

**CITY OF DELAWARE  
CITY COUNCIL  
AGENDA  
MOSES BYXBE ROOM  
500 LINCOLN AVENUE  
7:00 P.M.**

REGULAR MEETING

JUNE 22, 2015

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the joint meeting between City Council and the Delaware County Commissioners held June 1, 2015, as recorded and transcribed.  
APPROVAL of the Motion Summary of the regular meeting of Council held June 8, 2015, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Acceptance of the Motion Summary for the Board of Zoning Appeals meeting held April 8, 2015.
  - B. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held March 25, 2015.
  - C. Acceptance of the Motion Summaries for the Parks and Recreation Advisory Board meetings held April 21 and May 19, 2015.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS
7. COMMITTEE REPORTS
8. PRESENTATIONS
  - A. Source Point (Council for Older Adults) Rebranding Update – Bob Horrocks, Director
  - B. Board of Elections presentation “Delaware for Democracy” – Josh Pedaline, Director, Karla Herron, Deputy Director, and Stephanie Clase, Election Services Manager
9. SECOND READING of Ordinance No. 15-54, an ordinance placing an amendment to Section 191.14 of the Codified Ordinances of the City of Delaware to decrease the existing Delaware City Municipal Income Tax rate by fifteen one-hundredths of one percent (0.15%) effective on December 31 in the calendar year in which all securities issued for the

purposes provided in 191.14(B) are retired on the November ballot.

10. CONSIDERATION of Resolution No. 15-30, a resolution declaring the necessity of an election on the question of approving the passage of an ordinance to amend Sections 191.03 and 191.14 of the Codified Ordinances of the City of Delaware, Ohio, to provide for the continuation of an existing fifteen one-hundredths of one percent (0.15%) levy on income by the City for the purpose of improving municipal recreation facilities and paying the debt service charges of securities issued for that purpose, but limiting the final calendar year in which the tax will be levied to the calendar year in which the debt service charges on securities issued pursuant to such authority and outstanding as of June 1, 2015, including any securities hereafter issued to refund those securities, have been fully paid or provided for.
11. SECOND READING of Ordinance No. 15-55, an ordinance supplementing the 2015 Appropriations Ordinance to provide funding to hire a permanent part-time position in the Finance Department, and declaring an emergency.
12. CONSIDERATION of Resolution No. 15-31, a resolution authorizing the installation of stop signs on Cobblestone Drive at Carson Farms Boulevard and the establishment of no parking zones along the Cobblestone Drive street frontage of properties at 402 Cobblestone Drive and 100 Hayfield Drive.
13. CONSIDERATION of Ordinance No. 15-56, an ordinance supplementing the 2015 Appropriations Ordinance to provide additional funding for the purchase of a replacement traffic service vehicle, and declaring an emergency.
14. CONSIDERATION of Ordinance No. 15-57, an ordinance amending Ordinance No. 14-124 establishing the pay and benefits for various part-time and intermittent/seasonal employees of the City of Delaware, and declaring an emergency.
15. CONSIDERATION of Ordinance No. 15-58, an ordinance authorizing the City Manager to enter into an agreement with the Joint Economic Development District (JEDD) Board, and declaring an emergency.
16. CONSIDERATION of Ordinance No. 15-59, an ordinance supplementing the 2015 Appropriations Ordinance to provide funding for repair of the showers at the Justice Center, and declaring an emergency.
17. FINANCE DIRECTOR'S REPORT

18. CITY MANAGER'S REPORT
19. COUNCIL COMMENTS
20. **EXECUTIVE SESSION:** pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of confidential information related to a request for economic development assistance.
21. ADJOURNMENT

# RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 1 20 15

The joint meeting between the Delaware County Commissioners and Delaware City Council on June 1, 2015 was called to order at 7:00 p.m. in the Commissioner's Hearing Room, located at 101 South Sandusky Street. The following members of Council were present: Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was First Ward Chris Jones.

The following members of Delaware County Commissioners were present: Commissioner Ken O'Brien, Commissioner Barb Lewis, and Commissioner Gary Merrell.

City Staff Present: Dean Stelzer, Finance Director, Dan Whited, Public Service Group Director, Bill Ferrigno, Public Works Director/City Engineer, John Donahue, Fire Chief, Sean Hughes, Economic Development Director, Lee Yoakum, Community Affairs Coordinator, Brad Stanton, Public Utilities Director, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager.

County Staff Present: Tim Hansley, Delaware County Administrator, Chris Bauserman, Delaware County Engineer, Jon Melvin, Manager of Facilities, Tiffany Jenkins, Director of Environmental Services, Dawn Huston, Director of Administrative Services, Chief Mike Schuiling, Director of Emergency Medical Services, Kevin Hennessy, Vice-Chairman of the Delaware County Finance Authority.

**Motion to Excuse:** Mr. Brush moved to excuse Mr. Jones, seconded by Mr. Shafer. Motion approved by a 6-0 vote.

## **ITEM 2: County Updates**

### a. Sawmill Parkway

Mr. Bauserman provided information on the timeline to advertise the upcoming project for bid, as well as, expected completion date. Mr. Bauserman discussed expected road closures during the construction.

### b. Courthouse

Mr. Melvin provided an updated on the new Delaware County Courthouse site plans and provided a layout of the architect's expected master floor plan. Mr. Melvin discussed the two levels of parking, access points, and the entrances. Mr. Melvin discussed the concept plans for potential expansion of the courthouse in the future.

Mr. Brush requested information on the concept plans for a parking structure on Court Street. Mr. Melvin discussed that is a plan for Phase 2.

Mr. Brush discussed concerns that he has received by constituents regarding the layout and those victims of crime maybe in the same area as prisoners that are being transported in for check in. Mr. Melvin reviewed the security plans for the building and that the architects design will separate the prisoners from the visitors.

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 1 20 15

Mr. Homan suggested the possibility of allowing the parking to be available after hours to the public. Mr. Melvin stated that this would increase security concerns. Commissioner Merrell stated that the employee lot would free up additional public parking spaces.

Mr. Hansley stated the need for continued discussions on procedures to minimize any negative impact to the downtown area during the construction phase.

c. Sewer Master Plan

Ms. Jenkins discussed the goals of the Sewer Master Plan. Ms. Jenkins discussed the need to analyze existing conditions of systems and what capital improvements can be used to improve the existing systems. Ms. Jenkins indicated the need to look at future needs of the system and what service areas will need provided to for future developments. A discussion was held on the need for financial analysis and to look at potential funding sources available.

d. Economic Development Director Process

Ms. Huston provided an update on the process of hiring an Economic Development Director. Ms. Huston stated that the Waters Company was hired to assist in securing the position. Ms. Huston provided copies of the brochures that were developed as part of the recruiting process and that the brochure was sent out to 700 potential applicants. A discussion was held on the goal to have the position filled by August.

e. EMS Agreement.

Chief Schuiling discussed the EMS Agreement and provided the difference of use emergency medical responders of the county compared to the city, with the county requiring three EMS responders.

**ITEM 3: City Updates**

a. Sanitary Sewer Collection System Master Plan Update

Mr. Stanton and Mr. Whited reviewed the Sanitary Sewer Collection Master Plan and the need to look at flow constraints in the system. A discussion was held on the need to look at the option of using capital improvement funds for repairs or to build new sewers.

Commissioner O'Brien indicated the need to focus on and distinguish who will provide sewage services to Troy Township area.

b. Transportation Plan Update

Mr. Ferrigno and Mr. Whited discussed the need to receive recommendations for potential cost on new construction, maintenance, and prioritization of projects. Mr. Ferrigno discussed the partnership with MORPC to help run a traffic model to determine how local city roads manage traffic to determine priorities. Mr. Ferrigno discussed the use of public to also determine transportation priorities. Mr. Ferrigno discussed the significance on maintenance of roads and assessing current infrastructure. A discussion was held on maintenance including the installation of guardrails, striping, and local maintenance.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 1 20 15

Mr. Ferrigno provided an update on three main projected projects which include Valleyside Drive, Merrick Parkway, and Cottswold Drive.

Commissioner O'Brien voiced his concern regarding the Glenn Road project and the increase in city traffic onto county roads. Mr. Ferrigno reviewed the projected plan for Glenn Road and Glenn Parkway.

**ITEM 4: Discussion Items**

a. Solid Waste Transfer Station

Ms. Jenkins reviewed the long term options and plans for the transfer station. Ms. Jenkins stated that the existing site is located next to the jail and if the jail needs expansion in the future than the Transfer Station will need to be relocated. Ms. Jenkins explained that the existing transfer station works well and reviewed potential options. These options include: continue to run the transfer station as is, build a new site, enter into a private partnership agreement, look at a city and county partnership, and for the county to no longer take part in trash and let the private and public entities decide what is to their best interest.

Mrs. Keller discussed the need to have the Public Works Department discuss and evaluate possible options and potential outcomes. Mrs. Keller recommended that there should be a staff working group to work on this evaluation.

b. Other

Commissioner Merrell discussed the need for the city and county to look at a partnership in a transition to natural gas vehicles for the city and county. Mr. Homan recommended that the school districts be included in the discussion and partnership.

Mr. Homan provided an update on the wayfinding signage.

Mr. Hennessy discussed the role of the Delaware County Finance Authority and that the services provided are not being utilized by the city or county as much as they could be. Mr. Hennessy recommended that the Delaware County Finance Authority be used as a tool on joint projects.

**ITEM 5: Next Meeting**

A discussion was held to have a meeting setup within six months. The next meeting date to be determined.

**ITEM 6: ADJOURNMENT**

**Motion:** Mr. Brush moved to adjourn the meeting. The meeting adjourned at 8:33 p.m.

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

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

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

The regular meeting of June 8, 2015 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger, and Mayor Carolyn Kay Riggle who presided. The invocation was given by Reverend Tracey Sumner, Sr. of First Baptist Church, followed by the Pledge of Allegiance.

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, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

**ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the regular meeting of Council held May 11, 2015, as recorded and transcribed.

**Motion:** Mr. Brush moved to approve the Motion Summary of the regular meeting of Council held May 11, 2015, as recorded and transcribed, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

**ITEM 5: CONSENT AGENDA**

- A. Resolution No. 15-25, a resolution authorizing the installation of a No Parking Anytime Zone on the inside perimeter of the curve located at 138 Niatross Place.
- B. Resolution No. 15-26, a resolution authorizing the modification of the No Parking Anytime Zone on Coaltrain Court to begin 40 feet east of the bike path on the north side and 45 feet east of the bike path on the south side.
- C. Resolution No. 15-27, a resolution authorizing the City Manager to file an application with the Ohio Development Services Agency, Office of Community Development, for Program Year 2015 Ohio Small Cities CDBG Community Development Allocation Program Funds and supplemented by Local CDBG ED RLF Program Income.
- D. Resolution No. 15-28, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments/reappointments.
- E. Resolution No. 15-29, a resolution authorizing the City Manager to submit a grant request to the Federal Aviation Administration and enter into required agreements for funding the construction of the proposed 800 LF runway extension at Delaware's Municipal Airport.
- F. Acceptance of the Motion Summary for the Parking and Safety Committee meeting held February 16, 2015.
- G. Acceptance of the Motion Summary for the Shade Tree Commission meeting held April 28, 2015.
- H. Acceptance of the Motion Summary for the Planning Commission meeting held May 6, 2015.

**Motion:** Mrs. Keller moved to approve the Consent Agenda, seconded by Mr. Brush. Motion approved by a 7-0 vote.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held June 8 20 15

**ITEM 6: INTRODUCTIONS-NEW HIRE**

- 1. Kevin Wynn, Public Works Refuse/Recycling Tech II
- 2. Robby Forest, Public Works Refuse/Recycling Tech II

**ITEM 7: LETTERS, PETITIONS, AND PUBLIC COMMENTS**

Keith Falzone  
67 Troy Rd.  
Delaware, Ohio

Mr. Falzone requested that Council review Section 505.09 of Ordinance 77-24 which limits ownership of dogs to no more than three. Mr. Falzone stated that his family recently moved back to Delaware and have four dogs. Mr. Falzone requested that the ordinance be based on a case by case status.

Mr. Shulman confirmed that the ordinance was written to limit how many dogs in a household and not by individuals in the home. Council requested that Mr. Shulman provide a review of the ordinance.

**ITEM 8: COMMITTEE REPORTS**

Mr. Jones stated that HPC will have a special meeting scheduled for June 11, 2015 to discuss the Delaware County Courthouse.

Mrs. Keller stated that the Civil Service Commission will have a special meeting on June 13, 2015.

Mrs. Keller stated that the Recreation Levy Sub-Committee has scheduled a meeting for June 22, 2015.

Mr. DiGenova presented an award received to the City of Delaware for Delaware Place.

Mr. DiGenova updated Council on the Veteran's Memorial and grant funding status.

Mr. DiGenova stated that the Board of Zoning Appeals will meet June 10, 2015.

Mr. Shafer updated Council on the Parking and Safety meeting that was held May 18, 2015 and concerns regarding speeding on Cobblestone Drive.

**ITEM 9: PRESENTATIONS**

- A. Relay for Life proclamation presentation, Erinn Nicley, Public Relations Spokesperson, American Cancer Society Relay for Life of Delaware
- B. Sustaining Scioto Project, Amelia Costanzo, MORPC Principal Planner

**ITEM 10: CONSIDERATION of a Liquor Permit Transfer**

- A. From Hamburger Inn Diner, LLC, DBA Hamburger Inn, 16 N. Sandusky St., 1<sup>st</sup> Flr & Patio Only, Delaware, OH 43015 to CPVR Burger Inn, LLC, 16 N. Sandusky St., 1<sup>st</sup> Flr & Patio Only, Delaware, OH 43015. Permit Class: D5

Chief Pijanowski voiced no objection on the liquor permit transfer.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

APPLICANT:

Bill Michailidis  
16 N. Sandusky St.  
Delaware, Ohio 43015

**Motion:** Mr. Brush moved to approve the liquor permit transfer with no objections, seconded by Mr. DiGenova. Motion approved by a 7-0 vote.

B. From Tanglewood Food & Beverage Service, LLC, Patios & Golf Course, 231 Clubhouse Dr., Delaware, OH 43015 to Ganzfair Investment, Inc., DBA Shamrock Golf Club, Patios & Golf Course, 231 Clubhouse Dr., Delaware, OH 43015. Permit Classes: D1, D2, D3, and D6.

Chief Pijanowski voiced no objection on the liquor permit transfer.

**Motion:** Mr. Brush moved to approve the liquor permit transfer with no objections, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 11: ORDINANCE NO. 15-33** [Third Reading]  
AN ORDINANCE REVISING SECTIONS OF THE DELAWARE CODIFIED ORDINANCES RELATING TO PARKING AND TRAFFIC OFFENSES.

The Clerk read the ordinance for the third time.

Mr. Shulman reviewed the changes that were requested and informed Council that the ordinance would not be in effect for 30 days from passage.

**Motion:** Mr. Brush moved to enact Ordinance No. 15-33, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

Mrs. Keller voiced her concern on the lack of procedures in place to contest a parking ticket.

Mr. Jones discussed the need for parking ticket payments to be available for online transactions.

**ITEM 12: ORDINANCE NO. 15-51** [First Reading]  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER IN TO AN INTERGOVERNMENTAL CULTURAL PROJECT COOPERATIVE USE COOPERATION AGREEMENT AND NON-DISTURBANCE AND ESTOPPEL AGREEMENT WITH THE STATE OF OHIO FOR THE DELAWARE VETERANS MEMORIAL PLAZA 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. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

**Motion:** Mr. DiGenova moved to enact the emergency clause for Ordinance No. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

**Motion:** Mr. DiGenova moved to adopt Ordinance No. 15-51, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

**ITEM 13: ORDINANCE NO. 15-52** [First Reading]  
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO RENEW THE INTERGOVERNMENTAL AGREEMENT WITH THE DELAWARE COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS FOR A PERIOD OF ONE YEAR.

The Clerk read the ordinance for the first time.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-52, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

**Motion:** Mr. Brush moved to enact Ordinance No. 15-52, seconded by Mr. Shafer. Motion approved by a 7-0 vote.

**ITEM 14: ORDINANCE NO. 15-53** [First Reading]  
AN ORDINANCE APPROVING THE SALE OF EXCESS EQUIPMENT AT THE WATER TREATMENT PLANT.

The Clerk read the resolution for the first time.

Mr. Stanton reviewed the request to sell excess equipment that is no longer necessary due to the recent upgrades. These items will be sold on an online auction.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-53, seconded by Mr. Jones. Motion approved by a 7-0 vote.

**ITEM 15: ORDINANCE NO. 15-54** [First Reading]  
AN ORDINANCE PLACING AN AMENDMENT TO SECTION 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE TO DECREASE THE EXISTING DELAWARE CITY MUNICIPAL INCOME TAX RATE BY FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) EFFECTIVE ON DECEMBER 31 IN THE CALENDAR YEAR IN WHICH ALL SECURITIES ISSUED FOR THE PURPOSES PROVIDED IN 191.14(B) ARE RETIRED ON THE NOVEMBER BALLOT.

The Clerk read the ordinance for the first time.

