

**AMENDED  
CITY OF DELAWARE  
CITY COUNCIL  
AGENDA  
CITY COUNCIL CHAMBERS  
1 SOUTH SANDUSKY STREET  
5:00 P.M. NOTE TIME CHANGE**

REGULAR MEETING

APRIL 27, 2015

1. ROLL CALL
2. INVOCATION – Pastor Julie Morgan, Delaware City Vineyard
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held April 13, 2015, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Acceptance of the Motion Summary for the Board of Zoning Appeals meeting held March 11, 2015.
  - B. Acceptance of the Motion Summary for the Airport Commission meeting held October 2, 2014.
  - C. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held March 17, 2015.
  - D. Resolution No. 15-19, a resolution authorizing the City Manager to submit a grant application to the State of Ohio Department of Transportation, Division of Aviation for Ohio Airport Grant Projects Funding.
  - E. Resolution No. 15-20, a resolution authorizing the City Manager to participate in the National Joint Powers Alliance (NJPA) for the purchase of services, materials, and equipment.
  - F. Resolution No. 15-21, a resolution authorizing the City Manager to file an application with the Ohio Department Services Agency, Office of Community Development, for Federal Program Year 2015 Ohio Small Cities Community Development Block Grant (CDBG), Home Investment Partnership Program, and Ohio Housing Trust Funds, supplemented by Local Housing Program Income, for the Community Housing Impact and Preservation Program (CHIP).
  - G. Resolution No. 15-22, a resolution reappointing members to the Airport Commission, and specifying the term of the reappointments.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS
8. PRESENTATIONS
  - A. Delaware Metropolitan Housing Authority Update – Steve Cooper, Executive Director
9. DISCUSSION: 2015 Community Attitudes Survey
10. CONSIDERATION of Resolution No. 15-23, a resolution approving the adoption of city-wide Mission, Vision, and Value Statements for the City of Delaware.
11. CONSIDERATION of Ordinance No. 15-42, an ordinance approving a Community Reinvestment Area Agreement and School Compensation Agreement with Precision Tower Products, LLC, Delaware City Schools, and Delaware Area Career Center for investment in real property improvements on a parcel on Pittsburgh Drive, and declaring an emergency.
12. CONSIDERATION of Ordinance No. 15-43, an ordinance approving the sale of a 1988 Champion Motor Grader.
13. CONSIDERATION of Ordinance No. 15-44, an ordinance authorizing the City Manager to enter into an Intergovernmental Cooperation Agreement with the Delaware County Board of Commissioners and the Delaware County Agricultural Society to provide assistance with the waterline project at the Fairgrounds, and declaring an emergency.
14. CONSIDERATION of Resolution No. 15-24, a resolution reallocating \$20,000 of Recreation Levy Funds from Community Gardens at Blue Limestone Park to Pickleball Courts at Blue Limestone Park and repurposing the existing basketball courts for use as pickleball courts.
15. CITY MANAGER'S REPORT
16. COUNCIL COMMENTS
17. ADJOURNMENT

# RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held April 13

20 15

The regular meeting of April 13, 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, 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 Second Ward Lisa Keller. The invocation was given by Mr. Jones, followed by the Pledge of Allegiance, led by the Wolf Scouts Pack 318, Den 2.

Staff Present: Dave Efland, Planning and Community Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Dan Whited, Public Service Group Director, Darren Shulman, City Attorney, Brad Stanton, Public Utilities Director, Bill Ferrigno, Public Works Director/City Engineer, Bruce Pijanowski, Chief of Police, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

**Motion to Excuse:** Mr. Jones moved to excuse Mrs. Keller from the April 13, 2015 regular meeting of Council, seconded by Mr. Brush. Motion approved by a 6-0 vote.

#### **ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held March 23, 2015, as recorded and transcribed.

APPROVAL of the Motion Summary for the Council Retreat meeting held March 28, 2015, as recorded and transcribed.

**Motion:** Mr. Shafer moved to approve the Motion Summary of the regular meeting of Council held March 23, 2015, as recorded and transcribed, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. Shafer moved to approve the Motion Summary of the Council Retreat held March 28, 2015, as recorded and transcribed, seconded by Vice-Mayor Hellinger. Motion approved by a 5-0-1 (Brush) vote.

#### **ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held February 24, 2015.
- B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held February 25, 2015.
- C. Acceptance of the Motion Summary for the Civil Service Commission meeting held January 7, 2015.
- D. Acceptance of the Motion Summary for the Planning Commission meeting held March 4, 2015.
- E. Establish April 27, 2015 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 15-33, an ordinance revising sections of the Delaware Codified Ordinances relating to parking and traffic offenses.
- F. Resolution No. 15-16, a resolution cancelling the second regular meeting of City Council May 25, 2015, due to the Memorial Day holiday.

**Motion:** Mr. Brush moved to approve the Consent Agenda, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

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## **ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

David Kessler, Owner  
Sandusky Street Antiques  
30 N. Sandusky Street  
Delaware, Ohio 43015

Mr. Kessler discussed the importance of street closures during First Friday events in Downtown Delaware. Mr. Kessler discussed the need for the closure for safety, and the increase of sales that occur during the various events in Delaware.

Debbie Aburmaieleh, Owner  
Delaware Antique Mall  
136 Springer Woods Blvd.  
Delaware, Ohio 43015

Ms. Aburmaieleh expressed concern over loss of parking spaces during First Friday events in Downtown Delaware. Ms. Aburmaieleh, also voiced concern over the permit process that was requested to be signed to confirm that they were aware of the street closure.

Don Hollenback, Manager  
Delaware Antique Mall  
6761 Taggert Road  
Delaware, Ohio 43015

Mr. Hollenback voiced concern over the current direction of the First Friday events and that promotions have declined in the past couple years of the event. Mr. Hollenback voiced concern over the street parking, and that the event takes away too many parking spaces.

Josh Dalton, Owner  
Veritas and 1808 Bistro  
182 South Liberty Street  
Delaware, Ohio

Mr. Dalton voiced concern over not being made aware of the street closure for the recent First Friday event and that employees had difficulty getting to work and the loss of business due to the street closures.

Kathleen Miller, Owner  
Button Up  
415 North Sandusky Street  
Delaware Ohio

Ms. Miller stated that business owners are invited to the various promotion meetings and that if more business owners would attend there would be less confusion. Ms. Miller discussed the need to plan fun activities for the children in the community and the families. Ms. Miller discussed that street closures were initiated by the Delaware Police Department due to safety concerns. Ms. Miller informed Council that promotional meetings are held every Thursday prior to the First Friday event.

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Brian Harpster, Owner  
Barley Hopsters  
1 North Sandusky Street  
Delaware, Ohio

Mr. Harpster stated that parking closures have been discussed at Main Street Delaware meetings, and that getting the information from Main Street has been helpful. Mr. Harpster discussed the increase in sales that he experiences during First Friday events. Mr. Harpster discussed the need to increase parking signage and wayfinding.

Roger Koch  
125 North Liberty Street  
Delaware, Ohio 43015

Mr. Koch indicated that prior to Main Street Delaware, there were not concerns over finding a parking location as there was a high vacancy rate and individuals did not shop or eat in the Downtown Delaware area. Mr. Koch discussed how this current concern of parking shows the success of Main Street Delaware and the rebirth of the Downtown Delaware area.

Nicole Fowles, Acting President  
Main Street Delaware  
176 E. Williams Street  
Delaware, Ohio 43015

Ms. Fowles discussed the issues of parking and permit process, and that the process of closures and permits can be reevaluated. Ms. Fowles stated the need to increase the wayfinding to assist out of town guest to parking spaces.

Carmen Cutler  
17 North Sandusky Street  
Delaware, Ohio 43015

Ms. Cutler stated that as a resident of the Downtown Delaware area, streets should not be closed during events, but that more officers should be utilized to help protect the citizens.

Francis Jo Hamilton, Executive Director  
Main Street Delaware  
2499 River Road  
Delaware, Ohio 43015

Ms. Hamilton discussed the street closures during First Friday events and informed Council that the total hours of street closure for all First Friday events does not exceed the closure for the Arts Festival. Ms. Hamilton discussed the street closure with Chief Pijanowski over safety concerns and that many of the planned activities will require some street closure, but that Main Street could look at reducing the activities to reduce street closures.

Merrill Kaufman  
311 Westwood Avenue  
Delaware, 43015

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Mr. Kaufman discussed the concern with parking and that eighty parking spots are lost during the First Friday events.

City Council held a discussion over the concerns presented by the citizens with Ms. Francis Jo Hamilton.

Mr. Shafer stated the need to find a proper balance of street closures, and utilize the police to assist with cross walks.

Mayor Riggle felt that it was necessary for traffic flow to allow Winter Street to remain open.

Mr. Jones voiced concerns over the older children that are unattended at the event.

Ms. Hamilton indicated that there is a need to incorporate activities geared to teenagers during the First Friday event, as parents see the First Friday event as a safe and fun environment.

Mr. DiGenova indicated that the parking problem as a good problem to have and suggested the idea of using a shuttle bus or increase awareness of parking at the Justice Center or the Delaware Library.

Mr. Brush requested an update on the wayfinding status. Mr. Homan explained that the final design was being completed, and that priority will be given to parking. Mr. Homan suggested the use of electronic message boards to assist in directing traffic to parking spaces.

## **ITEM 7: COMMITTEE REPORTS**

Mr. Brush provided a summary on the results of the bond rating upgrade request. Mr. Brush informed Council that the rating will remain the same, with real estate values and average salary a factor in the decision.

Vice-Mayor Hellinger informed Council that there is an Airport Commission meeting Thursday, April 16, 2015.

## **ITEM 8: PRESENTATIONS**

- A. Huntington Bank Veterans Memorial Plaza, Chris Otten, Delaware Branch Manager and Steven Fields, Vice President and Director of Community Engagement
- B. Ironman 70.3, Steve Meckfessel, Managing Director Global Race Director World Triathlon Corp.
- C. Shade Tree Commission Update, Chairman Dave Carey and Vice-Chair Susan Wright

Mayor Riggle requested a break at 8:23 p.m. Mayor Riggle reconvened the meeting at 8:28 p.m.

## **ITEM 9: ORDINANCE NO. 15-32** [Third Reading]

AN ORDINANCE AMENDING THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

The Clerk read the ordinance for the third time.

Mr. Shulman reviewed the up to date draft, including rate increase and vehicle allowance.

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Mr. Jones read into the record a statement provided by Mrs. Keller requesting that a vote not take place to allow for three readings on the most current up to date employment agreement. Mr. Brush discussed that all changes were minimum, and felt comfortable voting on Ordinance No. 15-32.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-32, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 10: RESOLUTION NO. 15-17** [First Reading]  
A RESOLUTION MEMORIALIZING THE CITY'S PROPOSED INCENTIVE PACKAGE FOR INNO-PAK, LLC.

The Clerk read the ordinance for the first time.

Mr. Hughes discussed with Council the proposed changes and incentive package for Inno-Pak, LLC.

**APPLICANT:**  
Todd Sill  
1932 Pittsburgh Drive  
Delaware, Ohio 43015

Mr. Sill explained the need for expansion, with consideration of relocation of the manufacturing. Mr. Homan discussed the need for the resolution to Mr. Sill with the support of the City of Delaware.

**Motion:** Mr. Brush moved to adopt Resolution No. 15-17, seconded by Mr. Jones. Motion approved by a 6-0 vote.

**ITEM 11: RESOLUTION NO. 15-18** [First Reading]  
A RESOLUTION ADOPTING A PROCESS FOR AWARDED COMMUNITY PROMOTIONS FUND GRANTS.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to adopt Resolution No. 15-18, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 12: ORDINANCE NO. 15-33** [First Reading]  
AN ORDINANCE REVISING SECTIONS OF THE DELAWARE CODIFIED ORDINANCES RELATING TO PARKING AND TRAFFIC OFFENSES.

The Clerk read the ordinance for the first time.

A public hearing has been set for April 27, 2015 at 7:30 p.m. (see motion below approving a new date)

**ITEM 13: ORDINANCE NO. 15-34** [First Reading]  
AN ORDINANCE APPROVING AN AMENDED PRELIMINARY DEVELOPMENT PLAN FOR LYH, LLC FOR STOCKDALE FARMS CONSISTING OF 320 SINGLE-FAMILY UNITS ON 158.2 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT THE NORTHEAST CORNER OF BRAUMILLER AND POLLOCK ROADS.

The Clerk read the ordinance for the first time.

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Mr. Efland reviewed the amended preliminary development plan, and discussed the change of the access point of entry from Polluck Road to Braumiller Road.

**APPLICANT:**

Steve Martin  
50 North Sandusky Street  
Delaware, Ohio 43015

Mr. Martin indicated that the plan is to begin development as soon as possible and reviewed the access and sewage issues that have occurred throughout the planning process.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-34, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-34, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**ITEM 14: ORDINANCE NO. 15-35**

[First Reading]

AN ORDINANCE APPROVING AN AMENDED PRELIMINARY SUBDIVISION PLAT FOR LYH, LLC FOR STOCKDALE FARMS CONSISTING OF 320 SINGLE-FAMILY UNITS ON 158.2 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT THE NORTHEAST CORNER OF BRAUMILLER AND POLLOCK ROADS.

The Clerk read the ordinance for the first time.

**APPLICANT:**

Steve Martin  
50 North Sandusky Street  
Delaware, Ohio 43015

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-35, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-35, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**ITEM 15: ORDINANCE NO. 15-36**

[First Reading]

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS UTILITY FUND CAPITAL IMPROVEMENT PROJECTS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Stanton reviewed the three improvement projects.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-36, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-36, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

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**Motion:** Mr. Brush moved to adopt Ordinance No. 15-36, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 16: ORDINANCE NO. 15-37** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO COMPLETE THE PARK LEVY IMPROVEMENTS, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-37, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-37, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-37, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 17: ORDINANCE NO. 15-38** [First Reading]  
an ordinance supplementing the 2015 Appropriations Ordinance to provide funding for the US36/37 and Glenn Road intersection improvement project, and declaring an emergency.

