

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

**AGENDA**

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

REGULAR MEETING

NOVEMBER 9, 2015

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held October 26, 2015, as recorded and transcribed.
5. CONSENT AGENDA
  - A. Establish November 23, 2015 at 7:45 p.m. as the date and time for a public hearing and second reading of Ordinance No. 15-112, an ordinance adding a new Chapter 192 to the Codified Ordinances of the City of Delaware regarding Municipal Income Tax.
  - B. Establish November 23, 2015 at 7:45 p.m. as the date and time for the first reading and first public hearing of Ordinance No. 15-113, an ordinance making appropriations for the year 2016, and declaring an emergency
  - C. Establish December 14, 2015 at 7:30 p.m. as the date and time for a second reading and second public hearing of Ordinance No. 15-113, an ordinance making appropriations for the year 2016, and declaring an emergency.
  - D. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held September 30, 2015.
  - E. Acceptance of the Motion Summary for the Civil Service Commission meeting held October 7, 2015.
  - F. Acceptance of the Motion Summary for the Planning Commission

meeting held October 7, 2015.

G. Resolution No. 15-52, a resolution accepting the public improvements for the Communities at Glenross, Section 5.

H. Resolution No. 15-53, a resolution appointing members to the Civil Service Commission, and specifying the term of the appointments.

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. PRESENTATIONS:

A. Proclamation honoring Fourth Ward Council Member Andrew Brush for his service to the City of Delaware and its citizens.

9. CONSIDERATION of Ordinance No. 15-108, an ordinance approving a Combined Preliminary and Final Development Plan for the Willow Brook Christian Village at Delaware Run for a “Wing H” addition and dining room expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional).

10. CONSIDERATION of Ordinance No. 15-109, an ordinance authorizing the City Manager to enter into an Intergovernmental Cooperation Agreement with the Delaware County Common Pleas Court, Delaware Court of Common Pleas Clerk of Courts, and the Delaware County Sheriff to establish a continuation of Operation Plan, and declaring an emergency.

11. CONSIDERATION of Ordinance No. 15-110, an ordinance supplementing the 2015 Appropriations Ordinance to provide additional funding for various water plat line item accounts, and declaring an emergency.

12. CONSIDERATION of Ordinance No. 15-111, an ordinance supplementing the 2015 Appropriations Ordinance to establish additional funding for the Airport Runway Extension Project, and declaring an emergency.

13. CONSIDERATION of Ordinance No. 15-112, an ordinance adding a new Chapter 192 to the Codified Ordinances of the City of Delaware regarding Municipal Income Tax.

14. CITY MANAGER’S REPORT

15. COUNCIL COMMENTS

16. ADJOURNMENT

**\*\* A reception honoring Andrew Brush for his service to the City of Delaware will be held after the Council meeting.**

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held October 26 20 15

The regular meeting of October 26, 2015 was called to order at 7:00 p.m., in the City Council Chambers. The following members of Council were present: First Ward Chris Jones, Second Ward Lisa Keller, Third Ward Joe DiGenova, Fourth Ward Andrew Brush, Vice Mayor George Hellinger and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was At Large Kent Shafer. The invocation was given by Pastor John Powers followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economical Development Director, Dave Efland, Planning and Community Development Director, Matt Weber, Deputy City Engineer, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Bruce Pijanowski, Police Chief, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

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

**ITEM 4: APPROVAL OF MINUTES**

APPROVAL of the Motion Summary of the Council Work Session held October 5, 2015.

APPROVAL of the Motion Summary of the regular meeting of Council held October 12, 2015, as recorded and transcribed.

**Motion:** Mrs. Keller moved to approve the Motion Summary of the Council Work Session held October 5, 2015, seconded by Mr. Jones. Motion approved by a 5-0-1 (Brush) vote.

**Motion:** Mr. Brush moved to approve the Motion Summary for the regular meeting of Council held October 12, 2015, seconded by Mr. DiGenova. Motion approved by a 6-0 vote.

**ITEM 5: CONSENT AGENDA**

- A. Acceptance of the Motion Summaries of the Sister City Advisory Board meetings held April 14 and July 14, 2015.
- B. Acceptance of the Motion Summary of the Airport Commission meeting held July 16, 2015.

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

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

Mark McHenry  
21 Glengary Dr.  
Delaware, Ohio 43015

Mr. McHenry requested that the code to not permit real estate and development signs be enforced by the city.

**ITEM 7: COMMITTEE REPORTS**

Mr. Jones informed Council that there will be a Historic Preservation Commission meeting held October 28, 2015.

Mrs. Keller provided an update on the Spray and Play at Veteran's Park.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8084 FORM NO. 10148

Held October 26 20 15

Mr. DiGenova provided an update on the meeting held by the Revolving Loan Committee. Mr. DiGenova informed Council that the Shade Tree Commission will meet October 27, 2015.

Vice-Mayor Hellinger provided an update regarding the meeting held by the Airport Commission.

ITEM 8: RESOLUTION NO. 15-50 [First Reading]

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN REVOLVING LOAN FUND (RLF) LOAN AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, FOR THE PURPOSE OF PURCHASING LAND AND EQUIPMENT AT THEIR NEW DEVELOPMENT SITE ON PITTSBURGH DRIVE.

The Clerk read the resolution for the first time.

APPLICANT:

Bob Archer
7115 Hawksbeard Dr.
Westerville, Ohio

Mr. DiGenova discussed the request by the Revolving Loan Fund Committee to make some changes to guideline 09-49 and to discuss these changes at a later time.

Motion: Mr. DiGenova moved to adopt Resolution No. 15-50, seconded by Mr. Brush. Motion approved by a 6-0 vote.

ITEM 9: RESOLUTION NO. 15-51 [First Reading]

A RESOLUTION DECLARING THE INTENT OF THE CITY OF DELAWARE TO APPROPRIATE PROPERTY OF THE SHIPLEY FAMILY REVOCABLE TRUST, WICKHAM FAMILY TRUST, ROBIN LESLIE WICKHAM, JAMES D. WICKHAM, THOMAS C, HARGREAVES, AND JAMES D. HARGREAVES AT THE ADDRESSES LISTED BELOW, FOR PUBLIC USE FOR ROADWAY IMPROVEMENTS.

The Clerk read the resolution for the first time.

Mr. Shulman discussed the intent for use of the land for a bike path. Mrs. Keller voiced a concern regarding the use of eminent domain, and requested information on any concerns voiced by property owners. Mr. Homan discussed concern by resident if they are able to cross the bike path with a road access point in future development.

Motion: Mr. Brush moved to adopt Resolution No. 15-51, seconded by Vice-Mayor Hellinger. Motion approved by a 6-0 vote.

ITEM 10: ORDINANCE NO. 15-107 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR THE DESIGN, CONSTRUCTION AND INSTALLATION OF EXHIBITS FOR THE EDUCATIONAL CENTER AT THE WATER TREATMENT PLANT.

The Clerk read the ordinance for the first time.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held October 26 20 15

Mrs. Walker provided an update on the funding for the design construction.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 15-107, seconded by Mr. Brush. Motion approved by a 6-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 15-107, seconded by Mr. Brush. Motion approved by a 6-0 vote

ITEM 11: ORDINANCE NO. 15-106 [Second Reading] AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN FOR SPEEDWAY FOR AN APPROXIMATE 4,608 SQUARE FOOT GAS STATION AND CONVENIENCE STORE ON APPROXIMATELY 12.912 ACRES LOCATED ON THE NORTHWEST CORNER OF US23 NORTH AND HILLS MILLER ROAD ON PROPERTY ZONED B-4 (GENERAL BUSINESS DISTRICT).

The Clerk read the ordinance for the second time.

Mr. Efland provided a presentation that discussed major issues regarding the land use and zoning, environmental concerns, site design, building design, and traffic and engineering concerns. Mr. Efland reviewed the proposed site plan, proposed landscape plans, and reviewed the setback of the building.

Mr. Weber discussed the traffic study and addressed concerns voiced by the public

APPLICANT: Chris Warshaw 395 Springside Dr. Akron, Ohio

Bryan Witt 500 Speedway Dr. Enon, Ohio

Mr. Warshaw provided a presentation to address site plan, environmental concerns, alcohol and tobacco sale policy, and safety and security plans.

Public Participation: Jim Molina 185 Kensington Dr. Delaware, Ohio 43015

Mr. Molina requested the consideration of an additional stop light north of Hills Miller Rd.

Kristen Jones 164 Sylvan Dr. Delaware, Ohio 43015

Ms. Jones voiced her concern regarding the health and safety of the surrounding residents and voiced concern regarding the impact of the fumes to their health.

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held October 26 20 15

Richard Lantham  
231 Sylvan Dr.  
Delaware, Ohio 43015

Ms. Susan McGrail requested permission to read a text message on behalf of Mr. Lantham who was unable to attend the meeting. Mr. Lantham voiced a concern regarding the growth rate reported by MORPC.

Matt Kuchers  
215 Kensington Dr.  
Delaware, Ohio 43015

Mr. Kuchers provided a petition to Council that was signed by residents from Oakhurst.

**Motion:** Mr. Brush moved to suspend the rules for Ordinance No. 15-106, seconded by Mrs. Keller. Motion approved by a 5-0-1 (Jones) vote.

**Motion:** Mr. Brush moved to adopt Ordinance No. 15-106, seconded by Mrs. Keller. Motion approved by a 5-0-1 (Jones) vote.

**ITEM 12: FINANCE DIRECTOR'S REPORT**

**ITEM 13: CITY MANAGER'S REPORT**

Mr. Homan discussed the plans for the Delegates visiting from Sakata, Japan.

Mr. Homan requested dates that Council will be unavailable during the month of December to schedule budget meetings.

**ITEM 14: COUNCIL COMMENTS**

Vice-Mayor Hellinger requested an update on the Wayfinding Program. Mr. Efland provided an update.

Mayor Riggle provided information on the November 8, 2015 Veteran's Parade.

Mr. Jones requested a review of the scheduled dates of Council meetings for the month of November. Mr. Homan reviewed the scheduled dates and times.

Mr. DiGenova reminded Council of Election Day, November 3, 2015.

