

**CITY OF DELAWARE
CITY COUNCIL
AGENDA
CITY COUNCIL CHAMBERS
1 SOUTH SANDUSKY STREET
7:00 P.M.**

6:30 EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.

REGULAR MEETING

FEBRUARY 23, 2015

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE – Jake King, Youth Pastor, Grace United Methodist Church
4. APPROVAL of the Motion Summary of the joint meeting between City Council and the Delaware City School Board held February 2, 2015, as recorded and transcribed.
APPROVAL of the Motion Summary of the regular meeting of Council held February 9, 2015, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Resolution No. 15-11, a resolution appointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
 - B. Resolution No. 15-12, a resolution authorizing the installation of a No Parking Here to Corner zone 250 feet west of US23 on the north and south side of Cottswold Drive.
 - C. Resolution No. 15-13, a resolution appointing a representative and an alternate representative to the Ohio Public Works Committee District 17 Integrating Committee for the period of April 2015 through April 2018.
 - D. Acceptance of the Motion Summary for the Board of Zoning Appeals meeting held November 12, 2014.
 - E. Acceptance of the Motion Summary for the Parking and Safety Committee meeting held November 17, 2014.
 - F. Acceptance of the Motion Summary for the Finance Committee

meeting held November 20, 2014.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. CONSIDERATION OF NEW LIQUOR PERMITS
 - A. Kevin Kiet Luc, DBA Spa & Nails, 1149 Columbus Pike, Delaware, OH 43015. Permit Class: D1
 - B. Asahi Restaurant Group LLC, DBA Asahi Japanese Restaurant, 1139 Columbus Pike, Delaware, OH 43015. Permit Classes: D2 and D3
9. PRESENTATIONS
 - A. Second Ward Community Initiative (SWCI) Update, Executive Board Members Cindy Montgomery and Todd Miller
 - B. Heapy Engineering – City Hall HVAC Update – Brad Graupmann and Bill Ferrigno
 - C. Parking Survey Results – Kent Shafer
10. SECOND READING of Ordinance No. 15-14, an ordinance accepting the annexation of 102.4 acres of land more or less, description and map are attached hereto as Exhibits “A” and “B” for the annexation known as the Lane Annexation by David W. Fisher, agent for the petitioners.
11. SECOND READING of Ordinance No. 15-16, an ordinance approving a Combined Preliminary and Final Development Plan for Delaware City Schools for a building expansion and parking lot configuration for Delaware Hayes High School on approximately 29.42 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue.
12. SECOND READING of Ordinance No. 15-19, an ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$12,145,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure improvements, together with all related appurtenances thereto, and declaring an emergency.
13. SECOND READING of Ordinance No. 15-20, an ordinance providing for the issuance and sale of bonds in the maximum aggregate principal amount of \$5,640,000, for the purpose of paying the costs of various public infrastructure improvements, together with all related appurtenances thereto, and declaring an emergency.

14. SECOND READING of Ordinance No. 15-21, an ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$800,000, for the purpose of paying the costs of purchasing and equipping three emergency medical service vehicles including all necessary equipment, together with all related appurtenances thereto, and declaring an emergency.
15. SECOND READING of Ordinance No. 15-22, an ordinance declaring the improvement to certain parcels of real property to be a public purpose and exempt from taxation; establishing a municipal public improvement tax increment equivalent fund and providing for the collection and deposit of service payments into that fund; specifying the public infrastructure improvements directly benefiting the parcels; authorizing compensation payments to the Delaware City School District, the Olentangy Local School District and the Delaware Area Career Center; and authorizing the execution of related school compensation agreements and tax increment financing agreements from time to time, and declaring an emergency.
16. CITY MANAGER'S REPORT
17. COUNCIL COMMENTS
18. ADJOURNMENT

Delaware City Council

February 2

15

6:30 EXECUTIVE SESSION: Mrs. Keller moved to enter into Executive Session at 6:32 p.m. This motion was seconded by Mr. Shafer and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance. Council conducted a discussion of those items with the following members present: Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle. Absent from the meeting was First Ward, Chris Jones. Following the discussion at 6:58 p.m., it was moved by Mr. DiGenova that Council move into Open session, seconded by Mr. Shafer and approved by 6-0 vote.

The joint meeting with Delaware City School Board and Delaware City Council on February 2, 2015 was called to order at 7:00 p.m. in Council Chambers. The following members of Council were present: Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was First Ward Chris Jones

Delaware City School Board members present Deborah Rafeld, Matt Weller, Frances O'Flarety, Vice President Jayna McDaniel-Browning, President Ted Backus, and student board member Mitchell Lucas

Staff Present: Darren Shulman, City Attorney, Dean Stelzer, Finance Director, David Efland, Planning and Community Development Director, Tom Homan, City Manager, and Bruce Pijanowski, Police Chief

School Staff Present: Paul Craft, Delaware City School Superintendent

Motion: Mr. Brush moved to excuse Mr. Jones, seconded by Mr. DiGenova. The motion was approved by a 6-0 vote.

ITEM 2: RECOGNITION OF WILLIS INTERMEDIATE SCHOOL HEAD CUSTODIAN MIKE YOUNG

ITEM 3: 2014 DEVELOPMENT UPDATE-DAVE EFLAND, PLANNING DIRECTOR

Mr. Efland provided an overview of the 2014 permit activity for the City of Delaware. Included in the update was a breakdown of residential and commercial permit activity for 2014. Mr. Efland also provided a projection of future residential citizens for the City of Delaware.

ITEM 4: DEVELOPMENT UPDATE-PAUL CRAFT, SUPERINTENDENT

Mr. Craft current statistics regarding the enrollment and demographics of Delaware City Schools. Mr. Craft reviewed the productivity data from CompareOhioSchools.org website, which also reviewed a comparison of district spending in Central Ohio school districts. Mr. Craft provided an overview of the current plans to add-on and renovation plans for the elementary buildings, Willis Intermediate, Dempsey Middle School, and Hayes High School. Mr. Craft reviewed the plans to transfer the administration offices to Willis Intermediate School, and make use of this building for community access. Mr. Craft reviewed the Delaware City School future plans for construction completion, reconfiguration of grades, and transition to full day kindergarten classes.

ITEM 5: DISCUSSION OF ITEMS OF MUTUAL INTEREST, BUT NOT LIMITED TO:

1. Safe Routes to School

Mr. David Shipps provided presentation of the federally funded program that is administered by Ohio Department of Transportation. Mr. Shipps provided information on the travel plan process and key items that the program focuses on, including, where the students are located at and what is the primary travel mode to school.

2. Sister City

Mr. Homan provided background information on the Sister City Advisory Board and an update on the reconfiguration of school district for Baumholder, Germany. Mr. Brush provided information

on a potential sister city partnership with Arequipa, Peru.

3. School Construction Projects/Impact Fees

Mr. Craft reviewed the budget allotted for construction projects, and discussed the impact fees requirement for Delaware City Schools, which is based on current construction and not current population.

ITEM 6: ADJOURNMENT

Motion: Mr. DiGenova moved to adjourn the meeting, seconded by Mr. Brush. Mayor Riggle adjourned the meeting at 8:10 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

6:30 EXECUTIVE SESSION: Mr. Brush moved to enter into executive session at 6:30 p.m. This motion was seconded by Mrs. Keller and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle. Following the discussion at 6:55 p.m., it was moved by Mr. Brush that Council move into Open session, seconded by Mr. Jones and approved by 6-0 vote.

The regular meeting of February 9, 2015 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was At Large Kent Shafer. The invocation was given by Lisa Ho, Associate Chaplain at Ohio Wesleyan University, followed by the Pledge of Allegiance.

Staff Present: Dave Efland, Planning and Community Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Sean Hughes, Economic Development Director, Brad Stanton, Public Utilities Director, John Donahue, Fire Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

Motion: Mrs. Keller moved to excuse Mr. Shafer, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

ITEM 4: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held January 26, 2015, as recorded and transcribed.

Motion: Mr. Brush moved to approve the Motion Summary of the regular meeting of Council held January 26, 2015, as recorded and transcribed, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 15-07, a resolution appointing members to the City of Delaware Tax Incentive Review Council, and specifying the term of the appointments.
- B. Resolution No. 15-08, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments/reappointments.
- C. Resolution No. 15-09, a resolution appointing members of the Board of Directors of the Berkshire Township Joint Economic Development District No. 1.
- D. Resolution No. 15-10, a resolution authorizing support of the proposed Delaware Place II development sponsored by MV Affordable Housing, LLC and Community Action Organization of Delaware, Madison, and Union Counties, Inc.
- E. Acceptance of the Motion Summary of the Historic Preservation Commission for the meeting held December 17, 2014.
- F. Acceptance of the Motion Summary of the Shade Tree Commission meeting held November 25, 2014.
- G. Acceptance of the Motion Summary of the Planning Commission meeting held January 21, 2015.

Motion: Mr. Brush moved to remove Item B from the Consent Agenda. This motion was not seconded, Mr. Brush withdrew his motion.

Motion: Mrs. Keller moved to approve the Consent Agenda, seconded by Mr. DiGenova. Motion approved by a 5-1 (Brush) vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

ITEM 7: COMMITTEE REPORTS

Mrs. Keller updated Council on the progress for the design of Veteran's Park.

Mr. DiGenova provided an update on the Shade Tree Commission including the Arbor Day Celebration to be held in April, and plans for the Shade Tree Commission to provide the annual report to Council in April. Mr. DiGenova notified Council of upcoming conflict for the February 2015 Shade Tree Commission meeting. Mr. DiGenova notified Council of the Board of Zoning Appeals meeting to be held February 11, 2015.

Mr. Brush informed Council of the Finance Committee meeting to be held February 12, 2015. Mr. Brush informed Council that he will serve on a committee for MORPC.

Mayor Riggle provided information on the Community Promotional Task Force and informed Council that Mr. Jones, Mr. DiGenova, and Mayor Riggle will serve on the Task Force.

ITEM 8: ORDINANCE NO. 15-07 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR SHEAR STYLE BARBER SHOP FROM R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-1 (NEIGHBORHOOD BUSINESS DISTRICT) AT 21 NEW MARKET DRIVE ON APPROXIMATELY 0.59 ACRES.

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation including the location and zoning map. Mr. Efland explained that the request for rezoning is city sponsored, and that the applicant does have future plans to sell the property.

There was no public participation.

Motion: Mrs. Keller moved to suspend the rules for Ordinance No. 15-07, seconded by Mr. Brush. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 15-07, seconded by Mr. Brush. Motion approved by a 6-0 vote.

ITEM 9: ORDINANCE NO. 15-08 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR UNION ELECTRIC TO ALLOW A PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 259 VERNON AVENUE ON APPROXIMATELY 1.63 ACRES ON PROPERTY ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT).

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation including the location and zoning map, and the site plans. Mr. Hughes informed Council that Union Electric is a small family owned business.

There was no public participation.

Motion: Mrs. Keller moved to suspend the rules for Ordinance No. 15-08, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 15-08, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 15-09 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR UNION ELECTRIC TO ALLOW THE PLACEMENT OF A PMU (PLANNED MIXED USE OVERLAY DISTRICT) AT 259 VERNON AVENUE ON APPROXIMATELY 1.63 ACRES ON PROPERTY ZONED R-4 (MEDIUM DENSITY RESIDENTIAL DISTRICT).

The Clerk read the ordinance for the second time.

There was no public participation.

Motion: Mrs. Keller moved to suspend the rules for Ordinance No. 15-09, seconded by Mr. Jones. Motion approved by a 6-0 vote.

Motion: Mrs. Keller moved to adopt Ordinance No. 15-09, seconded by Mr. Jones. Motion approved by a 6-0 vote.

ITEM 11: ORDINANCE NO. 15-10 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT FOR MV AFFORDABLE HOUSING LLC FOR DELAWARE PLACE ZONED R-7 AND B-3 PMU (MULTI-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AT 351 SOUTH SANDUSKY STREET ON APPROXIMATELY 7.86 ACRES BOUNDED BY SANDUSKY STREET, WEISER AVENUE, AND HENRY STREET.

The Clerk read the ordinance for the second time.

Delaware City Council

February 9

15

Mr. Efland provided a presentation for Delaware Place Phase 2 and 3 Development. Included in the presentation was the zoning map, aerial photographs, sub-area map, the approved preliminary plan, and proposed amended preliminary plan. Mr. Efland provided to Council site photos.

APPLICANT:

Ms. Denise Blake, 9349 Waterstone Blvd, Cincinnati, Ohio, Representative for Miller Valentine.

Ms. Blake informed Council of the current prequalified applicants that are on a waitlist.

There was no public participation.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-10, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 15-10, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 12: ORDINANCE NO. 15-11 [Second Reading]

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR MV AFFORDABLE HOUSING LCC FOR DELAWARE PLACE PHASE 2 AND 3 ZONED R-7 AND B-3 PMU (MULTI-FAMILY RESIDENTIAL AND COMMUNITY BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AT 351 SOUTH SANDUSKY STREET ON APPROXIMATELY 7.86 ACRES BOUNDED BY SANDUSKY STREET, WEISER AVENUE, AND HENRY STREET.

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation for Delaware Place Phase 2 and 3 Development. Included in the presentation was the zoning map, aerial photographs, sub-area map, the approved preliminary plan, and proposed amended preliminary plan. Mr. Efland provided to Council site photos.

APPLICANT:

Ms. Denise Blake, 9349 Waterstone Blvd, Cincinnati, Ohio, Representative for Miller Valentine.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-11, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 15-11, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 13: ORDINANCE NO. 15-13 [First Reading]

AN ORDINANCE AUTHORIZING AND APPROVING A PRE-ANNEXATION AGREEMENT FOR 100+ ACRES KNOWN AS THE LANE ANNEXATION AND LOCATED ON THE EAST SIDE OF GLENN PARKWAY AND NORTH AND WEST OF THE EXISTING GLENROSS GOLF CLUB SUBDIVISION, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-13, seconded by Mr. Brush. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-13, seconded by Mr. Brush. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 15-13, seconded by Mr. Brush. Motion approved by a 6-0 vote.

ITEM 14: ORDINANCE NO. 15-14 [First Reading]

AN ORDINANCE ACCEPTING THE ANNEXATION OF 102.4 ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE LANE ANNEXATION BY DAVID W. FISHER, AGENT FOR THE PETITIONERS.

The Clerk read the ordinance for the first time.

ITEM 15: ORDINANCE NO. 15-15 [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS FOR BACK-UP BUILDING OFFICIAL SERVICES AND INSPECTION SERVICES ON AN AS NEEDED BASIS.

The Clerk read the ordinance for the first time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-15, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-15, seconded by Mrs. Keller. Motion approved by a 6-0 vote.

ITEM 16: ORDINANCE NO. 15-16 [First Reading]

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE CITY SCHOOLS FOR A BUILDING EXPANSION AND PARKING LOT CONFIGURATION FOR DELAWARE HAYES HIGH SCHOOL ON APPROXIMATELY 29.42 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED AT 289 EUCLID AVENUE.

The Clerk read the ordinance for the first time.

Mr. Efland informed Council that Delaware City Schools requires a variance that will be requested at the Board of Zoning Appeals meeting, which will be held February 11, 2015.

ITEM 17: ORDINANCE NO. 15-17 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT AT 2663 AIRPORT ROAD (PARCEL #419-220-02-003-00) FOR ENGINEERING MATERIALS SYSTEMS ON APPROXIMATELY 47.558 ACRES ZONED M-1 PMU (LIGHT MANUFACTURING WITH A PLANNED MIXED USE OVERLAY DISTRICT).

The Clerk read the ordinance for the first time.

Mr. Efland provided a presentation that included the location map and aerial photos. Mr. Efland reviewed the final subdivision plat and plan, the proposed landscape plan, and building elevations.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-17, seconded by Mr. DiGenova. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-17, seconded by Mr. DiGenova. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 18: ORDINANCE NO. 15-18 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR ENGINEERING MATERIALS SYSTEMS FOR A 64,000 SQUARE FOOT BUILDING WITH A POTENTIAL 40,000 SQUARE FOOT ADDITION IN PHASE 2 LOCATED ON PROPOSED INNOVATION COURT ON APPROXIMATELY 8.898 ACRES ZONED M-1 PMU (LIGHT MANUFACTURING WITH A PLANNED MIXED USE OVERLAY DISTRICT)

The Clerk read the ordinance for the first time.

Motion: Mr. Brush moved to suspend the rules for Ordinance No. 15-18, seconded by Mr. DiGenova. Motion approved by a 5-0-1 (Riggle) vote.

Motion: Mr. Brush moved to adopt Ordinance No. 15-18, seconded by Mr. DiGenova. Motion approved by a 5-0-1 (Riggle) vote.

ITEM 19: ORDINANCE NO. 15-19 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$12,145,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY

The Clerk read the ordinance for the first time.

ITEM 20: ORDINANCE NO. 15-20 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,640,000, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 21: ORDINANCE NO. 15-21 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$800,000, FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING AND EQUIPPING THREE EMERGENCY MEDICAL SERVICE VEHICLES INCLUDING ALL

NECESSARY EQUIPMENT, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 22: ORDINANCE NO. 15-22 [First Reading]

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AUTHORIZING COMPENSATION PAYMENTS TO THE DELAWARE CITY SCHOOL DISTRICT, THE OLENTANGY LOCAL SCHOOL DISTRICT AND THE DELAWARE AREA CAREER CENTER; AND AUTHORIZING THE EXECUTION OF RELATED SCHOOL COMPENSATION AGREEMENTS AND TAX INCREMENT FINANCING AGREEMENTS FROM TIME TO TIME, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

ITEM 23: CITY MANAGER'S REPORT

Mr. Homan informed that the Second Ward Community Initiative will provide a presentation to Council on February 23, 2015.

Mr. Homan notified Council that the HVAC report is being finalized at this time.

ITEM 23: COUNCIL COMMENTS

Mrs. Keller requested that at the upcoming Council retreat that Council discuss citizen engagement and the use of a City of Delaware app. Mrs. Keller discussed a website called Bang the Table, and the benefits of the program in enhancing and improving citizen engagement. Mrs. Keller discussed the importance to find effective ways to reach out to the citizens.

Mr. DiGenova requested information on how to get new recycling bins, and requested that employees put them back on the curb and not in the

street. Mr. Homan explained that new recycling bins are available through the Public Works Department.

Mr. DiGenova requested an update on the Branding Program. Mr. Homan stated that the business cards are being finalized, as well as the stationary.

Mr. DiGenova reminded Council to complete their required Ethics form.

Mayor Riggle acknowledged that February is Black History Month.

ITEM 24: ADJOURNMENT

Motion: Mr. Brush moved to adjourn the meeting. The meeting adjourned at 8:08 p.m.

Mr. Brush moved to re-enter into executive session at 8:08 p.m. This motion was seconded by Mr. DiGenova and approved by a 6-0 vote. Council met in executive session pursuant to Ohio Revised Code Section pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance. Following the discussion at 9:11 p.m., it was moved by Mr. Brush that Council adjourn from executive session, seconded by Vice-Mayor Hellinger and approved by 6-0 vote.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: CONSENT ITEM A

DATE: 02/23/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-11

DESCRIPTION: A RESOLUTION APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS/REAPPOINTMENTS.

DEPARTMENT AFFECTED:

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

COMMITTEE:

RECOMMENDATION:

VOTE:

MEETING DATE:

STAFF RECOMMENDATION:

PRESENTER: Carolyn Kay Riggle, Mayor

SUMMARY OF ITEM:

ATTACHMENTS:

Request from Steve Cooper, Executive Director, Delaware Metropolitan Housing Authority

COUNCIL NOTES:

DELAWARE METROPOLITAN HOUSING AUTHORITY
P.O. Box 1292 Delaware, OH 43015
740-369-1881 Fax: 740-369-2029

January 27, 2015

TO: R. Thomas Homan, City Manager
1 S. Sandusky St
Delaware, OH 43015

FROM: Steven F. Cooper, Executive Director
Delaware Metropolitan Housing Authority

Mr. Homan,

Ms. Charlene Tynes term as a member of the Board of Directors for the Delaware Metropolitan Housing Authority will expire on February 23, 2015. The Housing Authority is asking that Ms. Tynes be re-appointed for another five (5) years beginning February 23, 2015 and ending on February 23, 2020. If you have any questions or concerns, please feel free to contact me at the above number.

Thank you,



Steven F. Cooper
Executive Director

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: CONSENT ITEM B

DATE: 2/23/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-12

DESCRIPTION: A RESOLUTION AUTHORIZING THE INSTALLATION OF A NO PARKING HERE TO CORNER ZONE 250 FEET WEST OF US23 ON THE NORTH AND SOUTH SIDE OF COTTSWOLD DRIVE.

**DEPARTMENT AFFECTED:
Public Works Department**

**GROUP AFFECTED:
Traffic**

FINANCIAL INFORMATION

**COST:
\$50.00**

**FUND SOURCES:
200.2030.5330**

**BUDGETED:
YES**

RECOMMENDATIONS

**COMMITTEE:
Parking Safety Committee**

**RECOMMENDATION:
Approval**

**VOTE:
2-0
MEETING DATE: 2/16/15**

**STAFF RECOMMENDATION:
Approval**

PRESENTER: Bruce Pijanowski, Police Chief

SUMMARY OF ITEM:

Approval of this resolution will authorize the installation of a No Parking Here to Corner zone 250 feet west of US23 on the north and south side of Cottswold Drive.

**ATTACHMENTS:
Location map**

COUNCIL NOTES:

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: CONSENT ITEM C

DATE: 2/23/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-13

DESCRIPTION: A RESOLUTION APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE OHIO PUBLIC WORKS COMMITTEE DISTRICT 17 INTEGRATING COMMITTEE FOR THE PERIOD OF APRIL 2015 THROUGH APRIL 2018.

DEPARTMENT AFFECTED:

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

COMMITTEE:

RECOMMENDATION:

VOTE:

MEETING DATE:

**STAFF RECOMMENDATION:
approval**

**PRESENTER:
Bill Ferrigno, Public Works Director/City Engineer**

SUMMARY OF ITEM:

ATTACHMENTS:

COUNCIL NOTES:

RESOLUTION NO. 15-13

A RESOLUTION APPOINTING A REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE TO THE OHIO PUBLIC WORKS COMMITTEE DISTRICT 17 INTEGRATING COMMITTEE FOR THE PERIOD OF APRIL 2015 THROUGH APRIL 2018.

WHEREAS, Members are to be appointed to serve on various Committees, Commissions and Boards by the Mayor of the City of Delaware and confirmed by Council and,

WHEREAS, the Mayor has appointed and Council has confirmed the following appointments.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Delaware that:

SECTION 1. The following appointments are hereby made:

Matt Weber will serve as the City's representative to the Ohio Public Works Committee District 17 Integrating Committee and Bill Ferrigno will serve as an alternate. The term of this appointment is for a period of three from April 2015 through April 2018.

SECTION 2. This resolution shall be effective immediately upon its passage.

PASSED:	_____ , 2015	YEAS ____ NAYS ____
		ABSTAIN ____
ATTEST:	_____	_____
	CITY CLERK	MAYOR

BOARD OF ZONING APPEALS
November 12, 2014
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Dick called the meeting to order at 7:00 p.m.

Members Present: Robert Badger, Adam Vaughn, Holly Quaine, Councilman Joe DiGenova, Vice-Chairman Paul Junk and Chairman Matt Dick Quaine

Staff Present: Lance Schultz, Zoning Administrator

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on August 13, 2014, as recorded and transcribed.

Motion: Mr. Badger moved to approve the Motion Summary for the August 13, 2014 meeting, seconded by Vice-Chairman Vaughn. Motion approved by a 5-0-1 (Quaine) vote.

ITEM 3. REGULAR BUSINESS

(A) 2014-2254: A request by Ohio Wesleyan University for approval of a variance to Chapter 1165.06 Signs in Non-Residential Districts to allow projecting banner signs for the Ross Art Museum at 60 South Sandusky Street.

Chairman Dick swore in the following individuals for public comment:

Justin Kronewetter, 238 W. Lincoln Avenue, Delaware Ohio, Director of the Ross Art Museum

Mr. Schultz provided information on the request by the applicant regarding the proposed signage. Mr. Schultz reviewed the three conditions recommended for approval.

APPLICANT:

Justin Kronewetter, 238 W. Lincoln Avenue, Delaware Ohio, Director of the Ross Art Museum

Mr. Kronewetter provided a history of the building and their request for signage to become more visible and become a resource for the local community. Mr. Kronewetter informed the Board that the university has a contract with Columbus Sign Company.

Mr. DiGenova reviewed the three conditions with Mr. Kronewetter, who voiced his agreement with the conditions and recommendations.

Motion: Councilman DiGenova moved to approve 2014-2254, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, including all staff recommendations, seconded by Mr. Badger. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: December 10, 2014

ITEM 6. ADJOURNMENT

Motion: Vice-Chairman Junk moved to adjourn the Board of Zoning Appeals meeting, seconded by Ms. Quaine. Meeting was adjourned at 7:13 p.m.



Matt Dick, Chairman



Elaine McCloskey, Clerk

PARKING AND SAFETY COMMITTEE
November 17, 2014
MOTION SUMMARY

ITEM 1. ROLL CALL

Chairman Shafer called the meeting to start at 7:00 p.m.

Members Present: Councilman Chris Jones, Vice-Chairwoman Lisa Keller, and Chairman Kent Shafer

Staff Present: Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, and Matt Weber, Assistant City Engineer

ITEM 2. APPROVAL of the Motion Summary of the Parking and Safety Committee meeting held August 18, 2014, as recorded and transcribed.

Motion: Mr. Jones moved to approve the Motion Summary of the Parking and Safety Committee meeting held May 19, 2014, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 3. DISCUSSION

A. The removal of "No Parking" signage on one side of Silversmith Lane in the Lantern Chase Subdivision.

Chief Pijanowski reviewed the request for the removal of the signage on Silversmith Lane, with recommendation to remove the sign on the opposite side of the current fire hydrant locations.

PUBLIC COMMENT:

Adam Rodriguez, 1446 Silversmith, Delaware Ohio, President of Lantern Chase Home Owners Association

Mr. Rodriguez voiced the difficulty in not having adequate street parking to allow for family gatherings and to have driveways sealed.