The Clerk read the ordinance for the first time.

**Motion:** Mr. DiGenova moved to suspend the rules for Ordinance No. 15-38, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-38, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**Motion:** Mr. DiGenova moved to adopt Ordinance No. 15-38, seconded by Mr. Brush. Motion approved by a 6-0 vote.

**ITEM 18: ORDINANCE NO. 15-39** [First Reading]  
AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDING FUNDING TO CONSTRUCT VETERANS PLAZA.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-39, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-39, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-39, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**ITEM 19: ORDINANCE NO. 15-40** [First Reading]  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT REVOLVING LOAN FUND ADMINISTRATION AGREEMENT WITH THE STATE OF OHIO

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DEVELOPMENT SERVICES AGENCY FOR THE PERIOD BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2017, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-40, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-40, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-40, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 20: ORDINANCE NO. 15-41** [First Reading]

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PARTNERSHIP AGREEMENT BETWEEN THE CITY OF DELAWARE, OHIO AND DELAWARE COUNTY, OHIO TO PREPARE AND FILE AN APPLICATION WITH THE OHIO DEPARTMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, FOR FEDERAL PROGRAM YEAR 2015 OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM, AND OHIO HOUSING TRUST FUNDS FOR THE COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP), AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-41, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to enact the emergency clause for Ordinance No. 15-41, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-41, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**ITEM 21: CITY MANAGER'S REPORT**

Mr. Homan discussed the need to bring legislation before Council regarding the water line improvement at the Delaware County Fairgrounds.

Mr. Homan discussed the upcoming citizen survey and that he is ready to have Mr. Saperstein prepare the survey with the feedback that was provided.

Mr. Homan informed Council that the RFP for the chiller unit was submitted for bids. Mr. Homan also indicated that the EMS and Veterans Park projects were open for bids.

Mr. Homan informed Council that joint meeting with the County Commissioners was changed from May to June 1, 2015.

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## **ITEM 22: COUNCIL COMMENTS**

Mr. DiGenova complimented staff over the reaction and work to fix the main water line break. Mr. DiGenova informed Council that the Shade Tree Commission will be passing out saplings for the May First Friday event.

Mr. Brush informed Council that the Republic Party Annual Lincoln Day Party will occur on April 27, 2015 and voiced a concern as four council members sit on the Central Committee. Mr. Brush requested that the regular meeting time be changed. Mr. Homan recommended that the public hearing be changed to June.

**Motion:** Mr. Brush moved to reschedule the public hearing for Ordinance No. 15-37 from April 27, 2015 at 7:30 p.m. to May 11, 2015 at 7:30 p.m., seconded by Mr. Shafer. Motion approved by a 6-0 vote.

**Motion:** Mr. Brush moved to change the regular April 27, 2015 City Council meeting time from 7:00 p.m. to 5:00 p.m., seconded by Mr. Shafer. Motion approved by a 6-0 vote.

Mr. Shafer informed Council that there will be a follow up meeting with the BIA, which at this time is to be determined. Mayor Riggle informed Mr. Shafer that Mrs. Keller would like to be involved in the meeting as Chair of the Planning Commission.

Mr. Shafer also requested that he be involved in the parking discussion for the First Friday events as Chairperson of the Parking and Safety Committee.

Mayor Riggle informed Council that she will travel on an Honor Flight the weekend of April 18, 2015 with a World War II Veteran, and a Korean War Veteran.

## **ITEM 23: ADJOURNMENT**

**Motion:** Mr. Brush moved to adjourn the meeting. The meeting adjourned at 9:20 p.m.

\_\_\_\_\_  
Mayor Carolyn Kay Riggle

\_\_\_\_\_  
Elaine McCloskey, Council Clerk

**BOARD OF ZONING APPEALS**  
**March 11, 2015**  
**MOTION SUMMARY**

ITEM 1. Roll Call

Vice-Chairman Junk called the meeting to order at 7:03 p.m.

Members Present: Robert Badger, Adam Vaughn, Todd Daughenbauh, Crystal Brewer, Councilman Joe DiGenova, and Vice-Chairman Paul Junk

Members Absent: Chairman Matt Dick

Staff Present: Lance Schultz, Zoning Administrator

**Motion:** Councilman DiGenova moved to excuse Chairman Matt Dick, seconded by Mr. Badger. Motion approved by a 6-0 vote.

Mr. Schultz introduced new board members, Ms. Brewer and Mr. Daughenbaugh, to the Board of Zoning Appeals Board.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on November 12, 2014, as recorded and transcribed.

**Motion:** Mr. Badger moved to approve the Motion Summary for the February 11, 2015 meeting, seconded by Councilman DiGenova. Motion approved by a 4-0-2 (Daughenbaugh, Brewer) vote.

ITEM 3. REGULAR BUSINESS

(A) 2015-0210: A request by Brown Jug Storage for approval to allow the construction of a storage unit building (Phase 3) within the required rear and side yard building setback of 50 feet when adjoining a residential district per Chapter 1143.04 Building Setback Requirements at 224 East William Street.

Mr. Vaughn requested to abstain from regular business, 2015-0210.

Vice-Chairman Junk swore in the following individuals for public comment:

Mr. Jim Manos, 5973 Macewen Court, Dublin, Ohio

Mr. Adam Vaughn, 38 Cheshire Street, Delaware, Ohio

Mr. Schultz provided a presentation that included the location map, zoning map, aerial photographs, and site plan. Mr. Schultz reviewed the past construction projects at the property, along with the plans for an additional 8

storage units. Mr. Schultz reviewed the criteria to approve a variance, and reviewed recommendations for approval, along with 7 conditions. Mr. Schultz informed that property owners within 300 ft. were notified of the request and the meeting date and time.

APPLICANT:

Mr. Jim Manos, 5973 Macewen Court, Dublin, Ohio.

Mr. Manos stated that he was in agreement with the conditions, and provided information on the hours of operation. Mr. Schultz clarified that there was a mechanical gate and no outdoor storage was permitted.

PUBLIC PARTICIPATION:

Mr. Adam Vaughn, 38 Cheshire Street, Delaware, Ohio

Mr. Vaughn asked if there would be a change to the existing landscaping. Mr. Manos explained that there would not be a change.

**Motion:** Mr. Badger moved to approve 2015-0210, 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 Councilman DiGenova. Motion approved by a 5-0-1(Vaughn) vote.

(B) 2015-0213: A request by Yoav and Schlomo Botach to appeal an administrative decision by the code official requiring the condemnation/demolition of 15 Flax Street on approximately 3.61 acres zoned M-1 (Light Manufacturing District) under the 2000 International Property Maintenance Code.

Mr. Schultz explained that a request by David Gordon, Attorney at Law, was received March 10, 2015 to table case 2015-0213 until April 8, 2015 to provide adequate notice to the clients and their representative.

**Motion:** Mr. Vaughn moved to table 2015-0213, seconded by Councilman DiGenova. Motion approved by 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

Councilman DiGenova informed the Board that he will have surgery April 6, 2015, but is hoping to be able to attend the meeting on April 8, 2015.

ITEM 5. NEXT REGULAR MEETING: April 8, 2015

ITEM 6. ADJOURNMENT

**Motion:** Mr. Daughenbaugh moved to adjourn the meeting, seconded by Mr. Badger. Motion was approved by a 6-0 vote. Meeting was adjourned at 7:22 p.m.

~~Matt Dick, Chairman~~   
PAUL JUNK, VICE CHAIRMAN

~~Elaine McCloskey, Clerk~~   
Acting 

**AIRPORT COMMISSION  
MOTION SUMMARY  
OCTOBER 2, 2014**

1. ROLL CALL

Meeting called to order at 7:00 p. m. by Chairman Brian Lewer.

Members Present: George Hellinger, Brian Kennedy, Brian Lewer, Janie McIntire and Greg Mellon.

Members Absent: Walt Gaub (arrived at 7:28 p.m.) and Bob Jenkins.

**MOTION TO EXCUSE:**

Mrs. McIntire moved to excuse Mr. Gaub and Mr. Jenkins, seconded by Councilman Hellinger and approved by a 5-0 vote.

**STAFF PRESENT:** Director of Public Works/City Engineer Bill Ferrigno, Public Works Superintendent Joe Bullis, Airport Operations Supervisor Kevin Piatt and Customer Service Liaison Linda Mathews.

2. APPROVAL of the Motion Summary of the meeting of AIRPORT COMMISSION held July 17, 2014, as recorded and transcribed

Councilman Hellinger moved to approve the Motion Summary of the meeting of the Airport Commission held July 17, 2014, as recorded and transcribed. Vice-Chairman Kennedy seconded the motion and it passed by a 5-0 vote.

3. PUBLIC COMMENTS

Lynn Coriell of 7031 Brennan Place, Columbus 43235 presented Commission members with a document outlining some concerns, questions and recommendations that he has for airport operations.

Mr. Coriell outlined and expanded upon his concerns, questions and recommendations.

Staff responded to those that they had information on and commission members commented, posed inquiries and provided feedback on Mr. Coriell's document and comments.

Staff will perform research on the items contained in Mr. Coriell's document and provide that to commission members at an upcoming meeting.

Gregory Ratcliff of 6133 Shoemaker Rd, Ashley 43003 spoke regarding the

economic impact of the airfield to the community and his thoughts on some of Mr. Coriell's recommendations. He requested permission to speak again when the discussion regarding the Fee Schedule Modification topic is discussed.

#### 4. UPDATE OF AIP PROJECTS/GRANTS

Joe Bullis provided an overview of the recently awarded FAA grant and a time line for the upcoming improvements at the airport.

Bill Ferrigno advised that the current grant does not cover construction activities and that the City's consultant-CHA will be working with our Project Manager of the FAA to insure that this is funded as the projects move forward.

#### 5. DISUCSSION of Airport Fee Schedule Modifications

The commission members focused the Fee Schedule discussion on the city owned t-hangars and the belief that they should not be raised for the 2015 year unless justifications for the increase can be shown.

Mr. Coriell and Mr. Ratcliff agreed with this opinion.

Discussion took place regarding a thorough evaluation of the entire infrastructure at the airfield, the current state of such and what future improvements/repairs will be needed and in what time frame.

Mr. Mellon moved to leave the city owned t-hangar rates the same as they are currently for one more year and gather more information for a serious look for the following year. Mr. Gaub seconded the motion and it was approved by a 6-0 vote.

#### 6. DISCUSSION of 2015 Budget Proposal

Mr. Ferrigno explained that the budget is comprised of two parts-Capital Improvements and Operating. The proposed Capital portion was included in the agenda packet and the Operating budget is not anticipated to be different from the 2014 one.

A listing of small projects and equipment that are being considered were noted.

Mrs. McIntire inquired if funding for an Aviation Day in 2015 was to be included in the 2015 budget submission. Mr. Bullis advised that yes, a \$10,000 request will be included.

Mr. Gaub inquired if the city had a structural engineer so that a life span analysis on the existing t-hangars could be undertaken.

## 7. AIRPORT OPERATIONS SUPERVISOR and STAFF COMMENTS

Mr. Piatt advised that the new Airport Technician, Jason Brechtel has been hired and Blaine Rayburn has moved in the fleet maintenance area of Public Works.

He advised that during a hangar maintenance project some holes in the roof of the maintenance hangar have been identified and quotes solicited for a repair.

The main parking lot has been repaired, resurfaced and had new pavement markings applied.

Mr. Bullis advised that Public Utilities had assisted with drain tile and catch basin repairs near hangars A, B and C. The outside of the Russell (maintenance) hangar has been repainted. All fire extinguishers were inspected and some are out being recertified, but loaners are being used in the interim.

The ODOT Airport Focus Study has been completed and a draft report recently presented that contained good reviews for the Delaware Municipal Airport, Jim Moore Field.

Runway pavement marking were recently reapplied by Public Works staff.

The night Geotech coring was completed in only one evening; it was anticipated to require two nights,

Mr. Ferrigno updated the commission members with information on the quotes received for the repair of the Russell hangar roof. He felt that it would be beneficial if the commission would make a recommendation to City Council with regard to the repair.

Mr, Mellon moved to request that City Council fund the emergency repair of the Russell hangar roof utilizing general fund monies. Motion seconded by Vice-Chairman Kennedy and approved by a 6-0 vote.

## 8. MEMBER COMMENTS

Vice-Chairman Kennedy inquired about the results of the draft ODOT Focus Study results and if the recommendations should be included in the Master Plan, and if a recommendation by the commission be made to City Council for future funding.

Mrs. McIntire explained how the process typically functions from when she worked in the ODOT Division of Aviation and she would make a

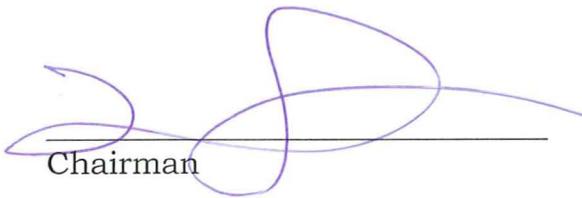
recommendation to City Council for approval of future improvements identified in the Focus Study.

Mrs. McIntire identified the need for repairs to the t-hangar drives and taxiway, especially if the upcoming winter is as harsh as the last one.

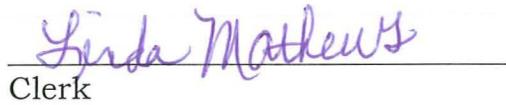
Mr. Gaub apologized for being tardy to the meeting.

9. ADJOURNMENT

Mrs. McIntire moved to adjourn, seconded by Mr. Mellon and meeting was adjourned at 8:54 p.m.



Chairman



Clerk

4/16/15

Date

**PARKS AND RECREATION ADVISORY BOARD**  
**March 17, 2015**  
**MOTION SUMMARY**

ITEM 1. Roll Call

Councilmember Chris Jones called the meeting to order at 7:00 p.m.