**ITEM 15: ADJOURNMENT**

**Motion:** Mr. Brush moved to adjourn the meeting. The meeting adjourned at 8:42 p.m.

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Mayor Carolyn Kay Riggle

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Elaine McCloskey, Council Clerk

**HISTORIC PRESERVATION COMMISSION  
MOTION SUMMARY  
September 30, 2015**

ITEM 1. Roll Call

Chairman Koch called the Historic Preservation Commission meeting to order at 7:00 p.m.

Members Present: Joe Coleman, James Kehoe, Erinn Nicley, Sherry Riviera, Vice-Chairman Hatten, and Chairman Roger Koch

Members Absent: Councilman Chris Jones

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

**Motion to Excuse:** Vice-Chairman Hatten moved to excuse Councilman Jones, seconded by Ms. Riviera. Motion approved by a 6-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on July 29, 2015, as recorded and transcribed.

**Motion:** Vice-Chairman Hatten moved to approve the motion summary of the Historic Preservation Commission meeting held on July 29, 2015, as recorded and transcribed, seconded by Mr. Coleman. Motion approved by a 6-0 vote.

ITEM 3. REGULAR BUSINESS

- A. **HPC 2015-1859:** A request by James Manos for a Certificate of Appropriateness for the demolition of 14 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-District of the Downtown Historic District Overlay.

Ms. Guenther provided a presentation that included the location map, zoning map, site location, and aerial photographs. Ms. Guenther provided a history and early photographs of the building. Ms. Guenther discussed the complications from lack of maintenance from previous owners and the second floor fire that was in the adjacent building and the effects that the fire had on 14 West William Street. Ms. Guenther informed the Commission that the City of Delaware's Chief Building Official, Jerry Warner, declared the building to be unsafe and a public nuisance. Mr. Warner ordered demolition of the building by November 18, 2015.

Ms. Guenther reviewed the proposed redevelopment concept which consists of the re-creation of a façade of the existing building and create a small parking

lot behind the façade. Ms. Guenther indicated that staff recommends approval for demolition of the building with conditions.

APPLICANT:

Jim Manos  
5973 Macewen Court  
Dublin Ohio 43017

Patrick Manley  
3820 N. High Street  
Columbus, Ohio 43214

Mr. Manos discussed the economic hardship of the building and the high financial cost to bring the building up to City code.

Mr. Koch asked if the building has a basement. Mr. Manos stated that there is only dirt underneath the building.

Mr. Manley discussed the intent to build a structurally sound façade that may be used for future development.

PUBLIC PARTICIPATION:

Jan Fleischmann  
125 N. Liberty Street  
Delaware, Ohio 43015

Ms. Fleischmann discussed the need for public restrooms in the downtown area and that the applicant should consider construction of restroom facilities in the location of 14 W. William Street. Mr. Koch recommended that this request be discussed with City officials for city-owned land.

Ron Criswell  
12 West William Street  
Delaware, Ohio 43015

Mr. Criswell discussed his concern over the safety of the building as an adjacent neighbor to the property and concern over potential damage to his property over the demolition and connected stairway. Mr. Schultz explained that during demolition all state building compliance standards will have to be met.

Jack Kahaian  
18 West William Street  
Delaware, Ohio 43015

The Clerk read into the record an email composed by Mr. Kahaian on his support for the proposed demolition of the building.

Tim Kern  
363 South Kellner Rd  
Columbus, Ohio 43209

Mr. Kern discussed his support for the proposal for temporary parking.

A discussion was held on the potential placement of the parking lot. Staff recommends a redevelopment plan be submitted by the applicant. Mr. Coleman voiced his concern over the establishment of a parking lot.

Mr. Manos stated that due to the concerns voiced by the Commission over placement of the proposed parking lot that he will retract the parking plan. Mr. Manos stated he does not have the intention of selling the property and will grade and grass the property as required by the City until further plans for development are made.

**Motion:** Mr. Nicley moved to approve 2015-1859 for the Certificate of Appropriateness for demolition along with staff recommendations including condition 1, 2, and 3, and to modify the language in condition 3 to read “the applicant shall adhere to the historic district overlay standards for demolition and submit site redevelopment plans to city staff and HPC Commission by March 22, 2016, as well as an additional fourth condition that site should be graded, seeded, and utilities capped per building department and zoning regulations, seconded by Ms. Riviera. Motion approved by a 6-0 vote.

#### ITEM 4. Other Business

- A. A request for comments regarding installation of a temporary sidewalk vestibule by 12 WEST Restaurant.

Mr. Schultz discussed the proposal for a temporary sidewalk vestibule to be used during the winter to alleviate the amount of cold air that enters the building when the door is opened.

#### APPLICANT:

Ron Criswell  
12 West William Street  
Delaware, Ohio 43015

Mr. Criswell discussed the need to have the exterior vestibule since there are not any practical interior solutions to allow for a more comfortable environment for the patrons. Mr. Criswell indicated that the patio fence stays up throughout the year.

Mr. Hatten discussed the need to create a provision that would limit the use of a vestibule to owners with a patio permit.

A discussion was held on current standards and the need to review exterior vestibules. The Commission members recommended that staff determine standards set by other communities that permit temporary vestibules in historic districts. Vice-Chairman Hatten also recommended that staff investigate and include ADA specifications.

PUBLIC PARTICIPATION:

Monroe Nelson  
6467 Taggart Rd.  
Delaware, Ohio 43015

Mr. Nelson requested that the Commission members provide their preference on the window replacement for MOHIO Pizza Co. that is located at 23 N. Sandusky Street per an administrative review proposal by the HPC Chairman. Mr. Nelson discussed the need to find appropriate windows.

Mr. Koch stated that Mr. Nelson had requested single double hung windows, and that request was denied. Mr. Koch discussed the approval and recommendation for mulled double hung windows in each window. Mr. Monroe discussed concerns over the increase cost of mulled double hung windows and that would not create the desired look.

The Commission discussed the request by Mr. Monroe and agreed to recommendation for mulled double hung windows per the HPC Chairman's administrative decision.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Vice-Chairman Hatten voiced his concerns over continued flashing signs at businesses. Mr. Schultz stated that City staff is continually working with the business owners.

Vice-Chairman Hatten voiced his concern over the "A Frame" signage for Restoration Brew Worx and that the signage is difficult to maneuver around with patio and curb. Mr. Schultz reviewed code requirements.

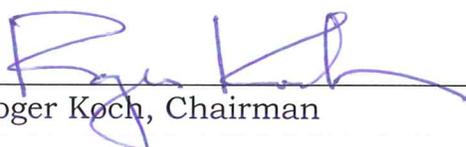
Ms. Riviera voiced her concern over the awning for Toujours. Ms. Guenther stated that information for the Downtown Facade Grant was provided to the owner.

Mr. Nicley requested a pdf of future HPC meeting packets for online viewing. The Commission was in agreement to have both pdf and paper copies for viewing.

ITEM 6. NEXT REGULAR MEETING: October 28, 2015

ITEM 7. ADJOURNMENT

**Motion:** Mr. Nicley moved to adjourn the meeting, seconded by Mr. Coleman.  
The Historic Preservation Commission meeting adjourned at 9:32 p.m.

  
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Roger Koch, Chairman

  
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Elaine McCloskey, Clerk

**CIVIL SERVICE COMMISSION  
MOTION SUMMARY  
OCTOBER 7, 2015**

ITEM 1. ROLL CALL

Jack Hilborn called the meeting to order at 3:00 pm.

Members Present: Jack Hilborn and Michael Robinson

Mr. Hilborn announces that his seven (7) year term on the commission is up next month. Jack is starting his 19<sup>th</sup> year serving on the commission and feels it is time to retire. November's meeting will be his last meeting. Jack concludes by stating his heartfelt gratitude for the opportunity to serve.

Staff Present: City Attorney Darren Shulman and Police Chief Bruce

ITEM 2. APPROVAL of the Motion Summary of the Civil Service Commission meeting held SEPTEMBER 2, 2015, as recorded and transcribed.

**Motion:** Mr. Robinson moved to approve of the Motion Summary for the September 2<sup>nd</sup> meeting, seconded by Mr. Hilborn. Motion passed by a 2-0 vote.

ITEM 3. APPROVE THE POLICE OFFICER LIST

Chief Pijanowski announces there are two (2) changes. Sixteen (16) names have been added to the list. There is one (1) request for a candidate disqualification based on the background investigation. There is a one (1) year roll off period of candidates. Candidates are slotted and ranked based on their overall score.

**Motion:** Mr. Robinson moved to approve of the Police Officer List, seconded by Mr. Hilborn. Motion passed by a 2-0 vote.

ITEM 4. PUBLIC COMMENTS

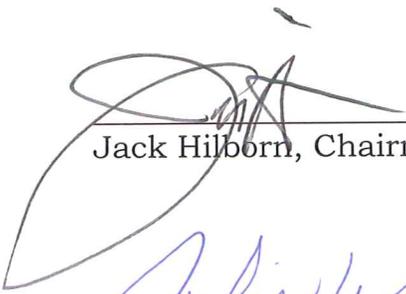
Chief Pijanowski expresses his appreciation for the service and time Mr. Hilborn has served the Commission.

ITEM 6. COMMISSION MEMBERS COMMENTS

There was no additional commission members comment.

ITEM 7. MEETING ADJOURNMENT

Chairman Hilborn adjourned the meeting at 3:10 p.m.



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Jack Hilborn, Chairman



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Julie Williams, Clerk

**PLANNING COMMISSION  
MOTION SUMMARY  
October 7, 2015**

ITEM 1. Roll Call

Chairwoman Keller called the Planning Commission meeting to order at 7:00 p.m.

Members Present: George Mantzoros, Jim Halter, Colleen Tucker-Buck, Adam Lemke, Dean Prall, Vice-Chairman Stacy Simpson, and Chairwoman Lisa Keller

Staff Present: Bruce Pijanowski, Police Chief, Matt Weber, Deputy City Engineer, Jennifer Stachler, Assistant City Engineer, Dave Efland, Planning and Community Development Director, and Lance Schultz, Zoning Administrator

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on September 2, 2015, as recorded and transcribed.

**Motion:** Mr. Halter moved to approve the Motion Summary for the September 2, 2015 meeting, seconded by Mr. Lemke. Motion passed by a 7-0 vote.