Bernice Marshall, 1451 Silversmith, Delaware Ohio

Ms. Marshall feels that there is more adequate parking availability on the side of the pond. Ms. Marshall voiced inconsistencies throughout the neighborhood on where parking is allowed and not. Mr. Weber recommended that the city conduct a review of the neighborhood and hold a work session with the homeowners association.

Vice Chairwoman Keller questioned if parking is allowed on both sides, would emergency vehicles be able to pass through. This question was addressed by Fire Chief John Donahue.

James Penta, 1494 Silversmith, Delaware Ohio

Mr. Penta voiced his opinion about the inconsistencies of parking throughout the neighborhood

Holly Ingledue, 1445 Silversmith, Delaware Ohio

Ms. Ingledue spoke of a previous situation where a notice from code enforcement over the parking of her company truck with a ladder on top. Ms. Ingledue would like to have parking on one side permitted.

Nancy Penta, 1494 Silversmith, Delaware Ohio

Ms. Penta requested information on the U.S. Postal Service on delivering mail if a mailbox is blocked.

Don Nehrkora, 46 Campbell Street, Delaware Ohio

Mr. Nehrkora informed the Committee that he was a former mailman and that the policy was that drivers are only allowed out of the vehicle to deliver a package.

Motion: Mr. Jones moved to recommend the removal of the "No Parking" signage to allow parking on the south side of Silversmith, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote. .

- B. The approval of a request from Ohio Wesleyan University to remove one parking space on South Sandusky St. and replace with a fire hydrant. (Please note: This item may be revised or removed due to pending supporting information).

Chief Donahue provided a summary of the request including an aerial view of the location. Included in the presentation was the location of the removal the two parking spaces on South Sandusky Street due to the location of the storm sewer line and main water line placement.

APPLICANT:

Christine Chidester, 46 Campbell Street, Delaware Ohio, Construction Manager for Ohio Wesleyan University

Ms. Chidester discussed the elimination of two spaces. Vice-Chairwoman Keller clarified the elimination of two spaces as the agenda reflects one space.

Motion: Vice-Chairwoman Keller moved to amend Item B on the Agenda to reflect two spaces, seconded by Mr. Jones. Motion approved by a 3-0 vote.

Motion: Vice-Chairwoman Keller moved to approve, as amended, the request from Ohio Wesleyan University to remove two parking spaces on South Sandusky Street and replace with a fire hydrant, seconded by Mr. Jones. Motion approved by a 3-0 vote.

- C. The discussion of annual evaluations and modifications to reflect time restrictions on “No Parking” and “No Left Turn” signage in the proximity of schools relevant to school start and end times.

Mr. Weber discussed the draft resolution for the recommended signage to go forward to council for approval.

Motion: Mr. Jones moved to recommend that the two draft resolutions, as submitted, be forwarded to Council for approval, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 4. OLD BUSINESS

- A. The recommendation of the installation of a “Handicap Parking” space at 4 N. Sandusky, at the first parking space in front of the Green Door Hair Salon.

Chief Pijanowski reviewed the current handicap parking spaces in the downtown area. He informed the Committee that there are two handicap spots on this particular block on N. Sandusky Street, between William Street and Winter Street.

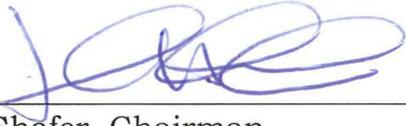
Motion: Mr. Jones moved to recommend the installation of a “Handicap Parking” space at 4 N. Sandusky Street, at the first parking space in front of the Green Door Hair Salon, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

A discussion was held regarding concerns with issues of parking at Conger Elementary School. Mr. Weber and Chief Pijanowski informed the Committee that Channing Street becomes a non-functional two way street when buses are arriving or departing. The City of Delaware has been working with Delaware City Schools on procedures to limit parking during school hours.

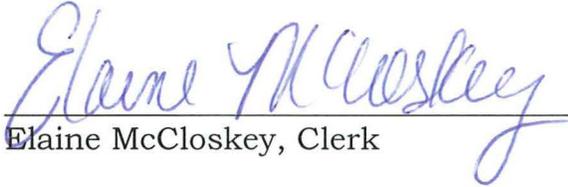
Chairman Shafer informed the Committee that the results of the parking survey have been reviewed, with the main issue of citizens not being aware of the location of parking availability.

ITEM 5. ADJOURNMENT

Motion: Mr. Jones moved to adjourn the meeting. The Parking and Safety Committee meeting adjourned at 7:55 p.m.



Kent Shafer, Chairman



Elaine McCloskey, Clerk

FINANCE COMMITTEE
November 20, 2014
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Brush called the meeting to order at 4:04 p.m.

Members Present: Vice-Mayor George Hellinger, Vice-Chairman DiGenova and Chairman Andrew Brush

Staff Present: Dean Stelzer, Finance Director and Tom Homan, City Manager

ITEM 2. Approval of the Motion Summary for October 20, 2014 as recorded and transcribed.

Motion: Vice Mayor Hellinger moved to approve the Motion Summary for the meeting held October 20, 2014, as recorded and transcribed, seconded by Vice-Chairman DiGenova. Motion approved by a 3-0 vote.

ITEM 3. Discussion of 2015 Budget

Mr. Homan discussed the 2015 budget that was presented to Council on November 15, 2014. Mr. Homan reviewed with the Finance Committee the new format and approach for the budget that focused on outcomes and activities of departments.

Mr. Stelzer discussed the challenges to the 2015 budget that departments had identifying services they provide and quantify these service levels.

Vice-Mayor Hellinger recommended that the audit include an overall organizational chart to provide a reference to assist when reviewing individual departments, and to delete individual names on the organizational chart. Vice-Mayor Hellinger also recommended that in future budgets that there be a comparison of current level of series compared to previous years.

Chairman Brush agreed that names are not necessary for the organizational chart, and that Council may request these names if needed.

ITEM 4. Discussion of Performance Audit

Chairman Brush discussed with the Finance Committee his proposal to have the City of Delaware participate in a performance audit with the State of Ohio Auditor in 2014. He explained that the purpose of the audit would be to determine areas and provide suggestions in which the city can save money. Chairman Brush did inform the Finance Committee that there will be a cost

associated with the service, but did not have the specific cost for services. Chairman Brush feels that the audit will benefit the City of Delaware by saving tax payer's money and allowing resources to be used in an underfunded program. Mr. Stelzer provided estimate cost for audits in other communities. The Finance Committee in agreement to have Chairman Brush schedule and hold a conference call with the auditor.

ITEM 5. Next Meeting Date

Discussion on the next meeting date to be determined.

EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (1) personnel and Section 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance.

Vice Mayor Hellinger moved to enter in to Executive Session, pursuant to Ohio Revised Code Section 121.22 (G) (1) personnel and Section 121.22(G) (8) consideration of confidential information related to a request for economic development assistance. This motion was seconded by Vice-Chairman DiGenova. Finance Committee began Executive Session at 5:38 p.m. Included in Executive Session was Chairman Brush, Vice Mayor Hellinger, Vice-Chairman Mr. DiGenova, , Mr. Stelzer, and Mr. Homan. Vice-Chairman DiGenova made a motion to exit Executive Session at 5:50 p.m. This motion was seconded by Vice Mayor Hellinger

ITEM 6. Adjournment

Motion: Vice Mayor Hellinger moved to adjourn the Finance Committee meeting. The Finance Committee meeting adjourned at 5:52 p.m.



Andrew Brush, Chairman



Elaine McCloskey, Clerk



**Delaware Police Department
Liquor Permit Report
Supplement**

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection

XX Other Supplement to prior investigation

This is an update to the prior background conducted in 2014. Nothing about the business model has changed, the owner, Kevin Kiet, is adding beer to his wine menu for patrons of his salon and spa. As reported before, there have been no issues with this business, alcohol related or non-alcohol related, and that has not changed since the issuance of the original license in 2014. There are no statutory reasons for the City to object to the addition of the D1 permit to the existing license.

Det Sgt J M Ruffin 2.17.15
Investigating Officer Signature Date

[Signature] 2/17/15
Supervisor Signature Date



Delaware Police Department Liquor Permit Report

DPD Report Number L-14-5		Investigating Officer Sergeant Radabaugh	
Applicant (Primary Shareholder) Kevin Kiet Luc		Company Name (LLC) Spa and Nails	
Common Name Spa and Nails		Address 1149 Columbus Pike Delaware, Ohio 43015	
<input checked="" type="checkbox"/> Existing Business	Type of Business To Be Determined (See Supplement)	Notification Type New Permit	Date of Report September 15, 2014
<input type="checkbox"/> New Business (Supplement Attached)			
Permit Type <input type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input checked="" type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input checked="" type="checkbox"/> Other D3			

Location Information

Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	School, church or library objection <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> .
Police Calls for Service in past 12 months:0	Number of Police Reports in past 12 months:0
Calls for Service excluding calls not related to the business in past 12 months:0	Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Nuisance Abatement Pending <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept of Commerce <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Private Club (Restricted Access Door) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Applicant Information

Records Checked <input checked="" type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database	
Applicant has an active warrant <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Record located for Liquor Law Violation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Local Record on file <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Criminal History Checked by Dept. of Commerce <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Problem History with DPD <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No	Contact made with Applicant <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Determination on Objection

<input checked="" type="checkbox"/> The Delaware Police Department does NOT object to the issuance of a liquor permit for this business.
<input type="checkbox"/> The Delaware Police Department FORMALLY OBJECTS to the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code. <input type="checkbox"/> Site does not conform to local building, safety and health codes (excluding zoning). <input type="checkbox"/> Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served. <input type="checkbox"/> Physical location causes a public nuisance. <input type="checkbox"/> Site has been officially classified as a nuisance according to State Law. <input type="checkbox"/> Conviction of a crime by the applicant that relates to operating a liquor establishment. <input type="checkbox"/> Past improper operation of a location with a liquor permit. <input type="checkbox"/> Misrepresentation of material fact on the application. <input type="checkbox"/> Addiction of the applicant to alcohol or narcotics. <input type="checkbox"/> Formal objection by specific types of other locations to which the site is in certain proximity. <input type="checkbox"/> Conviction of the applicant of food stamp or WIC fraud. (Supplement Attached)
<input type="checkbox"/> The Delaware Police Department OBJECTS to the issuance of a liquor permit for this business. (Supplement Attached)

Det Sgt J M R...
 Investigating Officer Signature Unit #11

[Signature] *ST*
 Supervisor Signature Unit #
 9/16/14



**Delaware Police Department
Liquor Permit Report
Supplement**

Supplement Type

- New Business Description
- Police Department Objection
- Community Objection
- Other

Spa and Nails have been in business at this address for several years. There has been one report for Spa and Nails in 2010 when the business was broken into overnight, but no other incidents, and it has not been a problem location for DPD. The owner, Luc, has also not been a problem for DPD, and there are no liquor violations in Luc's background. Luc plans to offer wine or beer along with small plates of food to his customers while they are receiving spa treatments. There will be no carryout business.

Dai Son
[Signature]
Investigating Officer Signature Unit #11

[Signature]
Supervisor Signature 9/16/14 Unit # 11



Delaware Police Department Liquor Permit Report

DPD Report Number L-15-1		Investigating Officer Sergeant Radabaugh	
Applicant (Primary Shareholder) Jianbin Chen		Company Name (LLC) Asahi Restaurant Group LLC	
Common Name Asahi Japanese Steakhouse		Address 1139 Columbus Pike Delaware, Ohio 43015	
<input type="checkbox"/> Existing Business	Type of Business Restaurant	Notification Type New Permit	Date of Report October 29, 2014
<input checked="" type="checkbox"/> New Business (Supplement Attached)			
Permit Type <input type="checkbox"/> C1/C2X Beer only in original sealed container for carry out only. <input type="checkbox"/> C2 Wine and mixed beverages in sealed containers for carry out. <input checked="" type="checkbox"/> D1/D2X Beer only for on premises consumption or in sealed containers for carry out. <input checked="" type="checkbox"/> D2 Wine and mixed beverages for on premises consumption or in sealed containers for carryout. <input type="checkbox"/> D4 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am. <input type="checkbox"/> D5 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am. <input type="checkbox"/> Other			

Location Information

Churches, Libraries and or schools within 500 feet <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		School, Church, or Library Objection Yes (Supplement Attached) <input checked="" type="checkbox"/> No Note: Objections are only permitted for <i>new permits</i> .	
Police Calls for Service in past 12 months:0		Number of Police Reports in past 12 months:0	
Calls for Service excluding calls not related to the business in past 12 months:0		Location is excessive drain on Police Resources: <input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No	
Nuisance Abatement Pending	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Accessible by Law Enforcement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site compliance checked by Dept of Commerce	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Private Club (Restricted Access Door)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Applicant Information

Records Checked <input checked="" type="checkbox"/> Ohio Law Enforcement Gateway <input checked="" type="checkbox"/> Delaware Police Department Database	
Applicant has an active warrant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Local Record on file	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Problem History with DPD	<input type="checkbox"/> Yes (Supplement Attached) <input checked="" type="checkbox"/> No
Contact made with Applicant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Determination on Objection

<input checked="" type="checkbox"/> The Delaware Police Department does not find a legislative basis for requesting a hearing to object to the issuance of a liquor permit for this business.
<input type="checkbox"/> The Delaware Police Department recommends requesting a hearing into the issuance of a liquor permit for this business, due to one or more of the following criteria for objection as set forth by the Ohio Revised Code. <ul style="list-style-type: none"> <input type="checkbox"/> Site does not conform to local building, safety and health codes (excluding zoning). <input type="checkbox"/> Law enforcement or state agents do not have ready access to the premises where alcoholic beverages are being served. <input type="checkbox"/> Physical location causes a public nuisance. <input type="checkbox"/> Site has been officially classified as a nuisance according to State Law. <input type="checkbox"/> Conviction of a crime by the applicant that relates to operating a liquor establishment. <input type="checkbox"/> Past improper operation of a location with a liquor permit. <input type="checkbox"/> Misrepresentation of material fact on the application. <input type="checkbox"/> Addiction of the applicant to alcohol or narcotics. <input type="checkbox"/> Formal objection by specific types of other locations to which the site is in certain proximity. <input type="checkbox"/> Conviction of the applicant of food stamp or WIC fraud. (Supplement Attached)

2-18-15
 Investigating Officer Signature Date

2/18/15
 Supervisor Signature Date



**Delaware Police Department
Liquor Permit Report
Supplement**

Supplement Type

- New Business Description**
- Police Department Objection**
- Community Objection**
- Other**

Jianbin Chen applied to the Department of Commerce for a D1D3 Permit for 1139 Columbus Pike where he is opening a Japanese Steakhouse in the old Chinese Buffett Restaurant that has been shuttered for some time. The location is already set up for restaurant service, and Chen will be operating an establishment that he described as primarily a restaurant with bar service available. He plans on opening for lunch, and remaining open until 9 or 9:30 p.m. Chen received a traffic citation in 2005 from this agency, but has no other record with the DPD. There is no criminal record on File for Chen in the state database. He reported owning one other restaurant of a similar type in Columbus, Ohio on Hamilton Road.

Det Sgt. J. M. Smith 2-18-15
Investigating Officer Signature Date

[Signature] 2/18/15
Supervisor Signature Date

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 10

DATE: 02/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-14

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE ACCEPTING THE ANNEXATION OF 102.4± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE LANE ANNEXATION BY DAVID W. FISHER, AGENT FOR THE PETITIONERS.

DEPARTMENT AFFECTED:

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

COMMITTEE:

RECOMMENDATION:

VOTE:

MEETING DATE:

STAFF RECOMMENDATION:
Approval at second reading

PRESENTER: David Efland, Director of Planning & Community Development

SUMMARY OF ITEM:

This is the final acceptance of annexation for approximately 102 acres of land north and west of the current Glenross Subdivision in the City's southeast quadrant. City Council passed a Resolution of Services for this proposed annexed territory on October 13, 2014. A portion of this acreage (approximately 2.4 acres) is City of Delaware right-of-way for Glenn Parkway, so the City is technically a co-applicant in this annexation. The Ohio Revised Code contains several required hearings and timing with respect to annexations for both the City and the County. As a result, this annexation must be accepted prior to the end of February 2015 or it is considered technically denied and the entire process must start again. Staff and the applicant have been working diligently during this annexation process to come to terms on a Pre-Annexation Agreement (under separate legislation for City Council consideration) and to present concept development plans to the Planning Commission. Staff and the applicant are in agreement with respect to the Pre-Annexation Agreement and acceptance of this final annexation action. The concept plan calls for single-family detached homes on lots similar to Glenross Subdivision but built around a unifying large 'central park' amenity. This fits with the goals of our Comprehensive Plan and the concept plan has been generally well received by all. Upon passage, the Applicant will move through the development zoning and permitting processes. Therefore, Staff would recommend approval of this item after passage by City Council of the Pre-Annexation Agreement which documents certain requirements of this annexation. **It is imperative that the annexation is accepted at the City Council meeting of February 23rd (if that is the wish of City Council) as the 120 day window for final acceptance as mandated by the Ohio Revised Code (ORC) will be over prior to the first City Council meeting in March. If City Council takes no action on the final annexation the ORC provides that there is a technical denial of the annexation.**

ATTACHMENTS:

October 24 Letter from the County
County Resolution No. 14-1213
City Resolution No. 14-61
Petition
Description
Map

COUNCIL NOTES:

ORDINANCE NO. 15-14

AN ORDINANCE ACCEPTING THE ANNEXATION OF 102.4± ACRES OF LAND MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE LANE ANNEXATION BY DAVID W. FISHER, AGENT FOR THE PETITIONERS.

WHEREAS, the proposed annexation applied for in the petition to the Delaware County Commissioners has been approved, by them for annexation to the City of Delaware on October 24, 2014 (See attached) The territory to be annexed is described in the attached Exhibits "A" and "B".

WHEREAS, the certified transcript of the proceedings for annexation, with an accurate map of the territory, together with the petition of annexation and other papers relating to the proceedings of the County Commissioners, are on file with the Clerk of Council, and have been for more than sixty days.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That Council hereby accepts the annexation of 102.4± acres of land, description and plat of which are hereby attached as Exhibits "A" and "B" on the annexation known as the Lane Annexation David W. Fisher, agent for the petitioners.

SECTION 2. That the Clerk of Council is directed to make five copies of this ordinance, to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto, and a certificate as to the correctness thereof. The Clerk shall then forthwith deliver one copy to the Secretary of State, and shall file notice of annexation with the Board of Elections, the County Auditor, the County Recorder, and the County Engineer within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULES SUSPENSION:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2015

YEAS____ NAYS____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR

RESOLUTION NO. 14-61

A RESOLUTION INDICATING WHAT SERVICES THE CITY OF DELAWARE WILL PROVIDE TO 102.4± ACRES OF LAND, MORE OR LESS, DESCRIPTION AND MAP ARE ATTACHED HERETO AS EXHIBITS "A" AND "B" FOR THE ANNEXATION KNOWN AS THE LANE ANNEXATION BY DAVID W. FISHER, AGENT FOR THE PETITIONER.

WHEREAS, David W. Fisher, agent for the petitioners, has filed with the Delaware County Commissioners for annexation of 102.4± acres of land, more or less, the description and map are attached hereto as Exhibits A and B, and

WHEREAS, David W. Fisher, as agent for the petitioners on October 1, 2014 delivered to the Acting Clerk of the Delaware City Council the notice of his filing of the annexation petition with the Board of County Commissioners of Delaware County and its clerk on September 26, 2014, and

WHEREAS, the Ohio Revised Code requires that within 20 days following the date the petition is filed, the City Council shall, by resolution, adopt a statement as to what services, if any, the City will provide an approximate date by which it will provide them to the territory proposed for annexation upon annexation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That upon annexation to the City of Delaware of 102.4± acres more or less as delineated on the attached Exhibits A and B, the City will provide the following services by the approximate date indicated as to each, provided all necessary lines, hydrants, and other apparatus are installed by the property owner as required by the City and said services shall be provided under the same conditions and same costs as they are provided to other residents in the City of Delaware:

- (a) Water - upon acceptance of annexation
- (b) Sanitary Sewer - upon acceptance of annexation
- (c) Refuse - upon acceptance of annexation
- (d) Fire - upon acceptance of annexation
- (e) Police - upon acceptance of annexation
- (f) Road maintenance-upon acceptance of annexation

SECTION 2. That the Council of the City of Delaware, pursuant to Ohio Revised Code Section 709.023(D), hereby consents to the annexation.

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 4. That the Clerk of Council shall prepare and furnish to the agent for the petitioners a certified copy of this resolution and file with the Delaware County Board of County Commissioners on or before 20 days from the filing of the annexation petition.

SECTION 5. That if the territory is annexed and becomes subject to zoning by the City of Delaware and the City permits uses in the annexed territory that the City determines are clearly incompatible with the uses permitted under the current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the Council of the City of Delaware will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed and the adjacent land remaining within the township for purposes of this ordinance, buffer includes open space, landscaping, fences, walls, and other structured elements; streets and street rights of way; and bicycle and pedestrian paths and sidewalks.

SECTION 6: That this Resolution of Services is further conditioned upon the following:

SECTION 7. That this resolution shall take effect and be in force immediately after this passage.

PASSED: October 13, 2014

YEAS 7 NAYS 0

ABSTAIN 0

ATTEST:

Glenn McLeskey
CITY CLERK

Carl K. Ryan
MAYOR



Delaware County Commissioners

Gary Merrell
Ken O'Brien
Dennis Stapleton

County Administrator
Timothy C. Hansley

Clerk to the Commissioners
Jennifer Walraven

October 24, 2014

Michele Kohler
Delaware City Hall
1 S. Sandusky St.
Delaware, Ohio 43015



RE: Annexation Petition of 102.4 Acres Berlin Township To The City Of Delaware

Dear Ms. Kohler:

The Delaware County Commissioners in Regular Session on October 23, 2014, adopted a Resolution granting Prayer of Petition for 102.4 acres, more or less, from Berlin Township to the City of Delaware.

I am herewith forwarding a certified copy of the Commissioners' Journal Resolution; a copy of the annexation Petition and a copy of all other papers in the Commissioners' annexation folder.

If you have questions, please feel free to call me at 740-833-2108.

Sincerely,

Jennifer Walraven,
Clerk to the Commissioners



Delaware County Commissioners

Gary Merrell
Ken O'Brien
Dennis Stapleton

County Administrator
Timothy C. Hansley

Clerk to the Commissioners
Jennifer Walraven

RESOLUTION NO. 14-1213

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 102.4 ACRES OF LAND IN BERLIN TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. O'Brien, seconded by Mr. Stapleton to approve the following resolution:

Whereas, on September 26, 2014, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by David W. Fisher, agent for the petitioners, of 102.4 acres, more or less, in Berlin Township to the City of Delaware; and

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Berlin;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 102.4 acres, more or less, in Berlin Township to the City of Delaware.

Vote on Motion Mr. O'Brien Aye Mr. Merrell Aye Mr. Stapleton Aye

I, Sarah Dinovo, Assistant Clerk to the Board of Commissioners hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Delaware County duly adopted on October 23, 2014 and appearing upon the official records of the said Board.

Sarah Dinovo
Assistant Clerk to Commissioners

**PETITION FOR EXPEDITED TYPE II ANNEXATION
OF 102.4 ACRES FROM BERLIN TOWNSHIP
TO THE CITY OF DELAWARE
UNDER SECTIONS 709.021 AND 709.023 OHIO REVISED CODE**

TO THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, OHIO

The undersigned petitioners, being ALL OF THE OWNERS OF REAL ESTATE in the territory hereinafter described, consisting of 102.4 acres in Berlin Township, Delaware County, Ohio with a total perimeter boundary of 9,675.34 feet (being the total length of perimeter of the territory to be annexed), which area is contiguous along a total of 6,411.87 feet to the boundary of the City of Delaware, Ohio (being the total length of contiguity with the boundary of the City), being a total percentage of perimeter contiguity with the City of Delaware, Ohio of 66 percent (66%), do hereby pray that said territory be annexed to the City of Delaware, Ohio by expedited type II annexation procedures according to Sections 709.021 and 709.023 of the Ohio Revised Code, as amended. No island of unincorporated area will be created by this annexation.

A full and accurate legal description and an accurate map of the territory so prayed to be annexed are attached hereto and made part hereof.

In support of said petition, your petitioners state that there is within the territory so prayed to be annexed two (2) OWNERS OF REAL ESTATE.

David W. Fisher, whose address is 207 North Fourth Street, Columbus, Ohio, 43215, is hereby appointed agent for the undersigned petitioners, as required by Section 709.02 of the Ohio Revised Code. Said agent is hereby authorized to make any amendment and/or deletion which in his absolute and complete discretion is necessary or proper under the circumstances then existing, and in particular to make such amendment in order to correct any discrepancy or mistake noted by the Delaware County Engineer in his examination of this petition, legal description and map. Said amendment shall be made by the presentation of an amended map and description to the Board of County Commissioners on, before, or after the date set for hearing on this petition.

Signature Page to Follow

RECEIVED
2014 SEP 26 PM 3:25
DELAWARE COUNTY
COUNTY ENGINEERS

WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE.

