

THE WORTHINGTON CITY COUNCIL &  
THE WORTHINGTON BOARD OF EDUCATION

October 14, 2019

Joint Meeting  
Worthington Education Center

7:30 p.m.

AGENDA AND ADMINISTRATIVE STAFF  
MEMORANDUM

Item

A-1-a Call to Order (Best)

A-1-b Welcome and Introduction

President Jennifer Best will introduce Board Members Nikki Hudson, Julie Keegan, Sam Shim, Charlie Wilson, Superintendent Trent Bowers, and Treasurer Jeff McCuen.

(Best)

Council President Bonnie Michael will introduce Council Members Rachael Dorothy, Doug Foust, Beth Kowalczyk, Scott Myers, David Robinson, and Doug Smith.

A-1-c Pledge of Allegiance (Best)

A-2-a Approval of Agenda

Recommended motion: "...to approve the agenda of the regular Board of Education meeting."

Additions or deletions to agenda

a. \_\_\_\_\_

b. \_\_\_\_\_

B-1-a   Enrollment Growth Update

Dr. Trent Bowers will update both organizations on the enrollment growth within the District including the Middle School Feeder Pattern, the Boundless property, and High School planning.

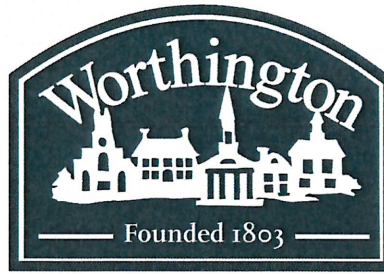
B-1-b   Swiminc Update

Mr. Rob Schmidt will update the organizations about Swiminc.

B-1-c   Safe Routes to Schools

Mr. Darren Hurley will update the organizations on safe routes to schools.

C        Adjournment



**Office of the City Manager**

October 10, 2019

TO: Worthington City Council

FROM: Matt Greeson  
City Manager

SUBJECT: Worthington Pools/Swiminc

In recent weeks, representatives of Swiminc, Worthington Schools and the City of Worthington have met to discuss strategies for addressing needs at Worthington Pools. This has been done for several reasons:

- a) Swiminc has completed its long-term master plan, which was previously distributed.
- b) The pool complex is important to the quality of life of Worthington and has aging infrastructure and a significant need for investment.
- c) This is a major planned topic of discussion for the October 14<sup>th</sup> joint meeting of the City Council and School Board and we want to have information and options prepared for you to discuss;
- d) Swiminc needs to begin planning for use of the \$1 million in State capital bill funding in 2020. How this funding is used depends in large part on whether there is a larger project that can be conceptualized and funded.

Participants in these meetings have included myself and Director Hurley, Superintendent Bowers, Swiminc Board President Rob Schmidt, Swiminc Board Vice Chair Debbie Tschofen, Swiminc Facilities Committee Chair Mike Keller, Swiminc Executive Director Kurt Carmen, and attorneys from Bricker and Eckler who are public finance lawyers that serve as bond counsel to both the City and Schools.

**Conceptual Options for Discussion**

Attached is a memorandum from Bricker and Eckler that outlines statutory alternatives for City and school involvement in funding improvements to Worthington Pools facilities. Within this legal framework, the group has explored several conceptual options. Each of the options explored has not been fully developed or researched. More analysis, dialogue and input will need to occur before specific recommendations are presented. However, at the Joint Meeting, representatives from each entity discuss the following:

1. **Current facility assessment and conditions** – What is the need?