Mr. Brush discussed the need to place on the November ballot asking voters to vote on an amendment to the Codified Ordinances to eliminate the .15% recreation levy when the debt services of \$23.8 million have been repaid. Mr. Brush recommends that Council pursue an opinion letter from bond counsel and stated that in preliminary conversations the bond counsel voiced concerns with proceeding with the ordinance. Mr. Brush stated that the cost associated with receiving a formal input from bond counsel would be a minimum \$5,000.00.

A discussion was held regarding the request to pursue an opinion letter. Council agreed to pursue the letter and requested that the City Manager direct the bond counsel to draft an opinion letter.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-6094 FORM NO. 10148

Held June 8 20 15

ITEM 16: ORDINANCE NO. 15-55 [First Reading] AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO HIRE A PERMANENT PART-TIME POSITION IN THE FINANCE DEPARTMENT, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Mr. Stelzer discussed the request for a permanent part-time position to assist the Finance Department in the responsibility of collecting the new income tax affected by the JEDD and to assist in the current income tax collection efforts. Mr. Stelzer reviewed the cost factor for the additional position.

Mr. DiGenova stated that the need for the position should be presented as part of the 2016 budget and that in the interim period utilize current in-house staff to complete the necessary duties.

Mr. Jones requested information on previous discussions and if this position was requested in the past. Mr. Stelzer referenced the June 6, 2014 meeting as a previous discussion of the issue.

A discussion was held on the job duties for the Finance Department. Mayor Riggle voiced her concern on employees filling out time cards manually and the time spent by the Finance Department to complete payroll duties. Mrs. Keller recommended that staff check with other cities to determine how they complete payroll.

ITEM 17: DISCUSSION: Consideration Parking and Safety Committee's recommendation regarding Cobblestone Drive that the 75 percent rule for unwarranted stop signs be waived.

Mr. Shafer reviewed the May 18, 2015 Parking and Safety meeting and concerns that were presented by multiple residents of speeding on Cobblestone Drive. Mr. Shafer stated that the residents requested stop signs to assist in slowing drivers down and that the Parking and Safety Committee requested that Council waive the petition requiring 75% of resident's signatures in support of a stop sign.

Mrs. Keller provided information on the past efforts of the residents in the neighborhood to deter drivers from speeding.

Mr. Ferrigno reviewed the requirements for a warranted stop sign, and that the standards were set by the Ohio Revised Code. Mr. Ferrigno indicated that stop signs are not an effective tool in speed control and that he recommended that the 75% of neighborhood voters petition for the stop sign.

Mr. Shafer discussed the need to find a solution to the problem and address these concerns. Mrs. Keller stated that the effort to receive signatures of residents in the past have been difficult due to the required signature must be of the homeowner and not by renters.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

Motion: Mrs. Keller moved for Council to waive the 75% rule following the recommendations from the Parking and Safety Committee to put a stop sign at Cobblestone Drive and Carson Farms Blvd, seconded by Mr. Shafer. Motion approved by a 5-2 (DiGenova, Hellinger) vote.

ITEM 18: CITY MANAGER'S REPORT

Mr. Homan requested permission to move forward on hiring a consultant for the AMR project. Mr. Whited reviewed the RFP proposals and the potential cost for the consultant. Council agreed to move forward on hiring a consultant and voiced no opposition.

Mr. Homan updated Council on the status of the citizen survey being completed by Marty Saperstein.

ITEM 19: COUNCIL COMMENTS

Mrs. Keller voiced her concerns over the increasing temperatures in the building during the replacement of the HVAC system. Mr. Ferrigno reviewed temporary measures that are in place to assist in cooling down the building. Mrs. Walker reviewed the cost associated to have mobile air conditioning units installed.

Mr. DiGenova reflected on the recent anniversary of D-Day and reminded Council of Flag Day.

Mr. Brush requested that the Parking and Safety Committee review a request for a stop light at Euclid and Pennsylvania Avenue.

Mr. Brush discussed the House Bill 47 that was passed by the General Assembly and provided a map of potential boundaries in the downtown district. Mr. Brush requested that Mr. Shulman provide a summary of House Bill 47.

Mr. Shafer requested information on the groundbreaking of the Outlet Mall.

Mayor Riggle stated that she received a concern regarding the lack of signage and school markings for Delaware Hayes High School. Mr. Ferrigno to check for compliance.

Mayor Riggle asked for consideration of early start time of 5:30 p.m. for council meetings during July and August.

Mayor Riggle requested that staff investigate whether or not a permit was drawn for scaffolding at Union and Sandusky Street and was concerned that there is no signage.

Mayor Riggle indicated that the flags were taken down and are being cleaned by J & R Cleaners and that the flags will be returned by Flag Day.

ITEM 20: EXECUTIVE SESSION: pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) consideration of

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held June 8 20 15

confidential information related to a request for economic development assistance.

Mr. Brush moved to enter into Executive Session at 9:30 p.m. This motion was seconded by Mr. Shafer and approved by a 7-0 vote. Council met in executive session pursuant to Ohio Revised Code Section pursuant to Ohio Revised Code Section 121.22 (G) (3) pending or imminent court action, Section 121.22 (G) (1) personnel, Section 121.22 (G) (5) matters required to be kept confidential by State statute, Section 121.22 (G) (2) acquisition of property for public purpose and 121.22(G) (8) Consideration of Confidential Information Related To A Request For Economic Development Assistance. Council conducted a discussion of those items with the following members present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, At Large Kent Shafer, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle. Following the discussion at 9:49 p.m., it was moved by Mr. Brush that Council move into Open session, seconded by Mr. DiGenova and approved by 7-0 vote.

ITEM 21: ADJOURNMENT

Motion: Mr. Brush moved to adjourn the meeting, seconded by Mr. DiGenova. The meeting adjourned at 9:50 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**BOARD OF ZONING APPEALS**  
**April 8, 2015**  
**MOTION SUMMARY**

ITEM 1. Roll Call

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

Members Present: Robert Badger, Adam Vaughn, Todd Daughenbaugh, Crystal Brewer (arrived at 7:24 p.m.), Councilman Joe DiGenova, Vice-Chairman Paul Junk, and Chairman Matt Dick

Staff Present: Dave Efland, Planning and Community Development Director, Jerry Warner, Chief Building Official, and Darren Shulman, City Attorney

**Motion:** Councilman DiGenova moved to excuse Ms. Brewer, seconded by Vice-Chairman Junk. Motion approved by a 6-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on March 11, 2015, as recorded and transcribed.

**Motion:** Mr. Badger moved to approve the Motion Summary for the March 11, 2015 meeting, seconded by Vice-Chairman Junk. Motion approved by a 6-0 vote.

ITEM 3. REGULAR BUSINESS

(A) 2015-0213:A request by Yoav and Schlomo Batch 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.

(1) This case needs to be removed from the table prior to any action taken by the Board.

**Motion:** Mr. Badger moved to remove 2015-0213 from the table, seconded by Councilman DiGenova. Motion approved by a 6-0 vote.

Chairman Dick swore in the following participants from the public:

Jerry Warner  
653 Congress Court  
Delaware, Ohio

James Mardis 6 Flax Street  
Delaware, Ohio

Behzad Vedaie  
1901 E. Dublin-Granville Rd.  
Suite 304  
Columbus, Ohio 43229

Scott Gordon, Attorney  
82 North Franklin Street  
Delaware, Ohio

David Gordon, Attorney  
82 North Franklin Street  
Delaware, Ohio

Mr. Efland provided a presentation on the location of the property, the current zoning. Mr. Efland provided aerial photographs that show the three structures on the property. Mr. Efland reviewed the reasons for the appeal criteria of the demolition, and recommend denial of the appeal.

Mr. Shulman discussed the procedural elements that were met. Mr. Shulman reviewed the next step for the applicants if the appeal is denied by the Board of Zoning Appeals.

Mr. Warner provided a brief summary of the property, and history of working with the property owner on maintenance. Mr. Warner voiced concerns over multiple responses by the police and fire department, and incidents of individuals using the facilities with a warming fire inside. Mr. Warner did review some repairs that were made to prevent wall collapse, and some recent window replacement. Mr. Warner informed that the City of Delaware has been doing lawn maintenance.

Mr. Efland discussed the property as an attractive nuisance.

Applicant:  
Scott Gordon, Attorney  
82 North Franklin Street  
Delaware Ohio

Mr. Gordon voiced concerns that the Board of Zoning Appeals is not the appropriate board to be discussing the property. Mr. Gordon referenced Section 111 of the City of Delaware's Adopted International Property Maintenance Code, means of appeals, and details the types of Boards that should hear the appeal, as well as the membership and qualifications of the Board. Mr. Gordon noted that the City has been paid by the Client to maintain the lawn. Mr. Gordon reviewed Section 108 in Property Maintenance Code that defines the authority that the Code Enforcer for vacant structures, and discussed that the property is vacant. Mr. Gordon submitted that the property

is not ready for occupied standards, but that 108.12 provides for the closing of vacant structure. Mr. Gordon does not feel that the building is a public or attractive nuisance, and the owners have done what is necessary to keep the building from collapse.

**PUBLIC PARTICIPATION:**

Behzad Vedaie, Professional Engineer  
IEG Inc.  
1901 E. Dublin-Granville Rd.  
Suite 304  
Columbus, Ohio

Mr. Vedaie discussed his training and education in structural engineering, and experience in commercial and residential renovation projects. Mr. Vedaie discussed his experience working with the Ohio Building Code. Mr. Vedaie has worked with the applicant to determine what the City of Delaware is requesting. Mr. Vedaie felt that the building has structurally unique beams in the building. Mr. Vedaie felt that two of the three buildings are unfit for human occupancy. Mr. Vedaie discussed quotes received by property owners to replace or repair roofs. Mr. Vedaie stated that he was on the property recently, and that none of the buildings are in danger of collapse. Mr. Vedaie provided his opinion of the different provisions in the Property Maintenance Code for occupancy requirements and vacancy requirements.

Mr. Badger questioned the concern over the windows on the lower levels that have broken glass, and the degradation that can occur inside due to broken windows. Mr. Vedaie discussed water damage would be more concern to the second floor due to wood floor, and bottom floor there is not a concern due to concrete floor. Mr. Vedaie discussed that the floor on the second floor is not in danger of collapse.

Mr. Shulman recommended that Mr. Warner be able to access the buildings to follow up on improvements that the property owners state they have completed. Mr. Warner stated he was unable to enter property due to No Trespassing signage that was posted. Mr. Vedaie explained reason for the No Trespassing signage, and that he recommended to Mr. Warner that he ask for permission to permit access. Mr. Vedaie discussed the need to secure building from vandalism. Mr. Vedaie discussed the intent of the property owners to use the buildings.

Mr. Efland discussed that the building official, code enforcer and fire inspector and police should have access to the building to give a write up on recent repairs. Mr. Efland discussed the option to table the case to allow access by the building official to report on the property. Mr. Shulman clarified that the Applicant is not required to set up a tour of the building for the Appeal. Mr.

Vedaie discussed that the property needs cleaned up, and that the property is structurally sound. Mr. Vedaie stated plans by the property owners to use the structures for storage warehouse. Mr. Warner explained the need for permits to make the structure a warehouse to bring it to code. Mr. Efland explained that to make the property warehouse use it will need to be compliant and certified to make it appropriate for use.

Chairman Dick requested a break at 9:00 p.m. Chairman Dick reconvened the meeting at 9:06 p.m.

Chairman Dick swore in the following individual for public participation:

Ali Algothani, Professional Engineer  
Star Consultants, Inc.  
1910 Crown Park Court  
Columbus, Ohio 43235

Mr. Algothani discussed his experience as a structural engineer. Mr. Algothani discussed his opinion of the structural integrity of the building, and felt that the condition was in excellent condition with the exception of the roof.

James Mardis  
6 Flax Street  
Delaware, Ohio

Mr. Mardis discussed the property boundaries. Mr. Mardis discussed his property boundaries. Mr. Mardis voiced concern over the deterioration of the buildings, and felt that the buildings will be burden to the city. Mr. Mardis voiced concerns over sewage concerns on the property.

Mr. Shulman recommended that the case be continued to the next meeting to allow Mr. Warner access to the building as discussed. Chairman Dick recommended that Mr. Warner take along during access to the building Fire and Police representatives.

**Motion:** Mr. DiGenova moved to table 2015-0213 for the applicant to allow for Mr. Warner to have access to the three buildings for inspection with the Fire and Police Department, seconded by Vice-Chairman Junk. Motion approved by a 7-0 vote.

- ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION
- ITEM 5. NEXT REGULAR MEETING: May 13, 2015
- ITEM 6. ADJOURNMENT

**Motion:** Mr. Badger moved to adjourn the Board of Zoning Appeals meeting, seconded by Ms. Brewer. Motion was approved by a 7-0 vote. The Board of Zoning Appeals meeting adjourned at 9:35 p.m.



---

Matt Dick, Chairman



---

Elaine McCloskey, Clerk

**HISTORIC PRESERVATION COMMISSION**  
**March 25, 2015**  
**MOTION SUMMARY**

ITEM 1. Roll Call

Chairman Koch called the meeting to order at 7:04 p.m.

Members Present: Joe Coleman, Erinn Nicley, Kim McMullen, Sherry Riviera, and Chairman Roger Koch

Members Absent: Councilman Chris Jones and Vice-Chairman Hatten.

Staff Present: Lance Schultz, Zoning Administrator and Dianne Guenther, Development Planner

**Motion to Excuse:** Mr. Coleman moved to excuse Councilman Jones and Vice-Chairman Hatten, seconded by Ms. Riviera. Motion approved by a 5-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on February 25, 2015, as recorded and transcribed.

**Motion:** Mr. Coleman moved to approve the Motion Summary of the Historic Preservation Commission meeting held on February 25, 2015, as recorded and transcribed, seconded by Ms. McMullen. Motion approved by a 4-0-1 (Nicley) vote.

ITEM 3. REGULAR BUSINESS

- A. HPC 2015-0341: A request by St. Mary Catholic Church for a Certificate of Appropriateness for the demolition of the rear vacant garage and installation of parking lot at 23 South Union Street which is zoned R-6 (Multi-Family Residential) District and located in the Residential Sub-District of the Downtown Historic District Overlay.

Ms. Guenther reviewed the informal review that was completed on January 28, 2015, in which the Commission was open at the time to the demolition of the structure. Ms. Guenther provided a map of the property and reviewed the current zoning of the property. Ms. Guenther reviewed the proposed plan of garage demolition and parking lot installation.

**APPLICANT:**

Mr. Rick Trippier, 82 East William Street, Delaware, Ohio, Business Manager for St. Mary Parish

**Motion:** Mr. Nicley moved to approve HPC 2015-0341, along with all staff recommendations and conditions, seconded by Ms. McMullen. Motion approved by a 5-0 vote.

B. HPC 2015-0411: A request by the Delaware County Board of Commissioners for an informal review of the proposed County Courthouse Building Expansion affecting parcels associated with the Delaware County Services Building (Hayes Building) at 140 North Sandusky Street, which are zoned B-2 (Central Business) District and R-3 (Single-Family Residential) District and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Ms. Guenther provided a presentation on the informal review of the proposed County Courthouse Building Expansion, including a map of the proposed area, and existing site photos. Ms. Guenther explained to the Commission that Delaware County has partnered with Silling Associates for the construction and is seeking feedback from the Commission on the plans of the new building and parking lot addition. Ms. Guenther reiterated the Hayes Building is not in the Historic District, however, the parcels south to the Elks Building are.

APPLICANT:

Mr. Jon Melvin, 1405 U.S. Route 23 North, Delaware, Ohio, Facilities Director for Delaware County

Mr. Tom Potts, 405 Capitol Street, Charleston, West Virginia, President of Silling Associates

Mr. Jeremy Jones, 405 Capitol Street, Charleston, West Virginia, Project Architect for Silling Associates

Mr. Mike Moore, 405 Capitol Street, Charleston, West Virginia, Business Development Director

Mr. Potts provided a presentation on Silling Associates which included photos of courthouses that they have designed and built recently and explained how the design of the building was incorporated by the standards of the community. Mr. Potts reviewed the security measures, including pedestrian and vehicular security.

Mr. Potts discussed the design principles and the complementary materials to be used to the Hayes Building as well as looking at an Italianate architectural style which is prevalent in the surrounding streetscape.

Mr. Koch requested if Silling Associates was in need of the architectural standards that are required in the historic district. Mr. Potts confirmed that Silling Associates does have a copy of the standards. The project will be

brought before the Commission in the near future as the final design progresses.

Mr. Melvin discussed the parking lot addition, and the expected layout of the addition, which is underground.

ITEM 4. COMMISSION MEMBER COMMENTS AND DISCUSSION

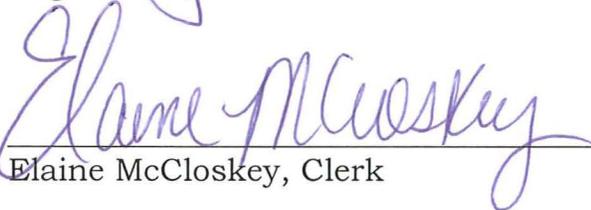
Chairman Koch requested information on the status of unauthorized signage in the downtown historic area. Mr. Schultz discussed that himself and Ms. Guenther walked through the district to address the flashing signs.