PETITIONERS

Name	ADDRESS	SIGNATURE
John Daniel Lane	2242 Berlin Station Rd. Delaware, Ohio 43015	By: <u></u> Name: <u>John D Lane</u> Its: _____ Date: <u>9-19-14</u>
City of Delaware, Ohio	1 S. Sandusky St. Delaware, OH 43015	By: <u></u> Name: <u>B. Thomas Homan</u> Its: <u>City Manager</u> Date: <u>9-2-14</u>

**PROPOSED ANNEXATION
102.4 ACRES**

FROM: BERLIN TOWNSHIP

TO: CITY OF DELAWARE

Situated in the State of Ohio, County of Delaware, Township of Berlin, located in Farm Lots A and F, Section 2, Township 4, Range 18, Farm Lot 40, Section 3, Township 4, Range 18, United States Military Lands, being the remainder of that 155.862 acre tract conveyed to Mary Jo Lane, Trustee and John Daniel Lane by deed of record in Deed Book 571, Page 476 (all references refer to the records of the Recorder's Office, Delaware County, Ohio), and being described as follows:

BEGINNING at a southwesterly corner of that 2.451 acre tract conveyed to City of Delaware, Ohio by deeds of record in Official Record 911, Page 51 and Official Record 911, Page 55, on the centerline of Glenn Parkway of record in Official Record 756, Page 1537, on the existing City of Delaware Corporation Line as established by Ordinance Number 03-43, of record in Cabinet 3, Slide 173, and on the westerly line of that 3.222 acre tract conveyed to City of Delaware, Ohio by deed of record in Official Record 870, Page 2693;

thence North 03° 31' 25" East, with said centerline, Corporation Line and westerly line, a distance of 413.64 feet to a point;

thence North 03° 31' 38" East, continuing with said centerline, existing Corporation Line and westerly line, a distance of 955.52 feet to a point on the northerly terminus of said Glenn Parkway, at the northeasterly corner of said 3.222 acre tract and at the southeasterly corner of that 21.90 acre tract conveyed to Jer-Leen Inc. by deed of record in Deed Book 451, Page 440;

thence North 03° 29' 16" East, with the westerly line of the remainder of said 155.862 acre tract, the easterly line of said 21.90 acre tract and continuing with said Corporation Line, a distance of 739.51 feet to point;

thence South 86° 32' 21" East, across the remainder of said 155.862 acre tract, a distance of 2266.94 feet to a point on the easterly line of the remainder of said 155.862 acre tract and on a westerly line of Norfolk and Southern Railroad;

thence South 38° 40' 49" East, with said easterly line and westerly line, a distance of 305.14 feet to a point;

thence South 38° 35' 34" East, continuing with said easterly line and westerly line, a distance of 691.39 feet to a point at the southeasterly corner of the remainder of said 155.862 acre tract, the northeasterly corner of the remainder of that 93.625 acre tract conveyed as Tract 1A to Tanglewood Investment Company, LLC by deed of record in Official Record 496, Page 1065, being on the existing City of Delaware Corporation Line established by Ordinance Number 03-43 of record in Cabinet 3, Slide 173;

thence North 86° 31' 57" West, with the southerly line of the remainder of said 155.862 acre tract, the northerly line of the remainder of said 93.625 acre tract and said existing Corporation Line, a distance of 1089.32 feet to a point;

thence South 03° 21' 21" West, with the easterly line of the remainder of said 155.862 acre tract, the westerly line of the remainder of said 93.625 acre tract, the westerly line of that subdivision entitled "Glenross Golf Club Section 2 Part 3", of record in Cabinet 3, Slide 669, and said existing Corporation Line, a distance of 1378.95 feet to a point;

thence North 86° 14' 09" West, with the southerly line of the remainder of said 155.862 acre tract, the northerly line of said "Glenross Golf Club Section 2 Part 3" and the northerly line

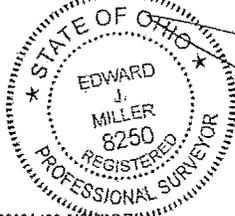
PROPOSED ANNEXATION
102.4 ACRES

-2-

of that subdivision entitled "Glenross Golf Club Section 2 Part 2", of record in Official Record 756, Page 1537, and with said existing Corporation Line, a distance of 1788.14 feet to the POINT OF BEGINNING, containing approximately 102.4 acres of land.

Total perimeter of annexation area is 9675.34 feet, of which 6411.87 feet is contiguous with the City of Delaware by Ordinance Number 03-43, giving 66% perimeter contiguity. This annexation does not create any unincorporated islands.

THIS DESCRIPTION IS FOR ANNEXATION PURPOSES ONLY, AND IS NOT TO BE USED FOR DEED TRANSFER.



EVANS, MECHWART, HAMBLETON & TILTON, INC.

4/23/14

Edward J. Miller
Registered Surveyor No. 8250

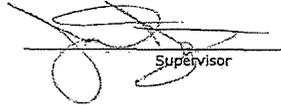
Date

DAN:td
102_4 ac. 20131493-VS-ANNX

DELAWARE COUNTY ENGINEER
Map Department

I hereby certify the within to be a true
copy of the original on file in the Map Department

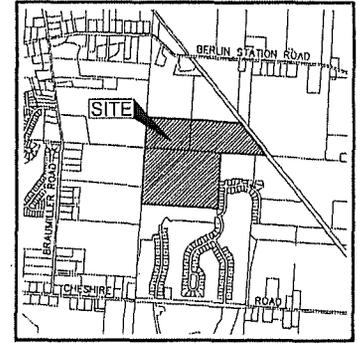
Chris E. Bauseman, P.E., P.S.,
County Engineer


Supervisor

4/23/14
Date

ANNEXATION OF 102.4± ACRES

TO THE CITY OF DELAWARE FROM BERLIN TOWNSHIP FARM LOTS A AND F, SECTION 2, TOWNSHIP 4, RANGE 18 FARM LOT 40, SECTION 3, TOWNSHIP 4, RANGE 18 UNITED STATES MILITARY LANDS TOWNSHIP OF BERLIN, COUNTY OF DELAWARE, STATE OF OHIO



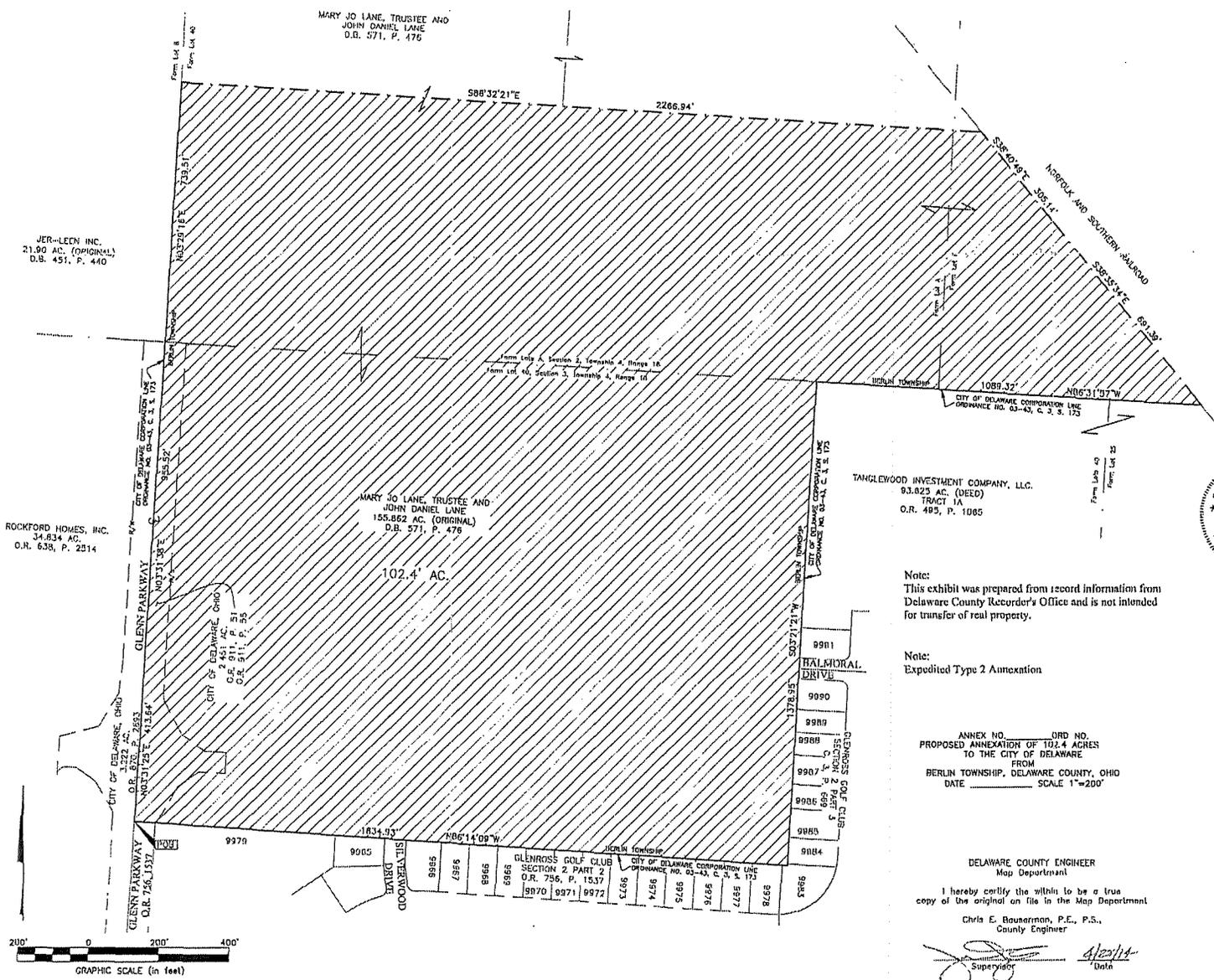
LOCATION MAP AND BACKGROUND DRAWING
NOT TO SCALE

EXISTING CITY OF DELAWARE CORPORATION LINE
PROPOSED CITY OF DELAWARE CORPORATION LINE

AREA TO BE ANNEXED

Contiguity Note:
Total perimeter of annexation area is 9675.34 feet, of which 6411.87 feet is contiguous with the City of Delaware by Ordinance Number 03-43, giving 66% perimeter contiguity.

Note:
This annexation does not create islands of unincorporated areas within the limits of the area to be annexed.



By Edward J. Miller
Professional Surveyor No. 8250
Date

Note:
This exhibit was prepared from record information from Delaware County Recorder's Office and is not intended for transfer of real property.

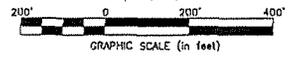
Note:
Expedited Type 2 Annexation

ANNEX NO. _____ ORD NO. _____
PROPOSED ANNEXATION OF 102.4 ACRES
TO THE CITY OF DELAWARE
FROM
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO
DATE _____ SCALE 1"=200'

DELAWARE COUNTY ENGINEER
Map Department
I hereby certify the within to be a true copy of the original on file in the Map Department
Chris E. Bauseman, P.E., P.S.,
County Engineer

4/23/14
Date

EMHT		Date: April 24, 2014	
Event, Mechwart, Hamblen & Blinn, Inc. Engineers - Surveyors - Planners - Scientists 4500 New Albany Road, Columbus, OH 43234 Phone: 614.775.4500 Fax: 614.775.3644 emht.com		Scale: 1" = 200'	
		Job No: 2013-1493	
		Sheet: 1 of 1	
REVISIONS			
MARK	DATE	DESCRIPTION	



1:25000 Scale (Delaware County Recorder's Office) - Surveyed and plotted by Edward J. Miller, No. 8250, State of Ohio, on 4/23/14.

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 11

DATE: 2/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-16

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE CITY SCHOOLS FOR A BUILDING EXPANSION AND PARKING LOT CONFIGURATION FOR DELAWARE HAYES HIGH SCHOOL ON APPROXIMATELY 29.42 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED AT 289 EUCLID AVENUE.

**DEPARTMENT AFFECTED:
Planning Department**

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

**COMMITTEE:
Planning Commission**

**RECOMMENDATION:
Approval**

**VOTE:
7-0
MEETING DATE: February 4,
2015**

**STAFF RECOMMENDATION:
Approval**

**PRESENTER:
Dave Efland, Planning Director**

SUMMARY OF ITEM:

In June 2014, City Council approved a Conditional Use Permit (Ordinance 14-52) and a Combined Preliminary and Final Development Plan (Ordinance 14-53) for athletic fields and parking lot site improvements in Phase 1 of 2 of their overall construction plans to Delaware Hayes High School. Now in Phase 2, the School is proposing building expansions and converting the tennis court into a parking lot. In this phase there would be two separate expansions built concurrently. A two story academic wing would be added to the northeast corner of the main building while a single story performing arts section would be added to the north of the main building. The existing eight tennis courts would be converted to a 160 space parking lot.

The access to the site would remain the same with the proposed expansion and parking lot conversion. The two story academic wing expansion would be located on the northeast corner of the main building and would be approximately 20 feet from Hayes Drive and 75 feet from Euclid Avenue. The expansion protrudes into the 40 foot building setback along Hayes Drive which would require a variance request approval by the Board of Zoning Appeals. A dry detention basin with a bio-retention cell for water quality would be located just northeast of the expansion fronting Hayes Drive and Euclid Avenue. The addition would accommodate 18 to 20 classrooms and small group rooms with associated restrooms, mechanical, electrical and technology spaces along with a new elevator which would serve the addition and the main building. The building would be constructed of new exterior materials (brick, concrete masonry, aluminum windows and doors) to match the existing materials to the extent possible. The single story performing arts expansion would be located on the north side of the main building and would be approximately 75 feet from Hayes Drive. The expansion would provide support space for the existing stage and auditorium. Again, the building would be constructed of new exterior materials (brick, concrete masonry, aluminum windows and doors) to match the existing materials to the extent possible.

The existing eight tennis courts would be converted into a 160 space parking lot which includes 6 handicap spaces. The new parking lot would be accessed through the existing eastern parking which requires the removal of five parking spaces. Per the zoning code, the 20 classroom addition would require only 40 additional parking spaces. Therefore, the school is providing a significant amount of overflow parking. The plan also achieves compliance with the landscaping and lighting requirements while no new signage proposed.

Both staff and the Planning Commission recommend approval of the Combined Preliminary and Final Development Plan with the documented conditions.

ATTACHMENTS:

Staff report

COUNCIL NOTES:

ORDINANCE NO. 15-16

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE CITY SCHOOLS FOR A BUILDING EXPANSION AND PARKING LOT CONVERSION FOR DELAWARE HAYES HIGH SCHOOL ON APPROXIMATELY 29.42 ACRES ZONED R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND LOCATED AT 289 EUCLID AVENUE.

WHEREAS, the Planning Commission at its meeting of February 4, 2015, recommended approval of a Combined Preliminary and Final Development Plan for Delaware City Schools for a Building Expansion and Parking Lot Conversion for Delaware Hayes High School on approximately 29.42 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue (PC Case 2015-0034), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Combined Preliminary and Final Development Plan for Delaware City Schools for a Building Expansion and Parking Lot Conversion for Delaware Hayes High School on approximately 29.42 acres zoned R-3 (One-Family Residential District) and located at 289 Euclid Avenue, the same and is hereby confirmed, approved, and accepted, with the following conditions:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The landscape plans shall be reviewed and approved by the Shade Tree Commission.
3. The lighting plan shall be reviewed and approved by the Chief Building Official.
4. The Board of Zoning Appeals shall approve a building setback variance request for the Academic Wing Expansion or the subject plan shall be revised for the Academic Wing Expansion to achieve compliance with the minimum building setback requirements.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of

this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

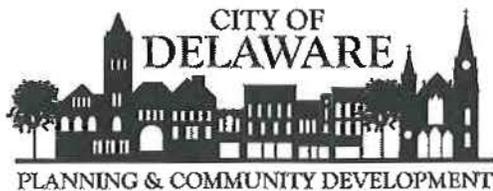
YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2015

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2015-0034

REQUEST: Combined Preliminary & Final Development Plan

PROJECT: Delaware Hayes High School

MEETING DATE: February 4, 2015

APPLICANT/OWNER

Fanning Howey
4930 Bradenton Avenue
Dublin, Ohio 43017

Delaware City Schools
621 Pennsylvania Avenue
Delaware, Ohio 43015

REQUEST

2015-0034: A request by Delaware City Schools for approval of a Combined Preliminary and Final Development Plan for a Building Expansion and Parking Lot Conversion for Delaware Hayes High School on approximately 29.4 acres zoned R-3 (One Family Residential District) and located at 289 Euclid Avenue.

PROPERTY LOCATION & DESCRIPTION

The 29.4 acre Delaware Hayes High School campus encompasses two parcels with a northern boundary of Pennsylvania Avenue, a southern boundary of a residential subdivision, an eastern boundary of Euclid Avenue and a western boundary of the railroad tracks. The campus properties are zoned R-3 (One-Family Residential District) while the properties to the north are zoned R-3 and R-6 (Multi-Family Residential District), the properties to the east and south are zoned R-3 and the properties to the west area zoned R-3, R-6 and B-3 (Community Business District).

BACKGROUND/PROPOSAL

In June 2014, City Council approved a Conditional Use Permit (Ordinance 14-52) and a Combined Preliminary and Final Development Plan (Ordinance 14-53) for athletic fields and parking lot site improvements in Phase 1 of 2 of their overall construction plans to Delaware Hayes High School. Now in Phase 2, the School is proposing building expansions and converting the tennis court into a parking lot. In this phase there would be two separate expansions built concurrently. A two story academic wing would be added to the northeast corner of the main building while a single story performing arts section would be added to the north of the main building. The existing eight tennis courts would be converted to a 160 space parking lot.

STAFF ANALYSIS

- **ZONING:** As previously mentioned, the subject parcels are zoned R-3 with a Conditional Use Permit to allow the school use. Under the current zoning, the building expansion and parking lot conversion would require a Combined Preliminary and Final Development Plan approval by the Planning Commission and City Council. In addition, the building expansion on the Academic Wing would need a building setback variance approved by the Board of Zoning Appeals. The schools have applied for the variance which is scheduled to be heard on February 11.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND ACCESS/PEDESTRIAN CONNECTIVITY:** The access to the site would remain the same with the proposed expansion and parking lot conversion.
- **SITE CONFIGURATION:**
Academic Wing Expansion – The two story expansion would be located on the northeast corner of the main building and would be approximately 20 feet from Hayes Drive and 75 feet from Euclid Avenue. The expansion protrudes into the 40 foot building setback along Hayes Drive which would require a variance request approval by the Board of Zoning Appeals. A dry detention basin with a bio-retention cell for water quality would be located just northeast of the expansion fronting Hayes Drive and Euclid Avenue. The addition would accommodate 18 to 20 classrooms and small group rooms with associated restrooms, mechanical, electrical and technology spaces along with a new elevator which would serve the addition and the main building. The building would be constructed of new exterior materials (brick, concrete masonry, aluminum windows and doors) to match the existing materials to the extent possible.

Performing Arts Expansion – The single story expansion would be located on the north side of the main building and would be approximately 75 feet from Hayes Drive. The expansion would provide support space for the existing stage and auditorium. Again, the building would be constructed of new exterior materials (brick, concrete masonry, aluminum windows and doors) to match the existing materials to the extent possible

Parking Lot Conversion – The existing eight tennis courts would be converted into a 160 space parking lot which includes 6 handicap spaces. The new parking lot would be accessed through the existing eastern parking which requires the removal of five parking spaces. Per the zoning code, the 20 classroom addition would require only 40 additional parking spaces. Therefore, the school is providing a significant amount of overflow parking.

- **TREE REMOVAL & REPLACEMENT:** The Academic Wing Expansion would remove 2 trees that equal 18 caliper inches and they are not adding any trees above the typical zoning requirements replacing the removed trees. However, any shortfall of trees being removed would be accounted for per the approved Dempsey Middle School tree preservation conservation easement agreement
- **LANDSCAPING & SCREENING:** The landscape plan identifies additional street/front yard trees adjacent to the Academic Wing Expansion on Hayes Drive along with three trees in the Performing Arts Expansion area. The landscape plan would have to be reviewed and approved by the Shade Tree Commission for species, installation size and location.
- **LIGHTING:** The Academic Wing Expansion would have seven new wall pack lights while the Performing Arts Expansion would have two new wall pack lights. The new parking lot would have six new 15 foot high light poles with cut-off fixtures and one new light pole with the same specifications would be constructed in the existing east parking lot. The lighting plan specifications would have to be reviewed and approved by the Chief Building Official.
- **SIGNS:** There is no new signage proposed with the addition and site improvement.

STAFF RECOMMENDATION (2015-0034 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

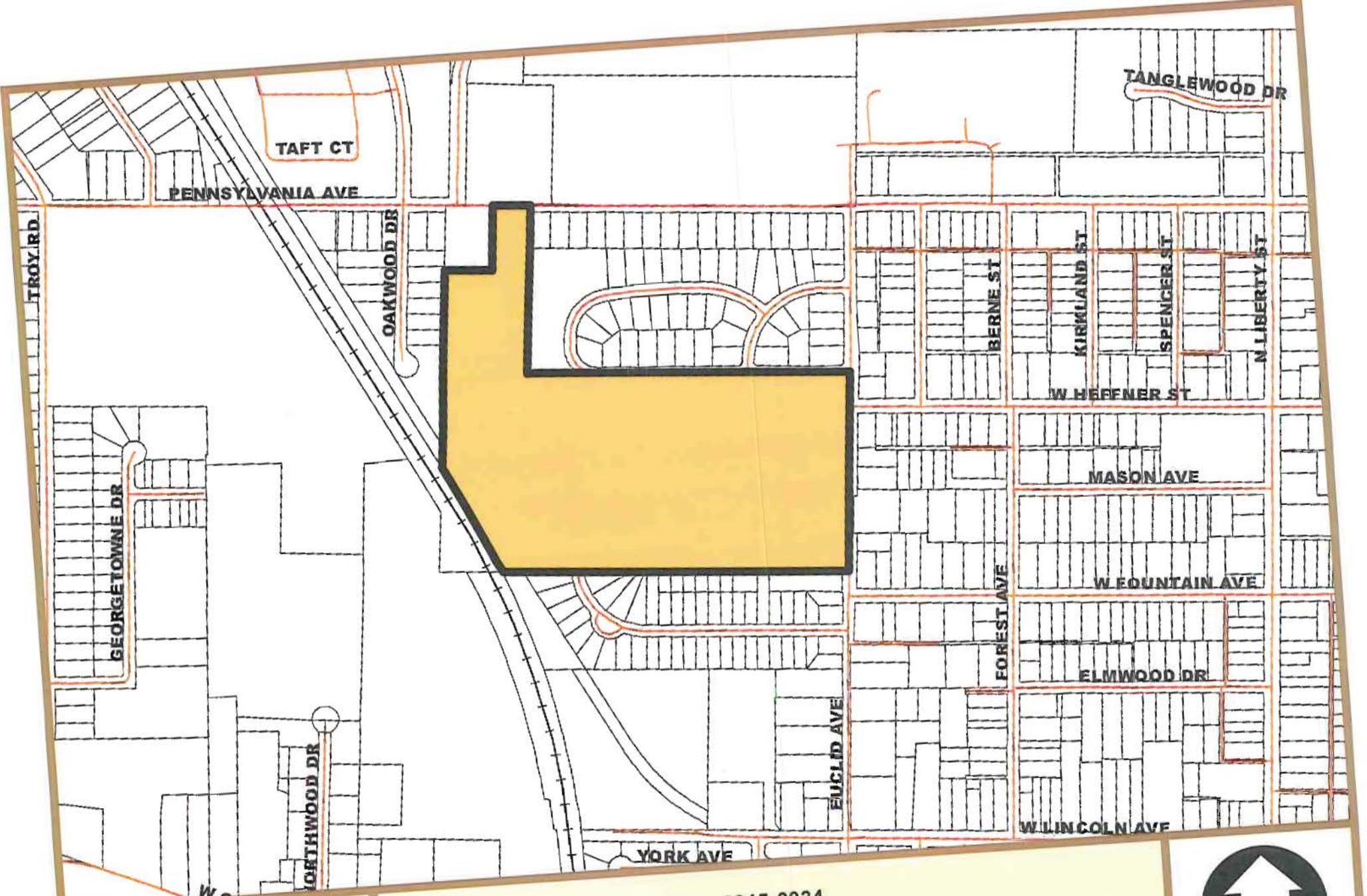
Staff recommends approval of a request Delaware City Schools for approval of a Combined Preliminary and Final Development Plan for a Building Expansion and Parking Lot Conversion for Delaware Hayes High School on approximately 29.4 acres zoned R-3 (One Family Residential District) and located at 289 Euclid Avenue, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The landscape plans shall be reviewed and approved by the Shade Tree Commission.
3. The lighting plan shall be reviewed and approved by the Chief Building Official.
4. The Board of Zoning Appeals shall approve a building setback variance request for the Academic Wing Expansion or the subject plan shall be revised for the Academic Wing Expansion to achieve compliance with the minimum building setback requirements.

COMMISSION NOTES:

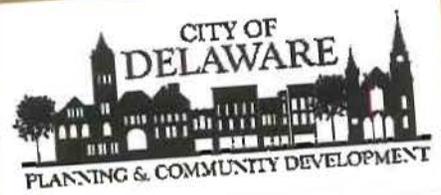
MOTION: _____ 1st _____ 2nd *approved* *denied* *tabled* _____

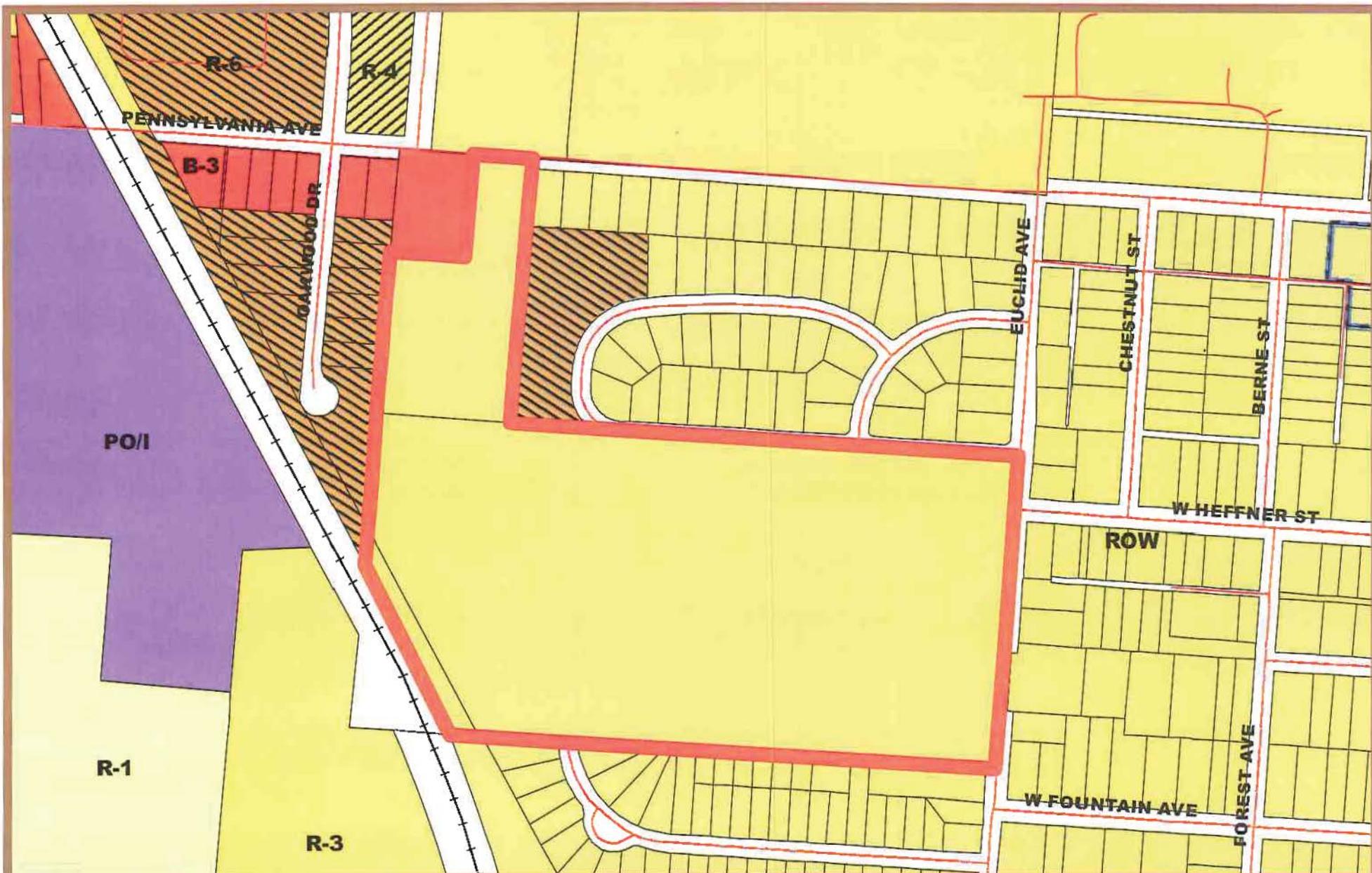
CONDITIONS/MISCELLANEOUS:



2015-0034

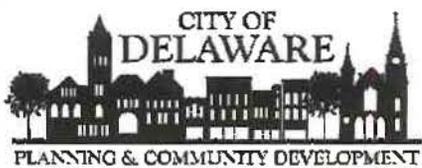
Combined Preliminary & Final Development Plan
Delaware Hayes High School - 289 Euclid Avenue
Location Map





2015-0034
 Combined Preliminary & Final Development Plan
 Delaware Hayes High School - 289 Euclid Avenue
 Zoning Map





2015-0034
Combined Preliminary & Final Development Plan
Delaware Hayes High School - 289 Euclid Avenue
Aerial (2013)



FANNING HOWEY

January 7, 2015

Hayes High School
Additions and Renovations
Delaware City Schools
Delaware, Ohio
Project No. 213051.07

Project Narrative

Phase 2 of improvements at Hayes High School is comprised of Building Additions and Renovations, and repurposing of the Tennis Court area. This supplements the Phase 1 Athletic Field and Parking Lot improvements currently under construction.