Members Present: Matt Polites, Nicole LaMar-Nelson, Allyson Lash, Dianna Hibinger, Joshua Bricker, Councilmember Chris Jones, and Vice-Chairwoman Jennifer Davis

Members Absent: Gretchen Bowling, Julie German, and Lucas Ratliff

Staff Present: Stacy Davenport, Parks Superintendent, Dan Whited, Public Service Group Director, and Linda Mathews, Customer Service Liaison

YMCA Staff Present: Jeremy Byers, Senior Director of Youth and Adult Sport/Recreation/Community Programs

ITEM 2. MOTION TO EXCUSE

**Motion:** Mr. Polites moved to excuse, Ms. Bowling, Ms. German, and Mr. Ratliff, seconded by Councilmember Jones. Motion approved by a 7-0 vote.

ITEM 3. INTRODUCTION of New Board Members

Councilmember Jones introduced Dianna Hibinger

ITEM 4. APPROVAL of the Motion Summary for the meeting held February 17, 2015 as recorded and transcribed.

**Motion:** Ms. LaMar Nelson moved to approve the Motion Summary for the meeting held February 17, 2015, seconded by Mr. Polites. Motion approved by a 5-0-2 (Jones, Davis) vote.

ITEM 5. PUBLIC COMMENTS

Dustin Abels  
247 Harmony Drive  
Delaware, Ohio

Mr. Abels presented a proposal to provide pickle ball courts in the city parks. Information was provided on the sport of pickle ball. Currently 30 YMCA members actively play at the YMCA, and that some of the participants recently participated in the Arnold Classic. The proposal provided the conversion of some of the existing tennis courts at Mingo Park into pickle ball courts. Mr.

Abels explained that Mingo Park would be a desirable location, as the trees would provide a buffer from the wind, as well as, provide a central location to the downtown district. Mr. Abels stated that there is no league set up in Delaware, but that this is something that they would like have formed in the future.

Linda Hill  
5300 Bayside Ridge Drive  
Galena Ohio

Ms. Hill spoke of the growing interest in the sport and that she travels to the YMCA to play pickle ball.

Gary Meckler  
74 Griswold Street  
Delaware Ohio

Dr. Meckler informed the Board that he learned to play pickle ball at the Upper Arlington's Recreation Center and that they had painted lines on the existing tennis courts and would use portable nets.

Councilmember Jones proposed the use of sharing the gym space at the National Guard building, when it was available to increase the times to provide designated space.

Mr. Whited stated that recreation levy funds were specifically designated for tennis courts and would need to present the idea to the Recreation Levy Sub-Committee. Mr. Davenport plans to discuss the proposal of pickle ball at an upcoming meeting with a contractor that was set up on the tennis court improvements.

**Motion:** Mr. Polites moved to recommend that parks and recreation staff investigate and provide feasibility analysis on the conversion of the existing tennis courts to pickle ball courts, seconded by Ms. Hibinger. Motion approved by a 7-0 vote.

ITEM 6. UPDATE on YMCA Recreation Service

Mr. Byers introduced Jake Bonofiglio, Youth Development Director at the YMCA, to the Board.

Mr. Byers provided an update on the babysitting class that had twelve students enrolled. Mr. Byers stated that basketball was ending and that baseball registration had begun, as well as, registration for soccer clinics. Adult softball registration is currently open and information was emailed to teams from the previous year. Mr. Byers stated that the Daddy Daughter Dance had over 309

registered participants. The Mother Son Super Hero Party will take place on March 20, 2015 at Mingo Park and has over 300 participants registered. Mr. Byers also provided information on the Easter Egg Hunt which is to take place April 4, 2015 at Veterans Park.

Ms. Lash discussed the breakdown for programs that are offered by the City of Delaware compared to programs offered by the YMCA. Ms. Lash discussed the need to increase the awareness of what programs are through the City of Delaware. Mr. Bricker discussed the need for the City of Delaware to receive more credit for programs that are funded through the city.

#### ITEM 7. ADDITIONAL Discussion of Board Reorganization

Mr. Whited asked if the Board had any questions or thoughts on the reorganization. There were no current questions or discussion.

Mr. Whited stated that the consulting firm, Stantec, was in attendance to present the Bike Plan Update.

#### PRESENTERS:

Brian Hagerty, Stantec Transportation Engineer  
Eric Lowry, Stantec Transportation Planner  
1500 Lake Shore Drive  
Suite 100  
Columbus, Ohio

Mr. Hagerty and Mr. Lowry provided a presentation that discussed the need for a bike plan, and explained that many of the current bike paths are not connected to each other. They discussed the need to become a more bike friendly community, and the process to get there. Also presented, was the need for safety education and the need to enforce laws to promote safety.

A discussion was held on what role that the Parks and Recreation Advisory Board could play in assisting with the comprehensive bike plan.

#### ITEM 8. STAFF COMMENTS

Mr. Davenport stated that the bid for Veterans Park will be placed at the beginning of April. Mr. Davenport informed the Board that Hidden Valley Golf Course opened March 16.

#### ITEM 9. MEMBER COMMENTS

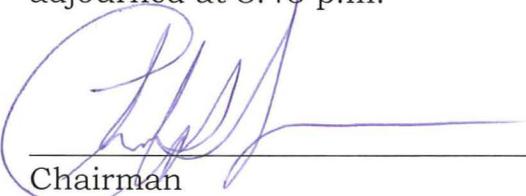
Ms. Lash voiced her concern that the YMCA website does not clarify recreation programs through the City of Delaware compared to programs through the YMCA. Councilmember Jones provided information on the partnership of the YMCA and the City of Delaware.

Mr. Bricker discussed the plan to reorganize the Parks and Recreation Advisory Board and informed the Board members that the City of Dublin is disbanding their split program, and going back to one board.

Councilmember Jones voiced a concern regarding a conversation that he had with Councilmember Keller regarding the upcoming Super Hero party at the YMCA. He expressed a concern that the party was closed for future registration and that some of the attendees to the party are not residents of the City of Delaware. Further stating that the residents in the City of Delaware pay taxes for the recreation programs and not able to attend due to participants from other cities. Councilmember Jones also discussed the need to provide a discount for events to City of Delaware residents. Ms. Mathews plans to discuss these concerns with the YMCA.

ITEM 10. ADJOURNMENT

**Motion:** Vice-Chairwoman Davis moved to adjourn the Parks and Recreation Advisory Board meeting, seconded by Ms. LaMar-Nelson. The meeting adjourned at 8:46 p.m.



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Chairman



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Elaine McCloskey, Clerk

**DELAWARE CITY COUNCIL FACT SHEET**

ITEM NO.: CONSENT ITEM D

DATE: 4/27/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-19

**DESCRIPTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION FOR OHIO AIRPORT GRANT PROJECTS FUNDING.

**DEPARTMENT AFFECTED:**  
Public Works Department

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**  
\$750,518

**FUND SOURCES:**  
Grant/Local

**BUDGETED:**  
NO

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:**

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

**SUMMARY OF ITEM:**

The city has been in process of developing an 800'-0 runway extension project which includes the extension of both Runway 28 and adjacent Taxiway 'A' to the east. This work is largely being funded through FAA grants. The reconstruction of the existing taxiway 'A' was not initially included in the FAA grant project scope. Being the oldest section of airport pavement and considering its worsening condition, it has been determined that the existing taxiway is now in need of reconstruction. The cost of the work will be included in the pending FAA runway extension construction grant application to be submitted in July. However, because the work was not initially included in the original runway project scope, FAA funding may not be available for the additional work. Anticipating the potential denial of funding for the Taxiway 'A' reconstruction, the City can submit an application for State of Ohio Division of Aviation grant funding for the reconstruction work. If approved, the grant will cover 90% of the cost or \$675,466. The remaining 10% of project cost, or \$75,052 will be local responsibility. If approved, the work would proceed in 2016.

**ATTACHMENTS:**

**COUNCIL NOTES:**

RESOLUTION NO. 15-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF OHIO DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION FOR OHIO AIRPORT GRANT PROJECTS FUNDING.

WHEREAS, the City of Delaware is responsible for operating and maintaining the Delaware Municipal Airport, and

WHEREAS, the Ohio Department of Transportation provides the City with bi-annual evaluations of the pavement condition of the ramp, runway and taxiway surfaces, and

WHEREAS, it has been determined that the condition of Taxiway 'A' has fallen below recommended minimum pavement conditions and is in need of reconstruction, and

WHEREAS, the City is eligible to apply for and receive Ohio Department of Transportation, Division of Aviation, Airport Grant Program funds.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. That the City Manager is hereby authorized to make application for said program and grant in accordance with the procedures prescribed by the Ohio Department of Transportation, Division of Aviation.

SECTION 2. That the City Manager is hereby authorized to enter into necessary agreements associated with the grant and be bound by all terms and conditions contained within the application for funding.

SECTION 3. That this resolution shall be in force and effect immediately upon its passage.

PASSED: \_\_\_\_\_, 2015

YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

**DELAWARE CITY COUNCIL FACT SHEET**

ITEM NO.: CONSENT ITEM E

DATE: 4/27/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-20

**DESCRIPTION:** A RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA) FOR THE PURCHASE OF SERVICES, MATERIALS AND EQUIPMENT.

**DEPARTMENT AFFECTED:**  
Public Works Department

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:**

**BUDGETED:**  
NO

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:**  
approval

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

**SUMMARY OF ITEM:**

The city routinely participates in joint purchasing cooperatives serving governmental agencies with competitive bid materials, services and equipment. The NJPA provides a valuable resource for expanded purchasing opportunities, specifically regarding winter snow and ice management equipment that the current State of Ohio cooperative purchasing program can not provide. Other local jurisdictions currently participating in the NJPA include Delaware County, Richland County, Montgomery County, City of Marion and the City of Bucyrus.

**ATTACHMENTS:**

**COUNCIL NOTES:**

RESOLUTION NO. 15-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE NATIONAL JOINT POWERS ALLIANCE (NJPA) FOR THE PURCHASE OF SERVICES, MATERIALS AND EQUIPMENT.

WHEREAS, the NJPA is created by Minnesota Statute 123A.21 as a joint service cooperative to serve cities, counties, towns, public or private schools, political subdivisions of Minnesota or another state, and

WHEREAS, the City routinely participates in cooperative purchasing associations to procure materials and equipment as deemed necessary, and

WHEREAS, the City of Delaware is eligible to participate in the NJPA purchasing cooperative.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. That the City Manager or his representative is hereby authorized to submit an application for said program to become a participating member of the NJPA.

SECTION 2. That the NJPA Board of Directors has determined that participating members have no financial or organizational liability to NJPA or to its organizational activities.

SECTION 3. That this resolution shall be in force and effect immediately upon its passage.

PASSED: \_\_\_\_\_, 2015

YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_

CITY CLERK

\_\_\_\_\_  
MAYOR

**DELAWARE CITY COUNCIL FACT SHEET**

ITEM NO.: CONSENT ITEM F

DATE: 04/27/15

PUBLIC HEARING: NO

READING: FIRST

ORDINANCE NO.:

RESOLUTION NO.: 15-21

**DESCRIPTION:**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, FOR FEDERAL PROGRAM YEAR 2015 OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM, AND OHIO HOUSING TRUST FUNDS, SUPPLEMENTED BY LOCAL HOUSING PROGRAM INCOME, FOR THE COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP).

DEPARTMENT AFFECTED:  
Planning Department

GROUP AFFECTED:

**FINANCIAL INFORMATION**

COST:

FUND SOURCES:

BUDGETED:

**RECOMMENDATIONS**

COMMITTEE:

RECOMMENDATION:

VOTE:

MEETING DATE:

**STAFF RECOMMENDATION:**

Approval at First Reading. The Grant Application timetable necessitates passage on first reading to accommodate the State's CHIP grant application timeline (due May 1, 2015) and procedures.

PRESENTER: Dave Efland, Planning Director

**SUMMARY OF ITEM:**

The City and Delaware County are requesting to file an application with the Ohio Development Services Agency (ODSA) for funding under the PY 2015 Community Housing Impact and Preservation (CHIP), due to ODSA on May 1, 2015. The City and County's application for CHIP funds, though competitive, was not selected for funding in 2014.

At the State 2015 CHIP Application Training session, the State reviewed major revisions to the CHIP funding program requirements, including entering into Partnership Agreements first introduced last year in 2014. Emphasizing a 'regional approach' (similar to the Neighborhood Stabilization Program) as a result of ever-diminishing CDBG and HOME funding and to maximize the number of household units assisted, direct grantee cities (such as the City of Delaware) are required to approach their county of jurisdiction (i.e., Delaware County) for collaboration on the Application submittal and program administration. A Partnership Agreement between the City and County was approved for execution by both the Delaware County Board of Commissioners and the City of Delaware.

The City of Delaware is the designated Lead Entity and Grantee and responsible for submitting this grant application. Through a series of required meetings with a wide variety of the area's housing agencies and providers as required by the State, the area's affordable housing needs were documented and then squared with the requirements of the CHIP grant to produce the most competitive application possible within capacity limits. Agencies attending agreed that producing the most competitive application was of paramount importance and they agreed to coordinate their services and provide specific data for consideration by the State. Staff relayed requirements from the State with respect to what could and could not be funded with this program, as well as guidance from the State generally indicating the community requests would far exceed funding levels this year resulting in an even more competitive process primarily based upon Census documented need. The City and County were advised that they would likely not fair well in this process relative to other communities' documented need showing far greater. Nevertheless, the City and County and the agencies agreed that it was worth the effort to prepare an application and provide local need-based data for consideration by the State. Last year and again this year, the Delaware County Board of Development Disabilities submitted a request for directed funding toward that agency and client base. Staff specifically asked the State of Ohio if this request was eligible for the CHIP Program, and the State indicated it was not eligible. The following series of activities were the result:

Activity 1	Owner Home Repair	\$85,200
Activity 2	Tenant Based Rental Assistance (TBRA)	\$271,700
Activity 3	New Construction-Habitat for Humanity	\$44,000
Activity 4	Administration	\$41,170
Program Total		\$442,070

The Partnership intends to apply for a total of \$332,200 of grant funds from ODSA and is required by ODSA to expend local housing program income of approximately \$109,800. This is a highly competitive grant program that is built upon many factors statewide with an emphasis on relative need. As such, neither the City nor County compete well in comparison to counties and cities with much more need. However, the activities outlined above and the City/County Partnership will put our application in the most competitive light.