ITEM 3. REGULAR BUSINESS

A. 2015-1511: A request by Speedway LLC for approval of a Preliminary Development Plan for an approximate 4,608 square foot Speedway Gas Station and Convenience Store on approximately 12.912 acres located on the northwest corner of US 23 North and Hills Miller Road on property zoned B-4 (General Business District).

**Anticipated Process**

a. The case would have to be removed from the table by the Commission.

This case was tabled from the September 2, 2015 meeting to the next regularly scheduled meeting, October 7, 2015.

b. Commission Action

Chairwoman Keller provided a review of the staff analysis and the procedures for a preliminary development plan.

Mr. Halter asked if the applicant had made a decision on limiting the hours for selling diesel fuel at the designated site.

**APPLICANT:**

Dan Shivley

500 Speedway Dr.  
Enon, Ohio

Chris Warshaw  
395 Springside Dr.  
Akron, Ohio

Mr. Shivley indicated that Speedway planned to move forward with 24 hour fueling hours.

Mr. Halter asked if the zoning laws allow the Commission to limit the hours of fueling operations. Mr. Efland stated that the laws do not permit this action.

Mr. Prall asked if in the conservation easement can be extended to the back (west) of the property.

Mr. Warshaw stated that Speedway is agreeable to extend the conservation easement.

A discussion was held on the plans for a sidewalk on the property. Mr. Prall recommended that a sidewalk not be placed on U.S. 23 for pedestrian safety.

Mr. Halter voiced his concern over the placement of the right in right out access point on U.S. 23, and that drivers do not always follow this rule. Ms. Stachler discussed the need for the access point and the configuration is based on not obstructing emergency access. Mr. Weber discussed the benefits to the access point on U.S. 23 to help alleviate traffic congestion on Hills Miller Rd.

**Motion:** Mr. Halter moved to approve 2015-1511 along with all staff recommendations and conditions, seconded by Vice-Chairman Simpson. Motion approved by a 7-0 vote.

B. 2015-1792: A request by Rockford Homes for approval of a Final Subdivision Plat for The Estates at Braumiller Section 6 consisting of 26 single-family lots on 8.38 acres zoned R-2 (One Family Residential District) with text limitations and located on Willow Grove Drive and Treeline Way.

**Anticipated Process**

a. Staff Presentation

Mr. Schultz provided a presentation provided information on the zoning and aerial photograph of the location of the property. Mr. Schultz stated that staff recommends approval with eight conditions.

Mr. Prall requested information regarding the improvements to the play

equipment on the designated park area. Mr. Efland stated that there have been no recent discussions regarding the play structure but would be willing to convey your suggestion to the developer.

b. Applicant Presentation

APPLICANT:

Kurt Ziessler  
883 N. Cassady Ave.  
Columbus, Ohio

Mr. Ziessler indicated that he has no information on potential park improvements but will discuss with the developer.

c. Public Comment (no public hearing)

There was no public comment.

d. Commission Action

**Motion:** Mr. Lemke moved to approve 2015-1792, along with all staff recommendations and conditions. Motion approved by a 7-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

Mr. Efland discussed the potential to move the scheduled January 6, 2016 Planning Commission meeting. The Commission was in agreement to have the meeting moved to January 20, 2016.

Mr. Efland provided an update on a potential addition to Willow Brook at Delaware Run.

Mr. Efland provided an update on the wayfinding status.

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Ms. Tucker-Buck voiced her concern regarding the lighting on Bowtown Road.

Mr. Halter requested an update on the Terra Alta subdivision. Mr. Efland provided an update.

Mr. Mantzoros requested information on the new business plan for Freddie's Fast Food. Mr. Efland provided an update on the plans for the new business.

Mr. Simpson requested information regarding a mini windmill on a personal shed. Mr. Efland reviewed the zoning code for such use.

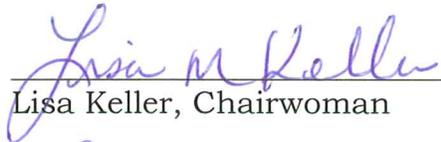
Mr. Simpson voiced his concern over the lack of lighting at the bike path at Olentangy Avenue and Sandusky Street.

Mr. Simpson voiced his concern over the fencing in poor condition on Weiser Avenue.

ITEM 6. NEXT REGULAR MEETING: November 4, 2015

ITEM 7. ADJOURNMENT:

**Motion:** Chairwoman Keller moved for the October 7, 2015 Planning Commission meeting to adjourn. The meeting adjourned at 8:07 p.m.

  
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Lisa Keller, Chairwoman

  
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Elaine McCloskey, Clerk



## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM G      DATE: 11-9-15  
ORDINANCE NO:                                      RESOLUTION NO: 15-52  
READING: FIRST                                      PUBLIC HEARING: NO

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TO:                      Mayor and Members of City Council  
FROM:                 R. Thomas Homan, City Manager  
VIA:                    Bill Ferrigno, Public Works Director/City Engineer

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE COMMUNITIES AT GLENROSS, SECTION 5.

**BACKGROUND:**

This resolution conditionally accepts the now completed public improvements consisting of streets, water distribution, sanitary sewer and stormwater drainage for Communities at Glenross Section 5, except for the installation of lighting. A one year performance bond has been posted for the lighting, covering expense necessary to repair work due to deficiencies or failure of materials or workmanship.

**REASON WHY LEGISLATION IS NEEDED:**

This legislation is required in order to provide conformance to city code and publicly accept the infrastructure for the development prior to allowing a final plat to be recorded. The recording of the plat allows the creation of lots upon which home construction can begin.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Bill Ferrigno, Public Works Director/City Engineer

**RECOMMENDATION:**

Approval

**ATTACHMENT(S):**

Summary Report





CITY OF DELAWARE, OHIO  
PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: David Efland, Planning Director

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

CC: Brad Stanton, Director of Public Utilities

SUBJECT: Recommendation for Acceptance of Public Improvements for  
Communities at Glenross Section 5

DATE: 11/9/15

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Communities at Glenross section 5 is the next phase of the 586 lot, 373.9 acre residential subdivision located on the north side of Cheshire Road, just east of Glenn Parkway. Section 5 includes 39 single family lots on 28.117 acres of ground. Construction for this project commenced in October 2014 and has been recently completed.

All utilities including storm sewer, sanitary sewer, waterlines, and roadways were constructed in accordance with current city engineering specifications and are in consideration to be publicly owned and operated. All utility lines and roadways have been inspected and found to be in acceptable condition by the Public Works Department. The estimated value of new public improvements totals \$ 1,703,491 and in accordance with City Codified Ordinance Section 1111.06, a two year maintenance bond has been posted by the developer, Pulte Homes of Ohio LLC, which would cover the expense of necessary repair work due to deficiencies or failure of materials or workmanship. Also, a one year performance bond has been posted, which covers lighting yet to be installed and tested. The developer has paid all required plan review and construction inspection fees. Upon your satisfaction that all non-engineering related requirements have been completed as specified in the approved subdivision plans or other written commitments, we recommend acceptance of public improvements by the City.

mls

Attachments

CC: Public Improvements Ordinance File  
Communities at Glenross Section 5 Project File

**MATERIAL QUANTITY REPORT**

<b>PROJECT: Communities at Glenross Section 5</b>			<b>PC #: 2015-0518</b>
<b>OWNER/DEVELOPER: Pulte Homes of Ohio LLC</b>		<b>CONTRACTOR: Eramo &amp; Sons</b>	
<b>DESCRIPTION: 39 Single family lots on 12.935 acres</b>			<b>API ORD.#:</b>
<b>TOTAL UTILITY COST: \$ 1,703,491</b>			<b>ENG #: 14-008</b>
<b>SANITARY SEWER</b>			
MANHOLES	22 EA	Type C	
SERVICE TAPS	43	6" Wyes	
6-Inch			
8-Inch	461 LF	SDR-35	
10-Inch			
12-Inch	2588 LF	SDR-35	
15-Inch			
18-Inch			
24-Inch	482 LF	SDR-35	
OTHER			
MISCELLANEOUS			
			<b>\$296,151</b>
<b>WATER SERVICE</b>			
SERVICE TAPS	38 EA	¾" 'K' Copper	
MAIN TAPS			
HYDRANTS W/Valve	7 EA	W/6" Valve and box	
6-Inch Valve			
8-Inch Valve	4 EA		
12-Inch Valve	2 EA		
16-Inch Valve			
6-Inch Dip	35 LF		
8-Inch Dip	840 LF		
10-Inch Dip			
12-Inch Dip	2160 LF		
16-Inch Dip			
MISCELLANEOUS			
			<b>\$303,960</b>

<b>STORM SEWER</b>			
MANHOLES	22 EA		
CATCH BASINS	7 EA		
CURB INLETS	20 EA		
DET/RET BASIN			
12-Inch RCP	2260 LF		
15-Inch RCP	700 LF		
18-Inch RCP	615 LF		
21-Inch RCP			
24-Inch RCP	1410 LF		
27-Inch RCP			
30-Inch RCP			
36-Inch RCP			
42-Inch RCP	685 LF		
54-Inch RCP	405 LF		
HEADWALLS	2		
ROCK CHANNEL			
			<b>\$ 542,280</b>
<b>ROADWAY</b>			
24'-0 ROAD			
28'-0 ROAD			
32'-0 ROAD			
36'-0 ROAD			
2'-0 CURB	5765 LF		
BIKEPATH			
SIDEWALK	4625 SF		
MONUMENT BOXES	3 EA		
STREET LIGHTS	23 EA		
(+) INTERSECTIONS			
(T) INTERSECTIONS	3 EA		
CUL-DE-SAC			
STRIPING/SIGNAGE			<b>\$ 10,984</b>
			<b>\$561,100</b>





## FACT SHEET

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AGENDA ITEM NO: CONSENT ITEM H      DATE: 11/9/15  
ORDINANCE NO:                                      RESOLUTION NO: 15-53  
READING: FIRST                                      PUBLIC HEARING: NO

---

TO:                      Mayor and Members of City Council  
FROM:  
VIA:                      --

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

A RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE COMMISSION, AND SPECIFYING THE TERM OF THE APPOINTMENTS.

**BACKGROUND:**

April Nelson resigned her position from the Civil Service Commission leaving an unexpired term. Jack Hilborn has indicated that he will be resigning from his position effective November 30. The Mayor and staff interviewed interested candidates and agreed with the selection of Eric Coss and Brooke Acker.