2. **A limited investment option** – If only the \$1 million in state funding were available, how could it best be used to address critical needs?
3. **A \$4-5 million-dollar investment in the outdoor pool option.** In our initial meeting, Swiminc suggested it needed both City grant funding (cash) and loan funding to support any renovation of the outdoor pool. They believe that summer pool revenues could support repayment of a \$2 million loan. One conceptual option discussed, but not committed to, was a \$1 million dollar grant by the City; the extension of credit in the amount of \$2 million backed by City revenues, but paid for by summer pool revenue, \$1 million from the State of Ohio, and any dollars that could be fundraised. Swiminc will share a general description of what could be accomplished with this size and scale of outdoor pool project. In this scenario, the Schools would consider whether to include funding for a new or renovated natatorium in the next district-wide bond issue.
4. **Joint Park District to fund both outdoor pool improvements and new natatorium.** A second idea that emerged from these conversations is a Joint Park District. Ohio law allows the City and Schools to create a District (a new governmental entity with a Governing Board). In theory, the District would have the authority to place on the ballot a School District-wide property tax levy to support implementation of some or all the Master Plan projects. The Worthington Pools clearly provide benefit to and consider as residents for rate purposes people who live outside of the City limits in the larger Worthington School District. The benefit of this concept is that it would spread the costs across the largest number of pool beneficiaries. An additional benefit could be providing a long-term financial vehicle to periodically invest in aquatic facilities. There will be a myriad of questions if we fully consider this option. Some include: Do we want to create another entity with a board to deal with this challenge? What would the size and scope of the project be? Would voters throughout the District support investment in the pools, including a new natatorium? How would this affect the ability of the Schools to pass levies for other school projects? Further evaluation and discussion could help answer some of these and other questions about this option.
5. **Other or Combination Options.** It's possible that there are other ideas to be explored or some mix of options 4 and 5 that could be examined under a Joint Venture model.

## Next Steps

In the absence of a defined strategy for addressing the pools, the proposed 5-year Capital Improvements Program (CIP) staff developed does not have funding for Swiminc. However, we recognize this will need to be discussed and potentially included during the budget process. This will not be easily accomplished given the financial constraints of the CIP, but staff will prepare suggested options for future discussion.

It is recommended that we take steps to share these conceptual options with the public and seek feedback. Staff will work with the Schools and Swiminc to set up appropriate times and approaches to doing so.



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## M E M O R A N D U M

**To:** City of Worthington

**From:** Bricker & Eckler LLP

**Date:** October 4, 2019

**Re:** Alternatives for funding improvements to Worthington Pools facilities

Potential Mechanism <sup>1</sup>		Statutory Authority	Source of Funds	Notes
Grant or loan to Swiminc	City	R.C. 307.691	<ul style="list-style-type: none"><li>• City's current funds; or</li><li>• Voted or unvoted bond issuance; or</li><li>• Voted property tax levy; or</li><li>• Voted income tax.</li></ul>	<ul style="list-style-type: none"><li>• No need to create new entity or agreement between City and School District.</li></ul>
	School District	None. <sup>2</sup>		
Joint Recreation District	City	R.C. 755.14	<ul style="list-style-type: none"><li>• Joint Recreation District property tax levy; or</li><li>• Joint Recreation District bonds.</li></ul>	<ul style="list-style-type: none"><li>• Requires creation of new political subdivision.</li><li>• JRD must obtain voter approval of bonds or levy; no combined question permitted.</li></ul>
	School District			
Joint Venture	City	R.C. 755.16	<ul style="list-style-type: none"><li>• City's current funds; or</li><li>• Voted or unvoted bond issuance; or</li><li>• Voted property tax levy; or</li><li>• Voted income tax.</li></ul>	<ul style="list-style-type: none"><li>• Requires contractual agreement between City and School District.</li><li>• City and School District must provide funds individually.</li><li>• City and School District would fund the JV, not Swiminc.</li></ul>
	School District		<ul style="list-style-type: none"><li>• School District's current funds; or</li><li>• Voted bond issue; or</li><li>• Voted property tax levy; or</li><li>• Voted income tax.</li></ul>	

<sup>1</sup> This memorandum does not address the State Capital Bill appropriation.

<sup>2</sup> R.C. 757.03 permits a contribution of School District funds in extremely limited circumstances such as symphony associations, area arts councils, art museums, or other similar arts organizations.

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## ***I. Summary***

Swiminc, Inc. ("Swiminc") has advised that the Worthington Pools facility, including the outdoor pool and natatorium, needs significant repairs and improvements. According to Swiminc's preliminary estimates, the project may cost approximately \$24 million. The project could be implemented on a phased basis, with costs of approximately \$8.6 million necessary to address short-term needs.

