the opening of the facility in 2003, the Diamond Brite has worn resulting in pitting and staining in addition to abrasive surfaces which result in cuts on feet and rough areas on the pool walls and floors. In 2019 we replaced the Diamond Brite in the Lazy River area of the Leisure Pool. This project would complete the remainder of the Leisure Pool and depending on bids fund a portion or all of the Lap Pool. The work would be completed during our annual shutdown so operations would not be impacted.

The Ordinance is being introduced with blanks for the selected firm and amount pending the results of the bid process. The recommended firm and appropriation amount will be available for the public hearing.

FINANCIAL IMPLICATIONS/FUNDING SOURCES (if applicable)

The 2020 Capital Improvements Program (CIP) included \$120,000 for this project.

ATTACHMENTS

Ordinance No. 13-2020

ORDINANCE NO. 13-2020

Amending Ordinance No. 45-2019 (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 Community Center Pools Resurfacing Project and all Related Expenses and Determining to Proceed with said Project. (Project No. 706-20)

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. 308.4010.533436 an amount not to exceed _____ (\$_____) to pay the cost of the Community Center Pools Resurfacing Project and all related expenses (Project No. 706-20).

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



STAFF MEMORANDUM
City Council Meeting – March 16, 2020

Date: March 12, 2020

To: Matthew H. Greeson, City Manager

From: Tom Lindsey, Law Director

Subject: **Ordinance No. 14-2020 - Settlement - Mondrach**

EXECUTIVE SUMMARY

This Ordinance authorizes the City Manager to enter into a settlement agreement with Dustin and Susan Mondrach and appropriate the necessary funds.

RECOMMENDATION

Introduce for Public Hearing on April 6, 2020

BACKGROUND/DESCRIPTION

In September 2018 the City received a demand letter from legal counsel representing Dustin and Susan Mondrach. The letter alleged potential claims against the City related to Rush Run erosion that had occurred adjacent to their property located at 290 E. South Street. The letter requested that the City agree to purchase their property for \$600,000 or pay in excess of \$300,000 for various damages and Rush Run improvements.

The City's insurance company, Selective Insurance, assigned the law firm of Isaac Wiles to represent the City. Following extensive negotiations between the attorneys representing both parties, a proposed settlement has been reached. The terms of the settlement include a \$50,000 payment to the Mondrachs by Selective Insurance to cover costs and damages. The settlement also included a commitment by the City to perform erosion control measures for lower bank slope repair and rehabilitation in the vicinity of the Mondrach's property and a preliminary engineering analysis and development of conceptual alternatives to reduce excessive erosion along the lower portion of Rush Run. These two items were included in the 2019 CIP at a cost of \$31,000 for the erosion control measures and \$25,000 for the study. The settlement also includes an obligation to maintain erosion

control measures for thirty years at a total sum not to exceed \$50,000. The results of the study were provided to Council and the attorneys representing the Mondrachs this week.

The proposed ordinance will authorize the City Manager to execute the settlement agreement and appropriate the \$50,000 to maintain erosion control measures. The ordinance authorizes the Finance Director to take the necessary steps to make sure the \$50,000 is available to meet the City's obligation.

FINANCIAL IMPLICATIONS/FUNDING SOURCES

\$50,000

ATTACHMENTS

Ordinance No. 14-2020

Exhibit A

2019 CIP – Rush Run

ORDINANCE NO. 14-2020

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for Appropriations from the General Fund Unappropriated Balance and to Authorize the City Manager to Enter into a Settlement Agreement with Dustin and Susan Mondrach.