The Phase 2 work at Hayes High School is comprised of two separate additions as well as various renovations, comprised of:

1. A two story academic wing will be added at the northeast corner of the site to accommodate 18 to 20 classrooms and small group rooms with associated restrooms, mechanical, electrical and technology spaces. This addition will house a new elevator which, besides serving the addition, will also serve the original two story north academic wing.
2. A single story Performing Arts addition to the north of the building will provide support spaces for the Stage and Auditorium.
3. Interior renovations to develop additional Athletics and support spaces at the lower level of the original south academic wing. This area will be expanded by moving the exterior wall out to align with the upper level wall and roof above.
4. Interior renovations to develop additional Student Dining and Serving Areas at upper level of the original south academic wing.
5. Various classroom improvements including elimination of non-accessible teaching spaces.
6. Building security improvements.
7. Improvement of Administrative Office circulation and adjacencies.

All new exterior materials (brick and concrete masonry, aluminum windows and doors) will match the existing exterior materials to the extent that these same or similar materials are still available.

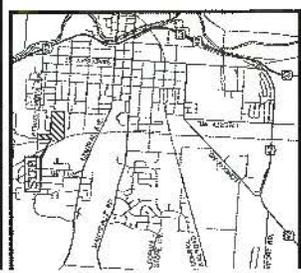
Work also includes repurposing of the existing Tennis Courts into parking.

The improvements will include a dry detention basin with a bio-retention cell for water quality at the northeast corner of the site. A new roof drain system will capture runoff from the academic building addition and convey it to the detention basin. The existing 12" storm sewer near the Performing Arts addition will be re-routed/re-connected to convey the storm water into the existing storm sewer system and back to Hayes Drive. The detention basin at the northeast corner has been over-sized to over-detain to account for the added runoff from the Performing Arts Addition.

Access to and from the site off Euclid Avenue and Hayes Drive as well as internal site circulation remains unchanged. Parking capacity is expanded by 154 spaces through repurposing of the existing Tennis Court area to serve as staff and event parking. Improvements include removal of the court surfacing, removal of the perimeter fencing and addition of wheel stops. Surface drainage for this area remains unchanged. New lighting for this area is added to comply with minimum foot candle standards. Screening of this area relative adjacent residential property to the south is provided by the existing 9 foot embankment.

ARCHITECTURE | ENGINEERING

4930 Bradenton Avenue | Dublin, OH 43017
614.764.4661 | fax 614.764.7894 | www.fhai.com



LOCATION MAP
NOT TO SCALE



PROJECT DATUM

THE DATUM FOR THIS PROJECT IS BASED UPON FIELD OBSERVATIONS PERFORMED BY P. L. ASSOCIATES, LTD. IN JANUARY OF 2014 UTILIZING THE DATUM OF THE STATE PLANNING BOARD (SPB) REFERENCE FRAME (2005 EPOCH).

1. DATUM
 2. DATUM FOR THIS PROJECT IS BASED UPON FIELD OBSERVATIONS PERFORMED BY P. L. ASSOCIATES, LTD. IN JANUARY OF 2014 UTILIZING THE DATUM OF THE STATE PLANNING BOARD (SPB) REFERENCE FRAME (2005 EPOCH).

BENCHMARKS

- BENCH: VRS RTM CORN STATION CHAIN. ELEVATION=917.41
- BENCH: THE NORTH END OF A STORM SEWER MANHOLE LOCATED IN THE INTERSECTION OF AVENUE AND HANES DRIVE. ELEVATION=421.60
- BENCH: FLOOR AT THE EAST MAIN ENTRANCE OF HAYES HIGH SCHOOL FACING EUCLID AVENUE. ELEVATION=427.44
- BENCH: THE NORTH END OF A STORM SEWER MANHOLE LOCATED ALONG THE EASTERN PROPERTY LINE OF THE HAYES HIGH SCHOOL PROPERTY, SOUTH OF THE TENNIS COURTS AND JOY DRIVE. ELEVATION=424.44
- BENCH: TRANSVERSE SIDEWALK ON PAVEMENT 240 FEET EAST OF THE WEST EDGE OF THE NORTH SIDE OF PAVEMENT. ELEVATION=432.38



FLOODPLAIN

THE SUBJECT PROPERTY LIES IN ZONE 17. AREAS DETERMINED TO BE OUTSIDE OF THE FLOODPLAIN ARE SHOWN WITH A DOTTED LINE. THE FLOODPLAIN IS BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S 10000 INSURANCE RATE MAP NUMBER 2644100101C, EFFECTIVE DATE APRIL 16, 2008.

LEGEND

- 1 - TELEPHONE POLE
- 2 - TELEPHONE FEDERAL
- 3 - POWER POLE
- 4 - WATER LINE
- 5 - SEWER LINE
- 6 - GAS MAIN
- 7 - GAS SERVICE
- 8 - CABLE MAIN
- 9 - CABLE SERVICE
- 10 - TELEPHONE LINE
- 11 - TELEPHONE SERVICE
- 12 - CABLE SERVICE
- 13 - CABLE SERVICE
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- 15 - CABLE SERVICE
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- 99 - CABLE SERVICE
- 100 - CABLE SERVICE

UTILITY COMPANIES

- AMERICAN ELECTRIC POWER
 8000 HANCOCK AVENUE
 COLUMBUS, OHIO 43230
 (614) 803-6839
- THE NORTHERN UTILITIES
 DEPARTMENT OF PUBLIC UTILITIES
 3700 INTERCHANGE ROAD
 COLUMBUS, OHIO 43234
 (614) 481-8282
- DELCO WATER COMPANY, INC.
 8000 COLUMBIAN AVENUE
 COLUMBUS, OHIO 43230
 (614) 481-8282
- FRONTIER COMMUNICATIONS
 18 EAST CENTRAL AVENUE
 COLUMBUS, OHIO 43215
 (740) 399-0628
- COLUMBIA GAS OF OHIO
 3300 JENNIFER CYPRESS COURT
 COLUMBUS, OHIO 43234
 (614) 884-2107
- MATTHEW CONYNE - FIELD ENGINEER
 (603) 344-4277

UTILITY INFORMATION

THE UTILITIES SHOWN ON THIS PLAN WERE DERIVED FROM FIELD OBSERVATIONS. THE UTILITIES SHOWN ON THIS PLAN WERE DERIVED FROM FIELD OBSERVATIONS. THE UTILITIES SHOWN ON THIS PLAN WERE DERIVED FROM FIELD OBSERVATIONS.

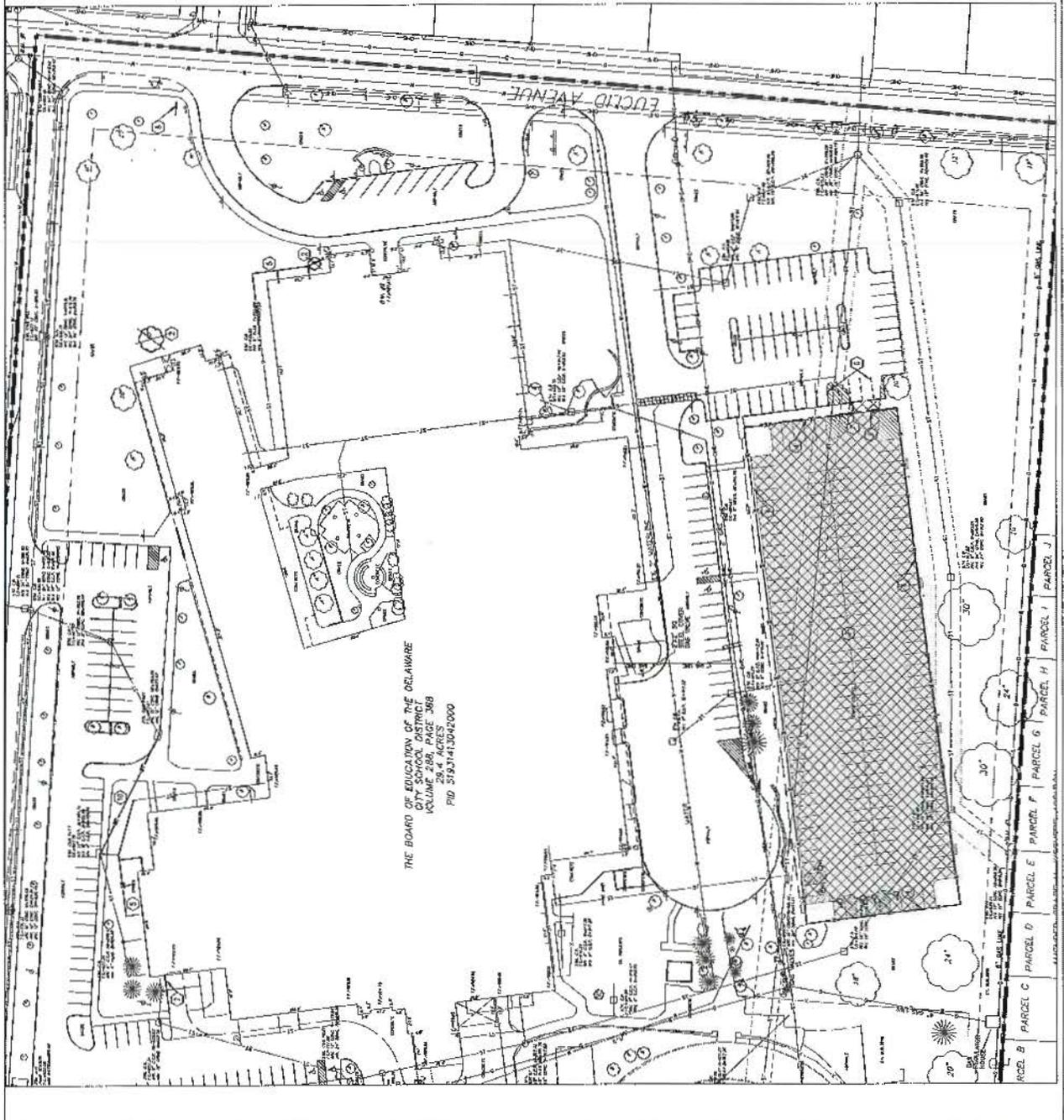
SURVEYOR'S CERTIFICATION
 WE HEREBY CERTIFY THAT THE ABOVE TOPOGRAPHIC SURVEY WAS PREPARED FROM AN ACTUAL FIELD SURVEY AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE SAME IS TRUE AND CORRECT.
 PLOTTED BY: [Signature]
 DATE: [Date]
 SURVEYOR: [Signature]
 REGISTERED SURVEYOR: [Signature]

DEMOLITION KEYNOTE LEGEND

1. LAWN OF WORK
2. EXISTING CONCRETE FOUNDATION TO REMAIN
3. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED
4. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
5. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN AND EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
6. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN AND EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
7. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
8. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
9. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN
10. EXISTING CONCRETE FOUNDATION TO BE DEMOLISHED WITH REINFORCING BARS TO REMAIN

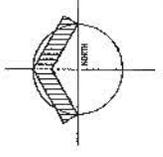
GENERAL NOTES

1. THE CONTRACTOR IS TO VERIFY ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK. ALL UTILITIES SHALL BE DEEPENED TO THE PROPOSED FINISH GRADE AND MARKED WITH RED FLAG AND SURVEYED TO THE PROPOSED FINISH GRADE.
2. THE CONTRACTOR SHALL MAINTAIN THE EXISTING UTILITIES TO REMAIN AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO REMAIN. ALL UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
3. EXISTING UTILITIES TO REMAIN SHALL BE PROTECTED BY A MINIMUM OF 18" OF GRANULAR FILL AND SHALL BE MARKED WITH RED FLAG AND SURVEYED TO THE PROPOSED FINISH GRADE.
4. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
5. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
6. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
7. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
8. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
9. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.
10. EXISTING UTILITIES TO BE DEMOLISHED SHALL BE CUT AND REMOVED TO THE STREET.



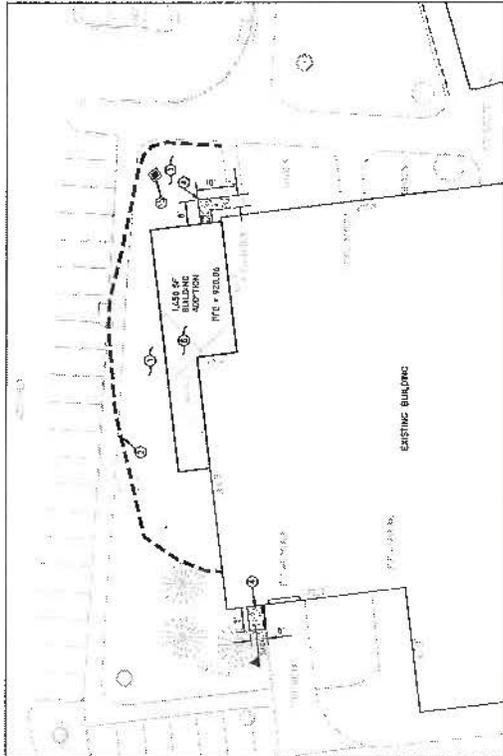
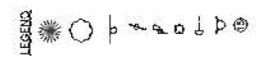


PROJECT NO.	19-004
PROJECT NAME	DELWARE CITY SCHOOLS
CLIENT	DELWARE CITY SCHOOLS
DATE	10/1/2019
DESIGNER	MANNIK SMITH GROUP
SCALE	AS SHOWN
DATE	10/1/2019
BY	MM
CHECKED BY	MM
DATE	10/1/2019
PROJECT NO.	19-004
PROJECT NAME	DELWARE CITY SCHOOLS
CLIENT	DELWARE CITY SCHOOLS
DATE	10/1/2019
DESIGNER	MANNIK SMITH GROUP
SCALE	AS SHOWN
DATE	10/1/2019
BY	MM
CHECKED BY	MM
DATE	10/1/2019



- GENERAL NOTES**
1. SEE ARCHITECTURAL SERIES DRAWINGS FOR BALDWIN LAYOUT AND SPECIFICATIONS.
 2. LIMIT OF MAIN LEVEL'S FINISHES FOR OFFICE, RECEPTION, HALLS, PROFILES, NUMBERED STRUCTURES, INSERT ELEVATIONS, AND TYPE OF FINE.
 3. DIMENSIONS ARE GIVEN TO EDGE OF PAVEMENT OR FACE OF CURB.

- EXISTING OVERGREEN TREE**
- EXISTING TREE**
- EXISTING SIGN**
- EXISTING LIGHT POLE**
- EXISTING POWER POLE**
- EXISTING STORM STRUCTURE**
- EXISTING OUT WIRE**
- EXISTING FIRE HYDRANT**
- PROPOSED STRUCTURE NUMBER**



- MASTER LAYOUT KEYNOTE LEGEND**
- THIS MASTER LAYOUT IS A MASTER KEY FOR ALL SITE LAYOUT SHEETS. REFER TO ALL SHEETS FOR SPECIFIC NOTES, NOTES TO THE PROFESSIONAL SEAL NUMBER AND SCALE.
1. PERMANENT SEEDED LAWN AREA INCLUDING TOPSOIL, RESEEDING, REFER TO SPECIFICATIONS. KEEP CONSTRUCTION TRAFFIC TO A MINIMUM OUTSIDE OF PAVEMENT.
 2. STANDARD DUTY ASPHALT PAVEMENT. SEE DETAIL 1/04-1
 3. STANDARD DUTY CONCRETE. SEE DETAIL 2/04-1
 4. PROPOSED BIO-RETENTION FACILITY. SEE DETAILS SHEET SUI.3
 5. PROPOSED BUILDING ADDITION. SEE ARCHITECTURAL DRAWINGS
 6. PROPOSED DETENTION BASIN
 7. 4 INCH WIDE PAINTED LINES (YELLOW) AT 45 DEGREE ANGLE FROM TRAVELWAY WITH 2 FOOT SPACING
 8. PAINTED DISABILITY ACCESSIBLE SYMBOL. SEE DETAIL 3/04-2
 9. 4 INCH WIDE PAINTED LINE (YELLOW)
 10. 1 INCH WIDE PAINTED LINE (WHITE)
 11. PROPOSED TREE. SEE LANDSCAPE PLAN L.1.1
 12. EXISTING RETAINING WALL TO REMAIN
 13. OUTLET CONTROL STRUCTURE. SEE SHEET SUI.2
 14. PROPOSED STORM STRUCTURE. SEE SHEET SUI.2
 15. EXISTING BENCH TO REMAIN
 16. ASPHALT CONCRETE SURFACE COURSE. SEE DETAIL 9/04-1
 17. PARKING BLOCK. SEE DETAIL 5/04-2



115 GRANVIEW AVENUE DELAWARE, OHIO 43015

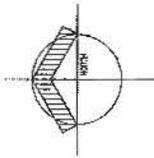
Table with 2 columns: Description, Date. Includes entries for GRANVIEW AVE, DELAWARE, OHIO, and other site details.

LEGEND

- PR STORM BASIN
PR CATCH BASIN
EXISTING OVERHEAD ELECTRIC
EXISTING D&C
EXISTING WATER
EXISTING FENCE
EXISTING SURFACING
EXISTING STORM
PR ROOF DRAIN
PR STORM STRUCTURE NUMBER

CODED NOTES

- 1 PR OUTLET CONTROL STRUCTURE. SEE SHEET 201-3 FOR DETAILS.
2 PR STORM STRUCTURE (STORM-ROD). SEE SHEET 201-3 FOR DETAILS.
3 PR REC-RETENTION FACILITY. SEE DETAILS ON SHEET 201-3.
4 PROPOSED DETENTION BASIN
5 PR ROOF DRAIN. OUTLET TO EXISTING CURB INLET.
6 PR ROOF DRAIN. CONNECT EXISTING ROOF DRAIN TO PROPOSED STORM STRUCTURE.
7 PR ROOF DRAIN. CONNECT TO EXISTING ROOF DRAIN.
8 PR ROOF DRAIN. OUTLET TO PROPOSED DETENTION BASIN.



THE BOARD OF EDUCATION OF THE DELAWARE CITY SCHOOL DISTRICT VOLUME 2008, PAGE 368 29.4 ACRES PID 310314150142000

OHIO EPA SEDIMENT & EROSION CONTROL CRITERIA

The purpose of this document is to provide a summary of the criteria for sediment and erosion control. The criteria are based on the Ohio Revised Code and the Ohio Administrative Code. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

GENERAL CRITERIA

The criteria for sediment and erosion control are based on the Ohio Revised Code and the Ohio Administrative Code. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

GENERAL NOTES

The general notes provide additional information regarding the criteria for sediment and erosion control. The notes are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The notes are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The notes are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

GENERAL MAINTENANCE/INSPECTION PROCEDURES

The general maintenance and inspection procedures provide information regarding the procedures for maintaining and inspecting sediment and erosion control structures. The procedures are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The procedures are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The procedures are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

SEQUENCE OF CONSTRUCTION SCHEDULE ACTIVITIES

The sequence of construction schedule activities provides information regarding the sequence of activities for construction projects. The activities are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The activities are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The activities are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

SEQUENCE OF CONSTRUCTION SCHEDULE ACTIVITIES (CONTINUED)

1. Obtain permit and land disturbance notice.
2. Obtain permit and land disturbance notice.
3. Obtain permit and land disturbance notice.
4. Obtain permit and land disturbance notice.
5. Obtain permit and land disturbance notice.
6. Obtain permit and land disturbance notice.
7. Obtain permit and land disturbance notice.
8. Obtain permit and land disturbance notice.
9. Obtain permit and land disturbance notice.
10. Obtain permit and land disturbance notice.

TEMPORARY SEEDING / STABILIZATION

The temporary seeding and stabilization criteria provide information regarding the criteria for temporary seeding and stabilization. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.

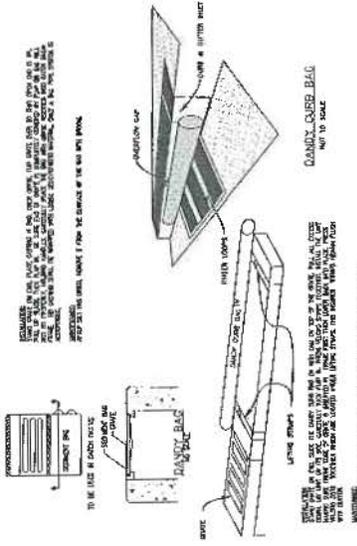
Temporary Stabilization
1. Temporary Stabilization
2. Temporary Stabilization
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6. Temporary Stabilization
7. Temporary Stabilization
8. Temporary Stabilization
9. Temporary Stabilization
10. Temporary Stabilization

TEMPORARY SEEDING SPECIES SELECTION
1. Species Selection
2. Species Selection
3. Species Selection
4. Species Selection
5. Species Selection
6. Species Selection
7. Species Selection
8. Species Selection
9. Species Selection
10. Species Selection

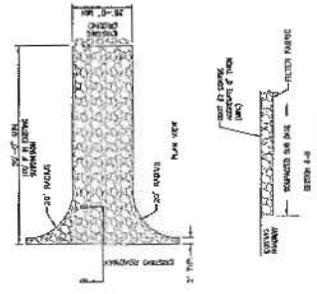
Perennial Stabilization
1. Perennial Stabilization
2. Perennial Stabilization
3. Perennial Stabilization
4. Perennial Stabilization
5. Perennial Stabilization
6. Perennial Stabilization
7. Perennial Stabilization
8. Perennial Stabilization
9. Perennial Stabilization
10. Perennial Stabilization

SOIL EROSION NOTES

1. Soil erosion notes provide information regarding soil erosion.
2. Soil erosion notes provide information regarding soil erosion.
3. Soil erosion notes provide information regarding soil erosion.
4. Soil erosion notes provide information regarding soil erosion.
5. Soil erosion notes provide information regarding soil erosion.
6. Soil erosion notes provide information regarding soil erosion.
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10. Soil erosion notes provide information regarding soil erosion.