**REASON WHY LEGISLATION IS NEEDED:**

Adopting the Resolution will appoint Mr. Coss and Ms. Acker to the Commission.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Carolyn Kay Riggle, Mayor

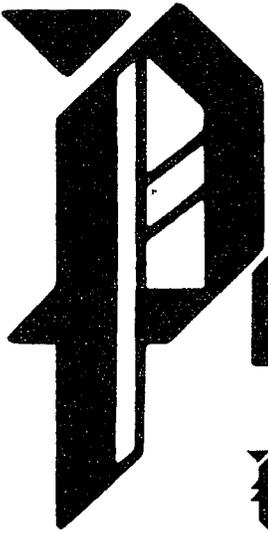
**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

N/A





Office of the Mayor

# Proclamation

**Whereas:**

the City of Delaware has the

responsibility to recognize occasions of outstanding significance; and

WHEREAS, since 2007, Andrew Brush has represented Delaware citizens through his service as City Council member, 4<sup>th</sup> Ward; and

WHEREAS, during those eight years, Council Member Brush served on numerous boards and commissions, including the Mid-Ohio Regional Planning Commission Policy Committee, Sister City Advisory Board and the Finance Committee, for which he served as chair; and

WHEREAS, during Council Member Brush's two terms, the City undertook important initiatives related to public safety, transportation, utilities, economic and community development; and

WHEREAS, Council Member Brush was and remains a strong believer in conservative financial management policies that support long-term stability; and

WHEREAS, Council Member Brush trusted in public discourse and the legislative process leading to an acceptable outcome for the city and our community.

NOW THEREFORE, we, the City Council of the City of Delaware, Ohio, do hereby issue this proclamation to honor:

**COUNCIL MEMBER ANDREW BRUSH**

in the City of Delaware, Ohio, and we join with our fellow citizens in recognizing Council Member Brush's commitment to public service.

IN WITNESS WHEREOF, we have hereunto set our hand and caused to be affixed the seal of the City of Delaware.

\_\_\_\_\_  
Carolyn Kay Riggle, At-Large, Mayor

\_\_\_\_\_  
Chris Jones, 1<sup>st</sup> Ward

\_\_\_\_\_  
George Hellinger, At-Large, Vice Mayor

\_\_\_\_\_  
Lisa Keller, 2<sup>nd</sup> Ward

\_\_\_\_\_  
Kent Shafer, At Large

\_\_\_\_\_  
Joe DiGenova, 3<sup>rd</sup> Ward





## FACT SHEET

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AGENDA ITEM NO: 9

DATE: 11/9/15

ORDINANCE NO: 15-108

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: David Efland, Planning and Community Development Director

---

**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE WILLOW BROOK CHRISTIAN VILLAGE AT DELAWARE RUN FOR A "WING H" ADDITION AND DINING ROOM EXPANSION ON APPROXIMATELY 47.35 ACRES LOCATED AT 100 DELAWARE CROSSING WEST ON PROPERTY ZONED PO/1 (PLANNED OFFICE/INSTITUTIONAL).

**BACKGROUND:**

Willow Brook Christian Village at Delaware Run received Rezoning, Conditional Use Permit and Preliminary Development Plan approval in March 2004 (Ordinances 04-26-28 respectively) and received Final Development Plan approval in September 2004 (Ordinance 04-135). In addition, the Board of Zoning Appeals approved the following variances in January 2004:

- o Chapter 1123 to allow reductions in the Code
- o Chapter 1129 to authorize a Tree Preservation Plan to be submitted after the Preliminary Development Plan
- o Chapter 1141 to reduce the front, side, and rear setback requirements
- o Chapter 1161 to reduce the required number of parking spaces to a minimum of 52 spaces

Willow Brook was originally approved with 229 units on the 47.35 acre site which includes 52 units in 26 duplexes, 76 assisted living units, 99 apartments and 2 guest suites. The proposed new addition adds 10 more units

for a total of 239 units. With health care market demands changing in the last 10 years, the subject plan has minor revisions as a result. The 10 unit increase is the result of the demand for more one bedroom transitional care apartments rather than two bedroom apartments.

The access to the site would remain the same with a signalized access on West William Street and a full movement curb cut on Valleyside Drive. There is a temporary construction access curb cut on West Williams Street, located between the aforementioned curb cut and Valleyside Drive, which would be eliminated with this application. The site would remain as currently configured except for the proposed "Wing H" and dining room addition. "Wing H" would connect Wing A and Wing B along the southwestern portion of the site fronting West William Street. The three story addition with a partial basement would yield approximately 25,718 square feet. The 829 square foot dining room addition would extend south towards the proposed pond in the new courtyard created by the Wing H addition. The proposed development would remove 14 parking spaces but the site would still have a substantial excess of parking and would achieve compliance with the approved BZA parking variance in January 2004. The proposed "Wing H" building would match the existing buildings with brick first floor elevations and a mix of brick and siding on the second and third floor elevations. Some of the second and third floor units would have covered porches and all of the windows would have shutters. A pitched roof would cap off the three story building. The dining room expansion would match the existing building. The owner is required to extend the sidewalk to the western property line on West William Street. In addition, the owner is requesting to construct a gazebo on their property in the proximity of the sidewalk near the West William Street and Valleyside Drive intersection. This area sits several feet below the grade of the respective streets and the gazebo would be nestled within the existing landscaping. Staff recommends the gazebo be located far enough from the sidewalk as not to interfere with any public pedestrians who may utilize the sidewalk.

**REASON WHY LEGISLATION IS NEEDED:**

N/A

**COMMITTEE RECOMMENDATION:**

Planning Commission approved this case 7-0 on November 4, 2015.

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

David Efland, Planning and Community Development Director

**RECOMMENDATION:**

Staff recommends approval as submitted with the documented conditions.

**ATTACHMENT(S)**

Staff Report

ORDINANCE NO. 15-108

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE WILLOW BROOK CHRISTIAN VILLAGE AT DELAWARE RUN FOR A “WING H” ADDITION AND DINING ROOM EXPANSION ON APPROXIMATELY 47.35 ACRES LOCATED AT 100 DELAWARE CROSSING WEST ON PROPERTY ZONED PO/1 (PLANNED OFFICE/INSTITUTIONAL).

WHEREAS, the Planning Commission at its meeting of November 4, 2015, recommended approval of a Combined Preliminary and Final Development Plan for Willow Brook Christian Village at Delaware Run for a “Wing H” Addition and Dining Room Expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional) (PC 2015-2130), and

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

SECTION 1. That the Combined Preliminary and Final Development Plan for Willow Brook Christian Village at Delaware Run for a “Wing H” Addition and Dining Room Expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional), is hereby confirmed, approved, and accepted, with the following conditions that:

1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The existing construction access point on West Williams Street shall be eliminated.
3. The existing sidewalk shall be extended to the western property line along West Williams Street.
4. The proposed gazebo shall be located on private property and sufficiently away from the sidewalk as not to impact any pedestrian traffic.
5. The proposed “Wing H” addition and the dining room expansion shall match their respective existing buildings in construction materials, design and color.

6. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
7. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
8. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
9. The subject lots on the site shall be consolidated into a single lot.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION:

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

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

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

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

\_\_\_\_\_  
 MAYOR



## PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2015-2130

REQUEST: Combined Preliminary and Final Development Plan

PROJECT: Willow Brook Christian Village at Delaware Run

MEETING DATE: November 4, 2015

### APPLICANT/OWNER

Brown Calabretta Architects  
1165 West Third Street  
Columbus, Ohio 43212

### REQUESTS

2015-2130: A request by Willow Brook Christian Village at Delaware Run for approval of a Combined Preliminary and Final Development Plan for a Wing H Addition and a Dining Room Expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional District).

### PROPERTY LOCATION & DESCRIPTION

The Willow Brook Christian Village at Delaware Run encompasses six parcels and is located on the north side of West William Street just east of Valleyside Drive. The subject site is zoned PO/I (Planned Office/Institutional District). The properties to the north are zoned R-4 (Medium Density Residential District) and R-1 (One-Family Residential District), the properties to the south are zoned R-6 (Multi-Family Residential District) and B-1 PUD (Neighborhood Business District with a Planned Unit Development Overlay District), to the east the properties are zoned R-3 (One-Family Residential District and R-1) and to the west the properties are zoned B-1 PUD.

### BACKGROUND/PROPOSAL

Willow Brook Christian Village at Delaware Run received Rezoning, Conditional Use Permit and Preliminary Development Plan approval in March 2004 (Ordinances 04-26-28 respectively) and received Final Development Plan approval in September 2004 (Ordinance 04-135). In addition, the Board of Zoning Appeals approved the following variances in January 2004:

- Chapter 1123 to allow reductions in the Code
- Chapter 1129 to authorize a Tree Preservation Plan to be submitted after the Preliminary Development Plan
- Chapter 1141 to reduce the front, side, and rear setback requirements
- Chapter 1161 to reduce the required number of parking spaces to a minimum of 52 spaces

Willow Brook was originally approved with 229 units on the 47.35 acre site which includes 52 units in 26 duplexes, 76 assisted living units, 99 apartments and 2 guest suites. The proposed new addition adds 10 more units for a total of 239 units. With health care market demands changing in the last 10 years, the subject plan has minor revisions as a result. The 10 unit increase is the result of the demand for more one bedroom transitional care apartments rather than two bedroom apartments. Instead of constructing two more floors above Wing B as was done with Wing A, the design would shift to a three story Wing H. This would allow for consolidating the assisted living services in a more efficient design while aesthetically it would allow Wing H to overlook Wing B and the lake beyond.

### STAFF ANALYSIS

- **ZONING:** As mentioned above, the zoning of the subject property is PO/I which allows the retirement facility as a Condition Use. As typical, Final Development Plans would need to be approved for each addition and/or expansion by the Planning Commission and City Council. Because the increase in units is minimal (10 units or 4.3%) and is the result of the changing market demands of the health care system since this was approved in 2004 and the facility is highly successful and a signature development in the City, staff recommends the revisions should be approved within the Combined Preliminary and Final Development Plan review process.
- **ENGINEERING** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on a technical review by the Engineering Department once a complete plan set is submitted for review.
- **ROADS AND TRAFFIC:** The access to the site would remain the same with a signalized access on West William Street and a full movement curb cut on Valleyside Drive. There is a temporary construction access

curb cut on West Williams Street, located between the aforementioned curb cut and Valleyside Drive, which would be eliminated with this application.