WHEREAS, Dustin and Susan Mondrach, through legal counsel, have claimed that the City of Worthington is responsible for certain erosion damages to their property located at 290 E. South Street, Worthington, Ohio; and,

WHEREAS, the Mondrach's legal counsel and the City's insurance defense counsel, without admitting any liability or wrongdoing, engaged in extensive negotiations to reach a proposed settlement that would be acceptable to the Mondrachs, the City's insurance company, and the City; and,

WHEREAS, the terms of the proposed settlement are set forth in the Settlement Agreement and Release attached hereto as "Exhibit A"; and,

WHEREAS, it is the opinion of the Law Director that it is in the best interest of the City of Worthington to resolve the Mondrach's claim by entering into the proposed settlement; and,

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 unappropriated balances to:

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|---------------------------------|--------------------|---------------------|
| <u>General Fund #101</u> | | |
| 101.1070._____ | _____ | \$ 50,000.00 |
| General Fund Totals | | \$ 50,000.00 |

ORDINANCE NO. 14-2020

SECTION 2. That the City Manager, Finance Director, and Law Director are each hereby authorized, acting singly or jointly, to take all actions, including the creation of any special funds or entering into any escrow agreements or other documents, necessary to make sure that the appropriation provided in Section 1 is available to meet the City's financial obligations under the proposed settlement for a period of thirty (30) years.

SECTION 3. That the City Manager is hereby authorized to execute a Settlement Agreement and Release in substantially the form contained in the attached Exhibit "A" and approved to form by the Director 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

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”) is made and entered into by and between the City of Worthington, Ohio (“City of Worthington”) and residents Dustin and Susan Mondrach (referred to collectively as the “Mondrachs”), and is effective on the date last executed below (the “Effective Date”). The City of Worthington and the Mondrachs collectively are referred to as the “Parties.”

RECITALS

WHEREAS, the Mondrachs own the property located at 290 E. South Street, Worthington, Ohio 43085, Parcel ID No. 100-001238-00, a National Historic Registrar Property (the “Property”), being ±0.2424 acres, rectangular in shape, with access to all public utilities, and having a 1,710 sq. ft. house located on it; and

WHEREAS, the Mondrachs believe they have or may have certain constitutional claims and real property invasion claims against the City of Worthington due to erosion damages to the Property claimed to have resulted from the City of Worthington’s construction and operation of the redesigned McCoy Avenue bridge and culvert and connected overall management of Rush Run, a creek that neighbors the Property (collectively, the City of Worthington’s “Rush Run Construction and Management Activities”); and

WHEREAS, beginning on September 14, 2018, the Mondrachs, through legal counsel, made written demand to the City of Worthington and its officials for claimed monetary damages to cover extensive structural repairs, stabilization, and damages to the Property which the Mondrachs believe were attributed to the Rush Run Construction and Management Activities; and

WHEREAS, after review, assessment, and consultation with the Mondrachs, and without admitting any liability or wrongdoing, the City of Worthington, through legal counsel, engaged in extensive communications with the Mondrachs to discuss a proposed monetary settlement amount that would satisfactorily address needed repairs to the Property without resorting to litigation; and

WHEREAS, in addition to a monetary settlement amount to address the Mondrachs’ individually claimed damages, the City of Worthington will move forward with implementation of its 2019 Capital Improvement Program (“CIP”) as adopted by the Worthington City Council on December 3, 2018, accessible at <https://worthington.org/ArchiveCenter/ViewFile/Item/29078>, which includes certain improvements, slope repairs, and rehabilitation in the vicinity of the Property, and hydrologic studies and analysis of additional erosion control measures for Rush Run (“2019 CIP erosion control measures”), for the benefit of all City of Worthington property owners who own land neighboring Rush Run, including but not limited to the Mondrachs; and

WHEREAS, after several discussions and written communications, the Parties have agreed as to the final compensation amount of \$50,000.00 to the Mondrachs to cover individual expenses related to their claimed Property damages, which is in addition to the City’s implementation of the 2019 CIP erosion control measures; and

WHEREAS, the Parties hereto, in good faith, and in the interests of full and final compromise, settlement, and satisfaction of all claims between them related to the City of Worthington's Rush Run Construction and Management Activities and related claimed damages to the Property, desire to resolve and settle their dispute outside of any formal litigation.