**The Partnership intends to utilize local housing providers (specifically, Delaware Metropolitan Housing Authority and Delaware County Habitat for Humanity) to assist the City of Delaware in administering this two-year grant if it is successfully approved by the State. The program runs from September 1, 2015 through October 31, 2017. City staff, as Grantee, will maintain program oversight. Day-to-day administration of the Owner Home Repair would be through both the City and County and the use of experienced CHIP program city staff to assist at least eight LMI households repair one or two critical items in their homes. Administration funds built into the Home Repair activity will be utilized to help offset city staff time and other required activity costs, such as lead based paint testing. The Delaware Metropolitan Housing Authority would administer the TBRA funding to assist 30 LMI households, and the Delaware County Habitat for Humanity Chapter would construct two new homes for partner families utilizing the administration funds built into the budgeted funds for each respective activity. This is the most efficient and effective means to advertise activities, market services, and achieve the required project outcomes that produce a better housing stock in our City and County service area. With both City and County staffing and funding levels in extremely short supply, this is also the most efficient use of staff and monetary resources to achieve the same overall result.**

**The State views the city/county partnership service area as a whole and assistance will be provided to eligible LMI households on a first-come, first serve basis. Eligible households considered low and moderate income (LMI) will be recruited to participate in the various activities offered by the FY15 CHIP Program. The LMI income limits are provided by the US Department of Housing and Urban Development on an annual basis. Overall, the City of Delaware is considered 38.4% LMI and Delaware County is considered 22.8% LMI.**

**CITY OF DELAWARE AND DELAWARE COUNTY OHIO PY2015 INCOME LIMITS**

**City of Columbus - Median Family Income: \$71,000**

**1 person - \$39,200; 2 person - \$44,800; 3 person - \$50,400; 4 person - \$56,000**

**5 person - \$60,500; 6 person - \$65,000; 7 person - \$69,450; 8 person - \$73,950**

**The application requires an approved resolution from City Council to proceed with the submittal of the application to the Ohio Development Services Agency, Office of Community Development. This is to make the grant application only. The City could turn down an approved application, if it so chooses, or the State may not fund the application. The Partnership Agreement with Delaware County remains in effect for the duration of the CHIP Program, if funded, or it becomes null and void if this Grant Application is not selected for funding by the State.**

**Staff recommends approval of the resolution. The Grant Application timetable necessitates passage on first reading to submit the Application by the due date of May 1, 2015.**

**ATTACHMENTS:**

**COUNCIL NOTES:**

RESOLUTION NO. 15-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT, FOR FEDERAL PROGRAM YEAR 2015 OHIO SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM, AND OHIO HOUSING TRUST FUNDS, SUPPLEMENTED BY LOCAL HOUSING PROGRAM INCOME, FOR THE COMMUNITY HOUSING IMPACT AND PRESERVATION PROGRAM (CHIP).

WHEREAS, the Ohio Development Services Agency (ODSA) Office of Community Development provides financial assistance to local governments for the purpose of addressing local housing needs using funds from the Ohio Small Cities Community Development Block Grant (CDBG) Program, HOME Investment Partnerships Program (HOME), and Ohio Housing Trust Funds (OHTF); and

WHEREAS, the City of Delaware and Delaware County have entered into a Partnership Agreement as required by ODSA to seek financial assistance to address local housing needs within its combined jurisdictional service area; and

WHEREAS, the City of Delaware and Delaware County (the Partnership) have identified housing needs appropriate for this competitive grant application opportunity; and

WHEREAS, the CHIP Program provides funding for a flexible, community-wide approach to the improvement and provision of affordable housing for low- and moderate-income persons; and

WHEREAS, the Partnership held required public meetings in support of the grant application where attendees indicated a significant need and interest in utilizing CDBG/HOME/OHTF funds, supplemented by local housing program income as required by ODSA, to assist the community with necessary and useful programs, which are responsive to the State and national program objectives and qualification criteria; and

WHEREAS, the Partnership is aware that said PY2015 CHIP application must be submitted to the State of Ohio by May 1, 2015 and selected the City of Delaware as Lead Entity and Grantee of said CHIP Program funds, if awarded;



**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: CONSENT ITEM G**

**DATE: 04/27/15**

**PUBLIC HEARING: NO**

**READING: FIRST**

**ORDINANCE NO.:**

**RESOLUTION NO.: 15-22**

**DESCRIPTION:** A RESOLUTION REAPPOINTING MEMBERS TO THE AIRPORT COMMISSION, AND SPECIFYING THE TERM OF THE 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:**

**COUNCIL NOTES:**



## **ITEM 9: DISCUSSION: 2015 Community Attitudes Survey**

Included for Council review is a draft questionnaire from Saperstein Associates for the City's community attitudes survey. Marty Saperstein will be at Council's meeting to assist in the review. The questions are organized into several sections:

- Overall perceptions of Delaware;
- Satisfaction with City services;
- Satisfaction with City officials;
- Quality of life issues;
- Policy priorities (the questions here are based on suggestions from staff and Council); and
- Resident demographics.

Once staff and council are satisfied with the draft that emerges, Saperstein Associates will pretest the questionnaire and report back to City staff and Council its pretest findings before it begins interviewing in earnest.

1. Hello. May I speak with \_\_\_\_\_, please?

(IF RESPONDENT IS ON THE PHONE, SKIP TO 3)  
(IF RESPONDENT IS AVAILABLE, GO TO 2)  
(IF RESPONDENT IS NOT AVAILABLE, OBTAIN CALLBACK INFORMATION)

2. Hello, (Mr. / Ms.) \_\_\_\_\_? (CONFIRM IDENTITY)

3. My name is \_\_\_\_\_. I'm calling from Saperstein Associates, an independent, opinion research firm here in Central Ohio. We are conducting for the City of Delaware a community attitudes survey – and you have been randomly selected to participate. Please be assured that whatever you tell us will be held in strict confidence. Now, is this a convenient time to conduct an interview, or would another time be better? I need about ten minutes.

- 1. Convenient time (GO TO 4)
- 2. Not convenient / DK (SCHEDULE CALLBACK)
- 3. RF (TERMINATE)

4. Before I begin, I need to ask you this: Do you currently live in the City of Delaware or in another community?

- 1. City of Delaware (GO TO 5)
- 2. Another community (TERMINATE)
- 3. DK / RF (TERMINATE)

5. Here's my first question: When you think of issues, concerns, or problems facing the City of Delaware, what should your local public officials consider their two or three highest priorities? (PROBE TO CLARIFY)

[text box]

6. All things considered, as a place to live, would you rate Delaware ...

- 1. Exceptional
- 2. Better than average
- 3. Just okay, or
- 4. Disappointing?
- 5. (DK / RF)

7. Again, as a place to live, is the City of Delaware headed in the right direction or is it off on the wrong track?

- 1. Right direction
- 2. Wrong track
- 3. DK / RF

8. All things considered, what do you like most about living in Delaware? (PROBE TO CLARIFY)

[text box]

9. As a resident of Delaware, how satisfied are you with each of the following city services? Choose from very satisfied, somewhat satisfied, somewhat dissatisfied, and very dissatisfied. Okay? Here's the first one ... (GO TO APPROPRIATE ITEM, THEN READ PROBE)

(PROBE) As a resident of Delaware, are you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?

(SHUFFLE)	<u>VS</u>	<u>SS</u>	<u>SD</u>	<u>VD</u>	<u>DK</u> <u>RF</u>
a. Snow removal .....	1	2	3	4	5
b. Garbage removal .....	1	2	3	4	5

c. Police services .....	1	2	3	4	5
d. Fire services / EMS .....	1	2	3	4	5
e. Parks and recreation programming provided through the YMCA .....	1	2	3	4	5
f. Recreation centers and facilities .....	1	2	3	4	5
g. Water and sewer services .....	1	2	3	4	5

10. This next question involves Delaware's city officials. Specifically, how satisfied are you with city officials in each of following areas. Again, choose from very satisfied, somewhat satisfied, somewhat dissatisfied, and very dissatisfied. Okay? Here's the first one ... (GO TO APPROPRIATE ITEM, THEN READ PROBE)

(PROBE) (When you consider the performance of city officials in this area) are you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?

(SHUFFLE)	<u>VS</u>	<u>SS</u>	<u>SD</u>	<u>VD</u>	<u>DK</u> <u>RF</u>
a. Planning for the future .....	1	2	3	4	5
b. Revitalizing downtown .....	1	2	3	4	5
c. Listening to the concerns of residents .....	1	2	3	4	5
d. Managing the city's finances .....	1	2	3	4	5
e. Improving the quality of life in Delaware .....	1	2	3	4	5
f. Keeping residents informed of important issues involving Delaware .....	1	2	3	4	5

11. Sustainability often refers to minimizing a city's environmental impact through policies and programs involving, for example, recycling, energy efficiency, and the use of both water and land. How satisfied are you with the performance of city officials in making Delaware a sustainable city ...

1. Very satisfied
2. Somewhat satisfied
3. Somewhat dissatisfied, or
4. Very dissatisfied?
5. (DK / RF)

12. And, how satisfied are you with the City of Delaware in each of the following areas? Again, choose from very satisfied, somewhat satisfied, somewhat dissatisfied, and very dissatisfied. Okay? Here's the first one ... (GO TO APPROPRIATE ITEM, THEN READ PROBE)

(PROBE) Are you very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied?

(SHUFFLE)	<u>VS</u>	<u>SS</u>	<u>SD</u>	<u>VD</u>	<u>DK</u> <u>RF</u>
a. The amount of public parking .....	1	2	3	4	5
b. Access to quality health care .....	1	2	3	4	5
c. The amount of traffic congestion in Delaware .....	1	2	3	4	5
d. Access to educational opportunities .....	1	2	3	4	5
e. The timing of traffic signals throughout the community .....	1	2	3	4	5
f. Access to affordable housing .....	1	2	3	4	5

- g. Access to upscale housing ..... 1 2 3 4 5
  - h. Community activities for teens ..... 1 2 3 4 5
  - i. Access to white-collar jobs ..... 1 2 3 4 5
  - j. The condition of local streets through Delaware's subdivisions ..... 1 2 3 4 5
  - k. The condition of the main roads through Delaware ..... 1 2 3 4 5
13. Now, is the pace of commercial development in Delaware – including retail and office space – too fast, too slow, or just about right?

- 1. Too fast
- 2. Too slow
- 3. About right
- 4. DK / RF

14. Is the pace of residential development in Delaware too fast, too slow, or just about right?

- 1. Too fast
- 2. Too slow
- 3. About right
- 4. DK / RF

15. As you look ahead, say, three to five years from now, what would you like to see more of in Delaware? (PROBE TO CLARIFY AND FOR ADDITIONALS)

[text]

16. As you look to the future, should city officials make each of the following a high, medium, or low priority. Let's begin with ... (GO TO APPROPRIATE ITEM, THEN READ PROBE)

(PROBE) Should city officials make this a high, medium, or low priority?

(FOLLOW-UP) And, how about ...

(SHUFFLE)

	<u>Hi</u>	<u>Medium</u>	<u>Low</u>	<u>DK</u> <u>RF</u>
a. Improving existing streets and roads .....	1	2	3	4
b. Building new roads to better connect different parts of the community .....	1	2	3	4
c. Building more bike paths .....	1	2	3	4
d. Building a parking garage downtown .....	1	2	3	4
e. Attracting new businesses to Delaware and helping existing businesses grow .....	1	2	3	4

(IF HIGHEST PRIORITY NOT OBVIOUS, GO TO 17; OTHERWISE, SKIP TO 18)

17. And, which of these should city officials make their highest priority? (REPEAT AS NECESSARY)

- 1. Improving existing streets and roads (GO TO 18)
- 2. Building new connector roads (GO TO 18)
- 3. Building more bike paths (GO TO 18)
- 4. Building a parking garage downtown (GO TO 18)
- 5. Attracting new businesses and helping existing businesses grow (GO TO 18)
- 6. DK / RF (SKIP TO 19)

18. To implement many of these initiatives, the city is likely to need additional funds. A potential source of those funds is a tax increase. Now, which of the following three statements best reflects your feelings about a tax increase to help fund the initiative you said was your highest priority ...

1. One: I am very unlikely to support a tax increase, even for my top priority
2. Two: Though I wouldn't be happy, I'd consider a tax increase with an open mind, or
3. Three: I'd probably support a tax increase because the additional funds are needed?
4. (DK / RF)

19. Finally, a few questions about you and your household. First, for how many years have you lived in Delaware? (ALL MY LIFE = 98)

[list]

20. Do you own or rent your home?

1. Own
2. Rent
3. DK / RF

21. Do any children – younger than 18 – live in your household?

1. Yes
2. No
3. DK / RF

22. Are you currently employed full-time?

(IF "NO") Are you a student, a homemaker, retired, temporarily unemployed, or disabled?