- **SITE LAYOUT:** The site would remain as currently configured except for the proposed “Wing H” and dining room addition. “Wing H” would connect Wing A and Wing B along the southwestern portion of the site fronting West William Street. The three story addition with a partial basement would yield approximately 25,718 square feet. The 829 square foot dining room addition would extend south towards the proposed pond in the new courtyard created by the Wing H addition. The proposed development would remove 14 parking spaces but the site would still have a substantial excess of parking and would achieve compliance with the approved BZA parking variance in January 2004.
- **BUILDING DESIGN:** The proposed “Wing H” building would match the existing buildings with brick first floor elevations and a mix of brick and siding on the second and third floor elevations. Some of the second and third floor units would have covered porches and all of the windows would have shutters. A pitched roof would cap off the three story building. The dining room expansion would match the existing building.
- **BIKE PATHS AND PEDESTRIAN ROUTES:** The owner is required to extend the sidewalk to the western property line on West William Street. In addition, the owner is requesting to construct a gazebo on their property in the proximity of the sidewalk near the West William Street and Valleyside Drive intersection. This area sits several feet below the grade of the respective streets and the gazebo would be nestled within the existing landscaping. Staff recommends the gazebo be located far enough from the sidewalk as not to interfere with any public pedestrians who may utilize the sidewalk.
- **LANDSCAPING:** The owner would install foundation landscaping around the proposed building to match the current landscaping. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.
- **LIGHTING PLAN:** The plan does not identify any additional site lights but the additional building lights would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.

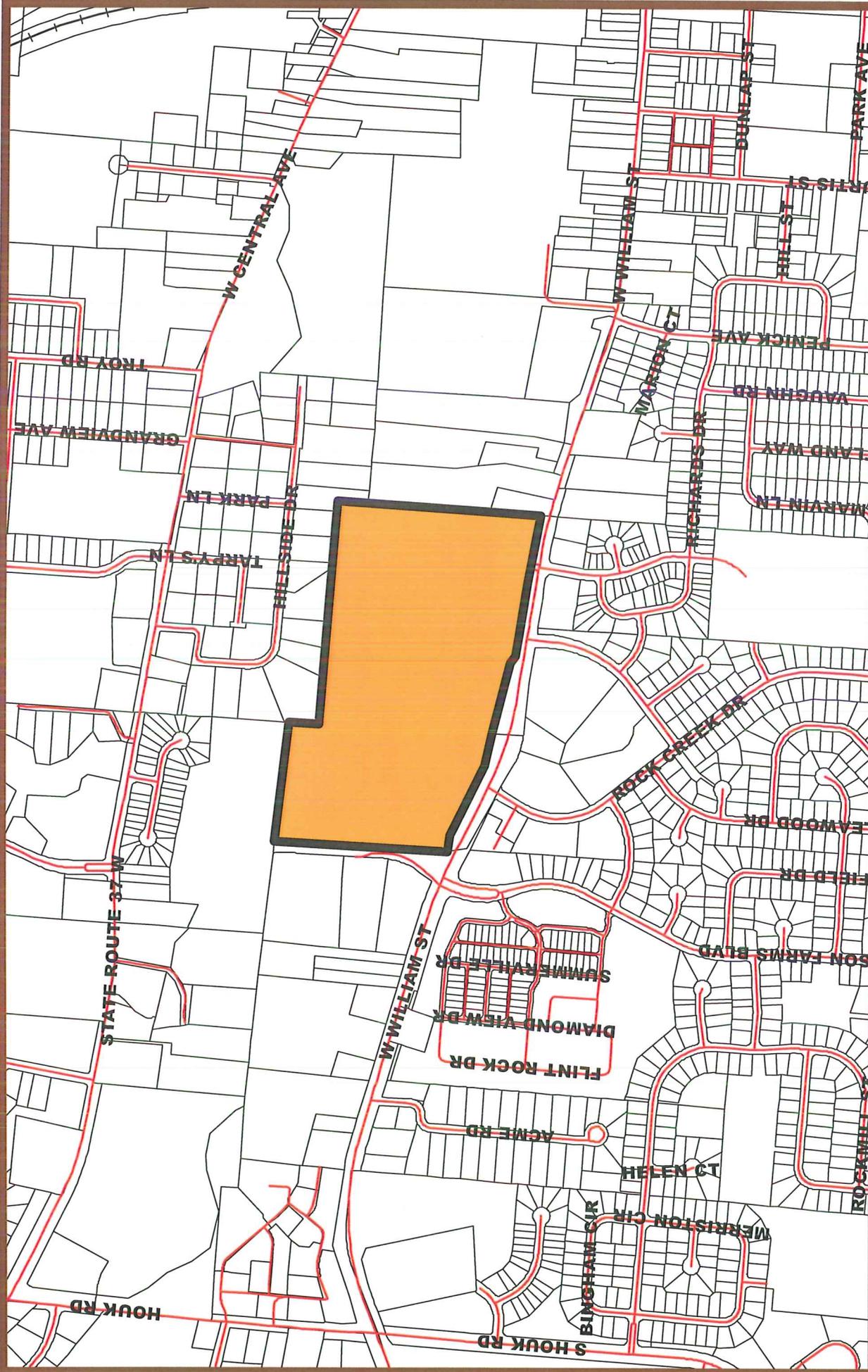
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**STAFF RECOMMENDATION (2015-2130 –FINAL DEVELOPMENT PLAN)**

Staff recommends approval of a request by Willow Brook Christian Village at Delaware Run for a Combined Preliminary and Final Development Plan for a Wing H Addition and a Dining Room Expansion on approximately 47.35 acres located at 100 Delaware Crossing West on property zoned PO/I (Planned Office/Institutional District), with the following conditions that:

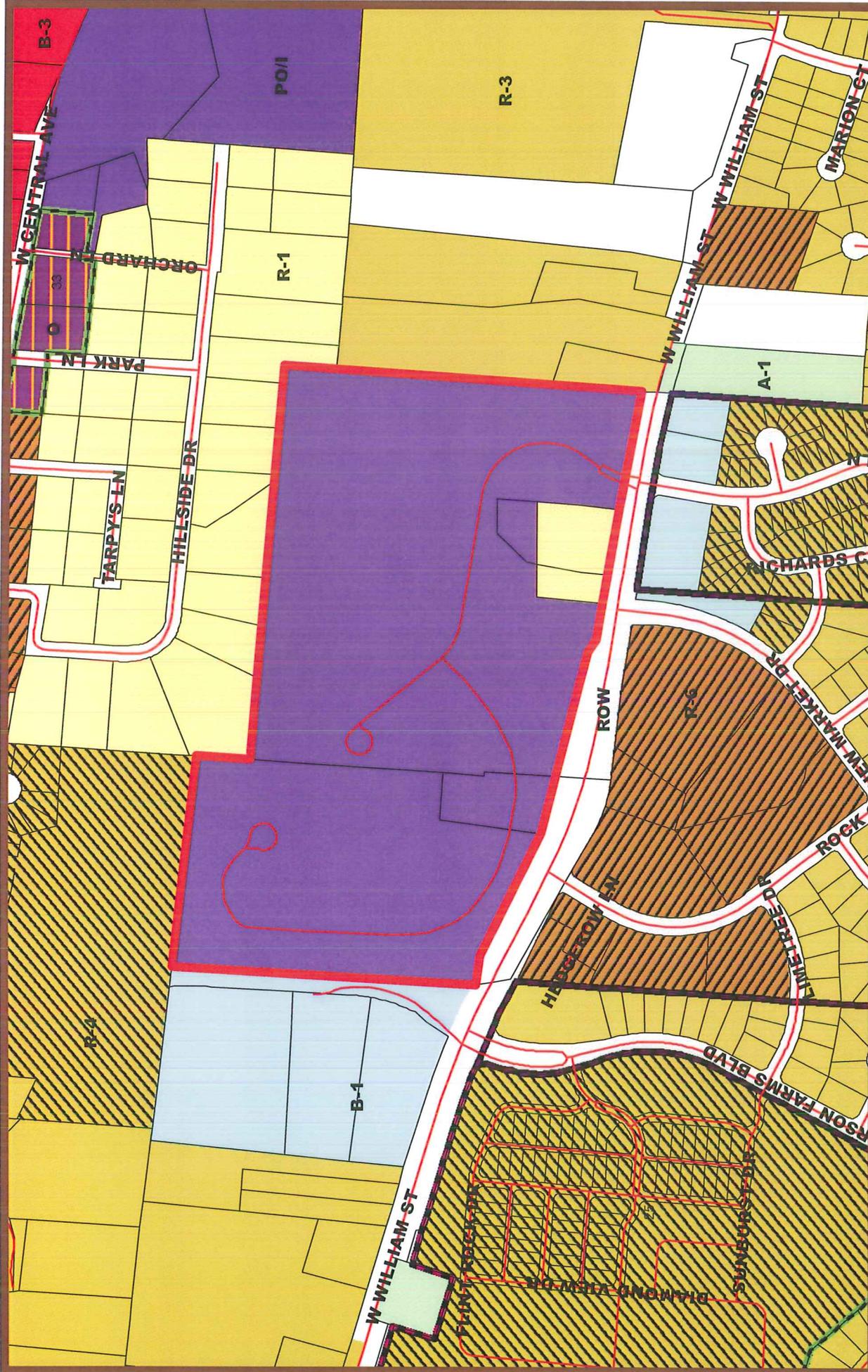
1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The existing construction access point on West Williams Street shall be eliminated.
3. The existing sidewalk shall be extended to the western property line along West Williams Street.
4. The proposed gazebo shall be located on private property and sufficiently away from the sidewalk as not to impact any pedestrian traffic.
5. The proposed “Wing H” addition and the dining room expansion shall match their respective existing buildings in construction materials, design and color.
6. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
7. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
8. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
9. The subject lots on the site shall be consolidated into a single lot.