ITEM 5. NEXT REGULAR MEETING: April 22, 2015

ITEM 6. ADJOURNMENT

**Motion:** Mr. Nicley moved to adjourn the meeting, seconded by Mr. Coleman. The Historic Preservation Commission meeting adjourned at 8:22 p.m.

  
\_\_\_\_\_  
Roger Koch, Chairman

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

**PARKS AND RECREATION ADVISORY BOARD**  
**April 21, 2015**  
**MOTION SUMMARY**

ITEM 1. Roll Call

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

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

Members Absent: Gretchen Bowling

City Staff Present: Stacy Davenport, Parks Superintendent, Dan Whited, \Public Service Group Director

YMCA Staff Present: Matt Bruns, Executive Director

**Motion:** Mr. Polites moved to excuse Ms. Bowling, seconded by Vice-Chairwoman Davis. Motion approved by a 9-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held March 17, 2015 as recorded and transcribed.

**Motion:** Mr. Polites moved to approve the motion summary for the meeting held March 17, 2015, seconded by Ms. Hibinger. Motion approved by a 7-0-2 (German, Ratliff) vote.

ITEM 3. PUBLIC COMMENTS

Dustin Abels  
247 Harmony Drive  
Delaware, Ohio

Mr. Abels asked the Board if there was any progress made from the previous discussion of pickle ball.

Mr. Whited discussed that an evaluation was completed on the potential cost estimates for placement of courts at Smith Park, Blue Limestone Park, and Mingo Park. Mr. Whited provided the estimated cost, and discussed the potential use of changing the basketball courts into pickle ball courts at Blue Limestone Park. Mr. Whited informed the Board that staff recommends a pilot program with two designated courts at Blue Limestone Park, as the location will provide decreased winds and has potential space for future expansion. Mr. Whited explained that the cost will include the courts surface, fencing, nets and striping.

Phyllis Messer  
315 Morgan Court  
Delaware Ohio

Ms. Messer voiced her concern over the lack of court lights at Blue Limestone Park. Mr. Whited explained that park hours are from dusk to dawn.

Bob Klumpp  
117 W. Heffner Street  
Delaware, Ohio

Mr. Klumpp discussed the opportunity for the City to provide the courts and questioned the need for possible expansion of the program. Mr. Whited explained that the program would be a program pilot that can be reevaluated at a later time.

**Motion:** Mr. Polites moved to recommend to City Council the consideration of staff recommendations for pickle ball at Blue Limestone Park, seconded by Councilman Jones. Motion approved by a 9-0 vote.

#### ITEM 4. DISCUSSION of Bike Path Master Plan

Mr. Whited recommended to the Board that a public hearing be held on May 12, 2015 in City Council Chambers at 7:00 p.m. with the consultant to address questions and inform the public of priorities. Mr. Whited explained that the consultant will provide an update at the regular scheduled meeting May 18, 2015.

#### ITEM 5. UPDATE of YMCA Recreation Services

Mr. Matt Bruns discussed the recent graduation of the Live Strong Program. Mr. Bruns also provided an update on the recent Youth in Government State Conference program indicating that 12 local teens participated. Mr. Bruns reviewed the youth sports programs and the adult's sports programs.

Councilmember Jones voiced a concern on the Easter Egg Hunt and that the division of age groups did not have complete dividers, which cause other groups to enter into the wrong area.

Councilmember Jones requested the philosophy of the YMCA compared to DYAA soccer program. Mr. Bruns reviewed the YMCA philosophy in which, children will receive fundamentals knowledge and knowledge of games.

ITEM 6. STAFF COMMENTS

Mr. Whited provided an update on the potential Ironman program. Mr. Whited explained that bids for the Veteran’s Park Splash and Play were over the expected budget.

Mr. Davenport provided information on the Arbor Day Celebration at the YMCA set for April 25, 2015.

Mr. Davenport provided an update on the Hidden Valley Golf Course. Mr. Davenport informed the Board that all parks have been fertilized and the future site of the dog park has been over seeded and fertilized.

ITEM 7. MEMBER COMMENTS

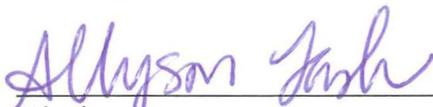
Councilmember Jones discussed the potential for separation of the Parks and Recreation Advisory Board and that he would recommend that the Board does not split into two different groups. Councilmember Jones feels that the Board is able to handle both the parks and recreation aspects and would like to get more park updates. A discussion was held with the Board to remain as one group.

Vice-Chairwoman Davis voiced her support over the pickle ball being recommended to Council to Blue Limestone Park.

Vice-Chairwoman Davis discussed with staff what type of volunteers or level of assistance can the Board provide to the Parks Department. Mr. Davenport discussed that he would like for the Board to monitor any concerns at the parks and notify him of questions or concerns to help improve the maintenance of the parks.

ITEM 8. ADJOURNMENT

**Motion:** Mr. Polites moved to adjourn the Parks and Recreation meeting, seconded by Vice-Chairwoman Davis. The meeting adjourned at 8:00 p.m.

  
\_\_\_\_\_  
Chairman

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

**PARKS AND RECREATION ADVISORY BOARD  
MOTION SUMMARY  
May 19, 2015**

**NO QUORUM**

ITEM 1. Roll Call

Councilmember Chris Jones called the meeting to order at 7:01 p.m.

Members Present: Lucas Ratliff, Dianna Hibinger, Joshua Bricker, and Councilmember Chris Jones

Members Absent: Gretchen Bowling, Matt Polites, Julie German, Nicole LaMar-Nelson, Allyson Lash, and Vice-Chairwoman Jennifer Davis

City Staff Present: Linda Mathews, Customer Service City Liaison, and Dan Whited, Public Service Group Director

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

**Motion:** Mr. Bricker moved to excuse Ms. Bowling, Mr. Polites, Ms. German, and Ms. LaMar-Nelson, Ms. Lash, and Vice-Chairwoman Davis, seconded by Ms. Hibinger. Motion approved by a 4-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held April 21, 2015 as recorded and transcribed.

The minutes will be resubmitted for a vote at the June 16 meeting due to the lack of a quorum.

ITEM 3. PUBLIC COMMENTS

ITEM 4. ELECTION of Chair and Vice-Chair

Councilmember Jones recommended that the vote for Chair and Vice-Chair take place at the June meeting due to lack of quorum.

ITEM 5. UPDATE of May 12 Bike Path Master Plan Public Meeting

**PRESENTERS:**

Brian Hagerty, Transportation Engineer  
Stantec  
1500 Lake Shore Drive, Suite 100  
Columbus, Ohio 43204

Eric Lowry, Transportation Planner  
Stantec  
1500 Lake Shore Drive, Suite 100  
Columbus, Ohio 43204

Mr. Lowry provided an update on the public input and discussed the key points. Mr. Lowry noted that many local streets are bikeable, but have barriers that can make biking difficult, such as, railroads, rivers, and highways. Mr. Lowry also noted that many of the current path networks are aging and are not connected. Mr. Lowry and Mr. Hagerty provided an analysis of large gaps in the bike path network, and discussed trail conditions at current status compared to the conditions in 2008.

Mr. Lowry and Mr. Hagerty discussed the current public input from the survey that has been conducted from the web based survey, and informed the board that Stantec will draft a vision statement based on the results that are collected. Discussion was also held on the need to adopt street policies and a way finding bike network map, increase maintenance of path networks, as well as, increase bike parking at public and private destinations.

Mr. Lowry stated that Stantec will look at outside sources of funding such as grants to help fund the project.

#### ITEM 6. UPDATE of YMCA Recreation Services

Mr. Byers reviewed the youth sports program classes that are available, with the addition of fencing for both adults and youths. Mr. Byers reviewed the current enrollment for youth baseball and softball. Mr. Byers stated that registration for baseball will close on May 20, 2015 and that there are currently 741 participants. Mr. Byers expects for the baseball/softball season to end the second week of July, depending on the weather.

Mr. Byers reviewed special events such as the Healthy Kids Day at the YMCA that had over 500 participants and the upcoming start of the Movies at Mingo which will begin June 19, 2015.

Mr. Bricker requested information on registration for fall soccer at the YMCA. Mr. Byers informed him that registration for YMCA fall soccer is now open.

Mr. Ratliff requested information on the cost for summer enrichment programs at the YMCA. Mr. Byers informed him that this information is available on the YMCA website and that individuals do not need to be a member of the YMCA to participate.

Mr. Jones requested information on the cost for bleachers to be placed at coach pitch baseball. Ms. Mathews provided information that the approximate cost to purchase for a three row is \$1,600.00.

ITEM 7. UPDATE of Park Activities

Ms. Mathews reviewed the process that occurs when a customer service request is received.

Mr. Bricker asked why some fields seem to have weed control treatment over others. Ms. Mathews and Mr. Whited discussed the need to review the budget request for herbicide treatments.

Ms. Mathews reviewed the current providers for concession stands and reviewed the Adopt-A-Park program. Ms. Mathews reviewed the activities for Hidden Valley Golf and specials for Memorial Day and Father's Day.

ITEM 8. STAFF COMMENTS

Ms. Mathews reviewed the status and plans for the Dog Park.

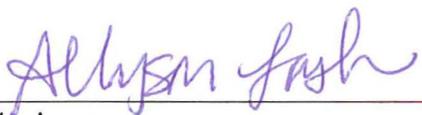
ITEM 9. MEMBER COMMENTS

Councilmember Jones requested that Parks and Recreation Board Members have name plates at meetings.

Councilmember Jones requested information on a list of parks that the City of Delaware is responsible for mowing and if any of these parks include Home Owner Association parks. Mr. Whited reviewed the difference between a city community parks compared to a city neighborhood park.

ITEM 10. ADJOURNMENT

**Motion:** Mr. Ratliff moved to adjourn the meeting. The meeting adjourned at 8:25 p.m.

  
\_\_\_\_\_  
Chairman

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

**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.: 9**

**DATE: 6/22/15**

**PUBLIC HEARING: NO**

**READING: SECOND**

**ORDINANCE NO.: 15-54**

**RESOLUTION NO.:**

**DESCRIPTION:** AN ORDINANCE PLACING AN AMENDMENT TO SECTION 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE TO DECREASE THE EXISTING DELAWARE CITY MUNICIPAL INCOME TAX RATE BY FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) EFFECTIVE ON DECEMBER 31 IN THE CALENDAR YEAR IN WHICH ALL SECURITIES ISSUED FOR THE PURPOSES PROVIDED IN 191.14(B) ARE RETIRED ON THE NOVEMBER BALLOT.

**DEPARTMENT AFFECTED:**

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**

**FUND SOURCES:**

**BUDGETED:**

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:**

**PRESENTER:**

**Andrew Brush, Fourth Ward Council Member**

**SUMMARY OF ITEM:**

This ordinance is being brought to Council at the request of Councilman Brush. The ordinance seeks to place an issue on the November ballot asking the voters to vote on an amendment to our codified ordinances that would eliminate the .15% recreation levy when debt services on \$23.8 million have been repaid. The attached language is the City Attorney's attempt to craft that ballot issue. However, given the subject matter of the ordinance (bonds), staff strongly recommends getting formal input from bond counsel before placing this before the voters. Because this legislation involves taking an issue to the voters, staff recommends third readings. In addition, Council may want to consider whether to hold a public hearing.

During preliminary conversations, bond counsel expressed concerns with proceeding with this ordinance. Bond counsel also shared a perspective that he had not seen a city take action to provide for the repeal of a tax before the outstanding bonds were retired. He had some concerns that it could be perceived as impacting current bondholders rights. Because it is so unusual, counsel expressed some concerns that the legislation might negatively impact the City's ability to get participation in future bond issues (which would drive up the city's borrowing costs). He also stated that we would have to be very careful in how we worded the issue to avoid any unforeseen circumstances. Finally, counsel noted that placing the question before the voters might not have its desired effect. Counsel cited *Singer v. Cartledge*, which addressed the question "May a city council alter or repeal an initiated ordinance adopted by electors of a city?" In that case, the Supreme Court of Ohio held that there was no prohibition to the city council repealing an ordinance adopted by the voters. Therefore, a future city council could simply change the provision by ordinance, as long as the change was made before the bonds were repaid.

Another consideration for Council to consider is cost. It is likely that the cost of an opinion letter from bond counsel would be at least \$5,000 and likely more. There is an additional cost to placing the issue on the ballot, which will depend on how many other issues there are on the ballot.

Given the fact that placing this issue in front of the voters may not have the desired effect, another approach could be for counsel to simply enact ordinance language directly.

**UPDATE:**

During our discussion of Ordinance No 15.54, Council directed staff to consult with bond counsel to ensure that legislation, if ultimately enacted, was written properly. Pursuant to this direction, bond counsel has provided the attached language, which takes the form of a resolution placing an ordinance change on the ballot instead of an ordinance. If Council passes the resolution, the ordinance referenced in the resolution would be given a first reading, which would establish an ordinance number for the language voted on by the public. As a result, the existing ordinance should be tabled and discussion can begin on this new resolution.

The language of the resolution is crafted by bond counsel to attempt to achieve the goals expressed by Councilman Brush. In addition, there are requirements for ballot language, which bond counsel has included in the attachment. Council is advised to review the ballot language included, as this required language could cause confusion to voters. Two points should be noted. First, it continues to be the opinion of bond counsel that even if the voters were to pass this ordinance, it is possible that a future city council could simply revise the ordinance. Second, if City Council desires, it could simply adopt the proposed ordinance included in the resolution and it would become effective without needing to go through the election process.

**ATTACHMENTS:**

**COUNCIL NOTES:**

ORDINANCE NO. 15-54

AN ORDINANCE PLACING AN AMENDMENT TO SECTION 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE TO DECREASE THE EXISTING DELAWARE CITY MUNICIPAL INCOME TAX RATE BY FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) EFFECTIVE ON DECEMBER 31 IN THE CALENDAR YEAR IN WHICH ALL SECURITIES ISSUED FOR THE PURPOSES PROVIDED IN 191.14(B) ARE RETIRED ON THE NOVEMBER BALLOT.

WHEREAS, Council previously passed Resolution 13-39 which adopted the recommendations of the Recreation Levy Sub-Committee that spending based on collections from the existing .15% Delaware City Income Tax established by Ordinance 08-29 and approved by voters at the August 5, 2008 election for the purpose of improving municipal recreation facilities, shall be limited to \$23.8 million plus debt service charges and related costs of securities issued to borrow that \$23.8 million.

WHEREAS, Council desires to put before the voters the question of whether the income tax should be repealed when the debt service on the \$23.8 million is retired.

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

SECTION 1. Council desires the following question to be put on the November 2015 election ballot:

Shall the Delaware Codified Ordinances Sections 191.14 be amended as follows:

**191.14 Allocation of Funds.**

The funds collected under the provisions of this chapter shall be allocated in such manner as provided by ordinances adopted by Council, with the following exceptions:

- (a) An amount equal to four-tenths of one percent (0.4%) shall be paid into the Fire/EMS Income Tax Fund and such proceeds shall be used solely for fire protection, suppression, and emergency medical services.
- (b) An amount equal to fifteen one-hundredths of one percent (0.15%) shall be allocated solely for the purpose of paying the costs of improving the municipal recreation facilities, including construction of a recreation center to provide fitness, track, swimming, and indoor and outdoor multi-purpose facilities, and athletic fields, and the construction, renovation and

improvement of other municipal recreation facilities, including the provision of furnishing and equipment for the center and all of such other facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto and paying the debt service charges and related costs of securities issued to pay the costs of the center and such other facilities, and shall be placed in a special fund or funds and used only for that purpose, all until December 31 in the calendar year in which all securities issued for the purpose set forth in this [Section 191.14](#)(b) are retired.

**(c) TOTAL BORROWING BASED ON COLLECTIONS FROM THE EXISTING .15% DELAWARE CITY INCOME TAX ESTABLISHED BY ORDINANCE 08-29 AND APPROVED BY VOTERS AT THE AUGUST 5, 2008 ELECTION FOR THE PURPOSE OF IMPROVING MUNICIPAL RECREATION FACILITIES (CODIFIED IN 191.14(B)), SHALL BE LIMITED TO \$23.8 MILLION PLUS DEBT SERVICE CHARGES AND RELATED COSTS OF SECURITIES ISSUED TO BORROW THAT \$23.8 MILLION.**

SECTION 2. The City Clerk is hereby directed to file a certified copy of this ordinance with the Delaware County Board of Elections with the request that the questions of whether the additional fifteen hundredths of one percent per annum income tax as set forth in Section 1 and 2 above should be approved on the ballot during an election to be held November 3, 2015.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law.

SECTION 4. This Ordinance shall be in full force and effect at the earliest date provided by law.