- |                           |              |
|---------------------------|--------------|
| 1. Employed full-time     | (SKIP TO 24) |
| 2. Student                | (GO TO 23)   |
| 3. Homemaker              | (GO TO 23)   |
| 4. Retired                | (GO TO 23)   |
| 5. Temporarily unemployed | (GO TO 23)   |
| 6. Disabled               | (SKIP TO 26) |
| 7. DK / RF                | (SKIP TO 26) |

23. Are you employed part-time?

1. Yes
2. No
3. DK / RF

(IF EMPLOYED FULL-TIME OR PART-TIME, GO TO 24; OTHERWISE, SKIP TO 26)

24. Do you work from home or somewhere else?

- |                   |              |
|-------------------|--------------|
| 1. Home           | (SKIP TO 26) |
| 2. Somewhere else | (GO TO 25)   |
| 3. DK / RF        | (SKIP TO 26) |

25. And, what is the Zip code of your work place?

[text box]

26. Other than friends and family, where do you get most of your news and information about Delaware? (RECORD UP TO TWO MENTIONS)

- 01. City website (delawareohio.net)
- 02. Delaware's Facebook, LinkedIn, or Twitter page
- 03. ThisWeek Community News
- 04. Columbus Dispatch
- 05. Delaware Gazette
- 06. Local paper, DK name
- 97. Other (specify)
- 98. DK / RF

27. Do you currently subscribe to the Delaware Gazette?

- 1. Yes
- 2. No
- 3. DK / RF

28. Do you have a Facebook account?

- 1. Yes (GO TO 29)
- 2. No (SKIP TO 30)
- 3. Do not have Internet access (SKIP TO 35)
- 4. DK / RF (SKIP TO 30)

29. Have you ever been to Delaware's Facebook page?

- 1. Yes
- 2. No
- 3. DK / RF

30. Do you have a Twitter account?

- 1. Yes (GO TO 31)
- 2. No (SKIP TO 32)
- 3. DK / RF (SKIP TO 32)

31. Do you follow the City on Twitter?

- 1. Yes
- 2. No
- 3. DK / RF

32. During the past six months, have you been to the city's website?

- 1. Yes (GO TO 33)
- 2. No (SKIP TO 35)
- 3. DK / RF (SKIP TO 35)

33. Overall, is the city's website ...

- 1. Exceptional (SKIP TO 35)
- 2. Better than average (SKIP TO 35)
- 3. Just okay, or (SKIP TO 35)
- 4. Disappointing? (GO TO 34)
- 5. (DK / RF) (SKIP TO 35)

34. Why do you feel that way; in other words, why is the City's website disappointing?

[text box]

35. Now, how likely are you to be living in Delaware five years from now ...
1. Very likely
  2. Somewhat likely
  3. Not too likely, or
  4. Not likely at all?
  5. (DK / RF)
36. Just three more questions: First, are you ...
1. Younger than 25
  2. 25 to 34
  3. 35 to 44
  4. 45 to 54
  5. 55 to 64, or
  6. Older than 64?
  7. (DK / RF)
37. And, what is the highest level of formal education you have completed?
1. Grade school, some high school
  2. High school graduate
  3. Some vocational or technical training (two-year)
  4. Vocational or technical graduate (two-year)
  5. Some college (four-year)
  6. College graduate (four-year)
  7. Post-college course work and degrees
  8. DK / RF
38. And, finally, which of the following categories includes your total household income from all sources and before taxes for 2014 ...
1. Less than \$40,000
  2. \$40,000 to \$74,900
  3. \$75,000 to \$100,000, or
  4. More than \$100,000?
  5. (DK / RF)
39. That was my last question. Before I end this interview, is there anything else you'd like to tell me about Delaware that you think would be helpful?
- [text box]
40. One last thing: Have I reached you today on a landline or cell phone?
1. Landline (SKIP TO 42)
  2. Cell phone (GO TO 41)
  3. DK / RF (SKIP TO 44)
41. Does your home have a landline or do you just have a cell phone?
1. Yes, have a home landline (SKIP TO 43)
  2. No, do not have a landline (SKIP TO 44)
  3. DK / RF (SKIP TO 44)
42. Do you, personally, have a cell phone?
1. Yes (GO TO 43)
  2. No (SKIP TO 44)
  3. DK / RF (SKIP TO 44)

43. Since you have a cell phone and a landline, are most of the calls you get and answer ...

1. On your cell phone
2. On your landline, or
3. Are they split pretty evenly?
4. (DK / RF)

44. Thank you for sharing your opinions with me. Good-bye. (TERMINATE)

45. GENDER: 

1. Male
2. Female

46. LENGTH: \_\_\_\_\_

47. AGE: \_\_\_\_\_

48. WARD: 

1. Ward 1
2. Ward 2
3. Ward 3
4. Ward 4

49. INDEX: \_\_\_\_\_

**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: 10**

**DATE: 4-13-15**

**PUBLIC HEARING: NO**

**READING: FIRST**

**ORDINANCE NO.:**

**RESOLUTION NO.: 15-23**

**DESCRIPTION: A RESOLUTION APPROVING ADOPTION OF CITY-WIDE MISSION, VISION, AND VALUE STATEMENTS FOR THE CITY OF DELAWARE.**

**DEPARTMENT AFFECTED:  
All Departments**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:  
N/A**

**BUDGETED:  
YES**

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:  
APPROVAL**

**PRESENTER: R. Thomas Homan, City Manager  
Dan Whited, Public Service Group Director**

**SUMMARY OF ITEM:**

City of Delaware staff and council have developed the attached Mission, Vision, and Value Statements as part of a strategic planning process that began in 2013. Establishing vision, mission, and core values statements will help provide a more productive workforce, enhanced customer service, and quality of life to the citizens of Delaware. The attached resolution formally establishes these three statements.

**ATTACHMENTS:**

**Memo from Dan Whited, Public Service Group Director**

**COUNCIL NOTES:**

RESOLUTION NO. 15-23

A RESOLUTION APPROVING ADOPTION OF CITY-WIDE MISSION, VISION, AND VALUE STATEMENTS FOR THE CITY OF DELAWARE.

WHEREAS, the City of Delaware City Council wishes to establish Vision, Mission and Values Statements to provide a more productive workforce, enhanced customer service, and quality of life to the citizens of Delaware; and

WHEREAS, Resolution City Council and staff have developed and refined mission, vision and values statement that are intended to help meet those goals,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Delaware, State of Ohio that the City Council hereby adopt the following:

OUR VALUES

- ✓ Transparent, Open & Honest Government
- ✓ Dedication to Service
- ✓ Fiscal Responsibility & Resiliency
- ✓ Excellence
- ✓ Teamwork

OUR MISSION

Providing quality, cost-effective public services for a better Delaware.

OUR VISION

A vital, safe and diverse community that promotes a high quality of life, great neighborhoods, balanced economic growth and quality public services.

SECTION 1. This resolution shall be effective immediately upon its passage.

PASSED: \_\_\_\_\_, 2015

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSTAIN \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## MEMORANDUM

TO: R. Thomas Homan, City Manager  
FROM: Daniel Whited, Public Service Director  
DATE: 04/22/2015  
RE: Mission, Vision and Core Values/Strategic Planning

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### INTRODUCTION

City officials began an engagement toward enhanced strategic planning efforts in 2013. The initial focus of this effort was directed toward the City's operational Mission, Vision and Core Values.

The first part of this effort was to refine our organizational Mission Statement. The Mission Statement needed to define key measures of success by City leaders. The Mission Statement captures City's organizational purpose with primary objectives.

Our Vision statement, on the other hand, requires focus toward City staff. It emphasizes purpose in terms of values, instead of bottom line measures. The Vision Statement provides direction as to how staff is expected to do their jobs, and to help inspire optimum performance within the organization.

Core Values are principles and ideals that bind the City organization together with the community and other stakeholders. The Core Values frame an ethical context for the organization and build the foundation for decision making within the organization. As city leaders and staff are faced with daily decision-making, the Core Values will serve as guidelines.

### RESULTS

Through the Strategic Planning process, City Leaders and Staff developed Mission, Vision and Core Value Statements:

**Our Mission:** Providing quality, cost effective public services for a better Delaware.

**Our Vision:** A vital and diverse community that promotes a high quality of life, great neighborhoods, balanced economic growth, and quality public service.

**Our Core Values:**

- ✓ Transparent, Open, and Honest Government
- ✓ Dedication to Service, Fiscal Responsibility
- ✓ Personal Honesty and Integrity
- ✓ Excellence
- ✓ Teamwork



## ENGAGEMENT

An implementation plan will be developed to communicate these positive changes to City staff, the community and other stakeholders. Generally speaking, the implementation plan will include:

- advising City staff, and the public (via multiple methods), that updated Mission, Vision, and Core Values are in place
- ensure that all City services are in alignment with the Mission, Vision, and Core Values,
- clarify decision making authority and processes for implementation of any proposed changes in operations that may result from updated Mission, Vision, and Core Values
- transition to organization wide implementation of full Strategic Planning that will have been developed and finalized based on updated Mission, Vision, and Core Values

The City Manager's Office and Department heads will work together to establish specific time frames to accomplish each of the above referenced goals, including programming regular update and coordination meetings to review progress and establish responsibilities and tasks

**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: 11**

**DATE: 4/27/15**

**PUBLIC HEARING: NO**

**READING: FIRST**

**ORDINANCE NO.: 15-42**

**RESOLUTION NO.:**

**DESCRIPTION: AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY.**

**DEPARTMENT AFFECTED:  
Economic Development Department  
Finance**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:**

**BUDGETED:**

**RECOMMENDATIONS**

**COMMITTEE:  
Tax Incentive Negotiating Comm Approval**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE: 12/10/14**

**STAFF RECOMMENDATION:  
Approval at second reading**

**PRESENTER: Sean Hughes, Economic Development Director**

**SUMMARY OF ITEM:**

We are requesting City Council's approval for the City Manager to enter into a Community Reinvestment Area (CRA) Tax Incentive Agreement and School Compensation Agreement with Precision Tower Products, LLC, Delaware City Schools and Delaware Area Career Center for a \$3,716,000 investment in a 55,000 sq. ft. new facility, machinery and equipment at a to be determined site on Pittsburgh Dr.

Todd King of Precision Tower Products, LLC submitted application for a 100%/15 year Community Reinvestment Area Tax Abatement. Precision Tower Products also is looking for properties and incentives in Illinois where the company is currently located.

Our success in attracting Precision Tower Products in the City of Delaware would add 35 new FTEs with a taxable payroll of \$1.97 million (12 of the positions will mostly work out of the state and, therefore, will not be paying local income taxes.) to the local economy.

The City of Delaware Tax Incentive Negotiating Committee (TINC) met on December 10, 2014 with Precision Tower Products officials. The TINC investigated the tax incentive/abatement application and found Precision Tower Products qualified by financial responsibility and business experience to able to create employment opportunities. The TINC (City, County, City School and Delaware Area Career Center representatives) recommends that City Council authorize the agreement. The TINC considers this a high return on investment, advanced manufacturing, high priority project that is indicative of the target industries in the City's 2014 economic development plan.

Based on Precision Tower Products' commitments of the creation of 35 new full-time jobs within 3 years of the completion of your project, the creation of an additional \$1.97 in taxable payroll, we are proposing the following incentives.

**Summary of Incentives:**

- **Community Reinvestment Area (CRA) Tax Abatement**  
100% tax abatement on property improvements  
15 year term  
Value of Abatement is estimated at \$599,058 (16% of their total investment with this project)
- **School Compensation Agreement between the City of Delaware, Delaware City Schools and Delaware Area Career Center for \$18,222.50 per year for 15 years for a total of \$273,337.50 (50% of new income taxes shared with schools on projects with new payrolls exceeding \$1 million per ORC).**

All incentives contain claw back or incentive modification clauses if the company fails to meet its job and payroll commitment and term requirements.

**ATTACHMENTS:**

**CRA School Notification Letters**  
**Precision Tower Products Incentives Application**  
**CRA Agreement**

## **School Compensation Agreement**

**COUNCIL NOTES:**

ORDINANCE NO. 15-42

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE, AND DECLARING AN EMEGENCY.

WHEREAS, the City of Delaware has encouraged development of and investment in real property in the area designated as Community Reinvestment Area 141-1135-1 pursuant to ORC 3735; and

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 14-57, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines;

WHEREAS, the City of Delaware partners with impacted school districts to ensure mutual benefit from economic development projects; and

WHEREAS, the Council of the City of Delaware established an economic development fund to attract, incentive and assist high return on investment projects in the City of Delaware; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF DELAWARE, DELAWARE COUNTY, OHIO, that:

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware and Precision Tower Products meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District, Delaware Area Career Center and Precision Tower Products meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation for this project.

SECTION 4. 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.

SECTION 5. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will 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



April 13, 2015

Mary Beth Freeman  
Superintendent  
Delaware Area Career Center  
4565 Columbus Pike  
Delaware, OH 43015

Paul Craft  
Superintendent  
Delaware City Schools  
248 North Washington Street  
Delaware, OH 43015

RE: Precision Tower Products Community Reinvestment Area Request for Tax Incentives

Dear Superintendents Craft and Freeman:

In an attempt to attract Precision Tower Products, LLC to the City of Delaware and allow for expansion of V&P Hydraulics, the City of Delaware's Tax Incentive Negotiation Committee, that includes the superintendents and treasurers from the impacted school districts, negotiated a 100% for 15 year CRA tax abatement for their project to be located at a site on Pittsburgh Dr. Due to the project generating an income tax of greater than \$1 million, the City of Delaware is required to enter into a School Compensation Agreement with both school districts for 50% of the newly generated income taxes.

The CRA incentive is based on Precision Tower Products' commitments of the creation of 35 new full-time jobs within 3 years of the completion of the building, the creation of an additional \$1.97 million in payroll, and the building of a new 55,000 sq. ft. facility with \$4,010,000 in investment in the City of Delaware. A copy of their application for tax incentives and commitment letter is attached. Please note that the application says 35 jobs and \$2.5 million in payroll, but 12 of the new positions will be technician jobs requiring the people to work in the field outside of the City of Delaware, and, thus, not generating income tax for the City of Delaware.

Therefore, the School Compensation Agreement will be prepared following ORC5709.82(D) guidelines. The estimated annual employee income taxes are \$36,445. The City will pay half the employee income taxes minus any City infrastructure construction costs for the 15 year term of the agreement.