2015-2130  
 Combined Preliminary and Final Development Plan  
 Willow Brook Christian Village at Delaware Run  
 100 Delaware Run West  
 Location Map





2015-2130  
 Combined Preliminary and Final Development Plan  
 Willow Brook Christian Village at Delaware Run  
 100 Delaware Run West  
 Zoning Map

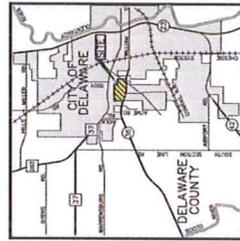




2015-2130  
Combined Preliminary and Final Development Plan  
Willow Brook Christian Village at Delaware Run  
100 Delaware Run West  
Aerial (2013)



-  26 Ranch/Patio Units
-  12 Ranch/Deck Units
-  14 Basement/Deck Units



**Willow Brook**  
 AT DELAWARE RUN  
 A Willow Brook Christian Community

**BROWN CALABRETTA**  
 ARCHITECTS INC.

**PO/I SITE MASTER PLAN**  
**9-18-15**  
**NTS**

**BREAKDOWN (proposed)**

SITE AREA: 47.35 ACRES GROSS  
 -12.77 ACRES IN 100 YEAR FLOOD PLAIN  
 34.58 ACRES REMAINING DEVELOPABLE

PARKING CALCULATIONS:

52 TWIN SINGLES	80 GARAGE SPACES
1 HOUSE	
92 UNITS HEALTHCARE (72 UNIT AL, 20 UNIT DEMENTIA)	48 STANDARD SPACES
2 HANDICAP SPACES	
92 UNITS RCF APARTMENTS	58 UG PARKING SPACES
2 OVERNIGHT GUEST SUITES	95 STANDARD SPACES
	4 HANDICAP SPACES
ADMINISTRATION / ANCILLARY / ASSEMBLY	59 STANDARD SPACES
	4 HANDICAP SPACES
	348 TOTAL SPACES

MAINTENANCE GARAGE LOADING ZONE / SERVICE AREA  
 FUTURE DEVELOPMENT UNDETERMINED

239 TOTAL UNITS = 5.0 U/A DENSITY GROSS  
 = 6.9 U/A DENSITY NET

ZONING DISTRICT: POI  
 LOT COVERAGE: 18% GROSS STRUCTURES

NOTE: MINIMUM DISTANCE BETWEEN ADJACENT BUILDINGS SHALL BE THIRTY FEET (30').

**BREAKDOWN (original approval)**

SITE AREA: 47.35 ACRES GROSS  
 -12.77 ACRES IN 100 YEAR FLOOD PLAIN  
 34.58 ACRES REMAINING DEVELOPABLE

PARKING CALCULATIONS:

52 TWIN SINGLES	78 GARAGE SPACES
76 UNITS ASSISTED LIVING (50 BED SNF, 50 BED AL)	58 STANDARD SPACES
98 UNITS RCF APARTMENTS	52 UG PARKING SPACES
2 OVERNIGHT GUEST SUITES	84 STANDARD SPACES
	4 HANDICAP SPACES
ADMINISTRATION / ANCILLARY / ASSEMBLY	80 STANDARD SPACES
	4 HANDICAP SPACES
	380 TOTAL SPACES

MAINTENANCE GARAGE LOADING ZONE / SERVICE AREA  
 FUTURE DEVELOPMENT UNDETERMINED

239 TOTAL UNITS = 4.8 U/A DENSITY GROSS  
 = 6.8 U/A DENSITY NET

ZONING DISTRICT: POI  
 LOT COVERAGE: 16% GROSS STRUCTURES

NOTE: MINIMUM DISTANCE BETWEEN ADJACENT BUILDINGS SHALL BE THIRTY FEET (30').



**Willow Brook**  
AT DELAWARE RUN  
A Willow Brook Christian Community

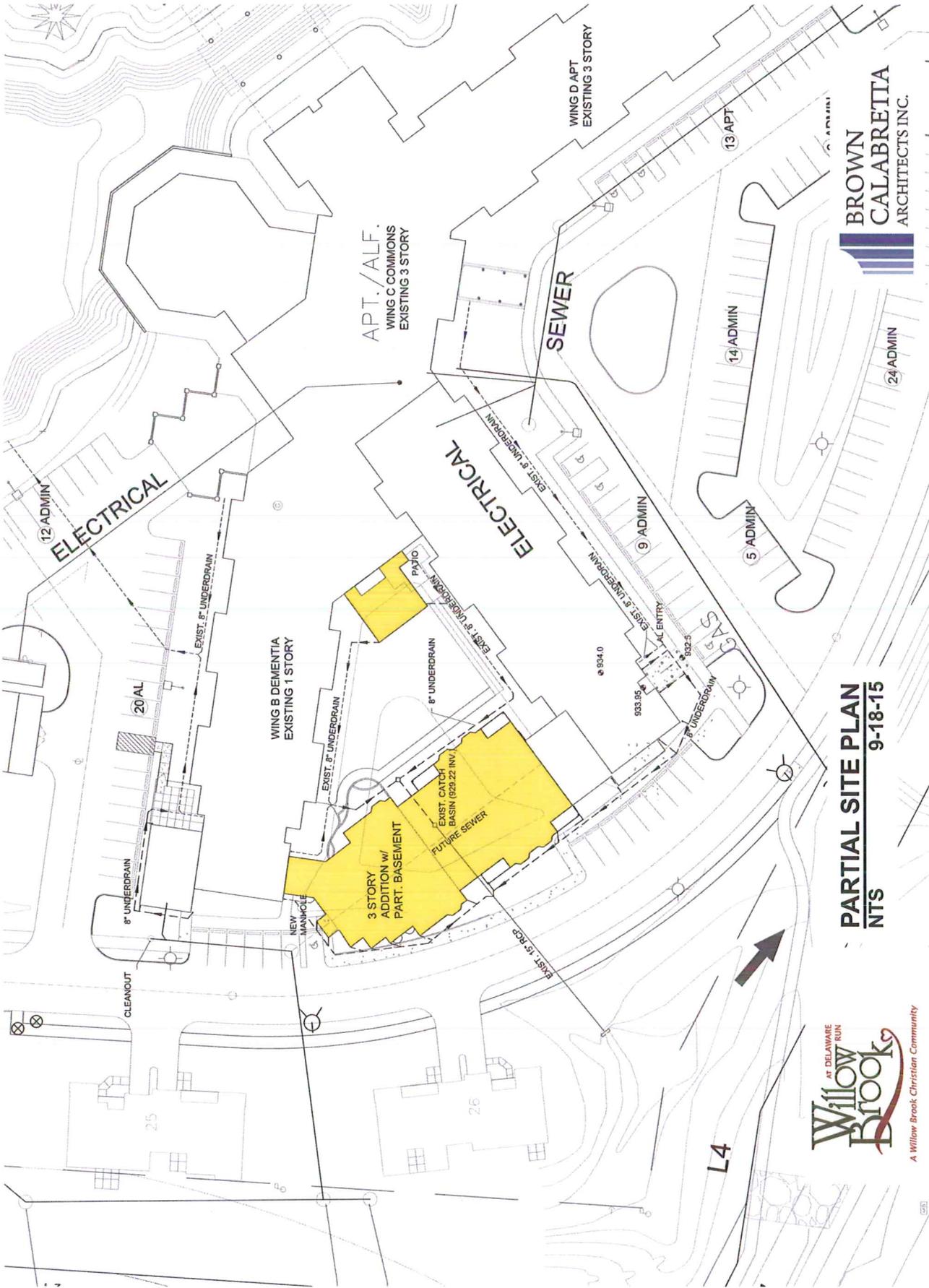
**A & H WING ELEVATION PERSPECTIVES**  
**NTS** **9-18-15**

**BROWN CALABRETTA ARCHITECTS INC.**





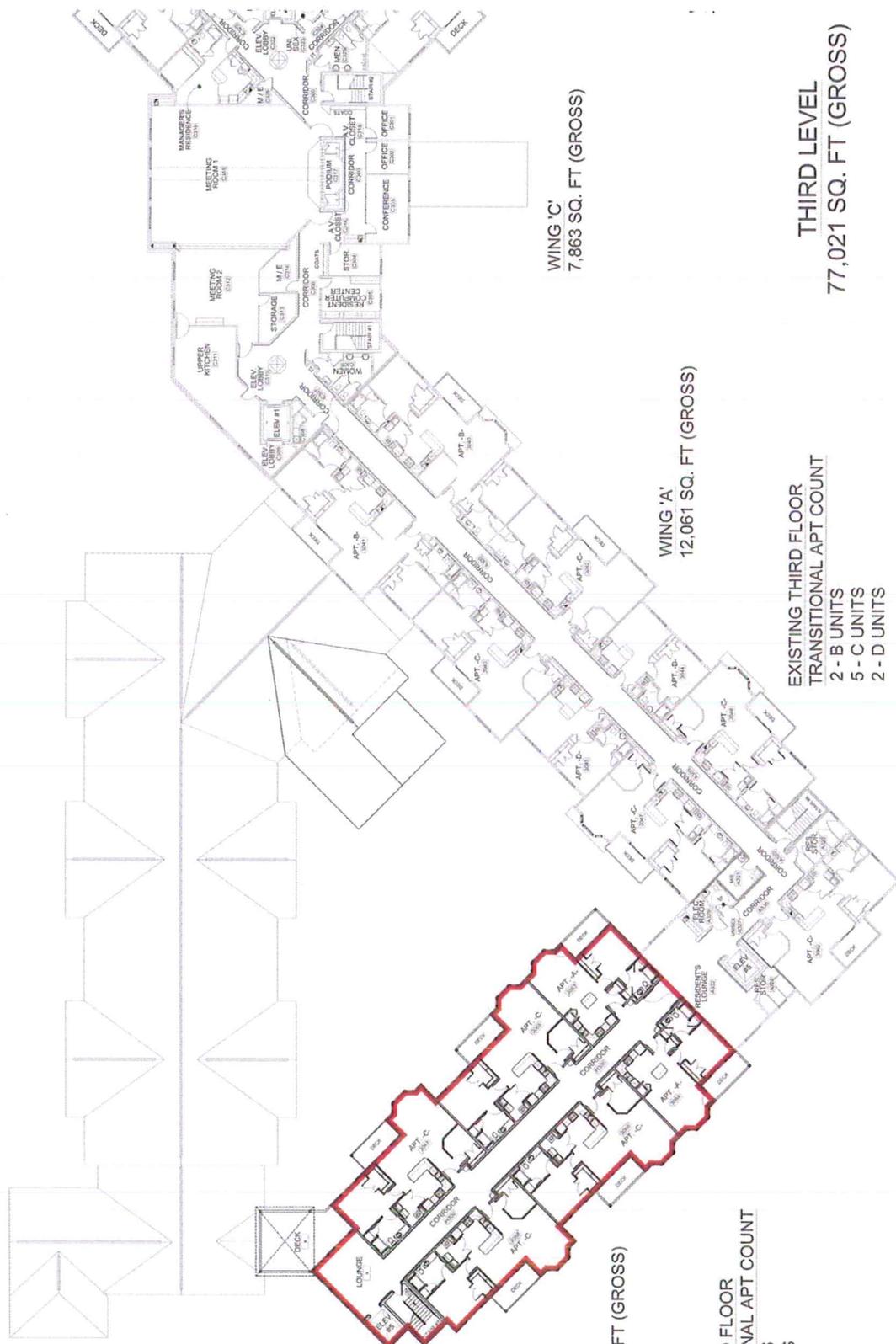




**BROWN CALABRETTA ARCHITECTS INC.**

**PARTIAL SITE PLAN**  
**NTS**  
**9-18-15**





WING 'C'  
7,863 SQ. FT (GROSS)