This memorandum provides an overview of several options whereby the City of Worthington (the "City") and the Worthington City School District (the "School District") could finance the requested improvements. Specifically, this memorandum outlines the City's and School District's power to (i) grant or loan money to Swiminc; (ii) create a joint recreation district; and (iii) create a joint venture.

## ***II. Alternative #1 — Grants or Loans to Swiminc***

### ***A. Overview***

Under this alternative, the City may provide capital to Swiminc, either in the form of grants or loans, for Swiminc to perform the necessary repairs. This alternative would effectively maintain the "status quo"—Swiminc would remain the lessor of the Worthington Pools—and the City would simply be providing a one-time capital influx to Swiminc to allow it to perform the needed repairs. Because Swiminc is a private, nonprofit organization, the contract(s) to repair the Worthington Pools would be a private construction contract, not subject to the procurement requirements of public entities.

### ***B. City***

#### ***1. Authority***

The City may grant funds to Swiminc to perform the necessary improvements under R.C. 307.691. This statute authorizes the City to give financial assistance to a non-profit corporation "engaged in promoting safety." Swiminc promotes safety in and around water by providing swimming lessons to the public, including City residents. Before providing any such grant funding, the City should obtain a written commitment from Swiminc to continue to provide its public swimming lessons for a certain period of time determined by the City (no shorter than the repayment period of any loan).

If the City grants financial assistance to Swiminc, R.C. 307.691 requires Swiminc to present an annual report to the City for each year Swiminc receives the funding. In the case of a one-time grant, this report would be due at the conclusion of the year in which the City provided funds; the City, however, may require additional reporting.

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Alternatively, the City may loan funds to Swiminc. The Article VIII, Section 6 of the Ohio Constitution forbids a political subdivision from “[lending] its credit to, or in aid of” a private company. The Ohio Attorney General, however, has consistently advised that this prohibition does not apply to political subdivision assistance for public, charitable, or educational purposes. *See, e.g.,* Ohio Att’y Gen. Op. Nos. 86-088, 85-031, and 81-093. Accordingly, because such a loan would be for the purpose of improving facilities that provide an important public purpose—the health and wellness of the City’s residents—it would not violate Article VIII, Section 6 of the Ohio Constitution.

## ***2. Financing***

The City may fund a contribution to Swiminc by issuing bonds. R.C. 755.17 specifically permits a municipality to issue bonds for the purpose of improving and repairing swimming pools and other recreation facilities.

The City may also fund its contribution to Swiminc by a voted property tax levy. R.C. 5705.19(H) allows the City to levy property taxes for “parks and recreational purposes.” Such a levy may be for any specified number of years or for a continuing period of time, as determined in the levy election proceedings. Similarly, the City could request an income tax increase for the same purpose.

Upon the issuance of bonds or the passage of a levy, the City may also issue notes in anticipation of the revenues.

## ***C. School District***

### ***1. Authority***

The School District is empowered R.C. 3313.37 to repair and improve a wide range of facilities, including athletic facilities. Because the Worthington Pools facilities are located on land owned by the School District, and because the School District uses the facilities for its athletics programs, the School District may use its funds for the necessary improvements under this statute. However, there is no statutory authority for the School District to grant or loan its funds to Swiminc. Rather, the School District would need to make any such improvements itself.

### ***2. Financing***

Given the limitations on Ohio school districts’ ability to issue unvoted bonds, practically speaking, for the School District to finance any improvements via bonds, it must issue voted bonds.

The School District may also finance improvements through a voted property tax levy or an income tax. R.C. 5705.21 and R.C. 5748.01, respectively, permit a school district to submit to its voters the question of whether to levy a property or income tax for general permanent

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improvements or for parks and recreational purposes. Once such a levy is approved, debt may be issued in anticipation of future revenue.