CRA (ORC 3735.65-70) guidelines require that Boards of Education be informed of amendments,

notice requirements, review rights, meeting requests, revenue sharing requirements, and/or program participation. Since the CRA legislation and company agreements contain many legal requirements, you may want to review Ohio Revised Code references (please see: <http://onlinedocs.andersonpublishing.com/>).

Delaware City Council will consider these requests at our regularly scheduled Council meeting on Monday, April 27, 2015, held at Delaware City Hall, 1 South Sandusky Street, Delaware, at 7:00 P.M. A second reading and public hearing should be scheduled for Monday, May 11, 2015 at 7 p.m. School Board Members, staff and the public are welcome to attend these meetings. Please let me know if you require any further assistance. I can be reached at 740.203.1016 or [shughes@delawareohio.net](mailto:shughes@delawareohio.net). **Please email me with confirmation of receipt of this notification so that I can send it with our petition to the Ohio Development Services Agency.** For Delaware City Schools, we are asking that you waive the full 45 day notification period, so that we can ultimately pass the abatement for Precision Tower Products at our May 11 City Council meeting.

School district consent is not required because the total of unabated real property taxes and School Compensation agreements is estimated to equal greater than 50% of the amount of the taxes estimated that would have been charged on the improvements if the exemption had not taken place.

Yours Sincerely,  
Sean Hughes  
Economic Development Director

xc: Honorable George Kaitsa, Auditor  
R. Thomas Homan, City Manager  
Dean Stelzer Finance Director  
Melissa Lee , Treasurer, Delaware City School District  
Chris Bell, Treasurer, Delaware Area Career Center  
Jenna Jackson, Delaware County Economic Development Coordinator

Attached:

1. ORC 3735.671
2. Precision Tower Products, LLC application for tax incentives
3. Precision Tower Products, LLC incentives letter of intent

**3735.671 Written agreement where commercial or industrial property is to be exempted.**

(A) If construction or remodeling of commercial or industrial property is to be exempted from taxation pursuant to section [3735.67](#) of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into a written agreement, binding on both parties for a period of time that does not end prior to the end of the period of the exemption, that includes all of the information and statements prescribed by this section. Agreements may include terms not prescribed by this section, but such terms shall in no way derogate from the information and statements prescribed by this section.

(1) Except as otherwise provided in division (A)(2) or (3) of this section, an agreement entered into under this section shall not be approved by the legislative authority unless the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves the agreement. For the purpose of obtaining such approval, the legislative authority shall certify a copy of the agreement to the board of education not later than forty-five days prior to approving the agreement, excluding Saturday, Sunday, and a legal holiday as defined in section [1.14](#) of the Revised Code. The board of education, by resolution adopted by a majority of the board, shall approve or disapprove the agreement and certify a copy of the resolution to the legislative authority not later than fourteen days prior to the date stipulated by the legislative authority as the date upon which approval of the agreement is to be formally considered by the legislative authority. The board of education may include in the resolution conditions under which the board would approve the agreement. The legislative authority may approve an agreement at any time after the board of education certifies its resolution approving the agreement to the legislative authority, or, if the board approves the agreement conditionally, at any time after the conditions are agreed to by the board and the legislative authority.

(2) Approval of an agreement by the board of education is not required under division (A)(1) of this section if, for each tax year the real property is exempted from taxation, the sum of the following quantities, as estimated at or prior to the time the agreement is formally approved by the legislative authority, equals or exceeds fifty per cent of the amount of taxes, as estimated at or prior to that time, that would have been charged and payable that year upon the real property had that property not been exempted from taxation:

(a) The amount of taxes charged and payable on any portion of the assessed valuation of the new structure or remodeling that will not be exempted from taxation under the agreement;

(b) The amount of taxes charged and payable on tangible personal property located on the premises of the new structure or of the structure to be remodeled under the agreement, whether payable by the owner of the structure or by a related member, as defined in section [5733.042](#) of the Revised Code without regard to division (B) of that section.

(c) The amount of any cash payment by the owner of the new structure or structure to be remodeled to the school district, the dollar value, as mutually agreed to by the owner and the board of education, of any property or

services provided by the owner of the property to the school district, whether by gift, loan, or otherwise, and any payment by the legislative authority to the school district pursuant to section [5709.82](#) of the Revised Code.

The estimates of quantities used for purposes of division (A)(2) of this section shall be estimated by the legislative authority. The legislative authority shall certify to the board of education that the estimates have been made in good faith. Departures of the actual quantities from the estimates subsequent to approval of the agreement by the board of education do not invalidate the agreement.

(3) If a board of education has adopted a resolution waiving its right to approve agreements and the resolution remains in effect, approval of an agreement by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve agreements or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority.

(B) Each agreement shall include the following information:

(1) The names of all parties to the agreement;

(2) A description of the remodeling or construction, whether or not to be exempted from taxation, including existing or new structure size and cost thereof; the value of machinery, equipment, furniture, and fixtures, including an itemization of the value of machinery, equipment, furniture, and fixtures used at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of machinery, equipment, furniture, and fixtures at the facility prior to the execution of the agreement; the value of inventory at the property, including an itemization of the value of inventory held at another location in this state prior to the agreement and relocated or to be relocated from that location to the property, and the value of inventory held at the property prior to the execution of the agreement;

(3) The scheduled starting and completion dates of remodeling or construction of real property or of investments made in machinery, equipment, furniture, fixtures, and inventory;

(4) Estimates of the number of employee positions to be created each year of the agreement and of the number of employee positions retained by the owner due to the remodeling or construction, itemized as to the number of full-time, part-time, permanent, and temporary positions;

(5) Estimates of the dollar amount of payroll attributable to the positions set forth in division (B)(4) of this section, similarly itemized;

(6) The number of employee positions, if any, at the property and at any other location in this state at the time the agreement is executed, itemized as to the number of full-time, part-time, permanent, and temporary positions.

(C) Each agreement shall set forth the following information and incorporate the following statements:

(1) A description of real property to be exempted from taxation under the agreement, the percentage of the assessed valuation of the real property exempted from taxation, and the period for which the exemption is granted, accompanied by the statement: "The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after ..... (insert date) nor extend beyond ..... (insert date)."

(2) "..... (insert name of owner) shall pay such real property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If ..... (insert name of owner) fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter."

(3) "..... (insert name of owner) hereby certifies that at the time this agreement is executed, ..... (insert name of owner) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which ..... (insert name of owner) is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, ..... (insert name of owner) currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101 , et seq., or such a petition has been filed against ..... (insert name of owner). For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes."

(4) "..... (insert name of municipal corporation or county) shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions."

(5) "If for any reason ..... (insert name of municipal corporation or county) revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless ..... (insert name of owner) materially fails to fulfill its obligations under this agreement and ..... (insert name of municipal corporation or county) terminates or modifies the exemptions from taxation pursuant to this agreement."

(6) "If ..... (insert name of owner) materially fails to fulfill its obligations under this agreement, or if ..... (insert name of municipal corporation or county) determines that the certification as to delinquent taxes required by this agreement is fraudulent, ..... (insert name of municipal corporation or county) may terminate or modify the exemptions from taxation granted under this agreement."

(7) "..... (insert name of owner) shall provide to the proper tax incentive review council any information reasonably required by the council to evaluate the applicant's compliance with the agreement, including returns filed pursuant to section [5711.02](#) of the Ohio Revised Code if requested by the council."

(8) "This agreement is not transferable or assignable without the express, written approval of ..... (insert name of municipal corporation or county)."

(9) "Exemptions from taxation granted under this agreement shall be revoked if it is determined that ..... (insert name of owner), any successor to that person, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section [5709.62](#) or [5709.63](#) of the Ohio Revised Code prior to the time prescribed by that division or either of those sections."

(10) "..... (insert name of owner) and ..... (insert name of municipal corporation or county) acknowledge that this agreement must be approved by formal action of the legislative authority of ..... (insert name of municipal corporation or county) as a condition for the agreement to take effect. This agreement takes effect upon such approval."

The statement described in division (C)(6) of this section may include the following statement, appended at the end of the statement: ", and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement." If the agreement includes a statement requiring repayment of exempted taxes, it also may authorize the legislative authority to secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

(D) Except as otherwise provided in this division, an agreement entered into under this section shall require that the owner pay an annual fee equal to the greater of one per cent of the amount of taxes exempted under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars. The fee shall be payable to the legislative authority once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the legislative authority and shall be used by the legislative authority exclusively for the purpose of complying with section [3735.672](#) of the Revised Code and by the tax incentive review council created under section [5709.85](#) of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority may waive or reduce the amount of the fee, but such waiver or reduction does not affect the obligations of the legislative authority or the tax incentive review council to comply with section [3735.672](#) or [5709.85](#) of the Revised Code.

(E) If any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or section [5709.62](#), [5709.63](#), or [5709.632](#) of the Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, "successor" means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial nonrecognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. "Related member" has the same meaning as defined in section [5733.042](#) of the Revised Code without regard to division (B) of that section.

The director of development shall review all agreements submitted to the director under division (F) of this section for the purpose of enforcing this division. If the director determines there has been a violation of this division, the

director shall notify the legislative authority of such violation, and the legislative authority immediately shall revoke the exemption granted under the agreement.

(F) When an agreement is entered into under this section, the legislative authority authorizing the agreement shall forward a copy of the agreement to the director of development within fifteen days after the agreement is entered into.

Effective Date: 09-26-2003; 03-23-2005



CITY OF DELAWARE

INCENTIVES APPLICATION

1. a. Name of property owner, home or main office address, contact person, and telephone number (attach additional pages if multiple enterprise participants).

Enterprise Name- Precision Tower Products LLC Contact Person – Todd King

Address – 1800 Pittsburgh Drive, Delaware, OH 43015

Telephone Number – 740-203-3905

b. Project site: Pittsburgh Drive

Contact Person- Same as Above

Address

Telephone Number

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. Manufacturing and Warehousing

b. List primary 6 digit North American Industry Classification System (NAICS) #

Business may list other relevant SIC numbers. \_\_\_\_\_

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: Consolidating 2 locations. One location in Chicago IL and a location in Ostrander, OH

d. Form of business of enterprise (corporation, partnership, proprietorship, or other). LLC partnership

3. Name of principal owner(s) or officers of the business. Todd King, George Anasis, Kelly Winkler

4. a. State the enterprise's current employment level at the proposed project site: 35

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? Yes 5 will come from Ostrander OH

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: 5 positions currently in Ostrander, OH

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): 5



CITY OF DELAWARE

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: Majority of positions will be new hires over a 2-3 year period.

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? New to manufacturing equipment, raw materials, office etc.

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?

No

b. Any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State? No \_\_\_

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?

No \_\_\_

d. If yes to any of the above, please provide details of each instance including but not limited to the location, amounts and/or case identification numbers (add additional sheets).

6. Project Description: Build a 55,000 sqft manufacturing/warehouse building to service manufacture ground conditioning equipment and products for the cell tower industry.

7. Project will begin March ,2015 and be completed Sept ,2015 provided a tax exemption is provided.

8. a. Estimate the number of new employees the property owner will cause to be created at the facility that is the project site (job creation projection must be itemized by the name of the employer, full and part-time and permanent and temporary): 35

b. State the time frame of this projected hiring: 3 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): Over a 2-3 year period

9. a. Estimate the amount of annual payroll such new employees will add \$2,500,000 (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

b. Indicate separately the amount of existing annual payroll relating to any job retention claim



CITY OF DELAWARE

resulting from the project: \$ 0

10. An estimate of the amount to be invested by the enterprise to establish, expand, renovate or occupy a facility:

- A. Acquisition of Buildings: \$
- B. Additions/New Construction: \$ 2,800,000
- C. Improvements to existing buildings: \$
- D. Machinery & Equipment: \$ 850,000
- E. Furniture & Fixtures: \$ 160,000
- F. Inventory: \$ 200,000

Total New Project Investment: \$4,010,000

11. a. Business requests the following tax exemption incentives: 100 % for 15 years covering real as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible) Submission of this application expressly authorizes (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request.

The Applicant agrees to supply additional information upon request.

The Applicant affirmatively covenants that the information contained in and submitted with this application is complete and correct and is aware of the ORC Sections 9.66(C)(1) and 2921.13(D)(1) penalties for falsification which could result in the forfeiture of all current and future economic development assistance benefits as well as a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

Name of Property Owner Todd King

Date 11-6-14

Signature

Typed Todd King, Partner

\* A copy of this proposal must be forwarded by the local governments to the affected Board of Education along with notice of the meeting date on which the local government will review the proposal. Notice must be given a minimum of fourteen (14) days prior to the scheduled meeting to permit the Board of Education to appear and/or comment before the legislative authorities considering the request.

\*\* Attach to Final Community Reinvestment Area Agreement as Exhibit A



CITY OF DELAWARE

**Please note that copies of this proposal must be included in the finalized Community Reinvestment Area Agreement and be forwarded to the Ohio Department of Taxation and the Ohio Department of Development within fifteen (15) days of final approval.**

**School Compensation Agreement  
PRECISION TOWER PRODUCTS, LLC  
Community Reinvestment Area #141-1135-01**

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015 and **Precision Tower Products, LLC**, 1800 Pittsburgh Dr., Delaware, OH 43015, specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 and 5709 authorizing general school district compensation for lost revenues relating to the Community Reinvestment Area tax abatement for the construction of a new headquarters and manufacturing facility in the City of Delaware's Community Reinvestment Area #141-1135-01.

