

**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

MARCH 14, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held February 22, 2016, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summaries for the Shade Tree Commission meetings held November 24, 2015 and January 26, 2016.
 - B. Acceptance of the Motion Summary for the Public Works/Public Utilities Committee meeting held January 5, 2016.
 - C. Acceptance of the Motion Summary for the Planning Commission meeting held February 3, 2016.
 - D. Acceptance of the Motion Summary for the 2016 Charter Review Commission meeting held February 4, 2016.
 - E. Acceptance of the Motion Summary for the Finance Committee meeting held September 10, 2015.
 - F. Resolution No. 16-12, a resolution appointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments.
6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS
8. CONSIDERATION of Resolution No. 16-13, a resolution accepting the recommendations of the Delaware City Tax Incentive Review Council (TIRC) on the status of the 2015 Community Reinvestment Area (CRA), Enterprise Zone (EZ) and Tax Increment Financing programs (TIF).
9. RECONSIDERATION of Ordinance No. 16-13, an ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$11,665,000 in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure improvements, together with all related appurtenances thereto, and amending the terms of a portion of the anticipated bonds described in Ordinance No. 14-10, and declaring an emergency.
10. CONSIDERATION of Ordinance No. 16-14, an ordinance permitting the sale and consumption of alcohol for the Women's City Club Art for Your Ears event to be held on May 14, 2016 on South Sandusky Street from William Street to Spring Street in the City of Delaware.
11. CONSIDERATION of Ordinance No. 16-15, an ordinance approving an Economic Incentive Grant Agreement with ONDA USA, LLC for fiber optic and/or electrical upgrades to a building at 600 London Road, and declaring an emergency.
12. CONSIDERATION of Ordinance No. 16-16, an ordinance approving a Community Reinvestment Area Agreement and School Compensation Agreement with Midwest Acoust-A-Fiber and Metal Stars II, LLC, Delaware City Schools and Delaware Area Career Center for investment in real property improvements on their building and parcel at 759 Pittsburgh Drive, and declaring an emergency.
13. CONSIDERATION of Ordinance No. 16-17, an ordinance approving a Final Development Plan for the Daimler Group for a building addition to the Delaware Health Center on approximately 102.25 acres zoned PO/I (Planned Office/Institutional District with a Planned Mix Use Overlay District) located at 8001 Ohio Health Boulevard.
14. CONSIDERATION of Ordinance No. 16-18, an ordinance for Precision Tower Products for approval of a Combined Preliminary and Final Development Plan for an approximate 77,500 square foot building on approximately 9.49 acres zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive.

15. CONSIDERATION of Ordinance No. 16-19, an ordinance approving a Final Development Plan for the Communities at Glenross Section 7 consisting of 40 single-family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Land, Course Road, and Crick Stone Drive.
16. CONSIDERATION of Ordinance No. 16-20, an ordinance approving a Final Subdivision Plat for the Communities at Glenross Section 7 consisting of 40 single-family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Land, Course Road, and Crick Stone Drive.
17. CONSIDERATION of Ordinance No. 16-21, an ordinance supplementing the 2016 Appropriations Ordinance to establish funding for transportation study expenses, and declaring an emergency.
18. CONSIDERATION of Ordinance No. 16-22, an ordinance authorizing the City Manager to enter into an agreement with Genoa Township and Delaware County to allow Genoa Township the use of frequencies for activating a tornado siren.
19. CONSIDERATION of Ordinance No. 16-23, an ordinance supplementing the 2016 Appropriations Ordinance to establish funding a downtown parking study, and declaring an emergency.
20. CONSIDERATION of Ordinance No. 16-24, an ordinance supplementing the 2016 Appropriations Ordinance to provide funding to execute an Economic Development Grant Pass Through Payments (Innovation Court), and declaring an emergency.
21. CITY MANAGER'S REPORT
22. COUNCIL COMMENTS
23. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-0094 FORM NO. 10148

Held February 22

20 16

The regular meeting of February 22, 2016 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 Kyle Rohrer, At Large George Hellinger, Vice-Mayor Kent Shafer and Mayor Carolyn Kay Riggle who presided. The invocation was given by Mr. Jones, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, Sean Hughes, Economic Development Director, Scott Stowers, IT Director, Dean Stelzer, Finance Director, Dave Efland, Planning and Community Development Director, Brad Stanton, Public Utilities Director, John Donahue, Fire Chief, Bruce Pijanowski, Police Chief, 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 February 8, 2016, as recorded and transcribed.