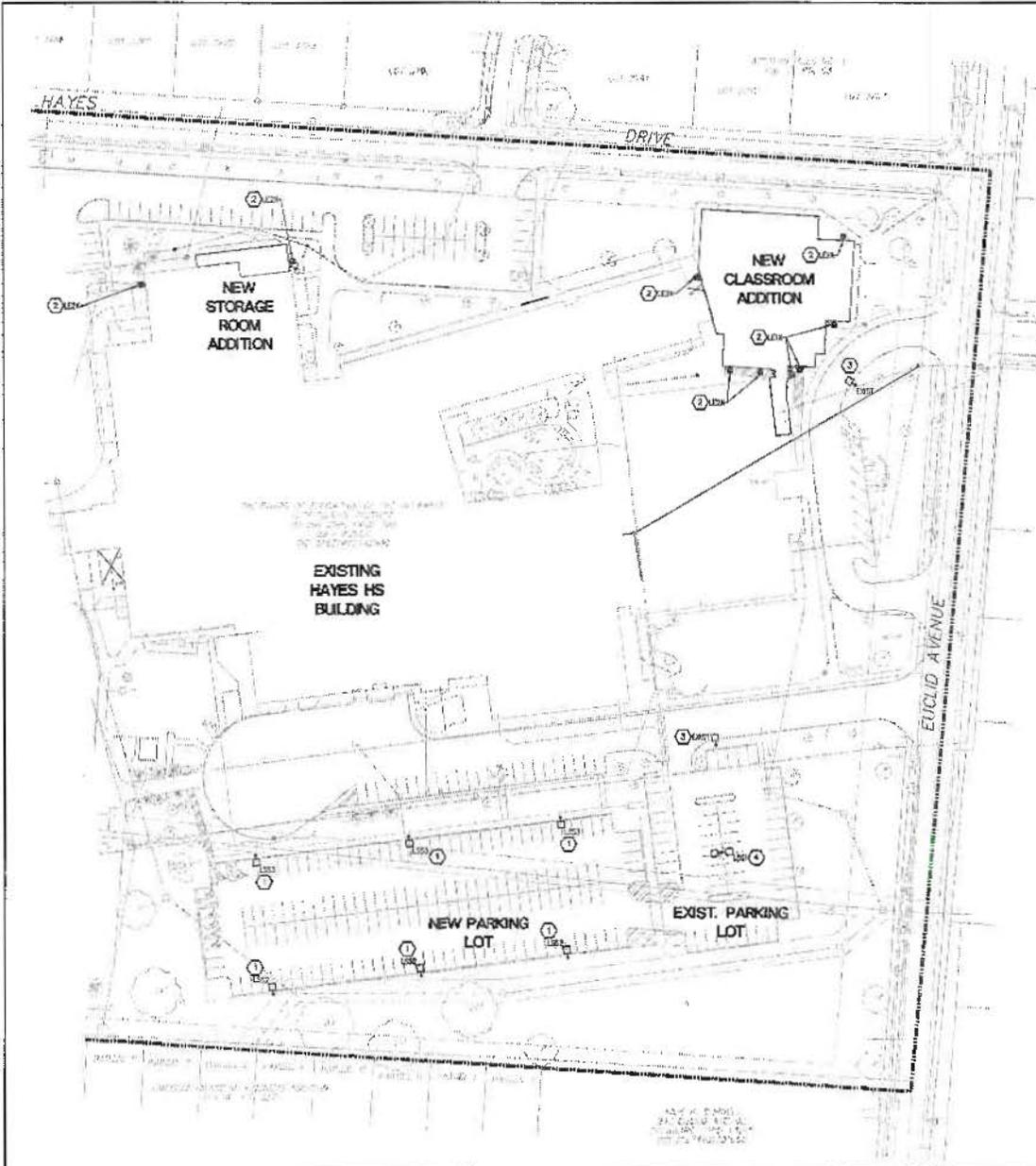


ROCK CONSTRUCTION
1. Rock Construction
2. Rock Construction
3. Rock Construction
4. Rock Construction
5. Rock Construction
6. Rock Construction
7. Rock Construction
8. Rock Construction
9. Rock Construction
10. Rock Construction



STABILIZED CONSTRUCTION ENTRANCE

The stabilized construction entrance criteria provide information regarding the criteria for stabilized construction entrances. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria. The criteria are intended to be used by the public and the private sector to ensure that construction projects comply with the criteria.



GENERAL NOTES:

1. CORRELATE EXIST LOCATION OF ALL POLE BASES AND UNDERGROUND BOXES WITH LOCATIONS OF CATCH BASINS AND ALL UNDERGROUND UTILITIES WITH SITE AND UTILITIES SERIES DRAWINGS PRIOR TO INSTALLATION. UNDERGROUND SITE UTILITIES MAY BE INSTALLED PRIOR TO INSTALLATION OF ELECTRICAL UNDERGROUND CONDUITS, ETC. CORRELATE LOCATION OF ALL UNDERGROUND CONDUITS, ETC. WITH SITE CONTRACTOR PRIOR TO TRENCHING AND INSTALLATION.
2. ANY UNDERGROUND SITE UTILITIES SHOWN ON THIS SHEET OTHER THAN ELECTRICAL SITE UTILITIES ARE SHOWN FOR REFERENCE ONLY WITH RESPECT TO LOCATIONS OF ELECTRICAL SITE UTILITIES. SEE SITE AND UTILITIES SERIES DRAWINGS FOR SOIL DEPTHS, EXIST LOCATIONS, ETC. OF UNDERGROUND SITE UTILITIES WHEN CORRELATING WITH ELECTRICAL SITE UTILITIES INDICATED ON THIS SHEET.

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-362-2764
ONE VISIBILITY PROTECTION SYMBOL

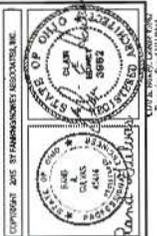
PLAN NOTES:

1. NEW PARKING USE EXISTING POLE/UTILITY. REFER TO DETAIL ON CONTRACT DOCUMENTS FOR THE LIGHTING POLE POSITIONING REQUIREMENTS. LIGHTING TO BE CONNECTED TO EXISTING SITE LIGHTING CIRCUIT CONTROLLED VIA 24-HOUR-DAY CONTROL VIA EXISTING BUILDING AUTOMATION SYSTEM.
2. NEW HALL OUT-OF-BUILDING ISOLATED EXTERIOR LIGHTING FEATURE OR NEW ADDITIONAL LIGHTING TO BE CONNECTED TO EXISTING BUILDING EXTERIOR LIGHTING CIRCUIT AND CONTROLLED VIA 24-HOUR-DAY CONTROL VIA EXISTING BUILDING AUTOMATION SYSTEM.
3. EXISTING SITE LIGHTING POLE/UTILITY TO REMAIN SHOWN FOR REFERENCE ONLY.
4. EXISTING SITE LIGHTING POLES ON EXISTING SITE LIGHTING PINS TO BE DISCONNECTED, REMOVED AND REPLACED WITH NEW PULLBOXES AS INDICATED. MAINLINE EXISTING POLE FOR USE WITH NEW PULLBOXES. FIELD MARK EXISTING POLE AS REQUIRED TO INSTALL NEW PULLBOXES.

SITE ELECTRICAL PLAN

ALL UNDERGROUND CONDUIT RUNS UNDER EXISTING PAVING OR SIDEWALKS SHALL BE DIRECTIONAL BORED. CUTTING OF PAVEMENT OR SIDEWALKS IS NOT ACCEPTABLE. REFER TO "G" SERIES DRAWINGS FOR LOCATIONS OF EXISTING AND NEW/REPLACEMENT PAVEMENT AND SIDEWALKS.

ALL UNDERGROUND CONDUIT FOR SHALL BE PVC SCHEDULE 40 AND SHALL BE INSTALLED AT A MINIMUM DEPTH OF 36" BELOW FINISH GRADE UNLESS OTHERWISE NOTED. ALL TRENCHING AND BACKFILL BY ELECTRICAL CONTRACTOR PER SPECIFICATIONS. PROVIDE WARNING TAPE IN ALL TRENCHES WHEN BACKFILLING. INSTALL IN-GRADE PULLBOXES AS REQUIRED FOR LOW VOLTAGE UNDERGROUND CONDUIT RUNS. PULLBOXES SHALL BE FURNISHED AND INSTALLED PER SPECIFICATIONS AND SIZED AS REQUIRED FOR THE PULLING REQUIREMENTS FOR THE APPLICATION.



ADDITIONS AND RENOVATIONS
TO
HAYES HIGH SCHOOL
DELAWARE CITY SCHOOLS
DELAWARE, OHIO

FANNING HOWEY
614.764.4661 www.fhcai.com

SITE ELECTRICAL ZONING APPROVAL PLAN	DESIGNED BY	STANDARD
	DATE	JANUARY 2, 2012
PROJECT NO.	E2.0	
PROJECT NAME	HAYES HIGH SCHOOL	

ASK TO VIEW PER 1906B.
PROJECT NO. 21204-07



ADDITIONS AND RENOVATIONS
 TO
 HAYES HIGH SCHOOL
 DELAWARE CITY SCHOOLS
 DELAWARE, OHIO

FANNING-HOWEY
 www.fhnl.com
 614.764.4661

LUMINAIRE SCHEDULE

PROJECT NO. 13306117
 DATE: JANUARY 2, 2015
 DRAWING NO. DATE: 1/2/15
 E8.1

LUMINAIRE SCHEDULE

LUMINAIRE TYPE	LUMINAIRE DESCRIPTION	REMARKS	QUANTITY		LAMP DATA		WATTAGE		LUMEN	LUMENS PER WATT	LUMENS PER FOOT	LUMENS PER SQUARE FOOT
			NO.	PERCENT	WATT	PERCENT	WATT	PERCENT				
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15
LEDK	REPLACEMENT EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	REPLACE EXISTING LED DOWNLIGHTS WITH 4000K COLOR TEMPERATURE AND 1500LM OUTPUT	1	100%	15	100%	15	100%	1500	100	15	15

NOTES:

1. ALL LUMINAIRE TYPES ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
2. ALL LUMINAIRE TYPES ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
3. ALL LUMINAIRE TYPES ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
4. ALL LUMINAIRE TYPES ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
5. ALL LUMINAIRE TYPES ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

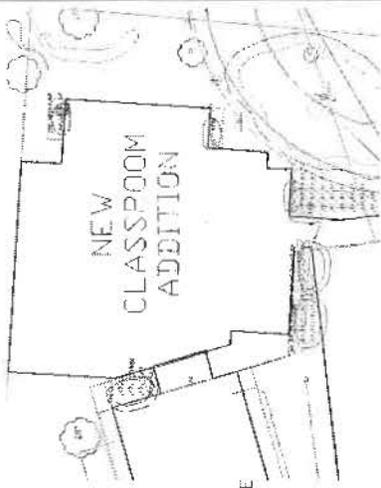


Prepared by:
 L. Bailey
 L. Wright
 Date: 10/1/11
 Drawing No.
 1041101

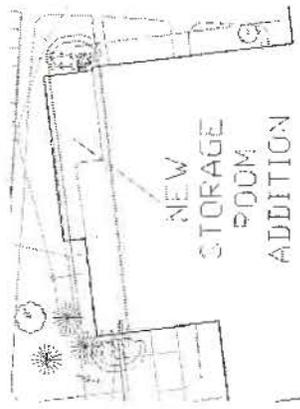
10411

NO.	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	CONCRETE	10,000	SQ. YD.	10,000
2	STEEL	50,000	LBS.	50,000
3	WOOD	100,000	SQ. FT.	100,000
4	GLASS	5,000	SQ. FT.	5,000
5	MECHANICAL	10,000	SQ. FT.	10,000
6	ELECTRICAL	5,000	SQ. FT.	5,000
7	PLUMBING	5,000	SQ. FT.	5,000
8	PAINT	10,000	SQ. FT.	10,000
9	LANDSCAPING	5,000	SQ. FT.	5,000
10	TOTAL	200,000		200,000

DESCRIPTION	AMOUNT	UNIT	TOTAL
NEW CLASSROOM ADDITION	100,000	SQ. FT.	100,000
NEW STORAGE ROOM ADDITION	5,000	SQ. FT.	5,000
EXISTING SITE LIGHTING	5,000	SQ. FT.	5,000
NEW EXTERIOR DOOR LOCATION	5,000	SQ. FT.	5,000
TOTAL	115,000		115,000

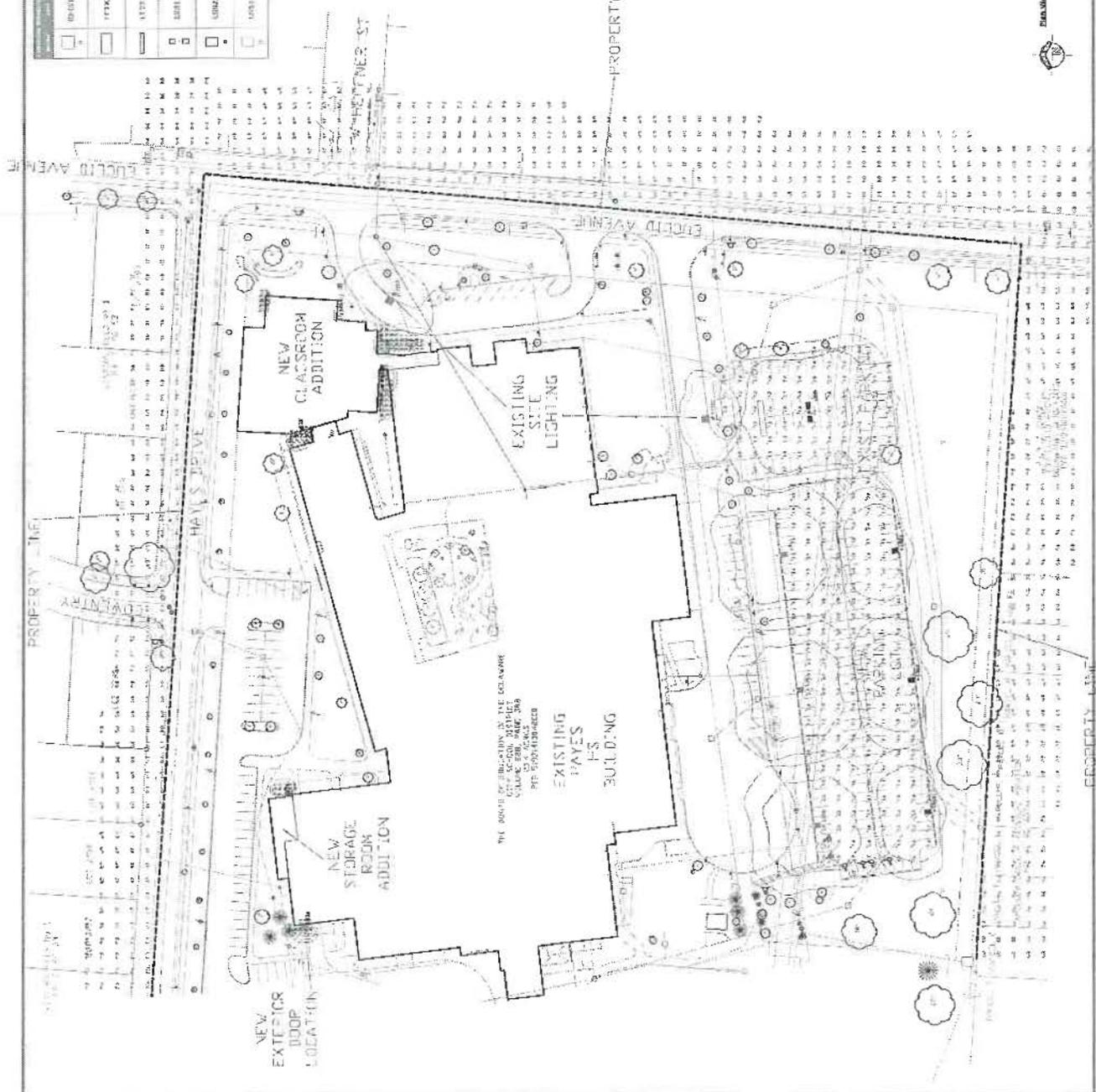


ENLARGED VIEW OF NEW CLASSROOM ADDITION AREA - 1/8" TO SCALE



ENLARGED VIEW OF NEW STORAGE ROOM ADDITION AREA - 1/8" TO SCALE

PLAN VIEW - SEE LIGHTING PHOTOGRAPHIC
 1/8" = 1'-0"



THE ABOVE INFORMATION IS THE OWNERS
 STATEMENT AND DOES NOT CONSTITUTE
 A GUARANTEE OF ACCURACY.
 THE DRAWING IS FOR INFORMATION ONLY.
 ALL DIMENSIONS SHALL GOVERN.

Type: LE2X

Job: Additions and Renovations to Hayes HS, Delaware City Schools

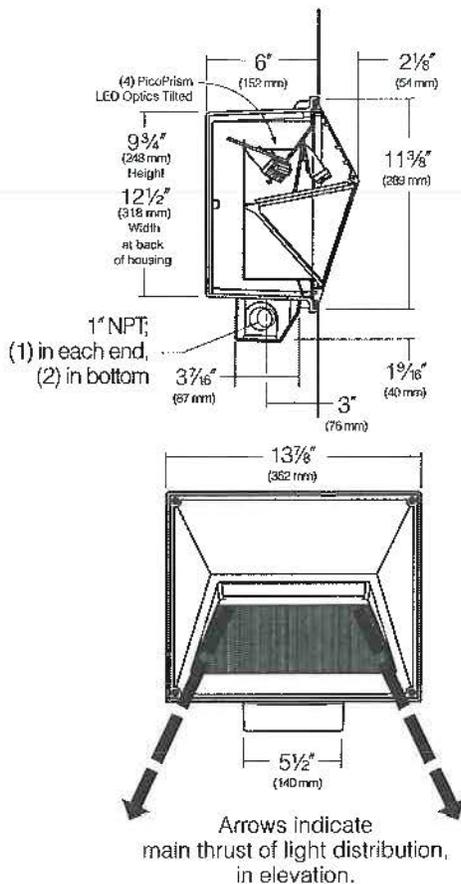
Catalog number: LLF50P25/12L2KUV/WH

Approvals:

LLF50P35 /	/	/
Fixture	Electrical Module	Options
	See page 2	See page 3

Date:
Page: 1 of 4

Specifications



Housing and Junction Box: Die-cast, low-copper (<0.6% Cu) aluminum to prevent corrosion when cast in concrete. Junction box shall have an internally removable cover, a volume of 25 cu in., and four 1" NPT conduit taps. Two taps in the bottom and one in each end, all with removable plugs. Housing and junction box further protected for permanence by a clear anodize coating. Cover furnished to keep the housing clean until the electrical components are installed.

Pour Items: Aluminum housing and junction box only, less any electrical or optical components.

Finishing Items: Electrical module, reflector and door frame. Each set of finishing items shall be in one container, clearly marked for the fixture catalog number.

Door Frame: Die-cast, low-copper (<0.6% Cu) aluminum with a fine pebbled texture on the outer surface. Trapezoidal outer contour tilts the lens 18° from vertical. Door frame secured to housing by four captive stainless steel countersunk socket head screws. (LLF50) Tempered borosilicate glass, 3/16" min. thickness, with a smooth outer surface flush with the door frame, and vertical inside flutes. Lens is fully sealed over the perimeter with a silicone gasket and is retained by zinc plated steel clips. Tempered clear glass, 1/8" min. thickness. Cast aluminum recessed baffle that conceals the lens 18° from vertical.

Gasketing: One-piece molded silicone between the door frame and housing. A neoprene gasket provided between the junction box and housing. The entire fixture is weather tight.

Electronic Module: All electrical components are UL and CSA recognized, mounted on a single plate and factory prewired with quick-disconnect plugs. Module includes a driver, thermal control device and surge protector. Electrical and optical modules attaches to housing with stainless steel hardware, accessible by opening the lens frame. Driver is rated for -40°F starting and has a 0-10V dimming interface with a dimming range of 10-100%. Approved dimmers include Lutron Diva AVTV, Lutron Nova NFTV and NTFTV. Note: Not compatible with current sourcing dimmers. Controls compatible via Gray and Purple dimming lead.

Optical Module: Each precision, replaceable PicoPrism is positioned to achieve directional control toward desired task. The entire optical system fastens to the housing as a one-piece module.

Finish: Each luminaire receives a fade and abrasion resistant, electrostatically applied, thermally cured, triglycidal isocyanurate (TGIC) polyester powder coat finish. Standard colors include (BL) Black, (DB) Dark Bronze, (WH) White, (PS) Platinum Silver, (SG) Stealth Gray, (LG) Light Gray, and (CC) Custom Color (Include RAL#).

Listed To: UL 1598 Standard for Luminaires - UL 8750 Standard for Safety for Light Emitting Diode (LED) Equipment for use in Lighting Products and CSA C22.2#250.0 Luminaires.

Warranty: Kim Lighting warrants Low Level Floodlight LED products sold by Kim Lighting to be free from defects in material and workmanship for (i) a period of five (5) years for metal parts, (ii) a period of five (5) years for exterior housing paint finish(s), (iii) a period of five (5) years for LED Light Engines and, (iv) a period of five (5) years for LED power components (driver, surge protector and LifeShield™ device), from the date of sale of such goods to the buyer as specified in Kim Lighting shipment documents for each product.

Caution: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.

Type:

Job:



Standard Features

Fixture

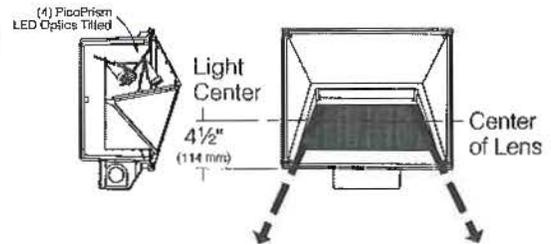
Catalog number includes housing and junction box, optical system, and door frame with standard tempered glass lens.

Cat. No.: **LLF50P35***

Direct Lens, Symmetric Downward Light Throw, Wall Mounted.

Arrows indicate main thrust of light distribution, in elevation.

*P35 = 350mA



Electrical Module

Fixture Source

- | | |
|---|--|
| <input type="checkbox"/> 12L2KUV¹ | 13W 12 LEDs, 580nm - Amber color temperature |
| <input type="checkbox"/> 12L3KUV¹ | 13W 12 LEDs, 3000K color temperature |
| <input type="checkbox"/> 12L4KUV¹ | 13W 12 LEDs, 4200K color temperature |
| <input type="checkbox"/> 12L5KUV¹ | 13W 12 LEDs, 5100K color temperature |

¹UV = Universal Voltage from 120 to 277V with a $\pm 10\%$ tolerance.

Finish

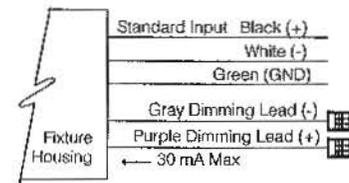
TGIC powder coat

Color: Black Dark Bronze Light Gray Stealth Gray Platinum Silver White Custom Color²
Cat. No.: BL DB LG SG PS WH CC

²Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: _____

0-10V Dimming Interface

Driver has a 0-10V dimming interface with a dimming range of 10-100%. Is compatible with most control systems. Approved dimmers include Lutron Diva AVTV, Lutron Nova NFTV and NTFTV. Note: Not compatible with current sourcing dimmers. Controls compatible via Gray and Purple dimming lead.



Type:

Job:

Page: 3 of 4



Optional Features

<p>Polycarbonate Lens Cat. No. <input type="checkbox"/> PL <input type="checkbox"/> No Option</p>	<p>Injection molded, identical appearance to standard tempered glass lens. CAUTION: Use only when vandalism is anticipated to be high. Useful life is limited due to yellowing caused by UV from sunlight.</p>
<p>Fusing (internal only): Cat. No. (see chart at right) <input type="checkbox"/> No Option</p>	<p>High temperature fuse holders factory installed inside the fixture housing. Fuse is included. Line Volts: 120V 208V 240V 277V 347V Cat. No.: <input type="checkbox"/> SF <input type="checkbox"/> DF <input type="checkbox"/> DF <input type="checkbox"/> SF <input type="checkbox"/> SF</p>
<p>Emergency Battery Back-Up: Cat. No. <input type="checkbox"/> EM <input type="checkbox"/> No Option</p>	<p>EM – Internal battery pack provides 90 minutes of supplemental light at 63% of absolute lumens.</p>

Type:
 Job:



Lumen Data

Spectroradiometric			
	3000K Average	4200K Average	5100K Average
Correlated Color Temp. CCT (K)	2800K-3175K	3800K-4600K	4600K-5600K
Color Rendering Index (CRI)	≥75	≥70	≥65
Power Factor	>0.90	>0.90	>0.90

Projected Lumen Maintenance		
mA	50,000 hrs	100,000 hrs
350	0.97	0.95

Electrical Driver Current		
Maximum Watts	Volts	Amps
13W	120	0.11
	208	0.06
	240	0.05
	277	0.05

Absolute Lumens	
CCT	LLF50
3000K	735
4200K	939
5100K	1021

Lumens Per Watt	
CCT	LLF50
3000K	56.5
4200K	72.2
5100K	78.5

Type: LE1X

Job: Additions and Renovations to Hayes HS, Delaware City Schools

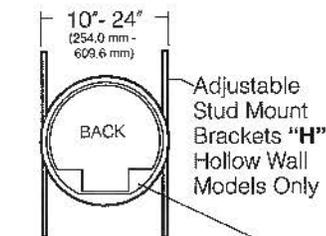
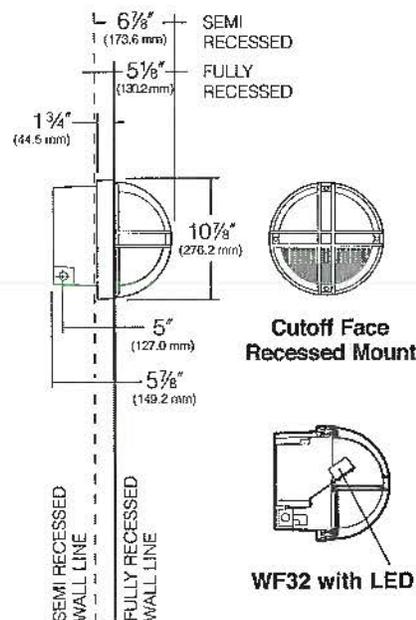
Catalog number: WF32C/18L2KUV/WH

Approvals:

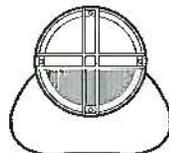
Fixture Electrical Module Finish Options
See page 2 See page 2

Date:
Page: 1 of 2

Specifications



3/4" NPT Conduit Taps:
"C" Concrete Wall Model: 2 in sides / 2 in bottom
"H" Hollow Wall Models: 2 in bottom Only



Light distribution
Cutoff Face



U.S. PATENTS: D385,054, D381,452, D378,621

Housing:

Recessed Concrete: Die-cast, low copper (<0.6% Cu) aluminum alloy with clear anodize under powder coat finish to match louver and face plate. Integral junction box (21 cubic inch volume) with four 3/4" NPT conduit taps. Presswood niche cover provided as temporary protection against moisture.

Recessed Hollow Wall: Die-cast, low copper (<0.6% Cu) aluminum alloy with clear anodize under powder coat finish to match louver and face plate. Integral junction box (21 cubic inch volume) with four 3/4" NPT conduit taps. Presswood niche cover provided as temporary protection against moisture. (HID): Supplied with adjustable stud mount brackets plus insulation detector in place of one side conduit tap. Quick disconnect plug supplied for electrical module.

Face Plate: Die-cast, low copper (<0.6% Cu) aluminum alloy with vertical and horizontal double ribs covering the full hemisphere. Ribs are minimum 3/8" depth and 3/8" thickness. Secures to housing with four stainless steel captive socket head screws.

Cutoff Face: Solid upper half and solid lower half with vertical light baffles.

Lens: Flat tempered glass, 3/16" minimum thickness with internal sandblast. Retained in face plate and sealed with a one-piece silicone gasket.

LED Optical System: A total of 9 LED emitters configured in a rectangular array comprised together as a module. One (1) module for 9 LED version and two (2) modules for 18 LED version. Available in 580nm (Amber), 3000K, 4200K and 5100K.