VOTE ON RULE SUSPENSION:	YEAS___NAYS___
	ABSTAIN ___
PASSED: _____, 2015	YEAS___ NAYS___
	ABSTAIN ___
ATTEST: _____	_____
CITY CLERK	MAYOR



## FACT SHEET

---

AGENDA ITEM NO: 10

DATE: 6/22/15

ORDINANCE NO:

RESOLUTION NO: 15-30

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA:

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 191.03 AND 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, TO PROVIDE FOR THE CONTINUATION OF AN EXISTING FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) LEVY ON INCOME BY THE CITY FOR THE PURPOSE OF IMPROVING MUNICIPAL RECREATION FACILITIES AND PAYING THE DEBT SERVICE CHARGES OF SECURITIES ISSUED FOR THAT PURPOSE, BUT LIMITING THE FINAL CALENDAR YEAR IN WHICH THE TAX WILL BE LEVIED TO THE CALENDAR YEAR IN WHICH THE DEBT SERVICE CHARGES ON SECURITIES ISSUED PURSUANT TO SUCH AUTHORITY AND OUTSTANDING AS OF JUNE 1, 2015, INCLUDING ANY SECURITIES HEREAFTER ISSUED TO REFUND THOSE SECURITIES, HAVE BEEN FULLY PAID OR PROVIDED FOR.

**BACKGROUND:**

During our discussion of Ordinance No 15.54, Council directed staff to consult with bond counsel to ensure that legislation, if ultimately enacted, was written properly. Pursuant to this direction, bond counsel has provided the attached language, which takes the form of a resolution placing an ordinance change on the ballot instead of an ordinance. If Council passes the resolution, the ordinance referenced in the resolution would be given a first reading, which would establish an ordinance number for the language voted on by the

public. As a result, the existing ordinance should be tabled and discussion can begin on this new resolution.

The language of the resolution is crafted by bond counsel to attempt to achieve the goals expressed by Councilman Brush. In addition, there are requirements for ballot language, which bond counsel has included in the attachment. Council is advised to review the ballot language included, as this required language could cause confusion to voters. Two points should be noted. First, it continues to be the opinion of bond counsel that even if the voters were to pass this ordinance, it is possible that a future city council could simply revise the ordinance. Second, if City Council desires, it could simply adopt the proposed ordinance included in the resolution and it would become effective without needing to go through the election process.

**REASON WHY LEGISLATION IS NEEDED:**

At the request of Councilman Andrew Brush

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

**PRESENTER(S):**

Darren Shulman, City Attorney  
Chris Franzmann, Bond Counsel

**RECOMMENDATION:**

**ATTACHMENT(S)**

RESOLUTION NO. 15-30

A RESOLUTION DECLARING THE NECESSITY OF AN ELECTION ON THE QUESTION OF APPROVING THE PASSAGE OF AN ORDINANCE TO AMEND SECTIONS 191.03 AND 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, TO PROVIDE FOR THE CONTINUATION OF AN EXISTING FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) LEVY ON INCOME BY THE CITY FOR THE PURPOSE OF IMPROVING MUNICIPAL RECREATION FACILITIES AND PAYING THE DEBT SERVICE CHARGES OF SECURITIES ISSUED FOR THAT PURPOSE, BUT LIMITING THE FINAL CALENDAR YEAR IN WHICH THE TAX WILL BE LEVIED TO THE CALENDAR YEAR IN WHICH THE DEBT SERVICE CHARGES ON SECURITIES ISSUED PURSUANT TO SUCH AUTHORITY AND OUTSTANDING AS OF JUNE 1, 2015, INCLUDING ANY SECURITIES HEREAFTER ISSUED TO REFUND THOSE SECURITIES, HAVE BEEN FULLY PAID OR PROVIDED FOR.

WHEREAS, at the election held on August 5, 2008 on the question of approving an increase in the City's income tax by fifteen one-hundredths of one percent (0.15%), as established by Ordinance No. 08-29, for the purpose of paying the costs of improving the City's municipal recreation facilities, including the construction of a recreation center to provide fitness, track, swimming, and indoor and outdoor multi-purpose facilities, and athletic fields, and the construction, renovation and improvement of other municipal recreation facilities, including the provisions of furnishings and equipment for the center and all of such other facilities, and acquiring related interests in real property and otherwise improving the same, together will all necessary appurtenances thereto, and paying the debt service charges and related costs of securities issued for that purpose (the "*Existing Income Tax Levy*"), the requisite majority of those voting on the proposal voted in favor of it; and

WHEREAS, the City thereafter issued its (i) \$20,120,000 Parks and Recreation Income Tax Special Obligation Bonds, Series 2010, dated February 18, 2010, and pledged the Existing Income Tax Levy to the payment of debt service on those Bonds and (ii) \$6,250,000 Various Purpose Bonds, Series 2015, dated April 21, 2015, and expects to use receipts from the Existing Income Tax Levy for the payment of debt service on \$2,905,000 of those Bonds (the Series 2010 Bonds and the \$2,905,000 portion of the Series 2015 Bonds being collectively referred to herein as the "*Outstanding Securities*"); and

WHEREAS, this Council appointed a Recreation Levy Sub-Committee to review and evaluate the expenses and revenues related to the City's municipal recreation facilities and the need for the Existing Income Tax Levy; and

WHEREAS, this Council adopted Resolution No. 13-39, adopting the recommendations of the Recreation Levy Sub-Committee related to the City's municipal recreation facilities, including the recommendation that any securities issued and secured by the Existing Income Tax Levy be limited to the Outstanding Securities; and

WHEREAS, this Council has further determined that to provide for any possible savings associated with the refunding of the Outstanding Securities, additional securities may be issued by the City and secured by the Existing Income Tax Levy provided that such securities are being issued for the purpose of refunding the Outstanding Securities; and

WHEREAS, based on the recommendation of the Recreation Levy Sub-Committee and the further determination of this Council, and in accordance with the Ohio Revised Code, this Council has determined to propose to the electors of the City an amendment to Sections 191.03 and 191.14 of the Codified Ordinances of the City of Delaware to provide for the continuation of the Existing Income Tax Levy, but limiting the final calendar year in which the Existing Income Tax Levy will be levied to the calendar year in which the debt service charges on the Outstanding Securities issued pursuant to such authority and outstanding as of June 1, 2015, including any securities hereafter issued to refund those Outstanding Securities, have been fully paid or provided for;

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

Section 1. This Council hereby authorizes and directs the submission to the electors of the City of Delaware, Ohio at the general election to be held at the usual places of voting in said City on Tuesday, November 3, 2015, of the question of approving the passage of an ordinance to amend Sections 191.03 and 191.14 of the codified ordinances of the City of Delaware, Ohio, to provide for the continuation of an existing fifteen one-hundredths of one percent (0.15%) levy on income by the City for the purpose of improving municipal recreation facilities and paying the debt service charges of securities issued for that purpose, but limiting the final calendar year in which the tax will be levied to the calendar year in which the debt service charges on securities issued pursuant to such authority and outstanding as of June 1, 2015, including any securities hereafter issued to refund those securities, have been fully paid or provided for, which ordinance is set forth in full in Section 2 hereof.

Section 2. The proposed ordinance to be submitted to the electors of the City for their approval hereunder shall be as follows:

*PROPOSED ORDINANCE NO. 15-60*

*AN ORDINANCE TO AMEND SECTIONS 191.03 AND 191.14 OF THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE, OHIO, TO PROVIDE FOR THE CONTINUATION OF AN EXISTING FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT (0.15%) LEVY ON INCOME BY THE CITY FOR THE PURPOSE OF IMPROVING MUNICIPAL RECREATION FACILITIES AND PAYING THE DEBT SERVICE CHARGES OF SECURITIES ISSUED FOR THAT PURPOSE, BUT LIMITING THE FINAL CALENDAR YEAR IN WHICH THE TAX WILL BE LEVIED TO THE CALENDAR YEAR IN WHICH THE DEBT SERVICE CHARGES ON SECURITIES ISSUED PURSUANT TO SUCH AUTHORITY AND OUTSTANDING AS OF JUNE 1, 2015, INCLUDING ANY SECURITIES HEREAFTER ISSUED TO REFUND THOSE SECURITIES, HAVE BEEN FULLY PAID OR PROVIDED FOR.*

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

*Section 1. The initial paragraph of Section 191.03 of the Codified Ordinances of the City of Delaware, Ohio, is hereby amended to read as follows:*

***“191.03. - Imposition of tax.***

- (a) Subject to the provisions of Section 191.15, an annual tax for the purposes specified in Section 191.01, shall be imposed on and after January 1, 2011 at the rate of one and eighty-five one hundredths percent (1.85%) per annum, and shall be imposed at the rate of one and seventy one hundredths percent (1.70%) per annum on and after January 1 of the calendar year next succeeding the calendar year in which the debt service charges on the securities described in Section 191.14(b) have been fully paid or provided for, upon the following:”*

*Section 2. Section 191.14 of the Codified Ordinances of the City of Delaware, Ohio, is hereby amended to read as follows:*

***“191.14 Allocation of Funds.***

*The amounts collected under the provisions of this chapter shall be allocated in such manner as provided by ordinances adopted by Council, with the following exceptions:*

- (a) An amount equal to a tax generated by four-tenths of one percent (0.4%) shall be paid into the Fire/EMS Income Tax Fund and used solely for the purpose of paying the costs of fire protection, suppression, and emergency medical services.*
  
- (b) An amount equal to a tax generated by fifteen one-hundredths of one percent (0.15%) shall be paid into a special fund or funds and used solely for the purpose of paying the costs of improving the municipal recreation facilities, including construction of a recreation center to provide fitness, track, swimming, and indoor and outdoor multi-purpose facilities, and athletic fields, and the construction, renovation and improvement of other municipal recreation facilities, including the provision of furnishing and equipment for the center and all of such other facilities, and acquiring related interests in real property and otherwise improving the same, together with all necessary appurtenances thereto and paying the debt service charges and related costs of securities issued to pay the costs of the center and such other facilities, through December 31 of the calendar year in which the debt service charges on securities issued pursuant to such authority and outstanding as of June 1, 2015, including any securities hereafter issued to refund those securities, have been fully paid or provided for.”*

*Section 3. Effective January 1, 2016, Sections 191.03 and 191.14 of the Codified Ordinances of the City of Delaware, Ohio, as each heretofore existed, are hereby amended as set forth herein; provided, however, that no provision of this Ordinance, including the amendment of Sections 191.03 and 191.14 of the Codified Ordinances of the City of Delaware, Ohio, as each heretofore existed, shall in any way affect any rights or obligations of the City, any taxpayer, any holder of City securities payable from the Existing Income Tax Levy, or any other person, official or entity, with respect to the fifteen one-hundredths of one percent municipal income taxes authorized by predecessor Sections 191.03 and 191.14.*

*Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with the law.*

Section 5. This Ordinance shall be in full force and effect at the earliest date provided by law.

PASSED: \_\_\_\_\_, 2015 YEAS \_\_\_\_\_ NAYS \_\_\_\_\_  
ABSTAIN \_\_\_\_\_

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

Section 3. It is the desire of this Council that the ballots presented to the electors of the City of Delaware, Ohio shall be substantially in the following form:

A majority affirmative vote is necessary for passage.

Shall Proposed Ordinance No. 15-60 of the Delaware City Council providing for the continuation of an existing fifteen one-hundredths of one percent (0.15%) levy on income by the City for the purpose of improving municipal recreation facilities and paying the debt service charges of securities issued for that purpose, but limiting the final calendar year in which the tax will be levied to the calendar year in which the debt service charges on securities issued pursuant to such authority and outstanding as of June 1, 2015, including any securities hereafter issued to refund those securities, have been fully paid or provided for, be passed?

FOR THE INCOME TAX	
AGAINST THE INCOME TAX	

Section 4. The City Clerk is hereby directed to file a copy of this Resolution with the Board of Elections in Delaware County, Ohio no later than 4:00 p.m. on August 5, 2015.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 6. This Resolution shall be in full force and effect at the earliest date provided by law.



**DELAWARE CITY COUNCIL FACT SHEET**

**ITEM NO.:** 11

**DATE:** 6/22/15

**PUBLIC HEARING:** NO

**READING:** SECOND

**ORDINANCE NO.:** 15-55

**RESOLUTION NO.:**

**DESCRIPTION:** AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO HIRE A PERMANENT PART-TIME POSITION IN THE FINANCE DEPARTMENT, AND DECLARING AN EMERGENCY.

**DEPARTMENT AFFECTED:**  
Finance

**GROUP AFFECTED:**

**FINANCIAL INFORMATION**

**COST:**  
\$10,442

**FUND SOURCES:**  
General

**BUDGETED:**  
No

**RECOMMENDATIONS**

**COMMITTEE:**

**RECOMMENDATION:**

**VOTE:**

**MEETING DATE:**

**STAFF RECOMMENDATION:** Approval

**PRESENTER:**

Dean Stelzer, Finance Director

**SUMMARY OF ITEM:**

A part of the consideration of the City participation in the JEDD District with Berkshire Township was discussion regarding the impact on the City (primarily Finance Department) of being the collection source for the new tax and also serving as the fiscal agent for the JEDD Board. The City negotiated a 4% of taxes collected fee to offset our administrative costs. At the time I had recommended that in order to not reduce our current income tax collection efforts, the addition of additional staff capacity in the form of a permanent part-time position would be prudent. We elected not to appropriate the funds for 2015 as the JEDD legislation was subject to a referendum. As the referendum was unsuccessful the JEDD District and associated income tax is moving forward. The JEDD Board would like to begin collecting the tax as soon as possible as construction has begun on the facilities. The amount requested for 2015 represents a part-time position at 30 hours per week for the 6.5 months remaining in 2015. The budget amount for 2016, for a full year, would be about \$21,500.

UPDATE -6/18/15

Under separate cover, Dean will be sending an email, as well as, links to recordings from the Finance Committee and Council where the JEDD position was discussed.

**ATTACHMENTS:****COUNCIL NOTES:**

ORDINANCE NO. 15-55

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO HIRE A PERMANENT PART-TIME POSITION IN THE FINANCE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City entered into a Joint Economic Development District (JEDD) contract with Berkshire Township on November 14, 2014, and

WHEREAS, the JEDD Contract calls for the City to enter into a JEDD Income Tax Agreement in which the City agrees to administer, collect, enforce and distribute the JEDD Income Tax and for the City Director of Finance to be the Assistant Treasurer of the JEDD Board assisting in the duties of the Board Treasurer, and

WHEREAS, the JEDD will remit to the City an annual amount equal to 4% of the gross JEDD tax receipts to offset costs incurred by the city to administer the tax and provide financial administrative support to the JEDD Board, and

WHEREAS, previous discussions with City Council prior to entering into the JEDD Contract included the addition of a permanent part-time position in the Finance Department to offset the additional staff time necessary to administer the JEDD Tax and related financial transactions, and

WHEREAS, a supplemental appropriation will be necessary to authorize funding for the new permanent part-time position.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the General Fund \$10,442 increasing the following accounts:

Finance Department		
Wages	(101-0031-5100)	\$ 8,854
OPERS Pension	(101-0031-5101)	\$ 1,239
Medicare	(101-0031-5103)	\$ 128
Workers Comp.	(101-0031-5104)	\$ 221

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 for the further reason to provide for the timely administration of a recently authorized JEDD District income tax to become effective in less than 30 days and as such will be in full force and be in effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

EMERGENCY CLAUSE: YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

PASSED: \_\_\_\_\_, 2015 YEAS\_\_\_ NAYS\_\_\_  
ABSTAIN \_\_\_

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



## FACT SHEET

---

AGENDA ITEM NO: 12

DATE: 6/22/15

ORDINANCE NO:

RESOLUTION NO: 15-31

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bill Ferrigno, Public Works Director/City Engineer

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGNS ON COBBLESTONE DRIVE AT CARSON FARMS BOULEVARD AND THE ESTABLISHMENT OF NO PARKING ZONES ALONG THE COBBLESTONE DRIVE STREET FRONTAGE OF PROPERTIES AT 402 COBBLESTONE DRIVE AND 100 HAYFIELD DRIVE.

**BACKGROUND:**

Residents living along Cobblestone Drive have submitted several complaints over the past four years regarding speeding along Cobblestone Drive. Staff subsequently performed speed studies and verified 85% speeds ranging from 29 to 31 MPH. Intersection movement counts however do not warrant the installation of an All-Way stop condition per OMUTCD regulations. The City's Traffic Calming regulations however do allow consideration for such an installation on a low volume residential local or collector street with appropriate support from staff and from the immediate area property owners. Staff forwarded the current policy regarding resident survey requirements, though the residents have been unable to gain the support required of the current policy. City council subsequently considered the request at the June 8<sup>th</sup> regular meeting and voted to suspend the requirements to gain 75% positive support of the area residents and requested staff to proceed with the Stop Sign installation.

**REASON WHY LEGISLATION IS NEEDED:**

The placement of regulatory signage requires City Council authorization for permanent enforcement.

**COMMITTEE RECOMMENDATION:**

The action is being taken as a result of prior City Council direction as a means to address the request.

**FISCAL IMPACT(S):**

The cost of materials and labor to install the signs is estimated at \$750.00 to come out of the Public Works Traffic Division annual operating budget.