APPROVAL of the Motion Summary from the Council Retreat meeting held February 13, 2016, as recorded and transcribed.

Motion: Mr. DiGenova moved to approve the Motion Summary for the regular meeting of Council held February 8, 2016 seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. Rohrer moved to approve the Motion Summary for the Council Retreat meeting held February 13, 2016 seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 5: CONSENT AGENDA

- A. Resolution No. 16-10, a resolution appointing/reappointing members to various Boards, Commissions, and/or Committees, and specifying the term of the appointments/reappointments.
- B. Acceptance of the Motion Summaries of the Parks and Recreation Advisory Board meetings held November 17, 2015 and January 19, 2016.

Motion: Mr. DiGenova moved to approve the Consent Agenda, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 6: LETTERS, PETITIONS, AND PUBLIC COMMENTS

Tracy Cromwell
71 Griswold Street
Delaware, Ohio 43015

Ms. Cromwell presented Mayor Riggle an American Flag from the Evening Kiwanis Club.

Jim Stillwagon
Columbus, Ohio

Mr. Stillwagon discussed his current lawsuit against the City of Delaware. Mr. Shulman recommended that Mr. Stillwater have his attorney contact him.

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Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8084 FORM NO. 10148

Held February 22

20 16

ITEM 7: COMMITTEE REPORTS

Mr. DiGenova indicated that the dedication for Veterans Memorial will be held May 30, 201 at noon.

Mr. Rohrer provided an update of the discussion held at the Parks & Recreation Advisory Board regarding the implementation of sub-committees.

Mr. Hellinger indicated that Shade Tree Commission will meet February 23, 2016.

ITEM 8: LIQUOR PERMIT TRANSFER

A. From VJOSA Food Service LLC, DBA OPA Pub & Grill, 1st Floor & Patio, 18 S. Sandusky St., Delaware, OH 43015 to Maria Food Service, DBA OPA Pub & Grill, 1st Floor & Patio, 18 S. Sandusky St., Delaware, OH 43015. PERMIT CLASSES: D1, D2, and D3

Motion: Vice-Mayor Shafer moved to approve the liquor permit transfer, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 9: PRESENTATIONS

- A. Proclamation presentation to the Conference Champion Dempsey Middle School Wrestling Team
- B. East William Street project - Bill Ferrigno, Public Works Director/City Engineer

Mr. Ferrigno provided information regarding safety improvements, landscape plan, and pedestrian bridge. Information provided on a public meeting regarding the planned improvements.

ITEM 10: ORDINANCE NO. 16-09 [Public Hearing and Second Reading]

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR GARAGE 26 FOR AN AUTOMOTIVE FACILITY AT 147 EAST WILLIAM STREET ON APPROXIMATELY 0.33 ACRES ZONED B-3 (COMMUNITY BUSINESS DISTRICT).

The Clerk read the ordinance for the second time.

APPLICANT:

Liz Sickinger
105 English Terrace
Delaware, Ohio 43015

Don McCann
447 North Washington St.
Delaware, Ohio 43015

There was no public participation.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-09, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-09, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

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Held February 22

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ITEM 11: ORDINANCE NO. 16-11 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO CONSTRUCT THREE BOATING FACILITIES ALONG THE OLENTANGY RIVER.

The Clerk read the ordinance for the first time.

Motion: Mr. Jones moved to suspend the rules for Ordinance No. 16-11, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

Motion: Mr. Jones moved to adopt Ordinance No. 16-11, seconded by Mrs. Keller. Motion approved by a 7-0 vote.