LED Driver: Rated for 9 or 18 LED. Universal voltage from 120 to 277V with a ±10% tolerance. -40°F starting temperature. All drivers are Underwriters Laboratories recognized.

Finish: Each luminaire receives a fade and abrasion resistant, electrostatically applied, thermally cured, triglycidic isocyanurate (TGIC) polyester powdercoat finish. Standard colors include (BL) Black, (DB) Dark Bronze, (WH) White, (PS) Platinum Silver, (SG) Stealth Gray, (LG) Light Gray, and (CC) Custom Color (Include RAL#).

Pour Items: Recessed housings, devoid of all electrical components. Protective presswood niche covers are supplied to temporarily seal the open housings until the electrical modules and face plates are ready to install. Quick disconnect plugs supplied for electrical modules.

Finishing Items: Electrical modules and face plates. Each set of finishing items shall be in one container, clearly marked with the fixture catalog number.

CAUTION: Fixtures must be grounded in accordance with national, state, and/or local electrical codes. Failure to do so may result in serious personal injury.

Listings and Ratings

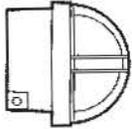
UL cUL 1598 ¹	IP66 Rated	CE	25C Ambient
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¹Suitable for wet locations
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE.

Type:

Job:

Page: 2 of 2



Standard Features

Fixture

Cat. No.

- WF32C**
 WF32H

WF32C for concrete walls

WF32H for hollow walls

Electrical Module

- | | |
|---|--|
| <input type="checkbox"/> 9L2KUV ¹ | <input type="checkbox"/> 18L2KUV ¹ |
| <input type="checkbox"/> 9L3KUV ¹ | <input type="checkbox"/> 18L3KUV ¹ |
| <input type="checkbox"/> 9L4KUV ¹ | <input type="checkbox"/> 18L4KUV ¹ |
| <input type="checkbox"/> 9L5KUV ¹ | <input type="checkbox"/> 18L5KUV ¹ |

¹For LED, 9L = 9LED Emitters; 18L = 18 LED Emitters; 2K = 580nm - Amber color temperature; 3K = 3000K color temperature; 4K = 4200K color temperature; 5K = 5100K color temperature; UV = Universal Voltage from 120 to 277V with a ± 10% tolerance.

Finish

TGIC powder coat

Color: Black Dark Bronze Light Gray Stealth Gray Platinum Silver **White** Custom Colors²
 Cat. No.: **BL** **DB** **LG** **SG** **PS** **WH** **CC**

²Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: _____

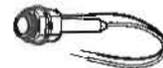
Optional Features

Fusing

Cat. No.

- SF**
 No Option

Single fusing for 120V, 277V, and 347V primary.





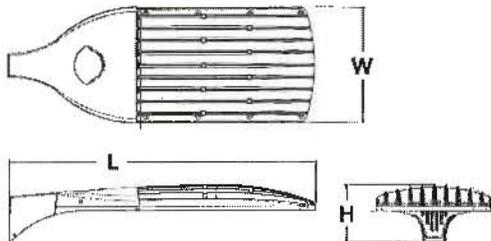
D-Series Size 2 LED Area Luminaire



d²series

Specifications

EPA:	2.0 ft ² (0.19 m ²)
Length:	40" (101.6 cm)
Width:	15" (38.1 cm)
Height:	7-1/2" (19.0 cm)
Weight (max):	39 lbs (17.7 kg)



Catalog
Number

Notes
Additions and Renovations to Hayes HS,
Delaware City Schools

Type
LSS1, LSS2, LSS3

Introduction

The modern styling of the D-Series is striking yet unobtrusive - making a bold, progressive statement even as it blends seamlessly with its environment.

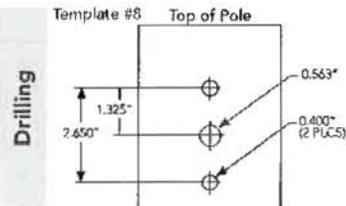
The D-Series distills the benefits of the latest in LED technology into a high performance, high efficacy, long-life luminaire. The outstanding photometric performance results in sites with excellent uniformity, greater pole spacing and lower power density. The Size 2 is ideal for replacing 400-1000W metal halide in area lighting applications with energy savings of up to 80% and expected service life of over 100,000 hours.

Ordering Information

EXAMPLE: DSX2 LED 80C 1000 40K T4M MVOLT SPA DDBXD

DSX2 LED

Series	LEDs	Drive current	Color temperature	Distribution	Voltage	Mounting	Control options	Other options	Finish (optional)	
DSX2 LED	Forward optics 80C 80 LEDs (four engines)	530 530 mA	30K 3000 K	T1S Type I Short	MVOLT ³	Shipped included SPA Square pole mounting RPA Round pole mounting WBA Wall bracket SPUMBA Square pole universal mounting adaptor ⁵ RPUMBA Round pole universal mounting adaptor ⁵ KMA8 DDBXD U Mast arm mounting bracket adaptor (specify finish) ⁶	Shipped installed PER NEMA twist-lock receptacle only (no controls) ⁷ DMG 0-10V dimming driver (no controls) DCR Dimmable and controllable via ROAM ⁸ (no controls) ⁸ DS Dual switching ^{9,10} PIRH Motion sensor, 15-30" mounting height ¹¹ BL30 Bi-level switched dimming, 30% ^{10,12} BLS0 Bi-level switched dimming, 50% ^{10,12}	Shipped installed LSS2 HS House-side shield ¹³ WTB Utility terminal block ¹⁴ SF Single fuse (120, 277, 347V) ¹⁵ DF Double fuse (208, 240, 480V) ¹⁵ TLS Tool-less entry trigger latch ¹⁶ L90 Left rotated optics ² R90 Right rotated optics ²	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DDBTXD Textured dark bronze DBL BXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white	
		700 700 mA	40K 4000 K	T2S Type II Short	120 ²					
		1000 1000 mA (1.A) ²	50K 5000 K	T2M Type II Medium	208 ³					
			AMBPC Amber phosphor converted	T3S Type III Short	240 ³					
			LSS1	T3M Type III Medium	277 ³					
			LSS2	T4M Type IV Medium	347 ⁴					
	Rotated optics ³ 80C 80 LEDs (four engines)			LSS3	T4M Type IV Medium	480 ⁴				
					TFTM Forward Throw Medium					
					TSVS Type V Very Short					
					TSS Type V Short					
					TSM Type V Medium					
					TSW Type V Wide					



DSX2 shares a unique drilling pattern with the AERIS™ family. Specify this drilling pattern when specifying poles, per the table below.

DM19AS	Single unit	DM29AS	2 at 90° *
DM2BAS	2 at 180°	DM39AS	3 at 90° *
DM49AS	4 at 90° **	DM32AS	3 at 120° **

Example: SSA 20 4C DM19AS DDBXD

Visit Lithonia Lighting's POLES CENTRAL to see our wide selection of poles, accessories and educational tools.

*Round pole top must be 3.25" O.D. minimum.

**For round pole mounting (RPA) only.

Controls & Shields

Accessories	Description
DL127E 1.5 IU	PhotoCell - SSL twist-lock (120-277V) ¹⁷
DL1347F 1.5 CUL IU	PhotoCell - SSL twist-lock (347V) ¹⁷
DL1480F 1.5 CUL IU	PhotoCell - SSL twist-lock (480V) ¹⁷
SCU	Shorting cap ¹⁸
DSX2HS 80C U	House-side shield for 80 LED unit
DSX2HS 100C U	House-side shield for 100 LED unit
PMUMBA DDBXD U*	Square and round pole universal mounting bracket (specify finish)
KMA8 DDBXD U	Mast arm mounting bracket adaptor (specify finish) ⁶

For more control options, visit DTL and AC-DL online.

Tenon Mounting Slipfitter**

Tenon O.D.	Single Unit	2 at 180°	2 at 90°	3 at 120°	3 at 90°	4 at 90°
2-3/8"	AST20-190	AST20-280	N/A	N/A	N/A	N/A
2-7/8"	AST25-190	AST25-280	N/A	AST25-320	N/A	N/A
4"	AST35-190	AST35-280	AST35-290	AST35-320	AST35-330	AST35-490

NOTES

- Rotated optics only available with 80C.
- Available with 80 LEDs (80C option) only. Not available with AMBPC.
- MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with fusing (SF, DF options).
- N/A BL30, BLS0, WTB or TLS. DMG option requires 1000mA.
- Available as a separate combination accessory: PUMBA (finish) U.
- Requires "SPA" mounting option. Must be ordered as a separate accessory; see Accessories information. For use with 2-3/8" mast arm (not included).
- Photocell ordered and shipped as a separate line item from Acuity Brands Controls. See accessories. Not available with DS option.
- Specifies a ROAM⁸ enabled luminaire with 0-10V dimming capability; PER option required. Additional hardware and services required for ROAM⁸ deployment; must be purchased separately. Call 1-800-642-6745 or email: sales@roamservices.net. Not available with PIRH, DS, BL30, BLS0, or TLS.
- Provides 50/50 luminaire operation via two independent drivers on two separate circuits. N/A with PER, DCR, PIRH or WTB.
- Requires an additional switched line.
- Specifies the SensorSwitch (SCS) or GTP control; see Motion Sensor Guide for details. Dimming driver standard. Not available with BL30, BLS0, DCR, DS, TLS or WTB.
- Dimming driver standard. MVOLT only. Not available with BL30, BLS0, 347V, 480V, DCR, TLS or WTB.
- Also available as a separate accessory; see Accessories information.
- WTB not available with BL30, BLS0, DS, or PIRH. N/A 347V or 480V.
- Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
- With TLS option, the luminaire is no longer IP65 rated. Not available with BL30, BLS0, DCR or PIRH. N/A 347V or 480V.
- Requires luminaire to be specified with PER option. Ordered and shipped as a separate line item from Acuity Brands Controls.



Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts. Actual performance may differ as a result of end-user environment and application. Actual wattage may differ by +/- 8% when operating between 120-480V +/- 10%. Contact factory for performance data on any configurations not shown here.

LEDs	Drive Current (mA)	System Watts	Dist. Type	40K (4500K, 30 CRI)					50K (5500K, 70 CRI)				
				Lumens	U	U	U	LPW	Lumens	U	U	U	LPW
80C (80 LEDs)	700	188W	T1S	16,714	3	0	3	89	17,647	3	0	3	94
			T2S	17,233	3	0	3	92	18,196	3	0	3	97
			T2M	16,839	3	0	3	90	17,779	3	0	3	95
			T3S	16,818	3	0	3	89	17,757	3	0	3	94
			T3M	16,970	3	0	4	90	17,918	3	0	4	95
			T4M	17,201	3	0	4	91	18,162	3	0	4	97
			IFTM	16,944	3	0	4	90	17,890	3	0	4	95
			TSVS	17,899	5	0	1	95	18,899	5	0	1	101
			TSS	18,032	4	0	2	96	19,039	4	0	2	101
			TSM	18,063	5	0	3	96	19,072	5	0	3	101
	TSW	17,798	5	0	3	95	18,792	5	0	3	100		
	1000	275W	T1S	22,771	3	0	3	83	24,137	3	0	3	88
			T2S	23,479	3	0	3	85	24,887	3	0	3	90
			T2M	22,941	3	0	3	83	24,317	3	0	3	88
			T3S	22,912	3	0	3	83	24,287	3	0	3	88
			T3M	23,120	3	0	4	84	24,508	3	0	4	89
			T4M	23,435	3	0	4	85	24,841	3	0	4	90
			IFTM	23,084	3	0	4	84	24,469	3	0	4	89
TSVS			24,386	5	0	1	89	25,849	5	0	1	94	
100C (100 LEDs)	700	218W	T1S	20,722	3	0	3	95	21,883	3	0	3	100
			T2S	21,366	3	0	3	98	22,563	3	0	3	103
			T2M	20,876	3	0	3	96	22,046	3	0	3	101
			T3S	20,850	3	0	3	96	22,019	3	0	3	101
			T3M	21,039	3	0	4	97	22,219	3	0	4	102
			T4M	21,326	3	0	4	98	22,521	3	0	4	103
			IFTM	21,007	3	0	4	96	22,184	3	0	4	102
			TSVS	22,191	5	0	1	102	23,435	5	0	1	108
			TSS	22,356	4	0	2	103	23,609	4	0	2	108
			TSM	22,395	5	0	3	103	23,650	5	0	3	108
TSW	22,065	5	0	3	101	23,302	5	0	3	107			

Note: Available with phosphor-converted amber LED's (nomenclature AMBPC). These LED's produce light with 97+% >530 nm. Output can be calculated by applying a 0.7 factor to 4000 K lumen values and photometric files.

Performance Data

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient		Lumen Multiplier
0°C	32°F	1.02
10°C	50°F	1.01
20°C	68°F	1.00
25°C	77°F	1.00
30°C	86°F	1.00
40°C	104°F	0.98

Electrical Load

LLE	Draw Current (A)	System Watts	Current (A)					
			120	208	240	277	347	480
80	530	142W	1.31	0.76	0.66	0.57	0.45	0.33
	790	188W	1.74	1.00	0.87	0.75	0.60	0.44
	1000	275W	2.55	1.47	1.27	1.10	0.88	0.64
100	530	175W	1.62	0.93	0.81	0.70	0.56	0.41
	700	218W	2.02	1.16	1.01	0.87	0.70	0.50

Projected LED Lumen Maintenance

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 10,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11).

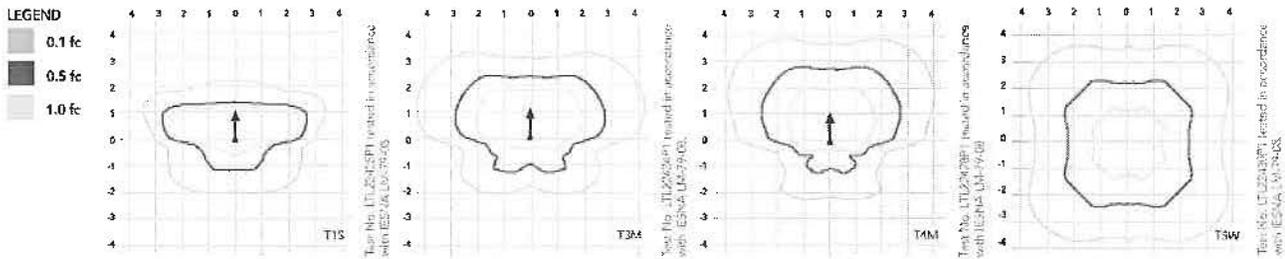
To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Operating Hours	0	25,000	50,000	100,000
Lumen Maintenance Factor	DSX2 LED 80C 1000			
	1.0	0.95	0.92	0.88
Lumen Maintenance Factor	DSX2 LED 100C 700			
	1.0	0.98	0.97	0.95

Photometric Diagrams

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's D-Series Area Size 2 homepage.

Isfootcandle plots for the DSX2 LED 80C 1000 40K. Distances are in units of mounting height (30').



FEATURES & SPECIFICATIONS

INTENDED USE

The sleek design of the D-Series Area Size 2 reflects the embedded high performance LED technology. It is ideal for applications like car dealerships and large parking lots adjacent to malls, transit stations, grocery stores, home centers, and other big-box retailers.

CONSTRUCTION

Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance. The LED drivers are mounted in direct contact with the casting to promote low operating temperature and long life. Housing is completely sealed against moisture and environmental contaminants (IP65). Low EPA (2.0 ft) for optimized pole wind loading.

FINISH

Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

OPTICS

Precision-molded proprietary acrylic lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K (80 min. CRI), 4000 K (70 min. CRI), or 5000 K (70 CRI) configurations. The D-Series Size 2 has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight.

ELECTRICAL

Light engine configurations consist of 80 or 100 high-efficacy LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L95/100,000 hrs at 25°C). Class 1 electronic drivers have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily-serviceable surge protection device meets a minimum Category C. Low operation (per ANSI/IEEE C62.41.2).

INSTALLATION

Included mounting block and integral arm facilitate quick and easy installation. Stainless steel bolts fasten the mounting block securely to poles and walls, enabling the D-Series Size 2 to withstand up to a 2.0 G vibration load rating per ANSI C136.31. The D-Series Size 2 utilizes the AERIS™ series pole drilling pattern. Optional terminal block, tool-less entry, and NEMA photocontrol receptacle are also available.

LISTINGS

UL Listed for wet locations. Light engines are IP66 rated; luminaire is IP65 rated. Rated for -40°C minimum ambient. U.S. Patent No. D670,857 S. International patent pending.

DesignLights Consortium® (DLC) qualified product. Not all versions of this product may be DLC qualified. Please check the DLC Qualified Products List at www.dlc.org/lighting to confirm which versions are qualified.

WARRANTY

Five year limited warranty. Full warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_Conditions.aspx.

Note: Specifications subject to change without notice.



GENERAL LANDSCAPE NOTES

1. ALL PLANTINGS SHALL BE SUBJECT TO APPROVAL BY THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES (DNR) AND THE DELAWARE DEPARTMENT OF TRANSPORTATION (DOT) IF ANY PLANTINGS ARE TO BE MADE IN ANY OF THESE AGENCIES' JURISDICTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTING AGENCIES PRIOR TO THE START OF ANY PLANTING WORK.
3. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES (DNR) AND THE DELAWARE DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS.
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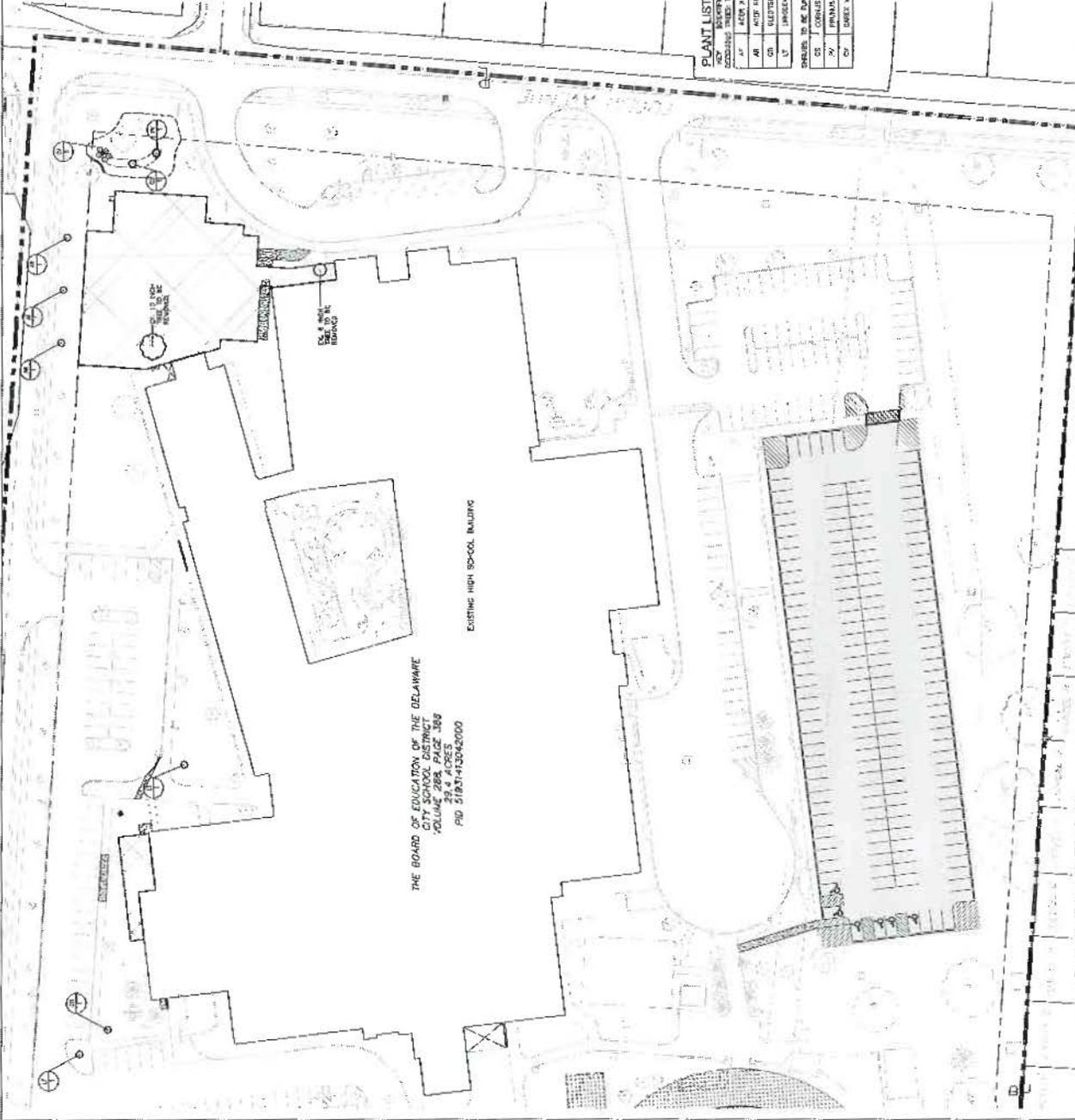
11. ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE DELAWARE STATE DEPARTMENT OF NATURAL RESOURCES (DNR) AND THE DELAWARE DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS.
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THE BOARD OF EDUCATION OF THE DELAWARE CITY SCHOOL DISTRICT
 401 N. MARKET STREET
 PHO 319.317.3200

EXISTING HIGH SCHOOL BUILDING



 <p>MUNK GROUP 1100 MARKET STREET PHO 319.317.3200 WWW.MUNKGROUP.COM</p>	<p>ACADEMIC BUILDING ADDITIONS FOR DELAWARE HAYES HIGH SCHOOL DELAWARE CITY SCHOOLS DELAWARE, OHIO</p>	<p>LANDSCAPE PLAN</p> <p style="font-size: 24pt;">L1.1</p>
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PLANT LIST

SYMBOL	PLANT NAME	COMMON NAME	SIZE	ROOT
1	ACRYLIC PINEAPPLE	FRYXION MAPLE	1" DIA.	B & B
2	ACRYLIC WILLOW	RED BUDGED WAX	1" DIA.	B & B
3	ACRYLIC YACONIA	THORNLESS HORNED PLUM	1 1/2" DIA.	O & B
4	ACRYLIC YACONIA	YUCCA	1 1/2" DIA.	B & B
5	ACRYLIC YACONIA	YUCCA	1 1/2" DIA.	B & B

REMOVED TREES AND CALIPER

1. 2" DIA. CALIPER
 2. 3" DIA. CALIPER
 3. 4" DIA. CALIPER

PROPOSED TREES AND CALIPER

1. 2" DIA. CALIPER
 2. 3" DIA. CALIPER
 3. 4" DIA. CALIPER

LEGEND

- EXISTING TREE
- PROPOSED TREE
- PROPOSED CALIPER
- PROPOSED CALIPER
- PROPOSED CALIPER

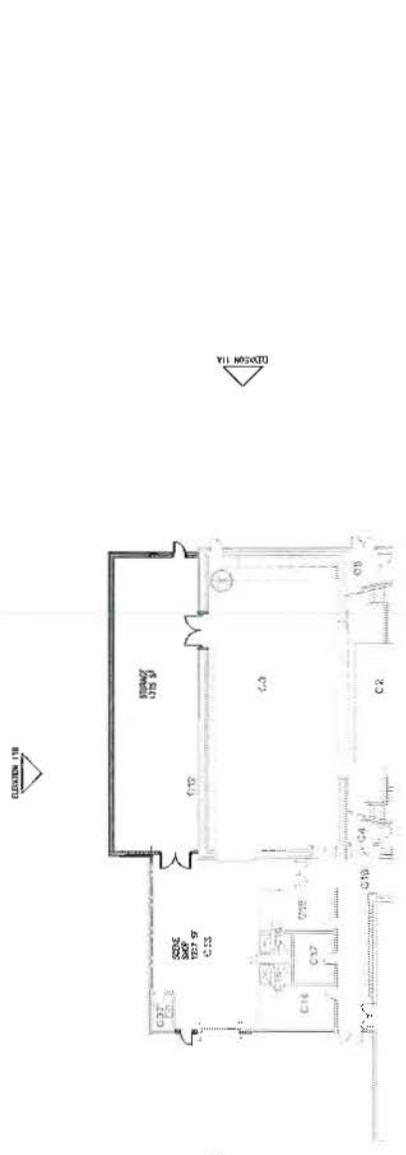
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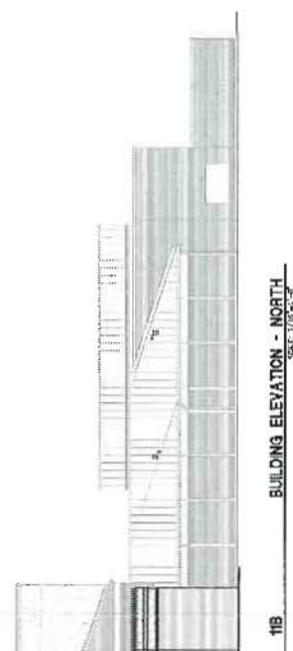
ADDITIONS AND RENOVATIONS
 TO
HAYES HIGH SCHOOL
 DELAWARE CITY SCHOOLS
 DELAWARE, OHIO

FANNING HOWEY
 614.764.4661 www.fhdi.com

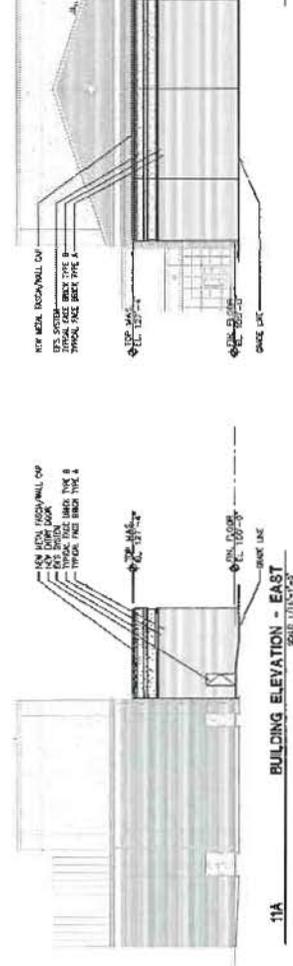
PROJECT NO. 2100123		DATE: JANUARY 2, 2015	REVISIONS NO. 01
PROJECT NAME: HAYES HIGH SCHOOL			
FLOOR PLAN - PERFORMING ARTS ADDITION AND EXTERIOR ELEVATIONS			
DRAWN BY: JACOB CHECKED BY: JACOB DATE: JANUARY 2, 2015			
SCALE: 1/8" = 1'-0" DATE: 01/02/15			