**POLICY CHANGES:**

As a result of recent Council comment regarding the City's ability to respond in a timelier manner regarding the consideration of requests for traffic calming installations, the current Traffic Calming policy included in the City Technical Design Standards will be modified. Modifications will provide for an improved process for the Parking & Safety Committee to address future requests through a revised public input process that utilizes a full range of communications tools including direct contact, mailings and social media resources. The revised process should improve the ability to provide updated information and to gather public sentiment regarding any particular proposal. These changes will be introduced at the August parking & Safety meeting for consideration.

**PRESENTER(S):**

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

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Exhibit showing proposed signage, locations and tree removal.

RESOLUTION NO. 15-31

A RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGNS ON COBBLESTONE DRIVE AT CARSON FARMS BOULEVARD AND THE ESTABLISHMENT OF NO PARKING ZONES ALONG THE COBBLESTONE DRIVE STREET FRONTAGE OF PROPERTIES AT 402 COBBLESTONE DRIVE AND 100 HAYFIELD DRIVE.

WHEREAS, a request was submitted by area property owners for installation of traffic calming measures in the form of an All-Way Stop Sign at the intersection of Cobblestone Drive and Carson Farms Boulevard, and

WHEREAS, acquiring the required 75% neighborhood support as specified in current City Traffic Calming regulations has been problematic in advancing this request, and

WHEREAS, City Council voted to waive the 75% neighborhood support requirement as determined by survey, and directed staff to proceed with the installation of the requested All-Way stop sign installation, and

WHEREAS, the stop sign installation will require the removal of three street trees nearest the intersection, and the posting of No Parking zones along the Cobblestone frontage of properties at 402 Cobblestone Drive and 100 Hayfield Drive.

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

SECTION 1. That Public Works Director is hereby authorized to install an All-way Stop Sign at the intersection of Cobblestone Drive and Carson Farms Boulevard.

SECTION 2. In order to provide required clear sight distance to the new stop signs for approaching vehicles, that No Parking zones shall be established along the Cobblestone Drive frontage of the northeast and southwest corner lots at the intersection, and three street trees shall be removed.

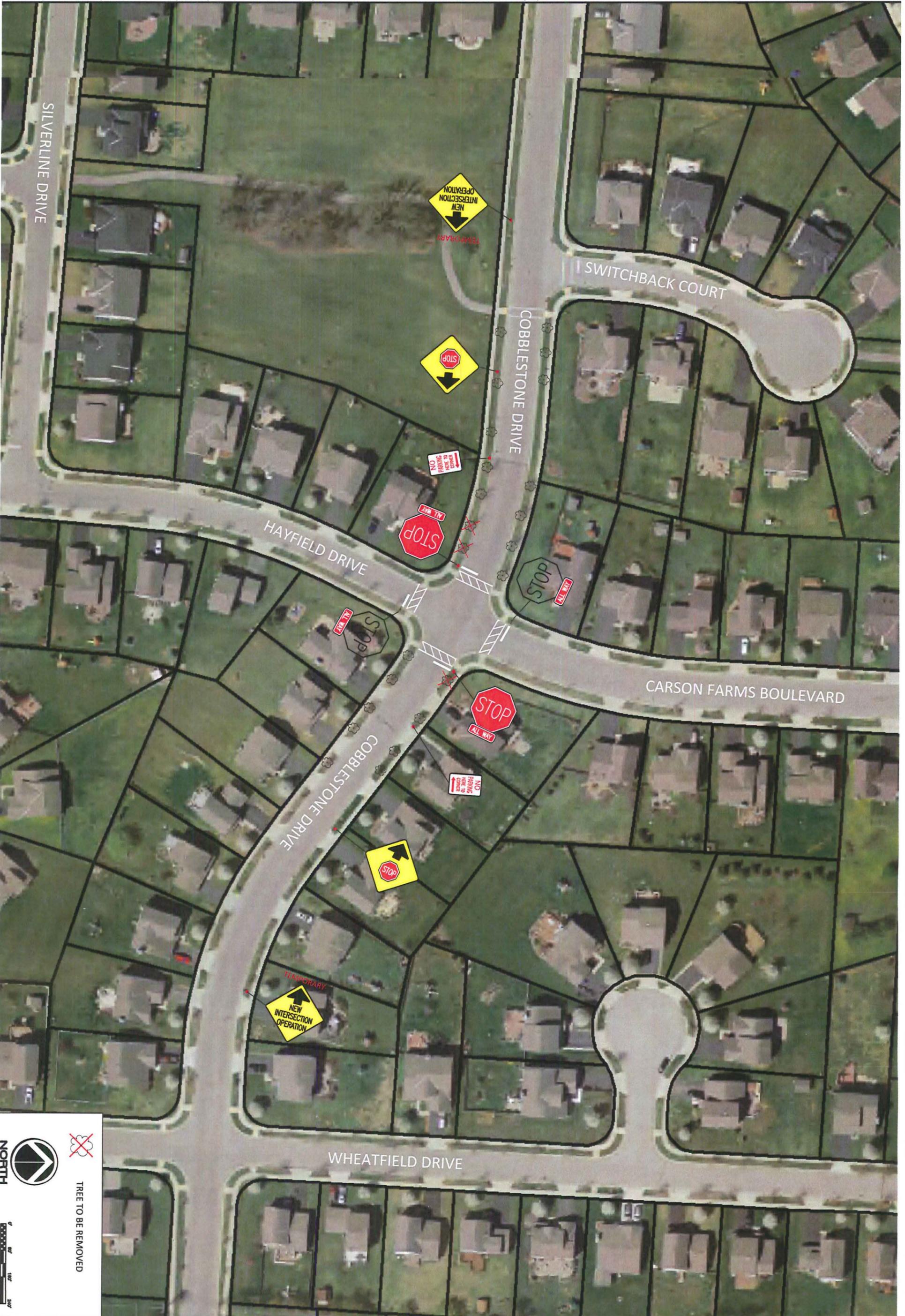
SECTION 3. That this resolution shall be in force and effect immediately upon its passage.

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

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

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

\_\_\_\_\_  
MAYOR



**NORTH**

**TREE TO BE REMOVED**

0' 50' 100' 150' 200' 250' 300'

DATE ISSUED: 06/16/2015  
 SHEET: 01/01  
 CITY OF DELAWARE, OHIO  
 Public Works Department

**EXHIBIT A**

**COBBLESTONE DRIVE-  
 CARSON FARMS BOULEVARD/HAYFIELD DRIVE  
 MULTI-WAY STOP**

REVISIONS		
No.	DATE	DESCRIPTION



## FACT SHEET

---

AGENDA ITEM NO: 13

DATE: June 22, 2015

ORDINANCE NO: 15-56

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: No

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Director of Public Works/City Engineer

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF A REPLACEMENT TRAFFIC SERVICE VEHICLE, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The 2014 traffic service truck suffered total loss from a vehicle fire shortly after being placed into service in May of this year. The cause of the fire appears to be faulty hydraulic line connections in the area of the engine compartment, which lead to a significant leak of hydraulic fluid over the hot engine, subsequently igniting and catching the entire vehicle on fire. The vehicle, and all equipment and supplies on board were a total loss.

**REASON WHY LEGISLATION IS NEEDED:**

While staff anticipates that the replacement cost for the vehicle (\$73,530.84) and equipment (\$6,306.32) will be completely reimbursed through an insurance claim, the vehicle and equipment must be replaced in as timely a manner as possible to be able to resume full traffic maintenance operations. The hand tools and portable equipment can be purchased and put in service as funding is approved. The vehicle cab/chassis should be available through the current State purchasing contract within four to six weeks. The truck bed and associated appurtenances however, take an additional 18-20 weeks for fabrication and installation following delivery of the new truck.

**COMMITTEE RECOMMENDATION:**

Not presented to Public Works and Public Utilities Committee due to incident timing

**FISCAL IMPACT(S):**

The \$79,837.16 cost to replace the equipment and truck was not included in the 2015 operation budget; however insurance is anticipated to cover all costs.

**POLICY CHANGES:**

None anticipated

**PRESENTER(S):**

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

**RECOMMENDATION:**

Approval upon first reading.

**ATTACHMENT(S)**

Images of traffic service vehicles



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

ABSTAIN \_\_\_\_

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

ABSTAIN \_\_\_\_

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

\_\_\_\_\_  
MAYOR







## FACT SHEET

---

AGENDA ITEM NO: 14

DATE: 6/22/15

ORDINANCE NO: 15-57

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AMENDING ORDINANCE NO. 14-124 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

City Council adopted the 2015 Budget which included the addition of a part-time Code Enforcement Officer in the Planning and Community Development Department.

**REASON WHY LEGISLATION IS NEEDED:**

The Permanent Part-time Code Enforcement Officer position was not included in Ordinance No. 14-124. This ordinance will reflect the addition of the Permanent Part-time Code Enforcement Officer.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

Funding was approved as part of the 2015 Operating Budget.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Dave Efland, Planning and Community Development Director

**RECOMMENDATION:**

Approval with the emergency clause in order to begin the hiring process

**ATTACHMENT(S)**

N/A

ORDINANCE NO. 15-57

AN ORDINANCE AMENDING ORDINANCE NO. 14-124 ESTABLISHING THE PAY AND BENEFITS FOR VARIOUS PART-TIME AND INTERMITTENT/SEASONAL EMPLOYEES OF THE CITY OF DELAWARE, AND DECLARING AN EMERGENCY.

WHEREAS, the City hires various part-time, intermittent/seasonal employees that can be divided into two classifications, to wit: permanent part-time and intermittent seasonal, and

WHEREAS, Section 155.09, Appointment Status, of the Codified Ordinances of the City of Delaware defines part-time employment, and Ordinance No. 14-124 established pay and benefits for various part-time employees of the City, and

WHEREAS, it is necessary to clarify the wages and benefits for each classification of part-time and intermittent/ seasonal employees.

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

SECTION 1. Ordinance No. 14-82 is hereby amended to read as follows:

A. Effective ~~DECEMBER 31, 2014~~ **JUNE 22, 2015** permanent part-time employees shall receive the following wages and benefits:

1. Wages. Permanent part-time employees shall be paid on an hourly basis in accordance with the following table:

<b>PAY GRADE</b>	<b>STEP 1</b>	<b>STEP 2</b>	<b>STEP 3</b>	<b>STEP 4</b>	<b>STEP 5</b>
PT 1	8.54	8.85	9.22	9.41	9.60
PT 2	12.88	13.38	13.93	14.49	15.05
PT 3	13.54	14.08	14.61	15.24	15.84
PT 4	15.60	16.23	16.88	17.55	18.25
PT 5	18.07	18.63	19.21	19.81	20.39

**PAY GRADE**

PT 1  
PT 2  
PT 3

**POSITION**

Facility Maintenance Technician I  
Support Services Aide  
Facility Maintenance Technician II  
Clerical Specialist, Records Clerk,

Laborer, Front Counter Clerk, Help Desk Technician

PT 4

PT 5

Investigator/Diversion Manager,  
**PPT CODE ENFORCEMENT OFFICER**

2. Benefits. Benefits for permanent part-time are as follows:

- (a) Employees will accrue Universal Leave on a prorated basis of 4.6 hours for every eighty hours worked in a pay period.
- (b) Employees are eligible for holiday pay if they work a major holiday which includes the following: Christmas, Labor Day, Memorial Day, July 4, New Year's Day and Thanksgiving. Holiday Pay is defined as one and one half times the employee's regular hourly rate.
- (c) Overtime shall be compensated at straight time rates for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week shall be compensated for a rate of time and one half.
- (d) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.
- (e) Upon termination of employment with the City employees will not receive pay-out for any leave accumulated.
- (f) If an employee becomes full time with the City, any accumulated Universal Leave will be added to the employee's sick leave balance.

B. Effective January 1, 2014 permanent part-time firefighters shall be paid on an hourly basis in accordance with the following table:

<b>PAY GRADE</b>	<b>POSITION</b>	<b>WAGE</b>
PTFF1	Firefighter/EMT	12.00/hour
PTFF2	Firefighter/Paramedic	14.00/hour

1. Benefits. Benefits for permanent part-time firefighters are as follows:

- (a) The City will provide \$10,000 of life insurance
- (b) Overtime shall be compensated at straight time rates

for all hours in paid status, except that all hours in paid status in excess of 40 hours in any work week shall be compensated for a rate of time and one half.

- (c) The employee will be responsible for payment of the employee contribution to their pension system.

C. Effective December 31, 2014, intermittent part-time/seasonal employees shall receive the following wages and benefits:

- 1. Wages. Intermittent part-time/seasonal employees shall be paid on an hourly basis in accordance with the following table:

<b>PAY GRADE</b>	<b>POSITION</b>	<b>WAGE</b>
SL 1	Cashier I	<b>8.10</b> 7.95/hour
SL 2	Cashier II,	8.40/hour
SL 3	Cashier III	8.90/hour
SL 4	Laborer I, Intern I,	9.27/hour
SL 5	Laborer II	10.30/hour
SL 6	Intern II, Clubhouse Manager , Laborer III	11.33/hour
SL 7	Laborer IV	\$12.36/hour
SL8	Intern III	\$13.39/hour
SL9	Intern IV, Cemetery Office Manager	\$14.42/hour

For intermittent/seasonal positions not listed above, the wages shall be the entry-level pay rate reflected in the applicable pay plan for the equivalent permanent full-time position or a pay rate established by the City Manager.

- 2. Benefits. Intermittent /seasonal employees are not eligible for benefits, except the following:

- (a) The employee shall be responsible for payment of the employee contribution for the State of Ohio Retirement System.

SECTION 2. Existing Ordinance No. 14-124 is hereby repealed.

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.

SECTION 4. EMERGENCY CLAUSE. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City. The emergency clause is required in order for the hiring process to begin. This Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS \_\_\_\_ NAYS \_\_\_\_  
ABSTAIN \_\_\_\_

VOTE ON EMERGENCY CLAUSE: YEAS \_\_\_\_ NAYS \_\_\_\_  
ABSTAIN \_\_\_\_

PASSED: \_\_\_\_\_, 2015 YEAS \_\_\_\_ NAYS \_\_\_\_  
ABSTAIN \_\_\_\_

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

\_\_\_\_\_  
MAYOR



## FACT SHEET

---

AGENDA ITEM NO: 15

DATE: 6/22/15

ORDINANCE NO: 15-58

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) BOARD, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The City of Delaware and Berkshire Township entered into a Joint Economic Development District in which people who work in the JEDD will pay the city's 1.85% income tax, with the proceeds to be split between the two parties. The JEDD Board (of which City Manager Homan is a member) has officially formed and is in the process of adopting its bylaws and implementing the tax rate.

**REASON WHY LEGISLATION IS NEEDED:**

Under the JEDD agreement, the City agreed to provide tax collection services for an administrative fee of up to 4% of the collections of the JEDD. However, the actual agreement is between the JEDD Board and the City. Therefore, in order to memorialize the 4% fee and start tax collection, the City and the Board have to execute a service agreement.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

Generation of 4% of the JEDD proceeds

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Darren Shulman, City Attorney

**RECOMMENDATION:**

Approval, with the emergency clause

**ATTACHMENT(S)**

Draft agreement

ORDINANCE NO. 15-58

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) BOARD, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 14-102 the City of Delaware (the "City") and Berkshire Township (the "Township") entered into an agreement to establish a Joint Economic Development District (JEDD) in Berkshire Township; and

WHEREAS, under that agreement employees who work in the JEDD will pay the city's 1.85 percent income tax; and

WHEREAS, in order for the City to administer the tax collection for the JEDD as specified in the JEDD agreement an agreement must be reached with the JEDD Board.

WHEREAS, the City and the JEDD Board have reached the attached agreement under which the City will administer the income tax collection for a fee of 4 percent of the gross revenue of the JEDD.

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

SECTION 1. The City Manager is hereby authorized to enter into an agreement with the Joint Economic Development District Board (JEDD) to provide tax collection services.

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 Ohio 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 for the further reason to provide for the implementation of the JEDD which is a necessary first step in the construction of the anticipated improvements (outlet mall), 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

**JEDD INCOME TAX AGREEMENT**

**BY AND BETWEEN**

**BOARD OF DIRECTORS OF  
BERKSHIRE TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT NO. 1**

**AND**

**CITY OF DELAWARE, OHIO**

**Dated  
as of**

\_\_\_\_\_, 2015

## **JEDD INCOME TAX AGREEMENT**

This JEDD Income Tax Agreement (this “Agreement”) dated as of \_\_\_\_\_, 2015 is entered into by and between the Board of Directors (the “Board”) of the Berkshire Township Joint Economic Development District No. 1 (the “JEDD”) and the City of Delaware, Ohio (the “City”).