### ***III. Alternative #2 — Joint Recreation District***

#### ***A. Overview***

In this alternative, the City and the School District may create a new, separate public entity—a joint recreation district—to operate and maintain the Worthington Pools facilities. The territory of the Joint Recreation District would include all of the School District. Under this structure, the facilities can be leased or transferred to the new entity. This Joint Recreation District can finance the needed repairs itself by either issuing bonds or passing a levy. The Joint Recreation District can operate the Worthington Pools with its own employees or it may enter into an agreement with Swiminc for the day-to-day management of the facilities. It should be noted that, because the Joint Recreation District is a public entity, construction of the repairs and improvements would be subject to the public competitive procurement laws.

#### ***B. Authority***

The City and School District may create a joint recreation district under R.C. 755.14. Once created, the Joint Recreation District will be governed by a board of trustees which has the power to own and operate a broad range of recreational facilities, including pools.

#### ***C. Creation***

To create the Joint Recreation District, the City and School District each would need to pass legislation. Joint Recreation Districts are governed by their own Board of Trustees and the legislation will designate the makeup of that board of trustees—the total number of trustees; how many trustees will be appointed by the City and School District, respectively; and how any other members will be selected. The legislation will also outline specific powers of the board of trustees and provide for specific operational procedures.

Because of the importance of assuring that the School District will always have adequate access to the natatorium facility, the legislation might contain a special clause in that regard.

#### ***D. Funding***

The Joint Recreation District itself may issue bonds for the purpose of making the needed repairs. R.C. 755.17 requires such bonds to be issued pursuant to R.C. Chapter 133.

In addition, the Joint Recreation District may seek a voted property tax levy. R.C. 755.18 provides that “[a] joint recreation district may levy a tax, subject to Ch. 5705 of the Revised Code, to acquire, maintain, and operate recreational facilities and community centers.” Unfortunately, there is no



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statutory authority for a combined bond and levy question. Once approved, the joint recreation district may issue notes under R.C. 5705.198 in anticipation of a levy proceeds.

Both bonds and a levy may be advisable to provide sufficient funding for both the needed repairs and any operating deficiencies of the Joint Recreation District. The offset of operating expenses warrants particular consideration as, under R.C. 755.18, the City and School District otherwise may need to cover such deficiencies.

### ***Alternative #3 — Joint Venture***

#### ***A. Overview***

An alternative approach to joint ownership of the Worthington Pools facilities is for the City and the School District to a joint venture for this purpose. Instead of establishing a new political subdivision, this method involves the creation of a contractual relationship between the parties for the joint ownership and control of the facilities. The School District could then lease the facilities to the newly-formed joint venture, with the City and School District sharing in the responsibility to repair, improve, maintain, and operate the Worthington Pools. The joint venture, however, would not have independent taxing power, so the City and the School District would need to fund their respective contributions to the joint venture, either out of their own treasuries, by issuing bonds, or by levying taxes. Like the Joint Recreation District, the joint venture could contract with Swiminc for the day-to-day operation of the facilities. Also like the Joint Recreation District, because the City and School District are public entities, construction of the repairs and improvements would be subject to the public competitive procurement laws.

#### ***B. Authority***

R.C. 755.16 specifically permits multiple political subdivisions to jointly construct, operate, and maintain a variety of recreational facilities, including swimming pools.

#### ***C. Creation***

R.C. 755.16 requires the City and School District to enter into a contractual relationship to form the joint venture. The statute is silent on the particulars of such agreement, but does require that the agreement "specify the rights of the parties in any lands or personal property contributed." Practically speaking, a detailed agreement would be necessary to delineate the City's and School District's responsibilities for contributing and maintaining the facilities. Additionally, as discussed with respect to the Joint Recreation District, the agreement would need to include a clause to preserve School District access to the natatorium facility.

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***D. Funding***

Because the joint venture would not have independent taxing authority, all funding of the joint venture must come from both the City and the School District. The mechanisms for such funding are identical to those discussed above regarding a direct contribution to Swiminc. In this alternative, however, such contributions would be contributions to the joint venture, not Swiminc. As such, depending on the desired funding sources, this alternative may require pass two ballot initiatives—one by the City and one by the School District.