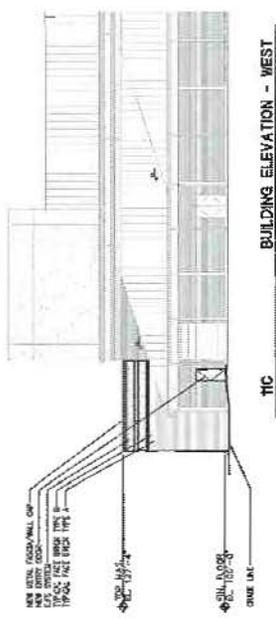
FLOOR PLAN - PERFORMING ARTS ADDITION - AREA 11
 SCALE: 1/8" = 1'-0"



BUILDING ELEVATION - NORTH
 SCALE: 1/8" = 1'-0"



BUILDING ELEVATION - EAST
 SCALE: 1/8" = 1'-0"



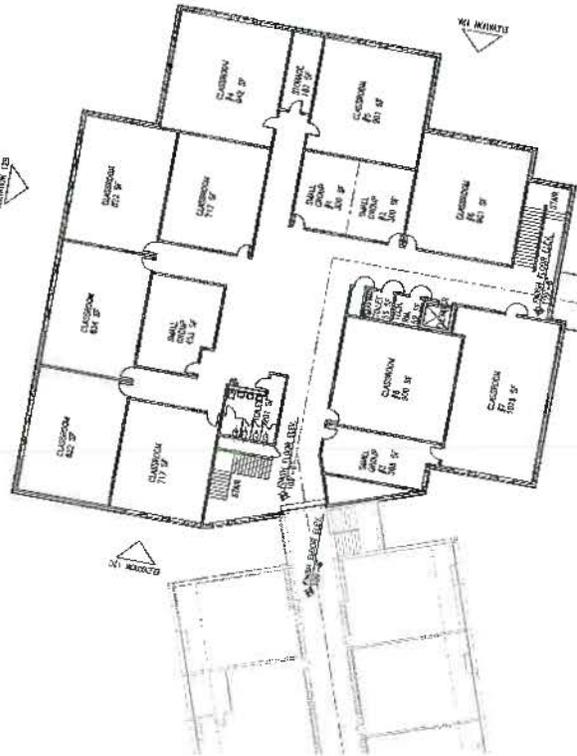
BUILDING ELEVATION - WEST
 SCALE: 1/8" = 1'-0"



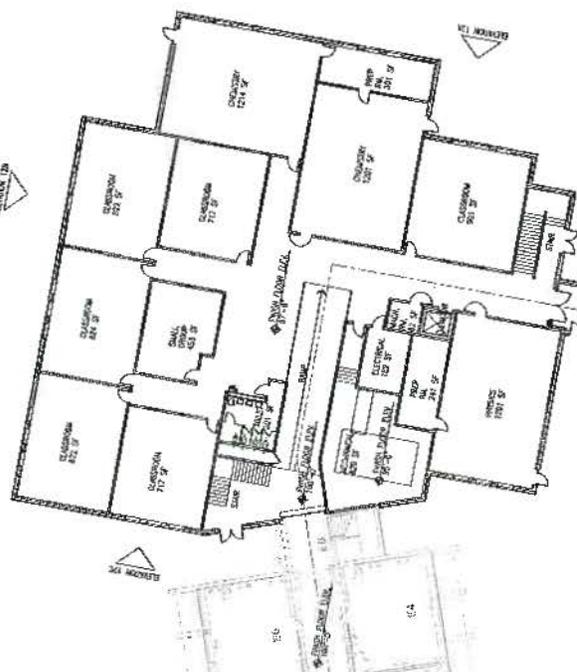
ADDITIONS AND RENOVATIONS
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 HAYES HIGH SCHOOL
 DELAWARE CITY SCHOOLS
 DELAWARE, OHIO

FANNING-HOWEY
 614.764.4661 www.fhdi.com

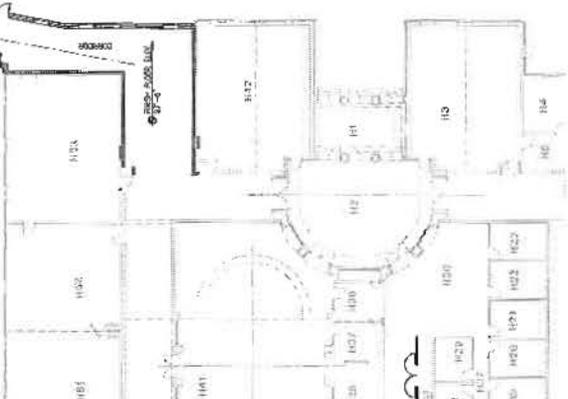
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DATE: 02/20/07	
DRAWN BY: JAC	
CHECKED BY: JAC	
DATE: MARCH 7, 2005	
PROJECT NO. DATE:	
A2	
FLOOR PLAN-CLASSROOM ADDITION	
-AREA 12	



THIRD FLOOR PLAN-CLASSROOM ADDITION-AREA 12
 SCALE: 1/4"=1'-0"



SECOND FLOOR PLAN-CLASSROOM ADDITION-AREA 12
 SCALE: 1/4"=1'-0"

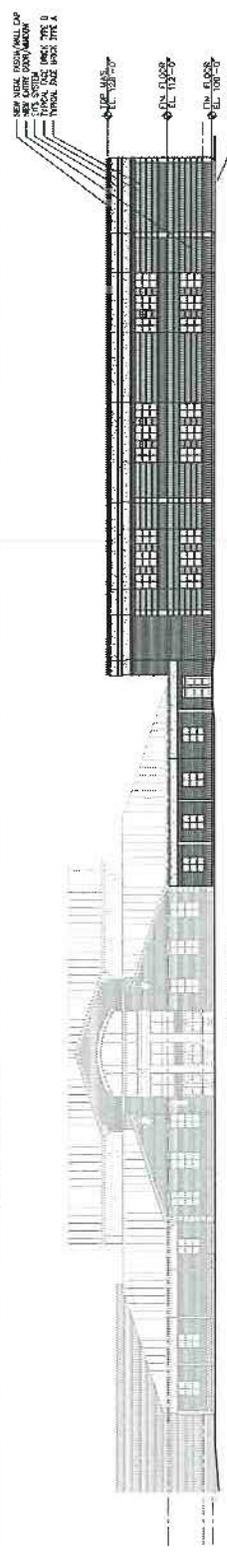




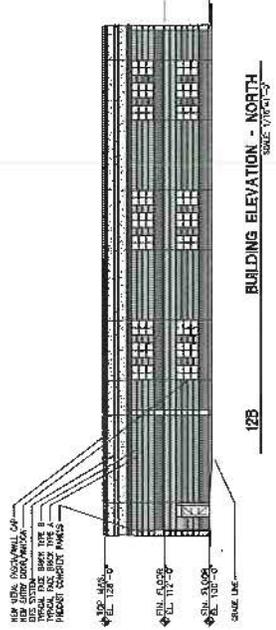
ADDITIONS AND RENOVATIONS
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 DELAWARE CITY SCHOOLS
 DELAWARE, OHIO

FANNING HOWEY
 614.764.4661 www.fhoi.com

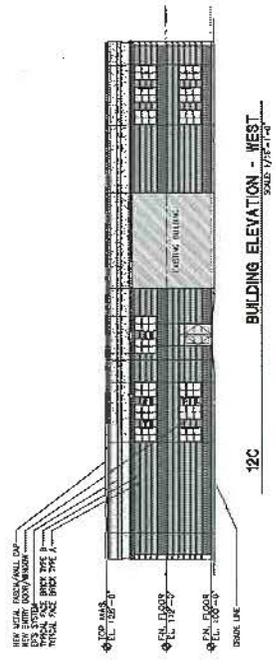
PROJECT NO. 118525		DATE: JANUARY 2, 2018	
DESIGNED BY:	DATE: 11/16/17	PROJECT NO. 118525	
CLASSROOM ADDITION - EXTERIOR ELEVATION -			
DRAWN BY: A3		SCALE: 1/8"=1'-0"	



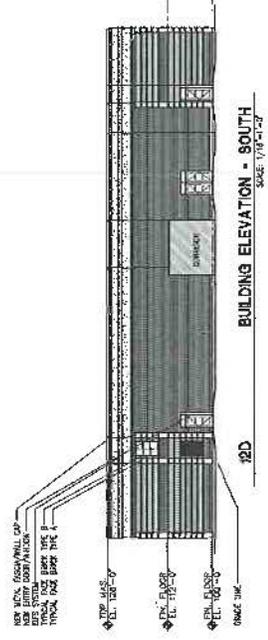
BUILDING ELEVATION - EAST
 SCALE: 1/8"=1'-0"



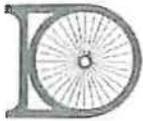
BUILDING ELEVATION - NORTH
 SCALE: 1/8"=1'-0"



BUILDING ELEVATION - WEST
 SCALE: 1/8"=1'-0"



BUILDING ELEVATION - SOUTH
 SCALE: 1/8"=1'-0"



**CITY OF DELAWARE, OHIO
PLANNING & COMMUNITY DEVELOPMENT
MASTER APPLICATION FORM**



Project # _____ Case # _____

Planning Commission

- | | | |
|---|---|---|
| <input type="checkbox"/> Amended Final Development Plan | <input type="checkbox"/> Final Development Plan Extension | <input type="checkbox"/> Substitution of a Non-Conforming Use |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley |
| <input type="checkbox"/> Amended Preliminary Development Plan | <input type="checkbox"/> Final Subdivision Plat Extension | <input type="checkbox"/> Vacation-Easement |
| <input type="checkbox"/> Amended Preliminary Subdivision Plat | <input type="checkbox"/> Floodplain Permit | <input type="checkbox"/> Vacation-Street |
| <input type="checkbox"/> Annexation Review | <input type="checkbox"/> Lot Split | <input type="checkbox"/> <u>Board of Zoning Appeals</u> |
| <input checked="" type="checkbox"/> Combined Preliminary & Final Development Plan | <input type="checkbox"/> Pre-annexation Agreement | <input type="checkbox"/> Appeal Administrative Decision or Interpretation |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary Development Plan | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Preliminary Dev Plan Extension | <input type="checkbox"/> Substitution of Equal or Less Non-Conforming Use |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Sub Plat | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Determination of Similar Use | <input type="checkbox"/> Preliminary Sub Plat Extension | |
| <input type="checkbox"/> Development Plan Exemption | <input type="checkbox"/> Rezoning | |
| <input type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Additions & Renovations - Hayes High School, Phase 2 Address 289 Euclid Avenue

Acreage 42.22 Square Footage N/A Number of Lots N/A Number of Units N/A

Zoning District/Land Use R-3 / Public School Proposed Zoning/Land Use R-3 / Public School Parcel # 51931413042000, 51931413018000, 51934102037000, 51934102039000

Applicant Name Delaware City Schools Contact Person Jason Sherman

Applicant Address 621 Pennsylvania Ave, Delaware, OH 43015

Phone 740-272-1429 Fax _____ E-mail Shermaja@DelawareCitySchools.net

Owner Name Delaware City Schools Contact Person Jason Sherman

Owner Address 621 Pennsylvania Ave, Delaware, OH 43015

Phone 740-272-1429 Fax _____ E-mail Shermaja@DelawareCitySchools.net

Engineer/Architect/Attorney Mannik & Smith Group, Inc. Contact Person Randy VanTilburg, PE

Address 815 Grandview Aven, Suite 650, Columbus, OH 43215

Phone 614-441-4222 Fax _____ E-mail RVanTilburg@MannikSmithGroup.com

The undersigned, do hereby verify the truth and correctness of all facts and information presented with this application and authorize field inspections by City Staff.

Jason Sherman
Owner Signature

Jason Sherman
Owner Printed Name

Agent Signature

Agent Printed Name

Sworn to before me and subscribed in my presence this 7th day of January, 2015

Notary Stamp

Lori L. Stewart
Notary Public

LORI STEWART
Notary Public, State of Ohio
My Comm. Expires 11-21-15

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 12

DATE: 2/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-19

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$12,145,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

DEPARTMENT AFFECTED:
Finance

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:
Various

BUDGETED:
Yes

RECOMMENDATIONS

COMMITTEE:
Finance

RECOMMENDATION:
**Vote 3-0 to recommend
adoption at second reading**

VOTE:
MEETING DATE: 2/12/15

STAFF RECOMMENDATION:
Approval at second reading

PRESENTER: Dean Stelzer, Finance Director

SUMMARY OF ITEM:

This legislation authorizes the re-issuance of currently outstanding one year bond anticipation notes previously issued to finance the improvements made to Glenn Road and the City's sidewalk program.

ATTACHMENTS:

COUNCIL NOTES:

ORDINANCE NO. 15-19

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$12,145,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 14-10 passed March 10, 2014, notes in anticipation of bonds in the aggregate amount of \$12,535,000, dated April 22, 2014 (the "*Roadway Notes*"), were issued for the component purposes stated in clauses (a) and (b) of Section 1, to mature on April 22, 2015; and

WHEREAS, pursuant to Ordinance No. 14-13 passed March 10, 2014, notes in anticipation of bonds in the aggregate amount of \$450,000, dated April 22, 2014 (the "*Sidewalk Notes*" and together with the *Roadway Notes*, the "*Outstanding Notes*"), were issued for the component purpose stated in clause (c) of Section 1, to mature on April 22, 2015; and

WHEREAS, this Council finds and determines that the City should retire the *Outstanding Notes* with the proceeds of the Notes described in Section 3 and other funds available to the City; and

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each component of the Improvement described in Section 1 is at least five years, and (i) the estimated maximum maturity of the \$2,535,000 portion of the Bonds described in clause (a) of Section 1 is fifteen (15) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is July 28, 2025, (ii) the estimated maximum maturity of the \$4,750,000 portion of the Bonds described in clause (a) of Section 1 is sixteen (16) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is May 11, 2026, (iii) the estimated maximum maturity of the \$4,410,000 portion of the Bonds described in clause (b) of Section 1 is nineteen (19) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is December 22, 2029 and (iv) the estimated maximum maturity of the \$450,000 portion of the Bonds described in clause (c) of Section 1 is twenty (20) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is April 22, 2034;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1. It is necessary to issue bonds of this City in the maximum aggregate principal amount of \$12,145,000 (the "*Bonds*") for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the "*Improvement*").

Section 2. The Bonds shall be dated approximately April 1, 2016, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in (i) fifteen (15) annual principal installments with respect to the \$2,535,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (ii) sixteen (16) annual principal installments with respect to the \$4,750,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (iii) nineteen (19) annual principal installments with respect to the \$4,410,000 portion of the Bonds allocated to the component purpose described in clause (b) of Section 1 and (iv) twenty (20) annual principal installments with respect to the \$450,000 portion of the Bonds allocated to the component purpose described in clause (c) of Section 1, and in each case on December 1 of each year. The portion of the Bonds issued for the component purpose described in clause (a) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The portion of the Bonds issued for the component purposes described in clauses (b) and (c) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2016.

Section 3. It is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of \$12,145,000 (the "*Notes*") shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The aggregate

principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the "*Certificate of Award*") as the amount which, along with other available funds of the City, is necessary to provide for the retirement of the Outstanding Notes and to pay any financing costs. The Notes shall be dated the date of issuance and shall mature not more than one year following the date of issuance, *provided* that the Director of Finance shall establish the maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award in accordance with Section 6 of this Ordinance.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the City's paying agent, at the office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose or at the office of the Director of Finance if agreed to by the Director of Finance and the original purchaser (the "*Paying Agent*").

Section 5. The Notes shall be signed by the City Manager and Director of Finance, in the name of the City and in their official capacities, *provided* that one of those signatures may be a facsimile. The Notes shall be issued in minimum denominations of \$100,000 (and may be issued in denominations in such amounts in excess thereof as requested by the original purchaser and approved by the Director of Finance) and with numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Ohio Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

“Book entry form” or *“book entry system”* means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (a) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (b) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (c) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (d) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined

necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the Director of Finance in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. The City Manager, the Director of Finance, the City Attorney, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Ohio Revised Code.

Section 7. The proceeds from the sale of the Notes received by the City (or withheld by the original purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. The Certificate of Award may authorize the original purchaser to withhold certain proceeds from the sale of the Notes to provide for the payment of certain financing costs on behalf of the City. Any portion of those proceeds received by the City (after payment of those financing costs) representing premium or accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount

thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Notes and the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Notes and the Bonds.

Section 10. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver

on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Notes is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Notes from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes.

Section 11. The Director of Finance is directed to promptly deliver a certified copy of this Ordinance to the County Auditor of Delaware County, Ohio.

Section 12. The Director of Finance is authorized to request a rating for the Notes from Moody's Investors Service, Inc. or Standard & Poor's Ratings Service, or both, as the Director of Finance determines is in the best interest of the City. The expenditure of the amounts necessary to secure any such ratings as well as to pay the other financing costs (as defined in Section 133.01 of the Ohio Revised Code) in connection with the Notes is hereby authorized and approved and the amounts necessary to pay those costs are hereby

appropriated from the proceeds of the Notes, if available, and otherwise from available moneys in the General Fund.

Section 13. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Notes and securities issued in renewal of the Notes and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of municipal advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no



City of Delaware • Finance Department

MEMO

TO: City Council
FROM: Dean Stelzer, Finance Director
DATE: February 5, 2015
SUBJECT: Bond/Note Legislation

The City Council meeting agenda for 2/9 includes several ordinances related to the upcoming issuance of debt, which will be sent electronically on Monday. We will be re-issuing some of the existing 1 year notes that are maturing, converting some of the maturing notes to long-term bonds, and issuing new money bonds for some improvements. The following is a quick summary of what is being proposed:

Existing Notes Maturing

Table with 6 columns: Purpose, 2014 Issue Amount, 2015 Paydown, 2015 Issue Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road South, Glenn Road North, Recreation Levy Improvements, Sidewalk Repairs, and a total row.

New (Additional) Borrowing

Table with 4 columns: Description, Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road North (Mill Run Crossing to 36/37), Recreation Levy Improvements, (3) EMS Medic Vehicles, and a total row for April 2015 Note/Bond Issue.

The improvements being financed by this debt issuance are previously completed projects and improvements approved in our Capital Improvement Plan. We have a fairly tight timeframe to move forward with the financing. The current schedule is as follows:

February 9, 2015 First reading of debt legislation
February 12, 2015 Finance Committee discussion/review of financing

	strategy and related matters
February 23, 2015	Second reading and possible adoption of debt legislation
March 9, 2015	Third reading (if necessary) and adoption of debt legislation
April 8, 2015	Competitive sale of the notes and bonds
April 22, 2015	Closing on notes/bonds and payoff of outstanding notes

The interest rate environment is currently very favorable (5.25% @ 2/1/11, 3.7% @ 2/1/12, 3.55% @ 2/1/13, 4.5% @ 2/1/14, and **3.36% @ 2/1/15**). As such I would like to move forward with issuing long-term debt on a portion (\$6.44m) of the amount borrowed to lock in the rates. The verbiage in the ordinances may be amended between the first and second readings of the legislation in the event we elect to alter the structure of the financing from a strategic standpoint such that a change to the legislation becomes necessary.

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, and supplementing the certificates of June 13, 2005, March 27, 2006, October 26, 2009 and February 10, 2014, I certify in connection with your proposed issuance of notes in the maximum aggregate principal amount of \$12,145,000 (the "*Notes*"), to be issued in anticipation of the issuance of bonds (the "*Bonds*") for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the "*Improvement*").

1. The estimated life or period of usefulness of each component of the Improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is as follows:

- The maximum maturity of the \$2,535,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2010, that period beyond December 31, 2010 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$2,535,000 of the Bonds to be issued for the component purpose described in clause (a) is fifteen (15) years.
- The maximum maturity of the \$4,750,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2011, that period beyond December 31, 2011 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,750,000 of the Bonds to be issued for the component purpose described in clause (a) is sixteen (16) years.
- The maximum maturity of the \$4,410,000 portion of the Bonds to be used for the component purpose described in clause (b) above is twenty (20) years.

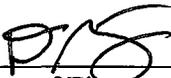
years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2014, that period beyond December 31, 2014 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,410,000 of the Bonds to be issued for the component purpose described in clause (b) is nineteen (19) years.

- The maximum maturity of the \$450,000 portion of the Bonds to be used for the component purpose described in clause (c) above is twenty (20) years.

If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes to be issued for the component purposes described above in (i) clause (a) is July 28, 2025 for the \$2,535,000 portion of the Notes and May 11, 2026 for the \$4,750,000 portion of the Notes, (ii) clause (b) is December 22, 2029 for the \$4,410,000 portion of the Notes and (iii) clause (c) is April 22, 2034 for the \$450,000 portion of the Notes.

Dated: February 9, 2015



Director of Finance
City of Delaware, Ohio

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 13

DATE: 2/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-20

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,640,000, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

DEPARTMENT AFFECTED:
Finance

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:
Various

BUDGETED:
Yes

RECOMMENDATIONS

COMMITTEE:
Finance

RECOMMENDATION:
Vote 3-0 to recommend
adoption at second reading

VOTE:
MEETING DATE: 2/12/15

STAFF RECOMMENDATION:
Approval at second reading

PRESENTER: Dean Stelzer, Finance Director

SUMMARY OF ITEM:

This legislation authorizes the issuance of long-term bonds for the remainder of the Park Levy projects (\$3m) and the Glenn Road improvements (\$2.64m) to be constructed at the intersection of Glenn Rd. and US36/37 east.

ATTACHMENTS:

COUNCIL NOTES:

ORDINANCE NO. 15-20

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,640,000, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinances No. 14-10, No. 14-11 and No. 14-12, each passed on March 10, 2014, notes in anticipation of bonds in the aggregate amount of \$5,500,000, dated April 22, 2014 (the "*Outstanding Notes*"), were issued for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto (the "*Glenn Road Purpose*") and (b) the construction, renovation and improvement of municipal recreation facilities, including the provision of furnishings and equipment for such facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto (the "*Recreation Facility Purpose*" and collectively with the Glenn Road Purpose, the "*Purposes*"), to mature on April 22, 2015; and

WHEREAS, this City Council finds and determines that the City should retire the Outstanding Notes with the proceeds of the Bonds described in Section 2 and other funds available to the City and provide an additional \$2,000,000 for the Glenn Road Purpose and an additional \$900,000 for the Recreation Facility Purpose; and

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of each component Purpose of the Improvement as described in Section 2 and the maximum maturity of the Bonds described in Section 2; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of each component Purpose of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is at least (a) fifteen (15) years with respect to the \$440,000 portion of the Bonds allocable to the Glenn Road Purpose, (b) twenty (20) years with respect to the \$2,200,000 portion of the Bonds allocable to the Glenn Road Purpose and (c) twenty (20) years with respect to the \$3,000,000 portion of the Bonds allocable to the Recreation Facility Purpose;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City Clerk*” means the City Clerk of the City.

“City Manager” means the City Manager of the City.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 9(c).

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Director of Finance” means the Director of Finance of the City.

“Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“Interest Payment Dates” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).

“Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means December 1 in each of the years from and including 2015 to and including 2034; *provided* that for each component Purpose, the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred up to one year or advanced by such number of years as determined necessary by the Director of Finance, and *provided further* that in no case shall the final Principal Payment Date of any portion of the Bonds issued for any component Purpose exceed the maximum maturity limitation referred to in the preambles hereto for that component Purpose, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum aggregate principal amount of \$5,640,000 (the “*Bonds*”) for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (b) the construction, renovation and improvement of municipal recreation facilities, including the provision of furnishings and equipment for such facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto (collectively, the “*Improvement*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum aggregate principal amount specified in this Section and shall be an amount determined by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Bonds that is required to be issued at this time for the component Purposes stated in this Section, taking into account the costs of refunding the Outstanding Notes, providing additional money for the component Purposes stated in this Section, and the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent, and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Director of Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award) and accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds issued for each component Purpose in any fiscal year

in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*").

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance,

for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place

as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable.

The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, *provided* that

either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the City Clerk. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes

of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Finance determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assignees of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of the City action or inaction, of those persons requesting such issuance.

The Director of Finance is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of

Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Mayor, the City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the City's municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in

such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt

obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this Section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the exclusion of interest on the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Bonds.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Director of Finance are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the

City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the City Clerk. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the City Attorney and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Certificate of Award, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of

laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 11. Municipal Advisor. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of municipal advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The City Clerk is directed to promptly deliver a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Delaware County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its

committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS ____ NAYS ____
ABSTAIN ____

VOTE ON EMERGENCY CLAUSE: YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2015 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK MAYOR _____



City of Delaware • Finance Department

MEMO

TO: City Council
FROM: Dean Stelzer, Finance Director
DATE: February 5, 2015
SUBJECT: Bond/Note Legislation

The City Council meeting agenda for 2/9 includes several ordinances related to the upcoming issuance of debt, which will be sent electronically on Monday. We will be re-issuing some of the existing 1 year notes that are maturing, converting some of the maturing notes to long-term bonds, and issuing new money bonds for some improvements. The following is a quick summary of what is being proposed:

Existing Notes Maturing

Table with 6 columns: Purpose, 2014 Issue Amount, 2015 Paydown, 2015 Issue Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road South, Glenn Road North, Recreation Levy Improvements, Sidewalk Repairs, and a total row.

New (Additional) Borrowing

Table with 4 columns: Purpose, Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road North (Mill Run Crossing to 36/37), Recreation Levy Improvements, (3) EMS Medic Vehicles, and a total row for April 2015 Note/Bond Issue.

The improvements being financed by this debt issuance are previously completed projects and improvements approved in our Capital Improvement Plan. We have a fairly tight timeframe to move forward with the financing. The current schedule is as follows:

February 9, 2015 First reading of debt legislation
February 12, 2015 Finance Committee discussion/review of financing

	strategy and related matters
February 23, 2015	Second reading and possible adoption of debt legislation
March 9, 2015	Third reading (if necessary) and adoption of debt legislation
April 8, 2015	Competitive sale of the notes and bonds
April 22, 2015	Closing on notes/bonds and payoff of outstanding notes

The interest rate environment is currently very favorable (5.25% @ 2/1/11, 3.7% @ 2/1/12, 3.55% @ 2/1/13, 4.5% @ 2/1/14, and **3.36% @ 2/1/15**). As such I would like to move forward with issuing long-term debt on a portion (\$6.44m) of the amount borrowed to lock in the rates. The verbiage in the ordinances may be amended between the first and second readings of the legislation in the event we elect to alter the structure of the financing from a strategic standpoint such that a change to the legislation becomes necessary.