WHEREAS, the Community Reinvestment Program, pursuant to Chapter 3735 of the Ohio Revised Code authorizes cities and counties to grant real property tax exemptions on eligible new investments; and

WHEREAS, the Council of the City Council of Delaware, Ohio, by Resolution No. 01-52, adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the January 15, 2014 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; and

Whereas, the City of Delaware within **Ordinance Number** \_\_-\_\_ adopted on \_\_\_\_\_, 2015, has acted pursuant to ORC 3735 to grant a tax exemption to **Precision Tower Products, LLC**, and entered into a formal Community Reinvestment Area abatement agreement on \_\_\_\_\_, **2015**; and

Whereas, Item 5(a) of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center and Precision Tower Products, LLC, agree as follows:

Section 1. THE CITY OF DELAWARE, shall pay SEVENTEEN THOUSAND FOUR HUNDRED SEVENTY ONE DOLLARS AND SEVENTY THREE CENTS (\$17,471.73) per year for fifteen (15) years to the Delaware City School District and SEVEN HUNDRED AND FIFTY DOLLARS AND SEVENTY SEVEN CENTS (\$750.77) to the Delaware Area Career Center in accordance with the terms and conditions set forth in Item \_\_ of the Community Reinvestment Area Agreement for the referenced project. This payment shall be made upon receipt of invoices per the instructions set forth in Item \_\_\_ of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due by December 31 each year following receipt of income taxes and dispersed per Section 2 of this agreement.

Section 2. The cash payment made by the City of Delaware, to the Delaware City School District and Delaware Area Career Center **satisfies ORC Section 5709.82C(2) (School Compensation Agreement is mutually acceptable)** and shall be used for educational initiatives for the sole benefit of the Delaware City Schools and the Delaware Area Career Center, as follows:

a.	Delaware City School District	\$17,471.73
b.	Delaware Area Career Center	\$750.77
c.	Total	\$18,222.50

Section 3. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

**Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Precision Tower Products, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No School Compensation payment is required if there is no net tax benefit to Precision Tower Products, LLC.**

Section 5. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 6. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

R. Thomas Homan, City Manager  
City of Delaware  
1 South Sandusky Street  
Delaware, Ohio 43015

Paul A. Craft, PhD, Superintendent  
Delaware City School District  
248 N. Washington Street  
Delaware, Ohio 43015

Mary Beth Freeman, Superintendent  
Delaware Area Career Center  
4565 Columbus Pike  
Delaware, Ohio 43015

\_\_\_\_\_, President  
Precision Tower Products, LLC  
1800 Pittsburgh Drive  
Delaware, OH 43015

Any party may change its contact or mailing address for receiving notices and reports by giving written notice of such change to the other parties.

Section 7. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this    **day of**        **2015**.

CITY OF DELAWARE

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R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

\_\_\_\_\_  
Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

\_\_\_\_\_  
Mary Beth Freeman, Superintendent

PRECISION TOWER PRODUCTS, LLC

\_\_\_\_\_  
\_\_\_\_\_, President

Approved as to form:

By: \_\_\_\_\_  
Darren Shulman, Delaware City Attorney

COMMUNITY REINVESTMENT AREA AGREEMENT  
CITY OF DELAWARE and **PRECISION TOWER PRODUCTS, LLC**

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **Precision Tower Products, LLC, 1800 Pittsburgh Drive, Delaware, OH 43015-8699**, WITNESSETH;

WHEREAS, the City of Delaware has encouraged the development of real property and the acquisition of personal property located in the area designated as Community Reinvestment Area 141-1135-01; and

WHEREAS, **Precision Tower Products, LLC** desires to construct a facility on an approximately 9.5 acre parcel on Pittsburgh Dr. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of the City of Delaware, Ohio, by Resolution No. 01-52 adopted July 23, 2001, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective September 4, 2001, the Director of the Development Services Agency of the State of Ohio determined that the aforementioned area designated in said Resolution No. 01-52 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and confirmed said area as Community Reinvestment Area #141-1135-01 under said Chapter 3735; and

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **Precision Tower Products, LLC** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Precision Tower Products, LLC** has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Precision Tower Products, LLC** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of

Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the Tax Incentive Negotiating Committee of the City of Delaware has investigated the APPLICATION of **Precision Tower Products, LLC**, and has recommended the same to the Council of the City of Delaware on the basis that **Precision Tower Products, LLC** is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Delaware; and

WHEREAS, the project site as proposed by **Precision Tower Products, LLC** is located in the Delaware City School District and the Delaware Area Career Center (per the attached resolutions authorizing the superintendents to act on behalf of the board) and both school districts have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to Section 3735.67(A) and in conformance with the format required under Section 3735.671(B) of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. **Precision Tower Products, LL** shall construct a new estimated 55,000 sq. ft. facility to be located on a parcel on Pittsburgh Dr.

The PROJECT will begin \_\_\_\_\_ and all construction will be completed by \_\_\_\_\_. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Precision Tower Products, LLC** shall **create** the equivalent of **35** new **full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs)** jobs at the Delaware facility. The job creation period begins \_\_\_\_\_ and all jobs will be in place by \_\_\_\_\_ (3 years or 36 months after the completion of the PROJECT per ORC 3735).

This increase in the number of new employees shall result in the creation of at least ONE MILLION NINE HUNDRED AND SEVENTY THOUSAND (\$1,970,000) in total annual payroll generated at the

PROJECT site (does not include \$600,000 of field tech payroll that would be taxed where the field techs work).

3. Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of \$36,445 (\$1,970,000 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Precision Tower Products, LLC** agrees to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, the reimbursement will be adjusted accordingly. Alternatively, the City of Delaware may modify this CRA agreement to lower Precision Tower Products' CRA percentage and/or term while adjusting the company's FTE and payroll commitments to match the company's actual hiring performance at the time of reporting at the City's discretion.

To the extent that **Precision Tower Products, LLC** substantially complies with the terms of this section 4 of this agreement, the company shall incur no income tax reimbursement penalty.

4. **Precision Tower Products, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7).
5. City of Delaware hereby grants **Precision Tower Products, LLC** a tax exemption for real property improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (15) years in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	100%
Year 5	100%
Year 6	100%
Year 7	100%
Year 8	100%
Year 9	100%
Year 10	100%
Year 11	100%
Year 12	100%

Year 13	100%
Year 14	100%
Year 15	100%

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before \_\_\_\_\_, nor extend beyond \_\_\_\_\_. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Precision Tower Products, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

6. **Precision Tower Products, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

The fee shall be made payable to the City of Delaware once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Ohio Revised Code and by the Tax Incentive Review Council created under Section 5709.85 of the Ohio Revised Code exclusively for the purposes of performing the duties prescribed under that section.

7. Waiver Requirement (for jobs relocated within Ohio)  
If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:

Continuation of this agreement is subject to the validity of the circumstances upon which **Precision Tower Products, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Precision Tower Products** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

8. **Precision Tower Products, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Precision Tower Products, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).
9. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).
10. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Precision Tower Products, LLC** materially fails to fulfill its obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).
11. If **Precision Tower Products, LLC** materially fails to fulfill its obligations under this agreement, or if the City of Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
12. **Precision Tower Products, LLC** hereby certifies that at the time this agreement is executed, **Precision Tower Products, LLC** does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Precision Tower Products, LLC** is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Precision Tower Products, LLC** currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against

**Precision Tower Products, LLC.** For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

13. **Precision Tower Products, LLC** affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
14. **Precision Tower Products, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by **Precision Tower Products, LLC** as a condition for the agreement to take effect (ORC3735.671C10).
15. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Precision Tower Products, LLC** is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
16. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Precision Tower Products, LLC** any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).
17. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Precision Tower Products, LLC** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Precision Tower Products, LLC** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.

18. **Precision Tower Products, LLC** affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Precision Tower Products, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Precision Tower Products, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
19. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.
20. **Precision Tower Products, LLC**, acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).
21. **Precision Tower Products, LLC** hereby represents that it has full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Resolution** \_\_-\_\_ adopted on \_\_\_\_\_, has caused this instrument to be executed this 1<sup>st</sup> day of \_\_\_\_\_ 2015, and **Precision Tower Products, LLC** has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF DELAWARE

By: \_\_\_\_\_  
R. Thomas Homan, City Manager

PRECISION TOWER PRODUCTS, LLC

By: \_\_\_\_\_  
, President  
Precision Tower Products, LLC

Approved as to form:

By: \_\_\_\_\_  
Darren Shulman, Delaware City Attorney



**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: 12**

**DATE: 04/27/15**

**PUBLIC HEARING: NO**

**READING: FIRST**

**ORDINANCE NO.: 15-43**

**RESOLUTION NO.:**

**DESCRIPTION: AN ORDINANCE APPROVING THE SALE OF A 1988 CHAMPION MOTOR GRADER.**

**DEPARTMENT AFFECTED:  
Public Works Department**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:**

**BUDGETED:**

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:  
Approval at first reading**

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

**SUMMARY OF ITEM:**

The 1988 Motor Grader was originally purchased by the City as a used piece of equipment to assist with large in-house road reconstruction projects. These type of activities are no longer performed with in-house staffing. It also was used sporadically for berm maintenance and occassional snow/ice removal, however has seen no activity for over two years. The twenty-seven year old grader currently requires an estimated \$10,000 to \$12,000 in repair parts, not including labor, which could more than double the estimates if work must be performed through outside services. Repair/replacement items include the tires, brakes, clutch and hydraulics among other systems, in order to make the piece of equipment operational and safe. Anticipating no practical annual use for the grader to justify the high cost of repair and upkeep, it is being recommended to sell the piece of equipment at this time. Because the actually sale price may exceed \$5,000, Council authorization is required by Ordinance 108.04. If at some point in the future a grader is required for a special in-house project, one can be reneted through a number of sources at costs ranging from \$3000 to \$6000 per month depending on the time of year it would be needed.

**ATTACHMENTS:**

Image

**COUNCIL NOTES:**

ORDINANCE NO. 15-43

AN ORDINANCE APPROVING THE SALE OF A 1988 CHAMPION MOTOR GRADER.

WHEREAS, the City of Delaware is the owner of a 1988 motor grader of which its estimated value exceeds \$5,000, and

WHEREAS, The Public Works Director/City Engineer and SMR Superintendent have determined that the vehicle is no longer needed for municipal purposes and

WHEREAS, Council finds that the vehicle has no historical value.

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

SECTION 1. The 1988 Champion Motor Grader is sold pursuant to Delaware City Code Section 108.

SECTION 2. The Public Works Director/City Engineer established a minimum bid for the equipment and shall not be sold for less than the minimum. The vehicle will be advertised for sale on the electronic website known as GovDeals. Bids will be electronically received by GovDeals by a date and time to be established and sold to the highest bidder.

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 RULE SUSPENSION:

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2015

YEAS\_\_\_NAYS\_\_\_  
ABSTAIN \_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## MEMORANDUM

TO: R. Thomas Homan, City Manager  
Dean Stelzer, Finance Director

FROM: Bill Ferrigno, Public Works Director/Engineer

DATE: 04/21/2015

RE: Equipment for Auction

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In accordance with the provision contained in City Codified Ordinance 108.04, we hereby request permission to offer for sale online at GovDeals the following item, which is no longer needed for municipal purposes. We will not be replacing the grader.

Item Description	VIN or Serial Number	Condition/Reason For Sale of Item	Fund
1988 Champion Motor Grader	710A-157-36818231-87	Not currently in a usable state-numerous items would need replaced to become safely operable at a high cost. Estimated Value \$4500-\$7500	General SMR

The signatures affixed below hereby authorize the online sales of the listed items.

\_\_\_\_\_  
William L. Ferrigno, P.E.  
Director of Public Works/City Engineer

\_\_\_\_\_  
Date

\_\_\_\_\_  
R. Thomas Homan  
City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dean P. Stelzer  
Finance Director

\_\_\_\_\_  
Date



**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.:** 13

**DATE:** 4/27/15

**PUBLIC HEARING:** NO

**READING:** FIRST

**ORDINANCE NO.:** 15-44

**RESOLUTION NO.:**

**DESCRIPTION:** AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY AGRICULTURAL SOCIETY TO PROVIDE ASSISTANCE WITH THE WATERLINE PROJECT AT THE FAIRGROUNDS, AND DECLARING AN EMERGENCY.

**DEPARTMENT AFFECTED:**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:**

**BUDGETED:**

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:**

**Approval**

**PRESENTER:**

**Brad Stanton, Public Utilities Director**

**SUMMARY OF ITEM:**

By this agreement the City's public utilities department will provide the labor and equipment to install, in two phases, an eight water line at the Delaware County Fairgrounds. The fair board will be responsible for providing all materials for the installation of the water lines. The first phase, which is estimated to be \$74,000 in labor and equipment value, will consist of improvements in the northwestern portion of the fairgrounds to include approximately 2400 linear feet of water pipe, twenty-three water service connections, and two fire hydrants. The second phase, which is estimated to be \$36,000 in labor and equipment value, consists of approximately 1000 linear feet of water pipe and a water line to serve the motor-plex area of the fairgrounds. The fair board will ensure all water line materials supplied for the project are approved by the City of Delaware. After the installation of the water line, the City will test the system for leaks and ensure it meets all OEPA requirements before it is put into service. The fair board will assume responsibility for the maintenance and repair of the water lines after it is placed in service. The first phase of the project will be installed after the fair board has obtained the water pipe materials and the second phase will be installed after the close of the 2015 Delaware County fair.

**ATTACHMENTS:**  
**Draft Agreement**

**COUNCIL NOTES:**

ORDINANCE NO. 15-44

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY AGRICULTURAL SOCIETY TO PROVIDE ASSISTANCE WITH THE WATERLINE PROJECT AT THE FAIRGROUNDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Delaware County Fair is an asset to both the City and the County and its citizens; and

WHEREAS, the current state of the waterlines throughout the fairgrounds has become a burden on the viability of the Fair; and

WHEREAS, under the agreement (attached), the County will provide funding to the Fair to purchase materials to improve the waterlines and the City will provide labor and equipment to complete the improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DELAWARE, OHIO THAT:

SECTION 1. The City Manager is hereby authorized to sign the Intergovernmental Cooperation Agreement with the Delaware County Board of Commissioners and the Delaware County Agricultural Society.

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.