NOW, THEREFORE, in consideration of the exchange of valuable consideration and upon the mutual promises, covenants, and commitments, the sufficiency of which is agreed and acknowledged, the Parties hereby agree as follows:

1. **Authority.** The Parties represent and warrant that they have full and complete authority to make, sign, execute, and deliver this Agreement.
2. **Settlement Payment to the Mondrachs.** In consideration for all promises, covenants, representations, commitments, and releases contained in this Agreement, the City of Worthington, through its insurance carrier, shall cause one separate check to be issued to the Mondrachs in the total gross amount of Fifty Thousand Dollars and No Cents (\$50,000.00) ("Settlement Payment"), and payable to Dustin and Susan Mondrach. The City of Worthington shall cause the Settlement Payment to be issued to the Mondrachs through legal counsel within 10 days' receipt of this executed Agreement.
3. **Erosion Control Measures.** By November 1, 2020, the City of Worthington further acknowledges and agrees to install the 2019 CIP erosion control measures, accessible at <https://worthington.org/ArchiveCenter/ViewFile/Item/2907>. If, as a result of the Rush Run Analysis included under the 2019 CIP and as reasonably determined by the City, additional erosion control measures and/or maintenance improvements outside of the 2019 CIP must necessarily be constructed in the immediate vicinity of the Property, the City further agrees to install such additional measures and/or improvements. The City's obligation to install, implement, and maintain erosion control measures for the Property as provided herein shall be in effect for a period of no more than thirty (30) years from the Effective Date of this Agreement. Further, the City's obligation to install, implement, and maintain erosion control measures for the Property as provided herein shall be limited to the total sum of Fifty Thousand Dollars and No Cents (\$50,000.00) for said thirty (30) year period.
4. **Release and Waiver of Claims.** The Mondrachs, for themselves as well as their agents, representatives, heirs, successors, assigns, attorneys, and other parties on whose behalf they could bring a legal action, hereby fully release, acquit, and forever discharge the City of Worthington, its officials (elected and appointed), employees, agents, administrators, representatives, insurers, attorneys, successors and/or assigns, of and from any and all claims, demands, actions, causes of action, suits, debts, liens, contracts, liabilities, agreements, costs, expenses, or losses of any type, whether known or unknown, fixed or contingent, suspected or unsuspected, accrued or unaccrued, which the Mondrachs have, as of the Effective Date, arising out of the City of Worthington's Rush Run Construction and Management

Activities and any resulting effect on the Property; provided, however, that this release shall not apply to any rights, duties, or obligations arising under, or actions to be taken pursuant to, this Agreement.

5. **Compromise Settlement.** This Agreement is the result of a compromise of disputed claims. Neither this Agreement nor any of the actions to be taken hereto shall ever at any time, for any reason or purpose, be construed as, or be deemed to be evidence of, an admission of liability, culpable conduct, or other wrongdoing on the part of the Parties.
6. **Application of Agreement.** All terms of this Agreement shall be applicable to and binding upon the Parties, their agents and related assigns. Nothing in this Agreement is intended to confer any benefit upon any third party unless expressly stated herein.
7. **Entire Agreement.** This Agreement constitutes and contains the entire agreement and understanding between the Parties as to the matters addressed herein and supersedes all prior and contemporaneous oral and written agreements, representations and discussions. The Parties intend for this Agreement to be complete and shall not be subject to any claim of mistake of fact or law. This Agreement is intended to avoid the uncertainty of litigation and to be final and complete.
8. **Applicable Law.** This Agreement shall be governed by the laws of the State of Ohio, without regard to any potential conflict of laws.
9. **Duty to Act in Good Faith.** The Parties shall act in good faith and in accordance with this Agreement, and not participate in, encourage, condone, or take any action to facilitate any challenge to the terms of this Agreement.
10. **No Assignment.** The Parties represent they have not assigned any rights or otherwise transferred or granted, or purported to assign, transfer or grant, to any person or entity any claim or right to assert any claim of any kind or character, or any portion thereof that they have against the opposing party.
11. **Amendment.** This Agreement shall not be amended or modified, except in writing, and signed by the Parties.
12. **Severability.** Should any provision or term of this Agreement be declared or determined by any court of competent jurisdiction to be illegal, invalid, unenforceable, or void, such declaration or determination shall not affect the remaining terms of this Agreement, which shall remain independent, fully legal, valid, and enforceable pursuant to the terms of this Agreement.