WING 'A'  
12,061 SQ. FT (GROSS)

WING 'H'  
7,115 SQ. FT (GROSS)

THIRD LEVEL  
77,021 SQ. FT (GROSS)

NEW THIRD FLOOR  
TRANSITIONAL APT COUNT  
2 - A UNITS  
4 - C UNITS

EXISTING THIRD FLOOR  
TRANSITIONAL APT COUNT  
2 - B UNITS  
5 - C UNITS  
2 - D UNITS



**THIRD LEVEL PLAN**  
NTS **9-18-15**





**BROWN  
CALABRETTA**  
ARCHITECTS INC.

1165 W. Third Ave. Columbus, Ohio 43212-3043

phone: 614.298.2132

fax: 614.298.2151

www.bcanet.com

October 14, 2015

To: City of Delaware  
Department of Planning and Community Development  
City Hall 1 S. Sandusky St.  
Delaware, OH 43015

Re: Willow Brook @ Delaware Run  
100 Delaware Crossing West  
Delaware, OH 43015  
Amended PO/I Submittal

To Whom It May Concern:

We are hereby requesting your consideration to amend the previously approved PO/I Master Plan of the above referenced senior care community known as Willow Brook @ Delaware Run. We have had several meetings with staff in preparation of this submittal and are providing all of the necessary documents for your consideration and, hopefully, approval.

As Willow Brook at Delaware Run has evolved from its inception in 2005, the master plan concept of a full service CRCC development has remained constant. The exact mix of the units within the concept has required some shifting and re-defining as the market has evolved, especially since surviving the residential collapse of the economy from 2008 through 2012.

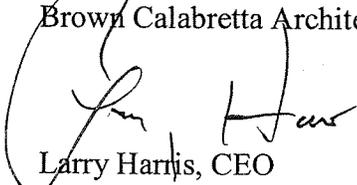
The recently completed expansion to Wing A of this project last year set the table for the next phase that is soon to be known as H Wing. Rather than constructing 2 more floors on top of Wing B as we did with Wing A, the design is shifting instead to a connecting Wing H of 3 stories from the west end of Wing A extending north and interconnecting with Wing B. This not only allows the upper floors of Wings A & H to overlook the single story B Wing with a view of the lake beyond, but consolidates the assisted living services in a more efficient design. The overall density has remained roughly the same as the original master plan. It has merely shifted into a better location for care services to be distributed and, thus, a slight 1% increase in overall lot coverage. The demand for more 1-Bedroom transitional care apartments rather than 2-Bedroom explains the slight increase in the total number of units. The loss of 14 parking spaces still leaves a substantial excess of parking on the overall campus.

We have included the original master plan breakdown on the site drawing along with the new breakdown for your comparison and consideration. We believe this to be a logical and necessary change in the evolution of Willow Brook as a leader of care services for the elderly within the Delaware Community. Hopefully, you agree and approve of our request. We respectfully thank you for your consideration.

Sincerely,



Richard B. Brown, Pres.  
Brown Calabretta Architects



Larry Harris, CEO  
Willow Brook Christian Communities



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



Project # \_\_\_\_\_

Case # 2015-2130

Planning Commission

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

Subdivision/Project Name Willow Brook at Delaware Run Address 100 Delaware Crossing West  
 Acreage 47.75 Square Footage \_\_\_\_\_ Number of Lots NA Number of Units 238  
 Zoning District/Land Use PO/E Proposed Zoning/Land Use PO/E Parcel # \_\_\_\_\_

Applicant Name Willow Brook Christian Communities Contact Person Larry Harris, CEO  
 Applicant Address 100 Delaware Crossing W., Delaware, OH 43015  
 Phone 740-201-5640 Fax 740-201-5740 E-mail LHARRIS@WILLOW-BROOK.ORG  
 Owner Name Willow Brook Christian Communities Contact Person Larry Harris  
 Owner Address 100 Delaware Crossing West, Delaware, OH 43015  
 Phone 740-201-5660 Fax 740-201-5740 E-mail lharris@willow-brook.org  
 Engineer/Architect (Attorney) MICHAEL SHARRS Contact Person SAME  
 Address 41 N. SANDUSKY ST., DELAWARE, OH 43015  
 Phone 740-363-9232 Fax \_\_\_\_\_ E-mail MRS@SS-DTA.COM

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

[Signature]  
Owner Signature  
[Signature]  
Agent Signature

Larry Harris, CEO  
Owner Printed Name  
MICHAEL R. SHARRS  
Agent Printed Name

Sworn to before me and subscribed in my presence this 20th day of October, 2015



Notary Stamp  
**CARLA J. MATTHEWS**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES SEPTEMBER 16, 2019

Carla J. Matthews  
Notary Public



## FACT SHEET

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AGENDA ITEM NO: 10

DATE: 11/9/15

ORDINANCE NO: 15-109

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE DELAWARE COUNTY COMMON PLEAS COURT, DELAWARE COURT OF COMMON PLEAS CLERK OF COURTS, AND THE DELAWARE COUNTY SHERIFF TO ESTABLISH A CONTINUATION OF OPERATION PLAN, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The parties to the agreement have worked together to establish a Plan to allow continuation of court services in the event of an emergency.

**REASON WHY LEGISLATION IS NEEDED:**

This ordinance is necessary to allow the City to participate in this joint effort.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

N/A

**POLICY CHANGES:**

This is an example of increased cooperation with the County.

**PRESENTER(S):**

Darren Shulman, City Attorney  
John Donahue, Fire Chief

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

Agreement

ORDINANCE NO. 15-109

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH THE DELAWARE COUNTY COMMON PLEAS COURT, DELAWARE COURT OF COMMON PLEAS CLERK OF COURTS, AND THE DELAWARE COUNTY SHERIFF TO ESTABLISH A CONTINUATION OF OPERATION PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the parties wish to set up a Plan in which they will mutually aid and support each other in the event of an emergency; and

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

SECTION 1. The City Manager is hereby authorized to sign the Intergovernmental Cooperation Agreement with the Delaware County Common Pleas Court, Delaware Court of Common Pleas Clerk of Courts, and the Delaware County Sheriff to establish a continuation of operation plan.

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 proceed with preparations to establish the continuation of operation plan, 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

**MEMORANDUM OF UNDERSTANDING  
AMONG  
THE DELAWARE COUNTY COMMON PLEAS COURT  
AND  
THE DELAWARE COUNTY MUNICIPAL COURT**

This Agreement is made by and between the Delaware County Common Pleas Court, the Delaware County Court of Common Pleas Clerk of Courts, the Delaware County Municipal Court, Delaware County Municipal Court Clerk of Court, and the Delaware County Sheriff.

Whereas, the Parties have already established a continuation of operation plan that provides for the continuation of court services in the event of an emergency and/or catastrophe; and

Whereas, the Parties wish to mutually aid and support each other in the event of an emergency and/or catastrophe;

Therefore the Parties agree to the following:

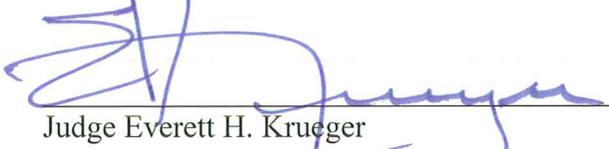
1. The administrative judge shall have the authority to declare, on behalf of the court, the courthouse is unfit for use due to an emergency and/or catastrophe. Upon making such a determination, the administrative judge shall contact the administrative judge of the cooperating court to invoke assistance under this agreement.
2. Upon consent of the administrative judge of the cooperating court, operations of the court requesting assistance shall be temporarily moved to cooperating court.
3. In responding to a request for aid, the cooperating court agrees to permit the other court to use its offices, courtrooms, and clerk's office during the hours which the cooperating court would generally be closed. The court requesting assistance agrees to take reasonable steps to minimize the disruptions to the other court.
4. The clerk for the cooperating court agrees to cooperate with the clerk for the requesting court in facilitating its continued operation in the temporary courthouse.

When the court requesting operates in the other courthouse, it shall be solely responsible for adhering to its own court security plan, any additional costs related to its operation, such as overtime of security or court personnel, and for moving equipment and case files. The clerk of the cooperating court agrees to allow the requesting clerk to use that court's office equipment that is reasonably necessary to carry out the functions of the office.

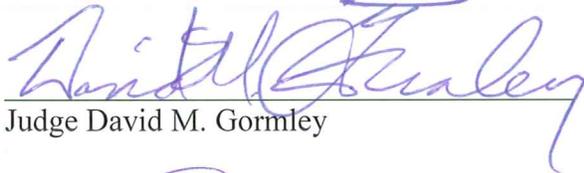
5. The Common Pleas Court and the Municipal Court are governmental entities/political subdivisions and lack authority to indemnify. The Parties, agree to be and shall be responsible for their own negligence, actions, inactions, or omissions and/or the negligence, actions, inactions, or omissions of their respective board members, officials, officers, employees, agents, representatives, and/or volunteers resulting from the performance of or operations under this Agreement.