## MEMORANDUM

TO: Matthew H. Greeson, City Manager

FROM: Darren Hurley, Parks & Recreation Director

DATE: October 10, 2019

SUBJECT: Bike and Pedestrian Advisory Board Update

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The Bicycle & Pedestrian Advisory Board is advocating for a Safe Routes To School (SRTS) partnership between the City of Worthington and the Worthington School District. Since the beginning of their existence several years ago, the board has been prioritizing SRTS amongst their recommendations for improving bike and pedestrian access in the community.

### History

- **February 2016** – Staff Member Celia Thornton and Board Member Ann Horton attend the SRTS Annual Conference.
- **August 2016** – SRTS Education Session given by Field Services Manager Kate Moening to the board and Worthington School Director of Business Services Mr. Jeff Eble.
- **2017** – Worthington Schools were invited to participate in Safe Routes to School discussion with the Advisory Board. Due to the schools Facility Planning process they declined citing the overwhelming nature of current project.
- **May 2017** – Safety in Active Transportation: School and Community Planning workshop was given by SRTS Field Services Manager and was attended by:
  - City Manager – Matt Greeson
  - City Engineer – Dan Whited
  - Director of Planning & Building – Lee Brown
  - Director of Parks & Recreation – Darren Hurley
  - Police Representatives

- Council Representative – Rachael Dorothy
- School Representative – Jeff Eble
- MORPC Representative
- Old Worthington Partnership
- Bike & Pedestrian Advisory Board Members
- **2018** – Randy Banks (Worthington Schools Assistant Superintendent) was invited and participated as a Steering Committee Member in Worthington’s Bicycle and Pedestrian Master Planning process.
- **May 2019** – Worthington Bicycle & Pedestrian Master Plan adopted by City Council. This plan stresses the importance of safe routes to school.
- **July 2019** – A Bike & Pedestrian subcommittee began scheduling meetings with Worthington Elementary and Middle Schools to educate parents on SRTS benefits and programs.

### **Implementation**

There are multiple options for the Worthington School District to get involved in the Safe Routes to School program in partnership with the City of Worthington. Those options include:

1. **Worthington School District Leads SRTS Initiative** – The School District would partner with the City to implement SRTS policies, programs and travel plans for all elementary and middle schools district wide.
2. **City of Worthington Leads SRTS Initiative** – The City would form a SRTS task force and partner with the school district to create policies and travel plans for elementary and middle schools within Worthington City limits.
3. **School Construction Projects Include SRTS Components** – As the facility planning process goes into effect construction projects would include components and facilities that encourage students to walk and bike to school.
4. **SRTS Trial** – The district identifies one school located within the City of Worthington as a trial location for implementing SRTS policies and programs. Ideally this would be a school where a principal, teacher or parent group are strong advocates for SRTS.

### **Next Steps**

1. Identify a school representative who will be available to learn and engage with city staff and the Bike and Pedestrian Advisory Board on potential projects and programs.
2. Discuss which of the above approaches (or others) would be preferable to get started.



## **MEMORANDUM**

**DATE:** October 10, 2019

**TO:** Worthington Board of Education  
Worthington City Council

**FROM:** Trent Bowers, Superintendent  
Matt Greeson, City Manager

**RE:** CITY – SCHOOLS PARTNERSHIPS

Worthington City Schools and the City of Worthington have a long history of joining together on initiatives and activities for the benefit of the Worthington community. This document is a sampling the many ways in which the two organizations work together in partnership. Beyond these specific activities, officials and staff members of the two organization know each other and feel comfortable reaching out on any issue to discuss ideas and perspectives for the benefit of both entities and the community.

### **Communication Efforts**

Communication staff with both organizations work tougher to share information about events and activities in the community and respond to information needs for major incidents.

### **Crossing Guards**

For many years, the City and Schools have partnered to provide crossing guards at elementary schools at the start and end of the school day to assist students who are walking or biking to school. The guards are part-time employees of the City of Worthington and the Division of Police provide equipment and training. Worthington Schools fund the cost of providing the guards.

### **Document Management**

The City and Schools share a technology platform and software licenses related to an electronic document management system called OnBase.