### **WITNESSETH:**

WHEREAS, pursuant to Ohio Revised Code Sections 715.72 through 715.81 and the Joint Economic Development District Contract dated as of November 1, 2014 (the “JEDD Contract”) by and between the Township of Berkshire (the “Township”) and the City of Delaware (the “City”), the Township and the City created the JEDD; and

WHEREAS, members of the Board have been duly appointed; and

WHEREAS, the Board has levied a tax on the income of individuals working in the JEDD and on the net profits of businesses located in the JEDD (the “JEDD Income Tax”) and has adopted its Berkshire Township Joint Economic Development District No. 1 Tax Code (the “Tax Code”); and

WHEREAS, pursuant to the JEDD Contract, the Board and the City are required to enter into a JEDD Income Tax Agreement (as defined in the JEDD Contract) to provide that the City administers, collects, enforces and distributes the JEDD Income Tax; and

WHEREAS, the Board and the City have decided to enter into this Agreement to satisfy the requirement for the JEDD Income Tax Agreement;

NOW, THEREFORE, in consideration of the foregoing recitals and the agreements, representations, covenants and promises set forth in this Agreement, the City and the Board agree as follows:

### **ARTICLE I DEFINITIONS**

**Section 1.1 Interpretations.** Any reference herein to the City, the Township, the Board or the JEDD or to any officer or employee of the City, the Township, the Board or the JEDD, includes the entities, officers or employees succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law, or the entities, officers or employees lawfully performing their respective functions, duties or responsibilities.

Any reference herein to a section or provision of the Constitution of the State of Ohio, a section, provision or chapter of the Ohio Revised Code, an ordinance of the City, a resolution of the Township, a resolution of the Board, any law of the State of Ohio or any statute of the United States of America, includes that section, provision, chapter, ordinance, resolution or statute as amended, modified, revised, supplemented or superseded from time to time; provided, however, that no amendment, modification, revision, supplement or superseding section, provision,

chapter, ordinance, resolution or statute shall be applicable to this Agreement solely by reason of this Section 1.1 if such amendment, modification, revision, supplement or superseding section, provision, chapter, ordinance, resolution or statute constitutes an impairment of the rights or obligations of the Board or the City under this Agreement.

Unless the context clearly indicates otherwise, words importing the singular number include the plural number and vice versa. The terms “hereof”, “hereby”, “herein”, “hereto”, “hereunder” and similar terms refer to this Agreement. The term “hereafter” means after, and the term “heretofore” means before, the date of this Agreement. Words of any gender include the correlative word of the other genders unless the context clearly indicates otherwise.

Unless the context clearly indicates otherwise, any reference to a “Section” is a reference to a section of this Agreement.

**Section 1.2. Captions and Headings.** The captions and headings in this Agreement are solely for convenience of reference and do not define, limit or describe the scope or intent of any Articles, Sections, subsections, paragraphs, subparagraphs or clauses herein.

## **ARTICLE II TERM**

**Section 2.1. Term.** The term of this Agreement shall commence upon its execution by both the Board and the City and shall terminate on December 31, 2065; provided, however, this Agreement shall automatically renew to terminate simultaneously with the JEDD Contract if the JEDD Contract is renewed by the Township and the City.

## **ARTICLE III SERVICES TO BE PROVIDED BY CITY**

**Section 3.1. Advice regarding Tax Code.** The City shall monitor the effectiveness of the Tax Code for the collection of the JEDD Income Tax, and the City shall monitor any changes in the laws of the State of Ohio applicable to the JEDD Income Tax or the Tax Code. The City shall advise the Board if and when revisions to the Tax Code are required or desirable.

**Section 3.2. Administration, Collection and Enforcement; Administrator; Assistant Treasurer.** During the term of this Agreement, the City shall administer, collect, enforce and distribute the JEDD Income Tax in accordance with the Tax Code, the JEDD Contract and applicable law. The Director of Finance of the City shall be Administrator of the JEDD Income Tax (the “Administrator”) and shall be responsible for the receipt and safekeeping of the JEDD Income Tax. The Administrator shall make an annual report to the City and the Township and the Board regarding the receipt and distribution of the JEDD Income Tax. The Director of Finance of the City shall ~~also beserve as~~ the ~~Assistant~~ Treasurer of the Board ~~to assist in the performance of the duties of the Treasurer.~~

**ARTICLE IV  
COMPENSATION AND EXPENSES**

**Section 4.1. Compensation and Expenses.** The Board agrees to pay to the City for its services and the services of the Director of Finance as Administrator and ~~Assistant~~-Treasurer an amount equal to 4% of the gross annual JEDD Income Tax revenues for each calendar year during the term of this Agreement.

**ARTICLE V  
MISCELLANEOUS**

**Section 5.1 Execution of Other Documents.** The Board and the City agree to cooperate with one another in the implementation of this Agreement and to execute or cause to be executed, in a timely fashion, all necessary documents in order to effectuate the purposes of this Agreement.

**Section 5.2 Binding Effect.** All rights, benefits, and privileges under this Agreement shall inure to the Board and the City. The Board and the City acknowledge and agree that the Township is a third party beneficiary to this Agreement. Other than the Township, no third parties shall have any right to claim any rights, benefits, or privileges under this Agreement.

Each covenant, agreement or obligation of the Board or the City under this Agreement is binding on each officer of the Board or the City, respectively, who have the authority or duty from time to time under the laws of the State to take any action which may be necessary or advisable to observe or perform that covenant, agreement or obligation.

**Section 5.3 Counterparts.** This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement.

**Section 5.4 Severability.** The invalidity or unenforceability of any one or more provision of this Agreement shall not affect the validity or enforceability of the remaining provisions of this Agreement or any part thereof and the same shall remain in full force and effect.

**Section 5.5 Governing Law and Choice of Forum.** This Agreement shall be governed by and construed in accordance with the laws of the State of Ohio. All claims, counterclaims,, disputes and other matters in question regarding this Agreement or its breach will be decided in a court of competent jurisdiction within the State of Ohio.

**Section 5.6 Notices and Payments.** All notices, demands, requests, consents or approvals given, required or permitted hereunder shall be in writing and shall be deemed sufficiently given if received or if hand delivered or sent by recognized overnight delivery service or by certified mail, postage prepaid and return receipt requested, addressed to (i) (A) the Board at its principal office located at 1454 Rome Corners Road, Galena, Ohio 43201, Attention: Chairperson, and (B) the City at its offices located at 1 South Sandusky Street, Delaware, Ohio

43015, Attention: City Manager, or (ii) such other address as the recipient shall have previously notified the sender in writing as provided in this Section 5.6.

**Section 5.7 Amendments.** This Agreement may be amended by the Board and the City by a written agreement authorized by the Board and the Council of the City.

**Section 5.8 Entire Agreement.** This Agreement is the only and entire agreement between the Board and the City regarding the JEDD Income Tax.

IN WITNESS WHEREOF, the Board and the City have subscribed to this JEDD Income Tax Agreement by their duly authorized officers.

**BOARD OF DIRECTORS OF THE  
BERKSHIRE TOWNSHIP JOINT ECONOMIC  
DEVELOPMENT DISTRICT NO. 1**

Date: \_\_\_\_\_, 2015

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

And by: \_\_\_\_\_  
Secretary

**CITY OF DELAWARE, OHIO**

Date: \_\_\_\_\_, 2015

By: \_\_\_\_\_  
City Manager

**FISCAL OFFICERS' CERTIFICATIONS**

The undersigned Treasurer of the Board of Directors of the Berkshire Township Joint Economic Development District No. 1 hereby certifies that the moneys required to meet the obligations of the Board during the calendar year 2015 under the foregoing JEDD Income Tax Agreement have been appropriated lawfully for that purpose, and are in the treasury of the Board or in the process of collection to the credit of an appropriate fund, free from encumbrances. This certification is made in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Dated: \_\_\_\_\_, 2015

\_\_\_\_\_  
Treasurer, Board of Directors  
Berkshire Township Joint Economic Development  
District No. 1

The undersigned Director of Finance of the City of Delaware, Ohio hereby certifies that the moneys required to meet the obligations of the City during the calendar year 2015 under the foregoing JEDD Income Tax Agreement have been appropriated lawfully for that purpose, and are in the treasury of the City or in the process of collection to the credit of an appropriate fund, free from encumbrances. This certification is made in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

Dated: \_\_\_\_\_, 2015

\_\_\_\_\_  
Director of Finance  
City of Delaware, Ohio



## FACT SHEET

---

AGENDA ITEM NO: 16

DATE: 6/22/15

ORDINANCE NO: 15-59

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: William L. Ferrigno, P.E., Public Works Director/City Engineer  
Bruce Pijanowski, Police Chief

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR REPAIR OF THE SHOWERS AT THE JUSTICE CENTER

**BACKGROUND:**

The two shower stalls located within the Justice Center locker room facility in the basement level have deteriorated since the original 1994 installation, to the point where water has penetrated the tiled wall and floor joints leading to subsequent damage within wall cavities. Such damage may have been ongoing for some time though it remained hidden from sight within the walls. Over the past year however, damage has accelerated to the point where it has visibly weakened the supporting shower surround surface leading to loose tiles and seepage through floor joints to adjacent flooring. Some mold has also been discovered as a result of the excess moisture in the immediate vicinity.

The proposed repairs will address the situation by removing and reconstructing both shower stalls with improved solid surface wall and floor pan materials, widened stall areas to better contain over-splash within the individual units, and include the installation of single piece tempered glass shower doors to prevent water from escaping along the sides and bottom of the stalls as was the case with the original vinyl curtain design. The contract also includes the

installation (if possible) of improved locker room power ventilation to help remove moisture from the area.

**REASON WHY LEGISLATION IS NEEDED:**

A supplemental appropriation is required to provide the necessary funding for repairs that were not included in the 2015 City budget.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

Approval will require appropriating up to \$23,500.00 from the unencumbered balance of the Capital Improvement Fund.

**POLICY CHANGES:**

No policy change recommended.

**PRESENTER(S):**

William L. Ferrigno, P.E., Public Works Director  
Bruce Pijanowski, Police Chief

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Pictures of existing condition in basement locker room

ORDINANCE NO. 15-59

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR REPAIR OF THE SHOWERS AT THE JUSTICE CENTER, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware provided for showers at the Justice Center, specifically the Police Department, and

WHEREAS, due to the nature of the position of Police Officer it is necessary for the operations to maintain a facility in which officers may shower, and

WHEREAS, the showers have deteriorated since original construction to a state where water damage has occurred behind the tile walls and along the floor necessitating repairs to prevent additional damage, and

WHEREAS, City staff has received proposals to repair the shower facility at the Police Department, and

WHEREAS, the cost to complete the project is estimated at \$23,500.00, and

WHEREAS, a supplemental appropriation to the 2015 budget will be necessary to complete the project.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund \$21,060.00 increasing the following account:

Maintenance of Facility	(101-0071-5271)	\$23,500.00
-------------------------	-----------------	-------------

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 \_\_\_

EMERGENCY CLAUSE:

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

ABSTAIN \_\_\_

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

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

ABSTAIN \_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR









## MAY FINANCE REPORT

**TO: Members of City Council**  
**FROM: Dean Stelzer, Finance Director**  
**DATE: June 17, 2015**

### Reports Included

<u>Page</u>	<u>Reports</u>	<u>Purpose</u>
2	Revenues by Source	This summary compares year-to-date revenues for 2015 to 2014 by source.
3	General Fund	Summary of General Fund budgeted revenues, expenditures and fund balance.
4	Other Operating Funds	Summary of budgeted revenues, expenditures, & fund balances for non-general fund operating funds.
5	Other Funds	Other non-operating funds revenues, expenditures and fund balance.
6	Insurance	Summary of the City's self-funded health insurance costs with comparisons to last year.
7	Income Tax	Monthly income tax collections for last three years. Also includes tax collection projections for remainder of the year.
8	Recreation Levy	Provides a summary of total Rec Levy expenditures and remaining appropriated funds. This report does not include estimates to complete planned improvements. It does provide a total for Council approved expenditures.

### Highlights:

- \* Income tax collections are up 5.84% compared to the same period last year. Withholding tax collections are up 2.57% and individual taxpayer receipts are up 14.92% reflective somewhat of our stepped up enforcement efforts.
- \* Development related revenues (building permits, engineering fees, capacity fees) are down more than 16% from last year's levels. We may need to revisit 2015 estimations based on updated development levels. Further review of the Planning Departments year-to-date activity report is warranted.
- \* Water, sewer, and refuse revenue are in-line with expectations. Rates have not increased since 2012 and the wet spring has tempered water consumption.
- \* Year-to-date revenues for the Airport and the Cemetery are down from last year's levels. Both funds are more business like than other operations as there is competition for services. We will need to monitor the revenue reductions for potential budget adjustments and or other action to increase sales.
- \* Health Insurance costs are up 9% over 2014 levels but in line with 2015 budgeted amounts.

### YTD 2015 Budget Supplementals

- 15-05 \$152,900 - CIP - ODNR Boat ramp grant
- 15-36 \$290,350 Water CIP projects, \$134,350 Sewer CIP projects
- 15-37 \$781,957 - Park Levy projects
- 15-38 \$2,000,000 - Glenn Rd. North intersection project
- 15-39 \$500,000 - Veteran's Plaza project, grant/donation funded

**FINANCE DIRECTOR'S REPORT**  
**REVENUES BY SOURCE**  
**May 31, 2015**

	Revenues @ 5/31/15	Revenues @ 5/31/14	% Change
<b>TAXES</b>			
Income Tax	\$ 10,974,830	\$ 10,369,416	5.84%
Property Tax	843,802	810,707	4.08%
Local Government Fund	274,871	248,633	10.55%
Inheritance	4,962	82,783	-94.01%
Hotel/Motel Tax	26,477	21,286	24.39%
Gasoline Tax	461,554	446,352	3.41%
License Plate Tax	284,318	260,632	9.09%
<b>FEES</b>			
Franchise Fee (cable tv)	\$ 174,799	\$ 180,452	-3.13%
Parking Meter & Lot Fees	36,297	29,576	22.72%
Fines/Forfeitures/Court Diversion Fees	55,119	29,398	87.49%
Impact Fees	254,438	229,109	11.06%
Airport	278,055	299,623	-7.20%
Cemetery	66,458	73,835	-9.99%
Golf Course	56,007	47,146	18.79%
<b>REIMBURSEMENTS</b>			
Engineering Fees	\$ 136,588	\$ 324,978	-57.97%
Fire/EMS Reimbursement	312,295	305,922	2.08%
Prosecutor Reimbursements	106,873	109,750	-2.62%
Building Permits and Fees	218,846	261,537	-16.32%
<b>UTILITY CHARGES</b>			
Water - Meter Charges	\$ 2,043,758	\$ 2,057,451	-0.67%
- Capacity Fees	396,605	580,595	-31.69%
Sewer - Meter Charges	2,525,579	2,506,045	0.78%
- Capacity Fees	396,605	547,944	-27.62%
Refuse	1,394,345	1,365,901	2.08%
Storm Sewer	353,142	347,415	1.65%
<b>MUNICIPAL COURT REVENUES</b>	\$ 1,312,060	\$ 1,259,289	4.19%

**FINANCE DIRECTOR'S REPORT**  
**GENERAL FUND REVENUES**  
**May 31, 2015**

May 41.67% of year	Revenues 5/31/2015	2015 Budget	Revenues As % of Budget	Comparative Revenues 5/31/2014	% Change YTD
<b>GENERAL FUND</b>					
Property Tax	649,639	1,360,000	47.77%	625,910	3.79%
City Income Tax	5,946,793	12,126,900	49.04%	5,618,376	5.85%
Other Taxes	5,224	0	0.00%	82,821	(93.69%)
Local Government Fund	274,871	635,739	43.24%	248,633	10.55%
Fines and Forfeitures	55,119	110,000	50.11%	29,398	87.49%
Engineering Fees	136,588	500,000	27.32%	324,978	(57.97%)
Prosecutor Contracts	106,873	240,000	44.53%	109,750	(2.62%)
Parking Meters	16,382	32,000	51.19%	12,152	34.81%
Other Fees and Contracts	10,925	0	0.00%	9,845	10.97%
Liquor Permits	36,626	44,000	83.24%	36,663	(0.10%)
Franchise Fees	174,799	370,000	47.24%	180,452	(3.13%)
Licenses & Permits	218,846	580,000	37.73%	261,537	(16.32%)
Investment Income	10,239	150,000	6.83%	51,231	(80.01%)
Miscellaneous	40,692	150,000	27.13%	39,053	4.20%
Reimbursements	61,163	200,000	30.58%	66,963	(8.66%)
Transfers	743,647	1,895,756	39.23%	726,971	2.29%
<b>TOTAL</b>	<b>8,488,426</b>	<b>18,394,395</b>	<b>46.15%</b>	<b>8,424,733</b>	<b>0.76%</b>

**GENERAL FUND EXPENDITURES**

	Expenses 5/31/2015	2015 Budget	Expenses As % of Budget	Comparative Expenses 5/31/2014	% Change YTD
<b>GENERAL FUND</b>					
City Council	31,352	99,570	31.49%	32,982	(4.94%)
City Manager	318,610	742,374	42.92%	291,211	9.41%
Human Resources	84,660	230,666	36.70%	81,571	3.79%
Economic Development	83,816	311,709	26.89%	160,521	(47.79%)
Legal Affairs/Prosecution	264,425	671,040	39.41%	234,336	12.84%
Finance	515,032	1,347,367	38.23%	522,670	(1.46%)
Income Tax Refunds	246,387	300,000	82.13%	250,163	(1.51%)
General Administration	2,087,231	4,360,241	47.87%	1,841,416	13.35%
Risk Management	3,195	189,050	1.69%	3,397	(5.95%)
Police	2,793,830	7,566,983	36.92%	2,731,472	2.28%
Planning	341,351	997,198	34.23%	332,925	2.53%
Engineering	481,791	1,235,666	38.99%	364,652	32.12%
City Buildings	143,738	335,377	42.86%	133,907	7.34%
<b>TOTAL</b>	<b>7,395,418</b>	<b>18,387,241</b>	<b>40.22%</b>	<b>6,981,223</b>	<b>5.93%</b>