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

To the City Council of the City of Delaware, Ohio:

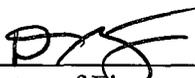
As fiscal officer of the City of Delaware, Ohio, and supplementing the certificates of June 13, 2005 and February 10, 2014, I certify in connection with your proposed issue of bonds in the maximum aggregate principal amount of \$5,640,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (b) the construction, renovation and improvement of municipal recreation facilities, including the provision of furnishings and equipment for such facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto (collectively, the "*Improvement*"), that:

1. The estimated life or period of usefulness of each component purpose of the Improvement is at least five years.

2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is as follows:

- The maximum maturity of the \$440,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2010, that period beyond December 31, 2010 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$440,000 of the Bonds to be issued for the component purpose described in clause (a) is fifteen (15) years.
- The maximum maturity of the \$2,200,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years.
- The maximum maturity of the \$3,000,000 portion of the Bonds to be used for the component purpose described in clause (b) above is twenty (20) years.

Dated: February 9, 2015



Director of Finance
City of Delaware, Ohio

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 14

DATE: 2/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-21

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$800,000, FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING AND EQUIPPING THREE EMERGENCY MEDICAL SERVICE VEHICLES INCLUDING ALL NECESSARY EQUIPMENT, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

DEPARTMENT AFFECTED:
Finance

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:
Various

BUDGETED:
Yes

RECOMMENDATIONS

COMMITTEE:
Finance

RECOMMENDATION:
Vote 3-0 to recommend
adoption at second reading

VOTE:
MEETING DATE: 2/12/15

STAFF RECOMMENDATION:
Approval at second reading

PRESENTER: Dean Stelzer, Finance Director

SUMMARY OF ITEM:

This legislation authorizes the issuance of long-term bonds (7 years) to pay for the three recently ordered EMS vehicles. We otherwise would have executed a capital lease for this equipment but since we planned to issue bonds for other improvements it made sense to include the vehicle financing with the LTB's.

ATTACHMENTS:

COUNCIL NOTES:

ORDINANCE NO. 15- 21

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$800,000, FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING AND EQUIPPING THREE EMERGENCY MEDICAL SERVICE VEHICLES INCLUDING ALL NECESSARY EQUIPMENT, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this City Council has requested that the Director of Finance, as fiscal officer of this City, certify the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum maturity of the Bonds described in Section 2; and

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is ten (10) years;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Agreement, the Registrar Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Registrar Agreement and until a successor Bond Registrar shall have become

such pursuant to the provisions of the Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in the Certificate of Award.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Bonds and the principal of and interest and any premium on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City Clerk*” means the City Clerk of the City.

“*City Manager*” means the City Manager of the City.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 9(c).

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Director of Finance*” means the Director of Finance of the City.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes securities brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means December 1 in each of the years from and including 2015 to and including 2024; *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be deferred up to one year or advanced by such number of years as determined necessary by the Director of Finance, and *provided further* that in no case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Registrar Agreement*” means the Bond Registrar Agreement between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$800,000 (the “*Bonds*”) for the purpose of paying the costs of purchasing and equipping three emergency medical service vehicles including all necessary equipment, together with all related appurtenances thereto (the “*Improvement*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section and shall be an amount determined by the Director of Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section, taking into account the costs of the Improvement, the estimates of the Financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of

issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any municipal advisor, paying agent, and rating agency, any fees or premiums relating to municipal bond insurance or other security arrangements determined necessary by the Director of Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award) and accrued interest shall be paid into the Bond Retirement Fund.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months) as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be

stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “*Mandatory Redemption Date*”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “*Mandatory Sinking Fund Redemption Requirements*”).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the City on or before the 45th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued

to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as

they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds, *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of Finance, in the name of the City and in their official capacities, *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement between the City and the Bond Registrar, in substantially the form as is now on file with the City Clerk. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any

authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its designated corporate trust office. Subject to the provisions of Sections 3(d) and 9(c), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the designated corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the designated corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and

entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Finance determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assignees of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of the City action or inaction, of those persons requesting such issuance.

The Director of Finance is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Mayor, the City Manager, the Director of Finance, the City Attorney, the City Clerk and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent receipts from the City's municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the

Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the City to the prompt payment of the debt charges on the Bonds.

Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or

obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 9. Official Statement, Rating, Bond Insurance, Continuing Disclosure and Financing Costs.

(a) Primary Offering Disclosure -- Official Statement. The City Manager and the Director of Finance are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) use and distribute, or authorize the use and distribution of those official statements and any supplements thereto in connection with the original issuance of the Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(b) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary

or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The City Manager and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the City Clerk. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the City Attorney and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Certificate of Award, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City

in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 11. Municipal Advisor. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of municipal advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 12. Certification and Delivery of Ordinance and Certificate of Award. The City Clerk is directed to promptly deliver a certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of Delaware County, Ohio.

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to timely arrange for the delivery of the Improvement and to coordinate the sale of the Bonds with other bonds of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS ____ NAYS ____
ABSTAIN ____

VOTE ON EMERGENCY CLAUSE: YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2015 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK MAYOR



City of Delaware • Finance Department

MEMO

TO: City Council
FROM: Dean Stelzer, Finance Director
DATE: February 5, 2015
SUBJECT: Bond/Note Legislation

The City Council meeting agenda for 2/9 includes several ordinances related to the upcoming issuance of debt, which will be sent electronically on Monday. We will be re-issuing some of the existing 1 year notes that are maturing, converting some of the maturing notes to long-term bonds, and issuing new money bonds for some improvements. The following is a quick summary of what is being proposed:

Existing Notes Maturing

Table with 6 columns: Purpose, 2014 Issue Amount, 2015 Paydown, 2015 Issue Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road South, Glenn Road North, Recreation Levy Improvements, Sidewalk Repairs, and a total row.

New (Additional) Borrowing

Table with 4 columns: Purpose, Amount, Allocated to Notes, Allocated to Bonds. Rows include Glenn Road North (Mill Run Crossing to 36/37), Recreation Levy Improvements, (3) EMS Medic Vehicles, and a total row for April 2015 Note/Bond Issue.

The improvements being financed by this debt issuance are previously completed projects and improvements approved in our Capital Improvement Plan. We have a fairly tight timeframe to move forward with the financing. The current schedule is as follows:

February 9, 2015 First reading of debt legislation
February 12, 2015 Finance Committee discussion/review of financing

	strategy and related matters
February 23, 2015	Second reading and possible adoption of debt legislation
March 9, 2015	Third reading (if necessary) and adoption of debt legislation
April 8, 2015	Competitive sale of the notes and bonds
April 22, 2015	Closing on notes/bonds and payoff of outstanding notes

The interest rate environment is currently very favorable (5.25% @ 2/1/11, 3.7% @ 2/1/12, 3.55% @ 2/1/13, 4.5% @ 2/1/14, and **3.36% @ 2/1/15**). As such I would like to move forward with issuing long-term debt on a portion (\$6.44m) of the amount borrowed to lock in the rates. The verbiage in the ordinances may be amended between the first and second readings of the legislation in the event we elect to alter the structure of the financing from a strategic standpoint such that a change to the legislation becomes necessary.

FISCAL OFFICER'S CERTIFICATE

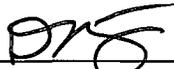
To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$800,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of purchasing and equipping three emergency medical service vehicles including all necessary equipment, together with all related appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five years.

2. The maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is ten (10) years.

Dated: February 9, 2015



Director of Finance
City of Delaware, Ohio

DELAWARE CITY COUNCIL FACT SHEET

ITEM NO.: 15

DATE: 2/23/15

PUBLIC HEARING: NO

READING: SECOND

ORDINANCE NO.: 15-22

RESOLUTION NO.:

DESCRIPTION: AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AUTHORIZING COMPENSATION PAYMENTS TO THE DELAWARE CITY SCHOOL DISTRICT, THE OLENTANGY LOCAL SCHOOL DISTRICT AND THE DELAWARE AREA CAREER CENTER; AND AUTHORIZING THE EXECUTION OF RELATED SCHOOL COMPENSATION AGREEMENTS AND TAX INCREMENT FINANCING AGREEMENTS FROM TIME TO TIME, AND DECLARING AN EMERGENCY.

DEPARTMENT AFFECTED:

GROUP AFFECTED:

FINANCIAL INFORMATION

COST:

FUND SOURCES:

BUDGETED:

RECOMMENDATIONS

COMMITTEE:

RECOMMENDATION:

VOTE:

MEETING DATE:

STAFF RECOMMENDATION:

Approval at third reading

PRESENTER:

R. Thomas Homan, City Manager

Sean Hughes, Economic Development Director

SUMMARY OF ITEM:

This ordinance would authorize the establishment of a TIF district in connection with the Sawmill Parkway Project. Because the city schools just gave the approval to the Cooperation Agreement on Monday, there was not enough time to have the completed legislation by packet time. It will be provided on Monday, and it's recommended that it go for at least two readings.

ATTACHMENTS:

COUNCIL NOTES:

ORDINANCE NO. 15-22

AN ORDINANCE DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS; AUTHORIZING COMPENSATION PAYMENTS TO THE DELAWARE CITY SCHOOL DISTRICT, THE OLENTANGY LOCAL SCHOOL DISTRICT AND THE DELAWARE AREA CAREER CENTER; AND AUTHORIZING THE EXECUTION OF RELATED SCHOOL COMPENSATION AGREEMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City and Delaware County, Ohio (the “*County*”) have heretofore entered into the Sawmill Parkway Cooperative Agreement dated January 23, 2015 (the “*Sawmill Cooperative Agreement*”) to provide for the construction of an extension to Sawmill Parkway commencing at the current northern terminus of Sawmill Parkway at Hyatts Road and proceeding in a northerly/northwesterly direction and terminating approximately 1600 feet north/northwest of U.S. Route 42 (the “*Project*”); and

WHEREAS, the City and the County have determined that such construction would enhance and facilitate traffic flow in the northern portion of the County and further, that the construction of the Project will stimulate the development of real property proximately located thereto and result in the creation of jobs and employment opportunities and generally enhance the prosperity, health, safety, and welfare of the residents of the City and the County; and

WHEREAS, the Sawmill Cooperative Agreement also provided that the County would initially provide for the payment of the costs of the Project and that the City would be responsible for paying a portion of the costs of the Project (the “*City’s Portion of the Costs*”) and that those payments would be made from service payments in lieu of taxes which the City would be entitled to receive pursuant to the creation of one or more tax increment financing areas; and

WHEREAS, Ohio Revised Code Sections 5709.40 to 5709.43 (collectively, the “*TIF Statutes*”) authorize the legislative authority of a municipal

corporation, by ordinance, to declare the improvement to parcels of real property located within the municipal corporation to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a municipal public improvement tax increment equivalent fund for the deposit of those service payments, provide for the distribution of the applicable portion of such service payments to the city, local, or exempted village, and joint vocational school district, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, this City Council has determined to declare the improvements to certain parcels of real property, which parcels are further described in Section 1, to be a public purpose; and

WHEREAS, this City Council desires to facilitate the construction and/or installation of the Project and provide for the collection of service payments in lieu of taxes which may be used to pay the City's Portion of the Costs; and

WHEREAS, this City Council has determined that a portion of the service payments in lieu of taxes shall be paid to the Delaware City School District (the "*Delaware City School District*") or the Olentangy Local School District (the "*Olentangy Local School District*"), as applicable, and to the Delaware Area Career Center (the "*Delaware Area Career Center*"), each in such amounts as provided in the related school compensation agreements as authorized herein (each a "*School Compensation Agreement*"); and

WHEREAS, the Board of Education of the Delaware City School District has on February 2, 2015 approved the School Compensation Agreement and provided an executed copy of such Agreement to the City, which Agreement, among other matters, includes approval of the amount of school compensation payments to the Delaware City School District and waives any requirement that the City provide notice to the Delaware City School District relating to the passage of this Ordinance; and

WHEREAS, the Board of Education of the Olentangy Local School District has on January 22, 2015 approved the School Compensation Agreement and provided an executed copy of such Agreement to the City, which Agreement, among other matters, includes approval of the amount of school compensation payments to the Olentangy Local School District and waives any requirement that the City provide notice to the Olentangy Local School District relating to the passage of this Ordinance; and

WHEREAS, the Delaware Area Career Center has been provided a copy of the School Compensation Agreement but has not yet executed that Agreement and accordingly, notice of this proposed Ordinance has been delivered to the

Board of Education of the Delaware Area Career Center in accordance with and within the time period prescribed in Ohio Revised Code Section 5709.83;

NOW, THEREFORE, BE IT ORDAINED by The Council of The City of Delaware, State of Ohio, that:

Section 1. Parcels of Real Property. The parcels of real property subject to the exemption granted by this Ordinance are identified and depicted in **EXHIBIT A** attached hereto (each, as currently or subsequently configured, individually, a “*Parcel*” and collectively, the “*Parcels*”).

Section 2. Public Infrastructure Improvements. This City Council hereby designates the Project as a public infrastructure improvement made, to be made or in the process of being made by the City that directly benefits, or that once made will directly benefit, the Parcels.

Section 3. Authorization of Tax Exemption. This City Council hereby finds and determines that 100% of the increase in assessed value of each Parcel subsequent to the effective date of this Ordinance (which increase in assessed value is hereinafter referred to as the “*Improvement*” as defined in Ohio Revised Code Section 5709.40(A)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.40(B) for a period commencing for each Parcel with the first tax year that begins after the effective date of this Ordinance and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property were it not for the exemption granted by this Ordinance and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes.

Section 4. Service Payments. Pursuant to Ohio Revised Code Section 5709.42, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Delaware County, Ohio (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3 of this Ordinance, including any penalties and interest (collectively, the “*Service Payments*”). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reductions required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “*Property*”).

Tax Rollback Payments”), shall be allocated, distributed and deposited in accordance with Section 6 of this Ordinance.

Section 5. TIF Fund. This City Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, the _____ Municipal Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”). The TIF Fund shall be maintained in the custody of the City and shall receive all distributions to be made to the City pursuant to Section 6 of this Ordinance. Those Service Payments and Property Tax Rollback Payments received by the City with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.42 shall be used solely for the purposes authorized in the TIF Statutes or this Ordinance. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the City's General Fund, all in accordance with Ohio Revised Code Section 5709.43.

Section 6. Distributions. Pursuant to the TIF Statutes, the Sawmill Cooperative Agreement and the School Compensation Agreements, the County Treasurer is requested to allocate and distribute the Service Payments and Property Tax Rollback Payments as follows:

(a) to the City for further payment to the Delaware City School District, the Olentangy Local School District and the Delaware Area Career Center, such amounts as are provided for in the respective School Compensation Agreements; and

(b) to be retained by the County, such amount as is provided for in the Sawmill Cooperative Agreement to be applied towards the City’s Portion of the Costs.

All distributions required under this Section 6 are requested to be made at the times as set forth in the Sawmill Cooperative Agreement and the School Compensation Agreements.

Section 7. School Compensation Agreements. The form of Sawmill Parkway TIF Area Cooperative Agreements (one for each of the Delaware City School District, the Olentangy Local School District and the Delaware Area Career Center and each referred to herein as a “School Compensation Agreement”) presently on file with the Clerk of Council, providing for, among other things, compensation payments in respect of the tax exemption authorized by Section 3 to each of those school districts, are hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Ordinance and not substantially adverse to this City and which shall be approved by the City Manager. The City Manager, for and in the name of

this City, is hereby authorized to execute the School Compensation Agreements in substantially those forms along with any amendments thereto, provided that the approval of such changes and amendments thereto by the City Manager, and the character of those changes and amendments as not being substantially adverse to this City, shall be evidenced conclusively by the City Manager's execution thereof. This Council further authorizes the City Manager, for and in the name of the City, to execute any amendments to the School Compensation Agreements, which amendments are not inconsistent with this Ordinance and not substantially adverse to this City.

Section 8. Further Authorizations. This City Council hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Economic Development Coordinator, the Clerk of Council or other appropriate officers of the City to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments. This City Council further hereby authorizes and directs the City Manager, the Director of Finance, the City Attorney, the Economic Development Coordinator, the Clerk of Council or other appropriate officers of the City to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Ordinance.

Section 9. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code, shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from real property taxation granted by this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 10. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.40(I), the Economic Development Coordinator is hereby directed to deliver a copy of this Ordinance to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Economic Development Coordinator or other authorized officer of the City is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.40(I).

Section 11. Open Meetings. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Council or any of its committees, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

Section 12. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to facilitate the commencement of construction of the Project; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

(SIGNATURE PAGE FOLLOWS)

VOTE ON RULE SUSPENSION:

YEAS ____ NAYS ____
ABSTAIN ____

VOTE ON EMERGENCY CLAUSE:

YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2015

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST:

CITY CLERK

MAYOR

EXHIBIT A

IDENTIFICATION AND MAP OF THE PARCELS

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this **EXHIBIT A**. The Parcels include, without limitation, the following tax parcels: _____ (as they exist in the County Auditor's records on _____, 2015).

February __, 2015

To: Board of Education of the Delaware Area Career Center

Subject: Notice of Ohio Revised Code Section 5709.40(B)
Proposed Tax Increment Financing

This letter constitutes notice to the Board of Education of the Delaware Area Career Center (the "School District") of the intent of the City of Delaware, Ohio (the "City") to declare the Improvement (as defined in the attached Proposed TIF Ordinance) to certain parcels of real property in the City to be a public purpose under Ohio Revised Code Section 5709.40(B). The following information is provided pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

Description of Parcels to be Exempt: See Attachment A of the attached Proposed TIF Ordinance.

Estimate of the True Value in Money of the Improvements: \$_____.

Period for Which the Improvement to Each Parcel Will be Exempt from Taxation: The Improvement to each Parcel will be exempt for a period commencing with the first tax year that begins after the effective date of the Proposed TIF Ordinance and in which an Improvement attributable to a new structure on the Parcel first appears on the tax list and duplicate of real and public utility property for that Parcel and ending on the earlier of (a) thirty (30) years after such exemption commenced or (b) the date on which the City can no longer require service payments in lieu of taxes, all in accordance with the requirements of Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 and all as further described in the attached Proposed TIF Ordinance.

Percentage of the Improvement to each Parcel to be Exempt: One hundred percent (100%).

Compensation to the School District: The City has heretofore provided to the School District a copy of the Sawmill Parkway TIF Cooperative Agreement which provides compensation to the School District in connection with the exemptions authorized by the proposed TIF Ordinance. An additional copy of the Sawmill Parkway TIF Cooperative Agreement is attached hereto as Attachment B. The City has received executed copies of the Sawmill Parkway TIF Cooperative Agreement from the Delaware City School District and the Olentangy Local School District, each of which also includes a waiver of any notices required by Ohio Revised Code Section 5709.40 in connection with the passage of the proposed TIF Ordinance. Accordingly, the City is providing notice to the School District in accordance with Ohio Revised Code Section 5709.83.

The City Council intends to adopt the Proposed TIF Ordinance on: _____, 2015.

Sincerely,

By: _____

Name: _____

Title: _____

Receipt Acknowledged by the
Delaware Area Career Center:

By: _____

Name: _____

Title: _____

Attachments: Proposed TIF Ordinance
Sawmill Parkway TIF Cooperative Agreement

ATTACHMENT A

PROPOSED TIF ORDINANCE

ATTACHMENT B

SAWMILL PARKWAY TIF COOPERATIVE AGREEMENT

TO: Mayor Riggle and Members of Council
FROM: R. Thomas Homan, City Manager
SUBJECT: Miscellaneous Matters
DATE: February 18, 2015

1. **Calendars**

See Attached

2. **Per Section 73 Of The City Charter The City Manager Is To Report Contract Agreements**

See Attached

3. **Bi-Weekly Meetings**

February 6

* Police Officer Oath of Office

February 9

* Rotary

* Council meeting

February 12

* Leadership Delaware Panel Member

* Finance Committee meeting

* Citizens Academy

February 16

* Rotary

February 17

* Strand Board meeting

* Parks and Recreation Advisory Board meeting

February 18

* OWU Environmental and Natural Resource Symposium

4. **Required Reading**

A. Fire Department Monthly Report - January

February

2015

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2 Joint meeting between Council and Delaware School Board 7	3	4 Civil Service Commission 3 Planning 7	5 Chamber Dinner 5:30	6	7
8	9 Council 7	10	11 BZA 7	12 Finance Committee 4	13	14
15	16 Parking & Safety Committee 7	17 Parks and Rec Advisory Board 7	18	19	20	21
22	23 Council 7	24 Shade Tree Commission 7	25 HPC 7	26	27	28

March

2015

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2	3	4 Civil Service Commission 3 Planning Commission 7	5	6	7
8	9 Council 7	10	11 BZA 7	12	13	14
15	16	17 Parks and Rec Ad Bd 7	18	19	20	21
22	23 Council 7	24 Shade Tree Commission 7	25 HPC 7	26	27	28 Council Retreat 8- 2 location TBD
29	30	31				

CONTRACT APPROVAL - FEBRUARY 23, 2015

VENDOR	EXPLANATION OF AGREEMENT	2015 AMOUNT	DEPARTMENT
OHM	Additional Design Fees for Veterans Park	\$15,000	CMO
YMCA	Recreation Management Agreement	Per contract	CMO

Delaware Fire Department

January 2015 Monthly Report

PERFORMANCE REVIEW	2012	2013	2014	2015	January	Year-to-Date	% Year to Date	% of Budget	(+ / -)
	Actual	Actual	Actual	Budget	Actual	Actual	Budget	Completed	Projected for Year
Total number of incidents	4,928	4,831	5,173	5,372	440	440	8.19%	8.33%	-0.14%
Fire	103	104	101	107	12	12	11.21%	8.33%	2.88%
Rupture/Explosion	9	3	3	3	0	0	0.00%	8.33%	-8.33%
EMS	3,861	3,883	4,047	4,197	348	348	8.29%	8.33%	-0.04%
Hazardous Conditions	173	131	124	135	10	10	7.41%	8.33%	-0.92%
Service Calls	146	94	141	146	14	14	9.59%	8.33%	1.26%
Good Intent	169	165	162	176	16	16	9.09%	8.33%	0.76%
False Calls	453	440	589	599	40	40	6.68%	8.33%	-1.65%
Severe Weather	6	3	0	2	0	0	0.00%	8.33%	-8.33%
Other	8	8	6	7	0	0	0.00%	8.33%	-8.33%
Number of medical transports	2,593	2,576	2,586	2,888	271	271	9.38%	8.33%	1.05%
Percent of priority calls w/ response within 6 min	57%	56%	68%	68%	71%	71%	65.00%	8.33%	6.00%
Percent residential structure fires ERF of 15 FF within 12 minutes	40%	70%	78%	70%	100%	100%	28.21%	8.33%	75.00%
# Structure Fires			9	10	1	1	10.00%	8.33%	1.67%
# Structure with personnel and Times			7	7	1	1	14.29%	8.33%	5.96%
Number of commercial inspections conducted	594	1,222	1,473	1,250	96	96	7.68%	8.33%	-0.65%
Number of plans reviewed within five days	89%	86%	100%	95%	100%	100%	105.26%	8.33%	100.00%
Number of fires greater than \$10,000	6	13	8	8	1	1	12.50%	8.33%	4.17%
Number of fires of suspicious nature	3	5	5	3	0	0	0.00%	8.33%	-8.33%
Hours of Training	9,326	8,831	13,335	10,000	1,302	1,302	13.02%	8.33%	4.69%

Major Incidents

- January 7, Structure Fire, W. Central Ave.
- January 9, Structure Fire, Orange Twp.
- January 13, MVA & HazMat, Us 23 & US 42
- January 14, Structure Fire, Vaughn Rd
- January 16, River Response, Mingo Park
- January 29, Structure Fire, Scioto Twp.

Other Activities

- Station Tours
- Car Seat Installation with General Health District

2010 Fire Levy Status

- Equipment - Continuing
 - Three new Paramedic trucks are currently on order. The expected delivery is mid-2015.
 - Staff cars have been replaced in 2012, 2013 and 2014. This has included the implementation of retired police vehicles for station and inspector cars.
 - The new engine was delivered and placed in-service in April 2013.
 - The new paramedic truck was delivered and was placed in-service in January 2013.
 - The new ladder truck was delivered and was placed in-service in April 2012.
- Personnel - Continuing
 - Officer Development Training Continued. All new Lieutenants have completed their Instructor training, Fire Inspector and Fire Officer 1 certifications. They continue to work on their Associates Degree and other required classes.

- Three new Firefighters completed their Orientation training and are now working on shifts. The total amount of new personnel hired since the new levy will be 22 with the addition of the three new Firefighters. Some of these positions have filled open positions.
- New Fire Station 304 - Continuing
 - In 2014, we plan to begin the design analysis and engineering plans for an anticipated groundbreaking in 2015.
 - Property was purchased in 2011 at 821 Cheshire Rd. The property was leased out and the lease moved out on November 30, 2013. The building is currently for lease.
 - The opening of this Station is dependent on the increased staffing. This will be accomplished through the use of Part-Time personnel to supplement the staffing. The Part-Time personnel will be backfilling the open positions caused by personnel scheduled leaves.
- Fire Station 303 - Completed
 - On September 27, 2014 we began operation 24/7. The Fire Station was dedicated on October 19.

Council for Older Adults –Report on the Firehouse Coordinator

2014 FIRST Location Data for City of Delaware

Month	January	TOTALS YTD
Referrals	12	12
DFD FIRST Coordinator	7	7
DFD Personnel	2	2
Other Agency	3	3
# of New COA-Enrolled	0	0
Total FIRST Contacts	113	113
# of Individuals Served	37	37
# on New Individuals Served	37	37
City of Delaware Residents Served	33	33
Individuals with New Service	7	7
Services Provided	15	15
Home Delivered Meals	2	2
Shelf Stable Meals	0	0
Emergency Alert Unit Provided	3	3
Medication Dispenser	1	1
Incontinence Products	0	0
Durable Medical Equipment	2	2
In-Home Support	3	3
Other	4	4