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the City, and is necessary in order to make the necessary improvements in a timely manner, and as such will 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

## INTERGOVERNMENTAL COOPERATION AGREEMENT

### Section 1 – Parties to the Agreement

This Agreement is made and entered into as of the last date written below, by and among the Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015 (the “County”), the City of Delaware, 1 South Sandusky Street, Delaware, Ohio 43015 (the “City”), and the Delaware County Agricultural Society, 236 Pennsylvania Avenue, Delaware, Ohio 43015 (the “Fair”), (hereinafter referred to individually as “Party” or collectively as the “Parties”).

### Section 2 – Purpose

This Agreement is authorized by sections 9.482, 307.15, *et seq.*, and 1711.15 of the Revised Code. The Delaware County Fairgrounds is comprised of parcels of land owned by the County and parcels of land owned by the Fair, and waterlines throughout the Fairgrounds properties are in need of repair or replacement. The Fair has requested the County’s and City’s assistance in completing the necessary repairs and replacement. This Agreement shall establish the terms and conditions for the Parties’ respective responsibilities related to the repair and replacement of waterlines and appurtenant facilities on the Delaware County Fairgrounds. The proposed improvements are more specifically described as a proposed fire loop and water service improvements and will be performed in two phases as set forth in Exhibit A to this agreement. The first phase consists of the northwest portion of the improvements, which include approximately 2400 linear feet of pipe, 23 water service connections and two fire hydrants. The second phase consists of the remaining parts of the fire loop and the 8-inch extensions to the motor-plex area to the north and the multi-purpose building to the west. The improvements described in this Section shall hereinafter be referred to as the “Project.”

### Section 3 – Division of Responsibilities During the Project

The County shall contribute the total sum of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) to the Fair, pursuant to section 1711.15 of the Revised Code, for the exclusive purpose of application to the costs of the Project. The County contribution shall be made within fifteen (15) days of the effective date of this Agreement. The Fair shall provide the remainder of the funding for the Project and shall have general supervision of the Project. The City, through its Public Utilities Department, shall provide assistance to the Fair by installing materials supplied by the Fair for the proposed fire loop and water service improvements. The City’s assistance shall include the necessary labor and equipment to complete the Project. The Fair shall ensure that the materials supplied for the Project will be the same approved material used in current distribution extensions and improvements. After the installation is completed, the City will test the system for leaks and bacteria, using current AWWA specification prior to placing the system into service. When the system is placed into service, the Fair will assume responsibility for maintenance and repair of the water lines. In the future, if the Fair would elect to expand and/or make repairs to the water distribution system, the Fair shall use approved materials for this type of water distribution system per the City of Delaware infrastructure design manual.

### Section 4 – Compensation

The Parties agree to be responsible for their own costs and expenses related to the Project and shall not seek any compensation or reimbursement except as specifically set forth in this Agreement.

### Section 5 – Term

This Agreement shall take immediate effect upon approval by all Parties hereto and shall continue in full force and effect until the Project is completed, unless modified, superseded, or terminated in accordance with this Agreement. The first phase of the Project shall commence as soon as practicable after the Fair has obtained the necessary materials. The second phase of the Project shall commence as soon as practicable after the close of the 2015 Delaware County Fair, or earlier if agreed upon by the Parties. This Agreement may only be amended in writing with the mutual consent and agreement of the Parties.

### Section 6 – Legal Contingencies

In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

### Section 7 – Personnel

The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for

the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

**Section 8 – Equipment and Facilities**

Each Party to this Agreement shall be responsible for maintaining its own equipment and facilities. In no way shall this Agreement be construed to require the sale or donation of equipment under the ownership and control of any Party of this Agreement.

**Section 9 – Insurance and Liability**

The Parties are political subdivisions and lack authority to indemnify. The Fair shall require any contractor to indemnify and hold harmless the County, the City, and the Fair in any contract with a non-Party for the Project. The Fair shall also require any non-Party contractor to name the County, the City, and the Fair as “Additional Insured” on the insurance policies required in any contract for the Project and to provide properly executed endorsements indicating the listing of the County, the City, and the Fair as “Additional Insured” on those policies. In all other respects, each Party agree to be responsible for its own actions, errors, and omissions, and those of its respective officials, employees, agents, and volunteers, related to this Agreement and any expenses, claims, or liabilities arising therefrom.

Each Party shall, for the life of this Agreement, maintain comprehensive general liability insurance coverage, with minimum limits in the amount of \$1,000,000.00 each occurrence or equivalent and \$2,000,000.00 in the aggregate, and shall cause the other Parties to be named as additional insured on any applicable insurance policies.

**Section 10 – Miscellaneous Terms & Conditions**

- 10.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement among the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.
- 10.2 Governing Law and Disputes: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.
- 10.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.
- 10.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 10.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the last date written below.

DELAWARE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Gary Merrell, President Date  
Pursuant to Resolution No. 11-137 and  
Resolution No.15-\_\_\_\_\_

CITY OF DELAWARE

\_\_\_\_\_  
R. Thomas Homan, City Manager Date

DELAWARE COUNTY AGRICULTURAL SOCIETY

\_\_\_\_\_  
Henry C. Thomson, President Date

Approved as to Form:

\_\_\_\_\_  
Delaware County Prosecutor

\_\_\_\_\_  
Delaware City Attorney

**AUDITOR'S CERTIFICATION**

The Delaware County Auditor hereby certifies that the funds required to meet the obligations set forth in this Agreement have been lawfully appropriated for such purpose and are in the County treasury or in the process of collection, free from any other encumbrances. The Delaware County Auditor also certifies that it has been confirmed with the Ohio Auditor of State that the City of Delaware and the Delaware County Agricultural Society have no unresolved findings for recovery issued against them by the State of Ohio.

Date: \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
George Kaitsa  
Auditor, Delaware County, Ohio



## Proposed Fire Loop And Water Service Improvements Delaware County Fairgrounds

This information is believed to be an accurate and true depiction for the stated purpose, but the owner and its employees make no guaranties, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. No part of this may be reproduced or transmitted by any means without the expressed written permission of the owner. The owner maintains records regarding the methods used to produce this information and they can be furnished upon request.

<ul style="list-style-type: none"> <li> Water Valves</li> <li> Hydrants</li> <li> Water Pipes</li> </ul>	<ul style="list-style-type: none"> <li> 8" Proposed Fire Loop Phase I (Spring 2015)</li> <li> 8" Proposed Fire Loop Phase I (Fall 2015)</li> <li> 1" Proposed Service Line</li> <li> Proposed Hydrants</li> </ul>
	<p>0 65 130 260 Feet</p>

**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: 14**

**DATE: 4/27/15**

**PUBLIC HEARING: NO**

**READING: FIRST**

**ORDINANCE NO.:**

**RESOLUTION NO.: 15-24**

**DESCRIPTION:** A RESOLUTION REALLOCATING \$20,000 OF RECREATION LEVY FUNDS FROM COMMUNITY GARDENS AT BLUE LIMESTONE PARK TO PICKLEBALL COURTS AT BLUE LIMESTONE PARK AND REPURPOSING THE EXISTING BASKETBALL COURTS FOR USE AS PICKLEBALL COURTS.

**DEPARTMENT AFFECTED:**  
**Parks and Natural Resources**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**  
**\$17,585**

**FUND SOURCES:**  
**Park Levy Funds**

**BUDGETED:**  
**Yes**

**RECOMMENDATIONS**

**COMMITTEE:**  
**PRAB**

**RECOMMENDATION:**  
**YES**

**VOTE:**  
**10-0**  
**MEETING DATE: April 21,**  
**2015**

**STAFF RECOMMENDATION:**  
**approval**

**PRESENTER:**

**Dan Whited, Public Service Director & Interim Parks and Natural Resources Director**

**SUMMARY OF ITEM:**

This resolution provides the reallocation of funding for construction of two pickleball courts at Blue Limestone. The pickleball courts will be constructed through repurposing of the existing basketball courts at the park.

This was discussed at the April Parks and Recreation Advisory Board and recommended that this item be brought before City Council for consideration.

The funding for the improvements will be reallocated from Community Gardens at Blue Limestone Park portion of Recreation Levy funds.

**ATTACHMENTS:**

**COUNCIL NOTES:**

RESOLUTION NO. 15-24

A RESOLUTION REALLOCATING \$20,000 OF RECREATION LEVY FUNDS FROM COMMUNITY GARDENS AT BLUE LIMESTONE PARK TO PICKLEBALL COURTS AT BLUE LIMESTONE PARK AND REPURPOSING THE EXISTING BASKETBALL COURTS FOR USE AS PICKLEBALL COURTS.

WHEREAS, pickleball is one of the a fastest growing sports across the Unites States; and

WHEREAS, there exists a large group of interested pickleball participants in our community that lack the availability of outdoor courts; and

WHEREAS, Blue Limestone Park will be undergoing numerous improvements in the immediate future that will allow the accommodation of two pickleball courts; and

WHEREAS, the Parks Levy Budget currently allocates funds toward improvements at Blue Limestone Park that may be more appropriately allocated elsewhere within the park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Delaware to hereby reallocate \$20,000 of the Recreation Levy funds from Community Gardens at Blue Limestone Park to Pickleball Courts at Blue Limestone Park and repurposing the existing basketball courts for use as pickleball courts.

SECTION 1. This resolution shall be effective immediately upon its passage.

PASSED: \_\_\_\_\_, 2015

YEAS \_\_\_\_ NAYS \_\_\_\_  
ABSTAIN \_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: April 23, 2015

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1. **Calendar**

See Attached

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

See Attached

3. **Bi-Weekly Meetings**

April 13

\* Rotary

\* Council meeting

April 20

\* Rotary

April 21

\* Strand Board meeting

April 23

\* MORPC Regional Roundtable

4. **Required Reading**

A. Fire Department March Monthly Report

# April

2015

*Sun*

*Mon*

*Tue*

*Wed*

*Thu*

*Fri*

*Sat*

**1**

**2**

**3**

**4**

Planning 7

**5**

**6**

**7**

**8**

**9**

**10**

**11**

BZA 7

**12**

**13**

**14**

**15**

**16**

**17**

**18**

Council 7

Airport  
Commission 7

**19**

**20**

**21**

**22**

**23**

**24**

**25**

Parks & Rec Ad  
Bd 7

**26**

**27**

**28**

**29**

**30**

Council 7

Shade Tree  
Commission 7

**CONTRACT APPROVAL - APRIL 27, 2015**

<b>VENDOR</b>	<b>EXPLANATION OF AGREEMENT</b>	<b>2015 AMOUNT</b>	<b>DEPARTMENT</b>
Delaware County Board of Commissioners	PY15 CHIP Program Partnership	\$0	Planning
State of Ohio Development Services Agency	Economic Development RLF Administration	\$0	Planning
Our Excavating LTD	Park Avenue Water Main Replacement	\$527,015.66	Public Utilities

# Delaware Fire Department

## March 2015 Monthly Report

PERFORMANCE REVIEW	2012	2013	2014	2015	March	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	448	1,305	24.29%	25.00%	-0.71%
Fire	103	104	101	107	5	24	22.43%	25.00%	-2.57%
Rupture/Explosion	9	3	3	3	1	1	33.33%	25.00%	8.33%
EMS	3,861	3,883	4,047	4,197	355	1,023	24.37%	25.00%	-0.63%
Hazardous Conditions	173	131	124	135	11	32	23.70%	25.00%	-1.30%
Service Calls	146	94	141	146	17	43	29.45%	25.00%	4.45%
Good Intent	169	165	162	176	20	47	26.70%	25.00%	1.70%
False Calls	453	440	589	599	39	134	22.37%	25.00%	-2.63%
Severe Weather	6	3	0	2	0	1	50.00%	25.00%	25.00%
Other	8	8	6	7	0	0	0.00%	25.00%	-25.00%
Number of medical transports	2,593	2,576	2,586	2,888	314	849	29.40%	25.00%	4.40%
Percent of priority calls w/ response within 6 min	57%	56%	68%	68%	68%	69%	65.00%	25.00%	4.00%
Percent residential structure fires ERF of 15 FF within 12 minutes	40%	70%	78%	70%	N/A	100%	28.21%	25.00%	75.00%
# Structure Fires			9	10	0	2	20.00%	25.00%	-5.00%
# Structure with personnel and Times			7	7	0	2	28.57%	25.00%	3.57%
Number of commercial inspections conducted	594	1,222	1,473	1,250	190	408	32.64%	25.00%	7.64%
Number of plans reviewed within five days	89%	86%	100%	95%	100%	100%	105.26%	25.00%	100.00%
Number of fires greater than \$10,000	6	13	8	8	0	1	12.50%	25.00%	-12.50%
Number of fires of suspicious nature	3	5	5	3	0	2	66.67%	25.00%	41.67%
Hours of Training	9,326	8,831	13,335	10,000	1,093	3,466	34.66%	25.00%	9.66%

### Major Incidents

- March 1, Small Structure Fire, S. Sandusky St.
- March 13, Small Structure Fire, Sussex
- March 14, Accident – 3 Transports, Nutter Farm
- March 25, Industrial Accident, Pittsburgh Dr.

### Other Activities

- March 20, Super Hero's Party, YMCA & Mingo
- March 20, St Mary's Spanish Club - Demo
- March 23, Triangle Shirtwaist Fire Presentation, Shanahan Middle School

### 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 – Monthly Report on the Firehouse Coordinator**

**2015 FIRST Location Data for City of Delaware**

Month	March	TOTALS YTD
Referrals	33	77
DFD FIRST Coordinator	24	54
DFD Personnel	8	18
Other Agency	1	5
# of New COA-Enrolled	1	2
Total FIRST Contacts	295	582
# of Individuals Served	99	206
# on New Individuals Served	99	199
City of Delaware Residents Served	95	197
Individuals with New Service	5	15
Services Provided	8	25
Home Delivered Meals	1	4
Shelf Stable Meals	0	0
Emergency Alert Unit Provided	3	6
Medication Dispenser	0	1
Incontinence Products	0	1
Durable Medical Equipment	1	3
In-Home Support	3	6
Other	0	4