General Fund Beginning Balance January 1, 2015	3,294,591
2015 General Fund Revenues	8,488,426
2015 General Fund Expenditures	(7,395,418)
Outstanding Encumbrances 5/31/15	(429,713)
General Fund Ending Fund Balance May 31, 2015	<u>3,957,886</u>

**FINANCE DIRECTOR'S REPORT  
OTHER OPERATING FUNDS  
May 31, 2015**

**REVENUES**

	Revenues 5/31/2015	2015 Budget	Revenues As % of Budget	Comparative Revenues 5/31/2014	% Change YTD
STREET MAINTENANCE & REPAIR	1,304,109	2,432,309	53.62%	1,070,841	21.78%
STORM SEWER	354,531	811,000	43.72%	348,214	1.81%
PARKS AND RECREATION	421,989	1,079,151	39.10%	368,563	14.50%
AIRPORT OPERATIONS	243,701	756,330	32.22%	264,785	(7.96%)
FIRE/EMS INCOME TAX	5,351,457	9,260,980	57.78%	4,314,335	24.04%
CEMETERY	66,458	180,500	36.82%	73,835	(9.99%)
MUNICIPAL COURT	942,682	2,558,100	36.85%	918,156	2.67%
GOLF COURSE	56,007	166,500	33.64%	47,146	18.79%
WATER	2,082,771	5,256,161	39.63%	2,081,841	0.04%
SEWER	2,673,180	6,539,300	40.88%	2,639,322	1.28%
REFUSE	1,411,671	3,416,900	41.31%	1,373,060	2.81%
GARAGE ROTARY	140,799	563,195	25.00%	144,575	(2.61%)
INFORMATION TECH. ROTARY	214,725	858,899	25.00%	168,059	27.77%
<b>TOTAL</b>	<b>15,264,080</b>	<b>33,879,325</b>	<b>45.05%</b>	<b>13,812,732</b>	<b>10.51%</b>

**EXPENDITURES**

	Expenditures 5/31/2015	2015 Budget	Expenses As % of Budget	Comparative Expenses 5/31/2014	% Change YTD
STREET MAINTENANCE & REPAIR	991,152	2,432,309	40.75%	1,061,647	(6.64%)
STORM SEWER	168,607	1,941,483	8.68%	791,349	(78.69%)
PARKS AND RECREATION	403,757	1,175,879	34.34%	337,096	19.78%
AIRPORT OPERATIONS	202,880	819,268	24.76%	286,838	(29.27%)
FIRE/EMS INCOME TAX	3,235,856	8,437,976	38.35%	3,366,088	(3.87%)
CEMETERY	93,210	463,664	20.10%	67,943	37.19%
MUNICIPAL COURT	892,898	2,419,834	36.90%	911,152	(2.00%)
GOLF COURSE	59,238	177,567	33.36%	63,909	(7.31%)
WATER OPERATIONS	1,466,555	5,813,247	25.23%	1,307,745	12.14%
SEWER OPERATIONS	1,330,123	6,904,826	19.26%	1,321,924	0.62%
REFUSE	962,424	4,288,573	22.44%	1,281,983	(24.93%)
GARAGE ROTARY	239,335	592,804	40.37%	201,130	19.00%
INFORMATION TECH. ROTARY	343,127	925,353	37.08%	421,946	(18.68%)
<b>TOTAL</b>	<b>10,389,162</b>	<b>36,392,783</b>	<b>28.55%</b>	<b>11,420,750</b>	<b>(9.03%)</b>

**FUND BALANCES**

	Fund Balance 1/1/2015	Revenues 5/31/2015	Expenditures 5/31/2015	Outstanding Encumb.	Fund Balance 5/31/2015
STREET MAINTENANCE & REPAIR	252,129	1,304,109	991,152	141,214	423,872
STORM SEWER	2,174,781	354,531	168,607	445,780	1,914,925
PARKS AND RECREATION	289,557	421,989	403,757	169,184	138,605
AIRPORT OPERATIONS	184,084	243,701	202,880	63,355	161,550
FIRE/EMS INCOME TAX	4,779,906	5,351,457	3,235,856	1,261,438	5,634,069
CEMETERY	347,537	66,458	93,210	2,951	317,834
MUNICIPAL COURT	1,278,467	942,682	892,898	6,149	1,322,102
GOLF COURSE	92,021	56,007	59,238	9,726	79,064
WATER OPERATIONS	2,035,192	2,082,771	1,466,555	225,400	2,426,008
SEWER OPERATIONS	2,651,185	2,673,180	1,330,123	112,288	3,881,954
REFUSE	1,841,847	1,411,671	962,424	943,708	1,347,386
GARAGE ROTARY	250,729	140,799	239,335	89,183	63,010
INFORMATION TECH. ROTARY	315,614	214,725	343,127	65,264	121,948
<b>TOTAL</b>	<b>16,493,049</b>	<b>15,264,080</b>	<b>10,389,162</b>	<b>3,535,640</b>	<b>17,832,327</b>

**FINANCE DIRECTOR'S REPORT**  
**OTHER FUND REVENUES/EXPENSES/FUND BALANCE**  
**May 31, 2015**

	<b>Beginning Fund Balance</b>	<b>Revenues 5/31/2015</b>	<b>Expenses 5/31/2015</b>	<b>Outstanding Encumbrances</b>	<b>Ending Fund Balance</b>
STATE HIGHWAY IMPROVEMENT	110,987	43,305	0	0	154,292
LICENSE FEE FUN	85,346	169,101	7,124	0	247,323
TREE FUND	148,907	43,225	63,624	0	128,508
AIRPORT 2000 T-HANGAR	171,431	34,354	32,365	9,036	164,384
COURT/POLICE BLDG TAX	883	9	0	0	892
RECREATION FACILITIES TAX	4,169,795	4,100,884	2,798,206	279,392	5,193,081
AIRPORT TIF	6,524	12,872	0	0	19,396
GLENN RD BRIDGE TIF	813,017	171,505	29,741	0	954,781
SKY CLIMBER/V&P TIF	0	24,258	24,258	0	0
MILL RUN TIF	0	73,736	73,736	0	0
COURT IDIAM	9,518	7,731	0	1,000	16,249
DRUG ENFORCEMENT	46,859	2,639	369	880	48,249
COURT ALCOHOL TREATMENT	519,206	14,071	37,157	0	496,120
OMVI ENFORCEMENT/EDUCATION	12,611	1,000	0	12,194	1,417
POLICE JUDGEMENT	121,019	4,013	35,705	29,835	59,492
PARK DEVELOPMENT	217,068	0	0	0	217,068
COMPUTER LEGAL RESEARCH	361,842	98,873	51,823	9,171	399,721
COURT SPECIAL PROJECTS	906,633	106,981	20,467	2,382	990,765
PROBATION SERVICES	238,182	140,722	17,129	3,035	358,740
POLICE/FIRE DISABILITY	0	194,163	194,163	0	0
COMMUNITY PROMOTION FUND	25,795	26,477	20,000	51,830	(19,558)
CDBG GRANT	(72,470)	75,000	620	250	1,660
ED REVOLVING LOAN	997,207	52,227	12,617	52,940	983,877
HOUSING GRANT PROGRAM INCOME	24,878	0	0	0	24,878
GENERAL BOND RETIREMENT	56,113	3,238,257	2,735,060	374	558,936
PARK IMPROV BONDS FUND	105,444	527,341	0	0	632,785
SE HIGHLAND SEWER BOND FUND	83,184	416,016	0	0	499,200
CAPITAL IMPROVEMENT	2,648,445	947,231	1,165,147	1,281,489	1,149,040
FAA AIRPORT GRANT	20,471	14,630	0	837	34,264
FAA AIRPORT AIP GRANT	(108,389)	95,124	353,682	16,200	(383,147)
EQUIPMENT REPLACEMENT	391,530	310,000	381,596	292,459	27,475
PARK IMPACT FEE	740,842	79,643	10,000	0	810,485
POLICE IMPACT FEE	247,123	42,072	11,500	0	277,695
FIRE IMPACT FEE	129,628	67,261	12,500	0	184,389
MUNICIPAL SERVICES IMPACT FEE	306,382	65,973	26,000	0	346,355
GLENN ROAD CONSTRUCTION FUNDS	3,514,059	14,655,310	12,980,364	1,911,468	3,277,537
PARKING LOTS	21,207	19,916	12,101	5,625	23,397
WATER CIP	10,263,785	2,762,351	3,263,286	2,129,250	7,633,600
SEWER CIP	5,760,953	764,105	1,804,169	357,422	4,363,467
SELF INSURANCE	2,820,366	1,351,488	2,120,068	19,154	2,032,632
WORKERS COMP RESERVE	1,693,432	190,449	265,271	0	1,618,610
FIRE DONATION	4,100	0	0	0	4,100
POLICE DONATION	8,116	3,410	698	2,000	8,828
MAYOR'S DONATION	932	934	448	0	1,418
PROJECT TRUST	497,146	6,251	0	0	503,397
UNCLAIMED FUNDS	45,772	6,735	0	0	52,507
DEVELOPMENT RESERVE FUND	875,000	0	13,500	0	861,500
RESERVE ACCOUNT FUND	873,323	0	0	0	873,323
CEMETERY PERPETUAL CARE FUND	0	37,522	105	0	37,417
STATE PATROL TRANSFER	0	23,181	23,181	0	0
STATE BUILDING PERMIT FEES	442	2,497	2,304	0	635
<b>TOTAL</b>	<b>39,914,644</b>	<b>0</b>	<b>28,600,084</b>	<b>6,468,223</b>	<b>35,871,180</b>

City of Delaware  
Employee Health Insurance Plan  
May 31, 2015

Account	May 2015	YTD 2015	2015 Budget	% of Budget	YTD 2014	% Change 2014-15
<b>Life Insurance</b>	\$ 2,130	\$ 10,747	\$ 27,250	39.4%	\$ 10,750	0.0%
<b>Insurance Opt-Out</b>	1,930	9,150	25,000	36.6%	9,175	-0.3%
<b>Preventative Care</b>	-	716	55,000	1.3%	1,181	-39.4%
<b>Administrative Fees</b>						
TPA Fees	6,424	31,614	78,241	40.4%	31,844	-0.7%
PPO Fees	3,570	17,402	45,864	37.9%	17,192	1.2%
Broker Fees	510	2,486	6,500	38.2%	2,456	1.2%
<b>Total Admin</b>	<u>10,504</u>	<u>51,502</u>	<u>130,605</u>	39.4%	<u>51,492</u>	0.0%
<b>Stop Loss Insurance</b>	49,901	241,932	489,900	49.4%	191,944	26.0%
<b>Claims</b>						
Medical	246,155	1,456,177	2,915,000	50.0%	1,301,464	11.9%
Dental	19,389	93,850	236,500	39.7%	87,578	7.2%
Prescription	<u>50,160</u>	<u>255,994</u>	<u>621,000</u>	41.2%	<u>236,704</u>	8.1%
<b>Total Claims</b>	<u>315,704</u>	<u>1,806,021</u>	<u>3,772,500</u>	47.9%	<u>1,625,746</u>	11.1%
<b>Total Costs</b>	<b>380,169</b>	<b>2,120,068</b>	<b>4,500,255</b>	<b>47.1%</b>	<b>1,890,288</b>	<b>12.2%</b>
<b>Employee Payment</b>	52,690	276,457	650,000		245,933	
<b>Reimbursements</b>	<u>7,378</u>	<u>219,745</u>	<u>100,000</u>		<u>155,914</u>	
<b>NET PLAN COSTS</b>	<b>\$ 320,101</b>	<b>\$ 1,623,866</b>	<b>\$ 3,750,255</b>	<b>43.3%</b>	<b>\$ 1,488,441</b>	<b>9.1%</b>

<b>Enrollment:</b>	Family Coverage	Single Coverage	Total Coverage
May 2015	193	53	246
May 2014	200	47	247

**Year to Date Claims:**

\*27 employees and dependants have accumulated between \$5,000 and \$30,000 in medical claims.

\*7 employees and dependents have accumulated between \$30,000 and \$70,000 in medical claims.

\*Two employees and dependents have accumulated \$109,978 and \$251,713 in medical claims.

**MONTHLY INCOME TAX REVENUES  
2013-2015**

	2013				% OF BUDGET	2014				% OF BUDGET	2015				% OF BUDGET
	W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL		W/H	PERSONAL	BUSINESS	TOTAL	
JANUARY	1,290,710	331,136	220,916	1,842,762		1,426,991	325,709	41,491	1,794,191		1,386,435	325,735	145,382	1,857,552	
FEBRUARY	1,360,424	242,337	13,628	1,616,389		1,463,197	249,502	50,539	1,763,238		1,374,902	315,054	84,287	1,774,243	
MARCH	913,169	417,117	231,092	1,561,378		1,128,391	468,595	170,577	1,767,563		1,122,427	601,839	98,726	1,822,992	
APRIL	1,232,840	1,800,388	545,089	3,578,317		1,194,547	1,855,367	689,914	3,739,828		1,299,084	2,094,760	670,933	4,064,777	
MAY	1,231,164	98,828	67,163	1,397,155		1,090,820	121,480	92,296	1,304,596		1,283,212	133,840	38,214	1,455,266	
	<u>6,028,307</u>	<u>2,889,806</u>	<u>1,077,888</u>	<u>9,996,001</u>	48.97%	<u>6,303,946</u>	<u>3,020,653</u>	<u>1,044,817</u>	<u>10,369,416</u>	48.00%	<u>6,466,060</u>	<u>3,471,228</u>	<u>1,037,542</u>	<u>10,974,830</u>	49.04%
JUNE	1,016,630	109,705	245,121	1,371,456		1,214,406	115,390	384,211	1,714,007						
JULY	1,331,715	294,768	26,141	1,652,624		1,369,919	327,517	35,254	1,732,690						
AUGUST	1,213,982	146,247	37,890	1,398,119		1,232,954	146,453	43,181	1,422,588						
SEPTEMBER	1,057,577	113,305	265,905	1,436,787		1,052,338	148,185	170,893	1,371,416						
OCTOBER	1,432,379	352,292	140,908	1,925,579		1,438,942	351,472	52,638	1,843,052						
NOVEMBER	1,045,513	188,963	49,509	1,283,985		1,188,261	156,529	21,803	1,366,593						
DECEMBER	1,133,264	194,968	164,983	1,493,215		1,291,144	248,183	178,331	1,717,658						
<b>TOTALS</b>	<u>14,259,367</u>	<u>4,290,054</u>	<u>2,008,345</u>	<u>20,557,766</u>		<u>13,800,893</u>	<u>4,266,733</u>	<u>1,752,797</u>	<u>21,537,420</u>	91.75%	<u>13,800,893</u>	<u>4,266,733</u>	<u>1,752,797</u>	<u>10,974,830</u>	49.04%
BUDGETED				20,411,985					21,601,700					22,378,779	

	Total Receipts	Jan-May Receipts	% of Annual Collections	Projection based on ten year trend!	
				JAN-MAY 2015 RECEIPTS =	\$10,974,830
2005	11,172,242	5,637,847	50.46%		
2006	11,897,341	5,936,804	49.90%	HIGH =	48.15%
2007	12,865,504	6,339,299	49.27%	LOW =	50.46%
2008	14,159,170	7,116,417	50.26%		
2009	14,719,896	7,242,116	49.20%	LAST 3 YR	
2010	15,185,348	7,459,932	49.13%	AVG =	48.83%
2011	17,765,717	8,564,591	48.21%		
2012	19,658,101	9,773,348	49.72%	*2015 BUDGETED RECEIPTS	\$22,378,779
2013	20,557,766	9,996,001	48.62%		
2014	21,537,420	10,369,416	48.15%		
		10 Year Avg.	49.29%		

**FINANCE DIRECTOR'S REPORT  
RECREATION LEVY  
May 31, 2015**

Account #	Description	#				2015 Total	Total 2014 - 2015
		2014 Actual	2015 Combined Budget	2015 Expended	2015 Encumbered		
<b>Phase 1 - \$20,000,000</b>							
233-0233- 5230	Design	7,090	0		0	0	7,090
5513	Other Park Improvements	14,981	0		0	0	14,981
5521	National Guard City Alternatives	117,500	0		0	0	117,500
5533	Veterans Park Restroom/Shelter	0	321,000		0	0	0
		<b>139,571</b>	<b>321,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>139,571</b>
	Total net expended 2009-2013	<b>19,537,505</b>					
	Total expended @ 12/31/14	<b>19,677,076</b>					
	<b>Total Phase 1 Expended and Budgeted</b>	<b>19,998,076</b>					
<b>Phase 2 - \$3,800,000</b>							
233-0233- 5522	Park Asphalt Projects	306,291	144,319		79,900	79,900	386,191
5523	Park Seal Coating Projects	36,025	148,975		104,431	104,431	140,456
5524	Smith Park Trail	27,461	235,250		0	0	27,461
5525	Park Irrigation	0	286,000		0	0	0
5526	Park Aeration	20,109	0		0	0	20,109
5527	Parks General Construction Projects	113,737	198,763		0	0	113,737
5528	Dog Park	32,354	42,646	1,818	26,062	27,880	60,234
5529	Drainage & Excavation Projects	2,608	42,500		0	0	2,608
5530	Miscellaneous Park Improvements	42,715	43,285		0	0	42,715
5531	Veterans Park Parking Lot Addition	337,203	0		0	0	337,203
5532	Wayfinding and Signage	0	40,000		0	0	0
5534	Veterans Park Playtoy	0	165,000		0	0	0
5535	Splashpad Construction	5,300	407,500	111,200	49,000	160,200	165,500
5536	Parkland Acquisition/Improvement	0	989,646		0	0	0
5537	Park Improvements Contingency	3,040	305,148			0	3,040
5538	Pickleball Courts	0	0	0	20,000	20,000	20,000
5710	In-House Design	0	10,000		0	0	0
	<b>Total</b>	<b>926,843</b>	<b>3,059,032</b>	<b>113,018</b>	<b>279,393</b>	<b>392,411</b>	<b>1,319,254</b>
	2014 Expended	926,843					
	2015 Combined Budget	<u>3,059,032</u>					
	Total Expended and Appropriated	3,985,875					
	Less Reimbursements:						
	ONG	-106,361					
	YMCA	-106,361					
	<b>Total Phase 2 Expended and Budgeted</b>	<b>3,773,153</b>					

# Includes original appropriation plus supplemental appropriations and carryover purchase orders.

The sum total of money previously expended and the amounts appropriated by City Council for 2015 total \$19,998,076 for Phase 1 (\$20,000,000 max) and \$3,773,153 for Phase 2 (\$3,800,000 max). The total 2015 appropriation is \$3,380,032 of which \$113,018 has been expended, \$279,393 has been encumbered and \$2,987,621 remains unencumbered at May 31, 2015.