13. **Construction.** This Agreement shall be considered to have been jointly drafted by the Parties, and it is agreed that it shall be governed by and construed in accordance with the laws of the State of Ohio regardless of conflicts of laws rules.
14. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.
15. **Acknowledgment.** The Parties acknowledge that they: have read carefully this Agreement; are satisfied with all of the Agreement's terms; had adequate time to review and consider this Agreement and to consult with their legal counsel with respect thereto; entered into this Agreement voluntarily and of their own free will; and agree to all provisions contained herein.

WHEREFORE, the Parties hereto have read all of the foregoing, understand the same, and agree to all of the provisions contained herein.

CITY OF WORTHINGTON, OHIO

By: _____
Its: City Manager

Dustin Mondrach

Date: _____

Date: _____

Susan Mondrach

Date: _____

APPROVED:

Approved as to form

Tom Lindsey
Law Director

2019-2023 Capital Improvement Program - Projects

| Project | Dept. | Category | Funding | | | | Total |
|--|-------|----------|-----------|-------|------------|-------------|-----------|
| | | | CIP Fund | Bonds | Assessment | License Tax | |
| Year: 2019 | | | | | | | |
| Perry Park Restroom Roof Replacement and Building Improvements Change: New | P&R | EBS | \$14,000 | | | | \$14,000 |
| The Perry Park restroom building roof has lost many shingles in the last couple of years and is in need of replacement. The building also needs painting and additional exterior small repairs to buy time until a permanent rehabilitation or replacement can be funded. | | | | | | | |
| Rush Run Analysis Change: New | S&E | EBS | \$25,000 | | | | \$25,000 |
| Engineering analysis and development of conceptual alternatives to reduce the risk of continued excess erosion in Rush Run. The effort includes the development of site-level (in-stream stabilization) and watershed-scale (stormwater management) concepts, along the entire reach. The scope includes geomorphic assessment, development of conceptual stabilization alternatives, conceptual-level hydrologic model and stormwater management alternatives & solution recommendations. | | | | | | | |
| Rush Run - South Street/McCoy Slope Repair & Rehab Change: New | S&E | EBS | \$31,000 | | | | \$31,000 |
| This work is intended to re-establish the banks of Rush Run. The improvements along the South Street home have been designed by local firm CEC to stabilize the Rush Run failure at the property slope failure at that point in the stream. The gabion degradation (291 McCoy Ave) may be completed in-house. The cost estimate presented is based on engineers opinion of costs for South Street repair plus allowance for repair of gabions near McCoy Bridge, along with an allowance for landscape repair/replacement of equipment access to the stream and gabions. | | | | | | | |
| Rush Run - Phase 1 Change: Moved from 2020 and increased from \$300,000 | S&E | IBS | \$510,000 | | | | \$510,000 |
| This construction project consists of improvements to Rush Run in order to allow the Northeast Gateway project to proceed. This project is required in order to complete the Northeast Gateway project. This cost is based on a preliminary opinion of costs provided by the consultant based on a near final set of plans. | | | | | | | |
| Service & Engineering Building Roof Change: New | S&E | EBS | \$50,000 | | | | \$50,000 |
| The Service & Engineering complex roof is aged and shingles are in need of replacement. Original construction was in the 1980s. Repairs have been done by roofing contractors, including the rubberized portions, but the roof is now in need of replacement | | | | | | | |
| Street & Sidewalk Improvement Program Change: None | S&E | EBS | \$875,000 | | \$25,000 | | \$900,000 |
| This project consists of improvements to various streets throughout the City based on a prioritized analysis of the City's street system. Work typically includes curb & gutter repair, asphalt overlay, asphalt patching, and miscellaneous concrete repairs. The project includes the repair of sidewalks that do not meet standards for safety and condition. Repair costs for sidewalks adjacent to private property are paid by respective property owners. Overlay or sealing of parking lots is sometimes included based on need and budget. Street and sidewalk surveys, plan and specification preparation and project administration are proposed to be performed by the Department of Service & Engineering. MMVLT revenues in the amount of \$150,000 each year are transferred into the CIP Fund to help fund this project. | | | | | | | |