6. The Sheriff agrees to safeguard and transport prisoners in the temporary courthouse in the same manner as if it were the regular courthouse for the court.

Executed and agreed to by the Parties below:

  
\_\_\_\_\_  
Judge Everett H. Krueger

10/21/15  
-----  
Date

  
\_\_\_\_\_  
Judge David M. Gormley

10-21-15  
-----  
Date

  
\_\_\_\_\_  
Judge David P. Sunderman

10-26-15  
-----  
Date

  
\_\_\_\_\_  
Judge Marianne T. Hemmeter

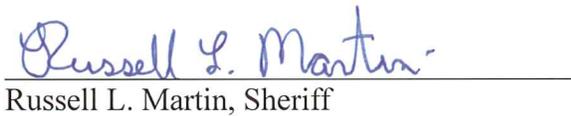
10/22/15  
-----  
Date

  
\_\_\_\_\_  
Jan Antonoplos, Clerk of Courts

10/21/15  
-----  
Date

  
\_\_\_\_\_  
Cindy Divono, Clerk of Court

10/23/15  
-----  
Date

  
\_\_\_\_\_  
Russell L. Martin, Sheriff

10-19-15  
-----  
Date

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

-----  
Date

  
\_\_\_\_\_  
Brian Galligher, Delaware Communications

10-19-15  
-----  
Date



## FACT SHEET

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AGENDA ITEM NO:11

DATE: 11/9/15

ORDINANCE NO: 15-110

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Brad Stanton, Public Utilities Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS WATER PLANT LINE ITEMS ACCOUNTS, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

In preparing the 2015 water plant appropriation, operating costs for the new plant, specifically electric consumption and chemical use, had to be estimated. Since then, additional electrical and chemical usage has been required to clean the ultrafiltration and nanofiltration membranes of raw water pollutants. This has resulted in added labs costs associated with OEPA testing requirements of plant discharge to the Olentangy River. In addition, operating the Penry Road wellfield increases electrical and chemical demands for the treatment of potable water.

**REASON WHY LEGISLATION IS NEEDED:**

To fund electric and chemical costs, and well as lab fees for fourth quarter 2015.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

The supplemental appropriations will require additional funds for the water plant operations by \$250,000. Starting with the 2016 budget, the budget appropriations will reflect the additional funding for the water plant operations to meet all drinking water regulatory requirements.

530-5320-5211 \$135,000

530-5320-5234 \$10,000

530-5320-5333 \$105,000

These additional costs will necessitate a rate increase in 2016, which will need to be considered by Council in early 2016.

**POLICY CHANGES:**

N/A

**PRESENTER(S):**

Brad Stanton, Public Utilities Director

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

N/A

ORDINANCE NO. 15-110

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR VARIOUS WATER PLANT LINE ITEM ACCOUNTS, AND DECLARING AN EMERGENCY.

WHEREAS, the 2015 Operating Budget included appropriations to fund electric, chemicals and outside lab services for the treatment of potable water for the City, and

WHEREAS, the water treatment electric, chemicals and outside lab appropriated funding will be exceeded during the 4<sup>th</sup> quarter 2015, and

WHEREAS, the total cost of these line items will result in a shortage of funds for electric, chemicals and outside lab services necessary for the treatment of potable water, and

WHEREAS, supplemental appropriations are necessary to fund the cost of these line items in 2015.

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 Water Fund \$250,000 increasing the following accounts:

Water Treatment Electric	(530-5320-5211)	\$135,000
Water Treatment Outside Lab	(530-5320-5234)	\$10,000
Water Treatment Chemical Supply	(530-5320-5333)	\$105,000

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 purchase and funding of these potable water treatment services, 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

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AGENDA ITEM NO: 12

DATE: 11/9/15

ORDINANCE NO: 15-111

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

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO ESTABLISH ADDITIONAL FUNDING FOR THE AIRPORT RUNWAY EXTENSION PROJECT, AND DECLARING AN EMERGENCY.

**BACKGROUND:**

The proposal to extend the airport runway by 800 LF has been under development for several years. The final design plans were completed earlier this year and subsequently bid for construction. The city also prepared and submitted an FAA Grant request in July for funding to cover 90% of the project development and construction costs. The grant was approved and executed in September allowing the city to advance the project to construction.

**REASON WHY LEGISLATION IS NEEDED:**

The project was initially identified in the FAA Airport Improvement Plan to advance over a three year period in subsequent construction phases. However earlier this year, the FAA requested that the project be completed in a single phase as federal funding was made available to do so. The 2015 budget does not include funding for the entire project to advance as a single phase and must therefore be adjusted accordingly.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

The 2015 budget included \$1,212,500 for the estimated cost of constructing the first project phase with two subsequent year's funding at \$1,930,410 and \$1,537,000 respectively. The total funding included in the 2015-2019 5-Year CIP for the project is \$4,697,910. The current project cost is \$4,786,040.96, which is offset by the approved grant amount of \$4,250,949.00, leaving a local matching contribution requirement of \$535,091.96. The 2015 budget must be adjusted to account for the total grant funding available and required local matching contribution. All construction will occur in 2016.

**POLICY CHANGES:**

None

**PRESENTER(S):**

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

**RECOMMENDATION:**

Approval

**ATTACHMENT(S)**

None

ORDINANCE NO. 15-111

AN ORDINANCE SUPPLEMENTING THE 2015 APPROPRIATIONS ORDINANCE TO ESTABLISH ADDITIONAL FUNDING FOR THE AIRPORT RUNWAY EXTENSION PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City has been awarded FAA Grant funding for the construction of the 800 LF extension of Runway 28 which will cover 90% of the construction and associated administrative project costs, and

WHEREAS, the city is prepared to award a construction contract for the work to be completed in 2016, and

WHEREAS, the project construction, initially phased to span over three years, has been consolidated at the requirement of the FAA, to occur in a single year, and

WHEREAS, the City will utilize the Reserve Account Fund to advance the General Fund the additional amount necessary to provide the City FAA Grant match in 2015 in lieu of delaying other CIP projects included in the City's CIP Plan, and

WHEREAS, the 2016 and 2017 CIP Budgets will be amended to re-allocate previously designated City FAA Grant matching funds back to the Reserve Account Fund to reimburse the fund for the \$447,451.96 advance approved as part of this ordinance, and

WHEREAS, a supplemental appropriation is required to provide the funding necessary to execute contracts associated with the work and to authorize the advance from the Reserve Account Fund.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Reserve Account Fund \$447,451.96 increasing the following account:

Transfer to General Fund      710-0710-5710      \$ 447,451.96

SECTION 2. That there is hereby appropriated from the unencumbered balance of the General Fund \$447,451.96 increasing the following account:

Transfer to CIP      101-0032-5701      \$ 447,451.96

SECTION 3. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund \$447,451.96 increasing the following account:

Transfer to FAA Grant Funds 410-4107-5732 \$ 447,451.96

SECTION 4. That there is hereby appropriated from the unencumbered balance of the FAA Airport AIP Grant Fund \$3,574,040.96 increasing the following account:

Runway 28 Expansion 410-4107-5732 \$ 3,574,040.96

SECTION 5. 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 6. 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 to secure contract bid pricing beyond the agreed upon bid guarantee time period, 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



## FACT SHEET

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AGENDA ITEM NO: 13

DATE: 11/9/15

ORDINANCE NO: 15-112

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES  
November 23, 2015 at 7:30 p.m.

---

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer, Finance Director

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**TITLE OF PROPOSED ORDINANCE/RESOLUTION:**

AN ORDINANCE ADDING A NEW CHAPTER 192 TO THE CODIFIED ORDINANCES OF THE CITY OF DELAWARE REGARDING MUNICIPAL INCOME TAX.

**BACKGROUND:**

This new tax ordinance incorporates the required changes established by the State in HB5. The ordinance is developed using a sample ordinance prepared on behalf of the Ohio Municipal League. The new ordinance will apply to future tax years. As a result, the existing municipal income tax chapter must also remain in place until the statute of limitations for tax year 2015 expires.

**REASON WHY LEGISLATION IS NEEDED:**

These changes are required by the State.

**COMMITTEE RECOMMENDATION:**

N/A

**FISCAL IMPACT(S):**

**POLICY CHANGES:**

**PRESENTER(S):**

Dean Stelzer, Finance Director

**RECOMMENDATION:**

Approval at third reading

**ATTACHMENT(S)**

ORDINANCE NO. 15-112

AN ORDINANCE ADDING A NEW CHAPTER 192 TO  
THE CODIFIED ORDINANCES OF THE CITY OF  
DELAWARE REGARDING MUNICIPAL INCOME TAX.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that “Municipalities shall have authority to exercise all powers of local self-government,” and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that “laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;” and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is levied in accordance with the provisions and limitations specified in Chapter 718; and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Delaware, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be levied in accordance with the provisions and limitations specified in Chapter 718 and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional; and

WHEREAS, The existing Chapter 191 Income Tax of the City of Delaware will remain in force and be applicable to tax returns required for tax years ending on or prior to December 31, 2015; and

WHEREAS, a new Chapter 192 Municipal Income Tax incorporating the State mandated changes will be established and applicable to tax returns required for tax years beginning on and after January 1, 2016.

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

SECTION 1. That Chapter 192 of the Codified Ordinances be established to read as set forth in the document entitled "Chapter 192, Municipal Income Tax" attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That this Ordinance shall take effect and be in force from and after January 1, 2016.

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 Ohio Revised Code.

VOTE ON RULE SUSPENSION:

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

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

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

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

\_\_\_\_\_  
MAYOR

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: November 5, 2015

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1. **Calendar**

See Attached

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

N/A

3. **Bi-Weekly Meetings**

October 26

\* Rotary

\* Council meeting

October 31-November 4

\* Sakata, Japan Delegation Visit

November 2

\* Rotary

\* Council meeting

November 4

\* Civil Service Commission meeting

# November

2015

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>

Special Council meeting with Sakata, Japan Delegation

Civil Service Commission 3

<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
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Council meeting 7  
Reception for Andy after Council meeting

<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
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2016 Proposed Budget Due to Council

Parking & Safety Committee 6-7 Council Organizational meeting 7

Parks and Rec Advisory Board 7

HPC 7

<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
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Council meeting 7

Shade Tree Commission 7

City Offices Closed

City Offices Closed

<b>29</b>	<b>30</b>
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