### **Economic Development**

City and Schools staff are in regular communication regarding proposed development projects, especially those that may involve property tax-related incentives. Each project involves full discussion of the proposal and consideration of each entity's perspective in order to seek an agreement that balances the interests of all parties involved. The Schools have a representative on the Tax Incentive Review Council which annually discusses the performance of tax abatements and tax increment financing arrangements within the city limits of Worthington and makes recommendations to the City Council as to whether agreement modifications should be completed.

### **Event Management**

The Schools and City partner on a variety of special events and activities, most notably the 4<sup>th</sup> of July Family Picnic and Fireworks. A number of other special events and activities run by either the Schools, City or community organizations involve collaboration between the Schools and City

### **Facilities Planning**

As the Schools have engaged in detailed planning around facilities, including the first phase involving the middle schools, City staff have been actively engaged in providing reactions and advice to help ensure that plans are consistent with fire, land use and buildings codes and with schools in the Architectural Review District, architectural design guidelines. Staff from the City's Division of Fire & EMS work with the Schools on an ongoing basis to evaluate school buildings and provide recommendations to improve fire safety.

### **Grant – North Community Counseling**

The City has provided grant funding to North Community Counseling for many years to support counseling services for people in Worthington. The program provides services to youth as well as adults, including on-site counseling services in elementary, middle and high schools in Worthington.

### **Hiring Processes**

Representatives of the Schools participate in community panels that interview candidates for key positions within the City.

### **Live Government**

City Council President Bonnie Michael provides a Live Government program for third graders in the School District to introduce them to the ways in which local government works through mock City Council and Mayor's Court sessions.

### **McConnell Arts Center**

The Schools transferred ownership to the City of the building housing the McConnell Arts Center and then worked in conjunction with the City and other community groups to renovate and expand the facility to serve as an Arts Center. Now in existence for more than ten years, the

facility is managed by the Board of the McConnell Arts Center and has become a highly impactful and supported initiative.

### **Mentorship Program in Conjunction with Leadership Worthington**

Multiple City employees are involved with the student mentoring program coordinated by Leadership Worthington in the middle schools and high schools in which the adult meets weekly with a student identified by school officials for the program.

### **Mirola Pavilion**

The Schools, City and Dublin-Worthington Rotary worked together to raise funds and implement renovations for this building owned by the Schools. The work has resulted in a community asset that is owned and managed by the Schools.

### **Parks**

The Schools and City have several partnerships involving parkland and play space. The City leases the land owned by the Schools adjacent to Phoenix Middle School that is used for Snouffer Park. The City owns the land where Galipault Field is located and the Schools maintain it for use as sports fields. The City gives the Schools priority for reserving ball diamonds in advance of the general public for use primarily by middle school sports teams.

### **Personnel Appeals Board**

The Schools utilize the City's Personnel Appeals Board to hear appeals of certain personnel matters.

### **Public Safety Training**

The City's Divisions of Police and Fire/EMS provide training for school staff members for active shooter and other situations to provide tools for dealing with stressful and critical events.

### **Recreation Programming Transportation**

The City utilizes school buses in the summer to provide transportation for youth summer camp programs.

### **School Resource Officer**

Beginning with the 2018-2019 school year, the City of Worthington and Worthington Schools have partnered to provide School Resource Officer services for Thomas Worthington High School. Police Officer Sean Ord has been assigned to a fulltime role in the school to assist in providing and maintaining a safe, secure and orderly educational atmosphere. The City and Schools share 50-50 in the costs related to the School Resource Officer.

### **Sharing of Equipment**

On occasion, the City and Schools share equipment when facing a particular need that cannot be addressed individually.

**Sister City Visits and International Experiences**

The Schools have a representative on the City's Worthington International Friendships Association (WIFA) and actively participate in programs to expose students and the broader community to various cultures from around the world. WIFA manages the Sister City relationship with Sayama, Japan and the Schools help coordinate meaningful interactions and experiences with students in the schools during visits by representatives of Sayama.

**Snow & Ice Control**

At the beginning of each snow season, City and Schools staff meet to coordinate activities for the season. For example, the City and Schools work together to clear the parking area at Hartford Park near Kilbourne Middle School.

**Station Tours**

For many years, the Division of Fire & EMS has hosted school groups for tours of the Fire Station and shared basic safety messages with the students.