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

---

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**  
June 5  
\* Panera Ribbon Cutting  
June 8  
\* Rotary  
\* Council meeting  
June 9  
\* JEDD Board meeting  
June 11  
\* License Plate Fee Task Force  
\* MORPC Commission/Policy meeting  
June 16  
\* Strand Board meeting  
\* Carlisle and Conger School Groundbreaking ceremonies
4. **Required Reading**
  - A. Fire Department May Monthly Report
  - B. Memorandum from Public Works Director/City Engineer Bill Ferrigno regarding Hayes High School "School Zone" signage.
  - C. Memorandum from Public Works Director/City Engineer Bill Ferrigno regarding Pennsylvania Avenue and Euclid Avenue Traffic Signal Warrant Analysis.

# June

2015

*Sun*

*Mon*

*Tue*

*Wed*

*Thu*

*Fri*

*Sat*

**1**

Council and  
Commissioners  
Joint meeting 7  
Commissioners  
Hearing Room

**2**

**3**

Planning  
Commission 7

**4**

**5**

**6**

**7**

**8**

Council 7

**9**

**10**

BZA 7

**11**

SPECIAL HPC  
meeting 7

**12**

**13**

**14**

**15**

**16**

Parks &  
Recreation  
Advisory Board 7

**17**

**18**

**19**

**20**

**21**

**22**

Rec Levy Sub-  
Committee 6-7  
Council 7  
Mingo Park -  
Moses Byxbe  
Room

**23**

Shade Tree  
Commission 7

**24**

HPC 7

**25**

**26**

**27**

**28**

**29**

**30**

**CONTRACT APPROVAL - JUNE 22, 2015**

<b>VENDOR</b>	<b>EXPLANATION OF AGREEMENT</b>	<b>2015 AMOUNT</b>	<b>DEPARTMENT</b>
Hoarding Task Force of Delaware, Marion and Morrow Counties	MOU	\$0	Fire
Facemyer Construction	Blue Limestone Park Wetland Restoration	\$390,789.71	Public Utilities
Palmetto Construction Services	Public Works Addition	\$521,677.00	Public Works
DARTS	Youth Athletic Agreement	\$0	CMO
Vititoe Construction	Curve Road Landfill	\$490,512.19	Engineering
P.D. Paykoff/TAP Holdings	23/Pennsylvania Land Acquisition	\$150,000	Engineering
Baumann Enterprises	Stratford Low Head Dam Removal	\$52,780	Public Utilities

# Delaware Fire Department

## May 2015 Monthly Report

PERFORMANCE REVIEW	2012	2013	2014	2015	May	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	490	2,232	41.55%	33.00%	8.55%
Fire	103	104	101	107	17	68	63.55%	33.00%	30.55%
Rupture/Explosion	9	3	3	3	0	1	33.33%	33.00%	0.33%
EMS	3,861	3,883	4,047	4,197	374	1,740	41.46%	33.00%	8.46%
Hazardous Conditions	173	131	124	135	10	51	37.78%	33.00%	4.78%
Service Calls	146	94	141	146	13	71	48.63%	33.00%	15.63%
Good Intent	169	165	162	176	24	80	45.45%	33.00%	12.45%
False Calls	453	440	589	599	49	214	35.73%	33.00%	2.73%
Severe Weather	6	3	0	2	0	1	50.00%	33.00%	17.00%
Other	8	8	6	7	3	6	85.71%	33.00%	52.71%
Number of medical transports	2,593	2,576	2,586	2,888	307	1,583	54.81%	33.00%	21.81%
Percent of priority calls w/ response within 6 min	57%	56%	68%	68%	78%	72%	72.00%	33.00%	0.00%
Percent residential structure fires ERF of 15 FF within 12 minutes	40%	70%	78%	70%	100%	80%	2.56%	33.00%	75.00%
# Structure Fires			9	10	2	5	50.00%	33.00%	17.00%
# Structure with personnel and Times			7	7	2	4	57.14%	33.00%	24.14%
Number of commercial inspections conducted	594	1,222	1,473	1,250	101	714	57.12%	33.00%	24.12%
Number of plans reviewed within five days	89%	86%	100%	95%	100%	100%	105.26%	33.00%	100.00%
Number of fires greater than \$10,000	6	13	8	8	3	6	75.00%	33.00%	42.00%
Number of fires of suspicious nature	3	5	5	3	0	3	100.00%	33.00%	67.00%
Hours of Training	9,326	8,831	13,338	10,000	691	5,251	52.51%	33.00%	19.51%

### Major Incidents

- May 4, Structure Fire, Berlin Twp.
- May 8, Bicyclist Struck by Car, W William, MedFlight
- May 8, Motor Vehicle Crash, US 23, MedFlight
- May 16, Structure Fire, Canal St., Arson Charges Filed
- May 27, Structure Fire, Webb St.
- May 29, Structure Fire, Tabilore Loop

### Other Activities

- May 1, Walk a Mile in Her Shoes
- May 2, Red Cross, Safe Family Day, WalMart
- May 28, Red Cross and DFD Smoke Detector Canvassing – 89 Homes Reached
  - From information completed Statewide - Data shows Ohioans are unprepared for emergencies:
    - 65% have no emergency kit
    - 49% have no emergency communications plan
    - 57% have no evacuation meeting place planned
    - 63% have not practiced a plan
- May 31, Half-Moon Marathon

## 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.
  - 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
  - Property was purchased in 2011 at 821 Cheshire Rd. The property was leased out and the lease moved out on November 30, 2013. In 2014, we plan to begin the analysis and plans for an anticipated groundbreaking in 2016.
  - 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**

<b>Month</b>	<b>May</b>	<b>TOTALS YTD</b>
Referrals	19	122
DFD FIRST Coordinator	17	91
DFD Personnel	2	25
Other Agency	0	6
# of New COA-Enrolled	1	3
Total FIRST Contacts	187	1012
# of Individuals Served	71	368
# on New Individuals Served	39	298
City of Delaware Residents Served	69	354
Individuals with New Service	7	24
Services Provided	7	35
Home Delivered Meals	2	6
Shelf Stable Meals	0	0
Emergency Alert Unit Provided	0	7
Medication Dispenser	0	2
Incontinence Products	0	1
Durable Medical Equipment	2	5
In-Home Support	3	10
Other	0	4

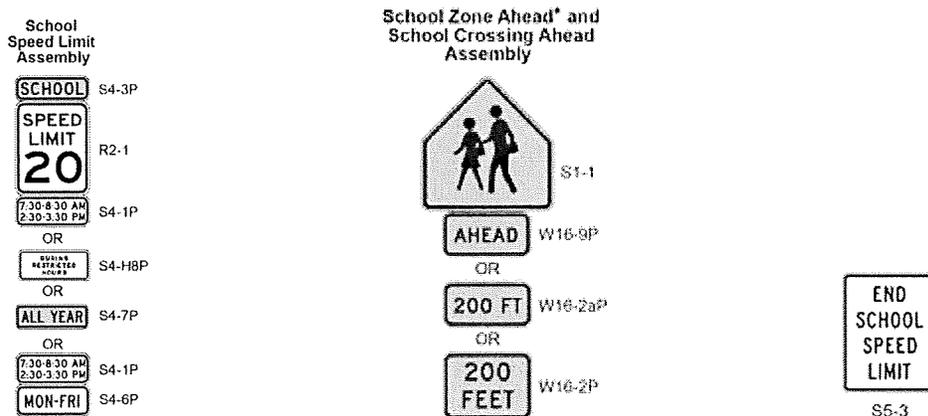
## MEMORANDUM

TO: William L. Ferrigno, P.E.  
 FROM: Jessica Ormeroid, PE, PTOE  
 DATE: 06/18/2015  
 RE: Hayes High School "School Zone" Signage

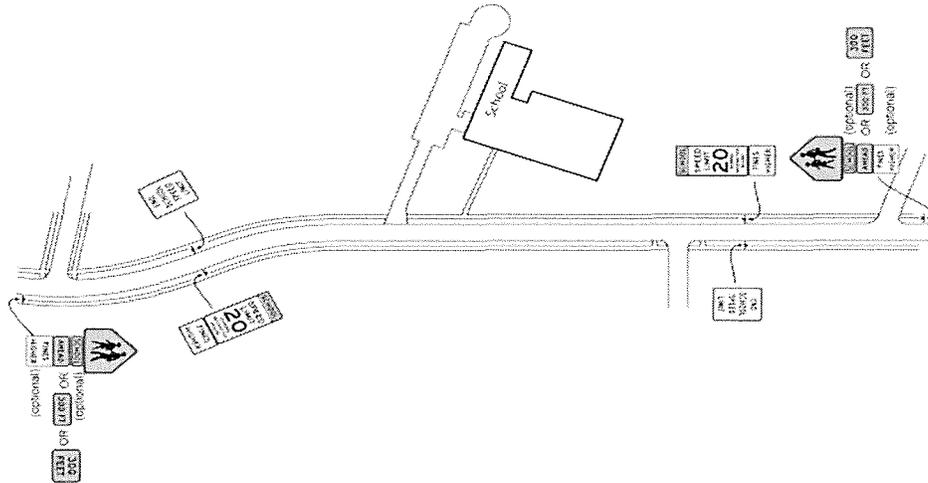
Below please find my review of the existing "School Zone" signage for Delaware Hayes High School with regard to the Ohio Revised Code (ORC) and standards established by the Ohio Manual of Uniform Traffic Control Devices (OMUTCD), 2012 Edition.

**The ORC and OMUTCD states the following:**

1. Section 4511.21(B)(1)(a) of the ORC establishes a 20 mile per hour speed limit for School Zones, and establishes when that speed limit is in effect.
2. Section 4511.21(B)(1)(c) of the ORC defines a traditional School Zone as "that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway." The ORC Section also establishes a means by which the Ohio Department of Transportation (ODOT), upon request from a local authority, may approve extension of the traditional School Zone boundaries or designate a School Zone on a portion of a state route for certain crosswalks customarily used by children going to or leaving school.
3. A School Speed Limit assembly or a School Speed Limit sign (S5-H1) sign shall be used to indicate the speed limit where a school zone has been established. The School Speed Limit assembly or School Speed Limit sign shall be placed at or as near as practical to the point where the school zone begins.
4. A School Zone Ahead Assembly shall be installed in advance of the School Speed Limit assembly or S5-H1 sign that is encountered in each direction as traffic approaches the school zone.
5. The downstream end of a school zone shall be identified with an "End School Speed Limit" (s5-3) sign or a standards Speed Limit sign showing the speed limit for the section of highway that is downstream.



### Example "School Zone" Signage Layout



#### Review of Existing Delaware Hayes High School "School Zone" signage based on above criteria:

The Delaware Hayes High School property fronts both Euclid Avenue and Hayes Drive. Based on the above definition of a "School Zone", the existing "School Zone" signage the High School is per code given that these three (3) signs are in place in the northbound and southbound direction on Euclid Avenue and in the eastbound and westbound direction on Hayes Street. The "Ahead" placard (W16-9P), as shown above, does need added below all the "School Zone Ahead" assemblies. Although the current "End School Zone" signs in place are acceptable, as part of the our regulatory signage replacement project, these signs will be replaced with signs displaying the new wording of "End School Speed Limit".

In addition to the School Zone signage as outlined above, there are also "Pacer Way" Placards (see example below) placed at the bottom of all Street Name signs along Euclid Avenue.





## MEMORANDUM

TO: William L. Ferrigno, P.E.  
FROM: Jessica Ormeroid, PE, PTOE  
DATE: 06/18/2015  
RE: Pennsylvania Avenue & Euclid Avenue Traffic Signal Warrant Analysis

---

Below please find my review of the existing conditions at the intersection of Pennsylvania Avenue and Euclid Avenue with regard to a traffic signal warrant analysis as established by the Ohio Manual of Uniform Traffic Control Devices (OMUTCD), 2012 Edition.

### OMUTCD Standard:

The investigation of the need for a traffic control signal shall include an analysis of factors related to the existing operation and safety at the study location and the potential to improve these conditions, and the applicable factors contained in the following traffic signal warrants found in the OMUTCD Part 4, Highway Traffic Signals:

- **Warrant 1, Eight-Hour Vehicular Volume**
- **Warrant 2, Four-Hour Vehicular Volume**
- **Warrant 3, Peak Hour**
- **Warrant 4, Pedestrian Volume**
- **Warrant 5, School Crossing**
- **Warrant 6, Coordinated Signal System**
- **Warrant 7, Crash Experience**
- **Warrant 8, Roadway Network**
- **Warrant 9, Intersection Near a Grade Crossing**

### Summary of Results:

- **Warrant 1, Eight-Hour Vehicular Volume:** The vehicular volumes on both Pennsylvania Avenue and Euclid Avenue do not satisfy any of the conditions outlined in Section 4C.02 of the OMUTCD. See attached volume summaries.
- **Warrant 2, Four-Hour Vehicular Volume:** The vehicular volumes on both Pennsylvania Avenue and Euclid Avenue do not satisfy the conditions set forth in Section 4C.03 and Figure 4C-1 of the OMUTCD. See attached Figure 4C-1 with plotted points indicating the vehicular volumes during the highest hours of the day at this intersection.
- **Warrant 3, Peak Hour:** The vehicular volumes on both Pennsylvania Avenue and Euclid Avenue do not satisfy the conditions set forth in Section 4C.04 and Figure 4C-3 of the OMUTCD. See attached Figure 4C-3 with plotted points indicating the vehicular volumes during the highest hours of the day at this intersection.
- **Warrant 4, Pedestrian Volume:** The pedestrian volumes crossing the Pennsylvania Avenue, the major street, do not meet the requirements as established in Figures 4C-5 and 4C-7. See attached Figure 4C-5 and 4C-7 with plotted points for this intersection during the hours where the pedestrian volumes are the highest throughout the day.
- **Warrant 5, School Crossing:** The minimum of 20 schoolchildren crossing during the highest crossing hour is not met.
- **Warrant 6, Coordinated Signal System:** Does not apply to this intersection since there are no other

traffic control signals within 1000-feet of this intersection nor is there a necessity for vehicular platooning along Pennsylvania Avenue.

- **Warrant 7, Crash Experience:** The accident history for this intersection shows 1 accident for 2010 (CR10-042), 2011 (CR11-020), 2012 (CR12-565) and 2014 (CR14-564). This doesn't meet five or more crashes in a 12-month period as established by this warrant.
- **Warrant 8, Roadway Network:** The current vehicular volumes at this intersection do not satisfy the conditions set forth in Section 4C.09 at this time.
- **Warrant 9, Intersection Near a Grade Crossing:** Does not apply given that there is not a grade crossing on Euclid Avenue which is the minor street with stop control.

Based on the above summary of results, a traffic control signal at the Pennsylvania Avenue and Euclid Avenue intersection is not warranted nor recommended at this time. It should be noted though, after the US23 and Pennsylvania Avenue Intersection is reconfigured in 2016, new traffic counts should be obtained at this intersection while school is in session and the traffic signal warrant analysis should be re-evaluated.