ITEM 12: ORDINANCE NO. 16-12 [First Reading]

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO CLOSE ON PREVIOUSLY APPROVED PURCHASE OF TWO PROPERTIES ON CENTRAL AVENUE, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Vice-Mayor Shafer moved to suspend the rules for Ordinance No. 16-12, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to enact the emergency clause for Ordinance No. 16-12, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

Motion: Vice-Mayor Shafer moved to adopt Ordinance No. 16-12, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 13: ORDINANCE NO. 16-13 [First Reading]

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,665,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND AMENDING THE TERMS OF A PORTION OF THE ANTICIPATED BONDS DESCRIBED IN ORDINANCE NO. 14-10, AND DECLARING AN EMERGENCY.

The Clerk read the ordinance for the first time.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved adopt Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Mayor Riggle requested a break at 7:57 p.m. Mayor Riggle reconvened the meeting at 8:04 p.m.

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Meeting

BEAR GRAPHICS 800-325-5094 FORM NO. 10148

Held February 22

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Discussion held on the need to reconsider Ordinance No. 16-13 due to need to omit on page 8, Section 2.

Motion: Mr. DiGenova moved to reconsider Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved amend Ordinance No. 16-13, to remove Section 2 on page 8, seconded by Vice-Mayor Shafer. Motion approved by a 7- vote.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved enact the emergency clause for Ordinance No. 16-13, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-13, as amended, seconded by Vice-Mayor Shafer. Motion approved by a 7-0 vote.

ITEM 14: RESOLUTION NO. 16-11 [First Reading]

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO DESIGNATE VARIOUS BANKS AND SAVINGS AND LOAN INSTITUTIONS AS DEPOSITORIES FOR PUBLIC FUNDS FROM THE CITY OF DELAWARE AND TO ENTER INTO CONTRACTS FROM MARCH 1, 2016 TO FEBRUARY 28, 2021.

The Clerk read the resolution for the first time.

Motion: Vice-Mayor Shafer moved to adopt Resolution No. 16-11, seconded by Mr. Hellinger. Motion approved by a 7-0 vote.

ITEM 15: Ethics Training - City Attorney Darren Shulman

ITEM 16: 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.

Vice-Mayor Shafer motioned to enter into Executive Session at 8:44 p.m. This motion was seconded by Mr. Jones, and approved by a 7-0 vote. Council met in executive session in 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 Kyle Rohrer, At Large George Hellinger, Vice Mayor Kent Shafer and Mayor Carolyn Kay Riggle. Following the discussion at 9:18 p.m., it was moved by Vice-Mayor

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Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held February 22 20 16

Shafer that Council move into Open session, seconded by Mr. DiGenova and approved by a 7-0 vote.

ITEM 17: CITY MANAGER'S REPORT

Mr. Homan discussed the need to acknowledge the spraying for the Gypsy Moth by the State of Ohio Department of Agriculture. Mrs. Keller voiced a concern over spraying over water sources in Delaware.

Mr. Homan discussed the need to set up a meeting for the Finance Committee.

ITEM 18: COUNCIL COMMENTS

Mr. Jones requested the date for the upcoming Ironman. Staff provided Mr. Jones with the scheduled date of August 21, 2016.

Mrs. Keller voiced concern regarding the trash placed in front of businesses on Sandusky Street in the downtown area.

Mr. DiGenova paid tribute to the death of former Fire Chief Wilbur Bills.

Mr. DiGenova provided information regarding Vietnam Veterans request to put American Flags and lights on Veteran's Bridge.

Mr. DiGenova discussed the preference to leave the holiday lights on the trees for special events throughout the year.

ITEM 19: ADJOURNMENT

Motion: Mr. Rohrer moved to adjourn the meeting, seconded by Vice-Mayor Shafer. The meeting adjourned at 9:18 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**SHADE TREE COMMISSION
MOTION SUMMARY
November 24, 2015**

ITEM 1. Roll Call

Chairman Cary called the meeting to order at 7:03 p.m.

Members Present: Jim Buck, Tom Glissman, Paul Olen, Tom Wolber, Councilmember Joe DiGenova, Vice-Chairwoman Susan Wright, and Chairman Dave Carey

Members Absent: Brenda Hendricks, Juliette Rike and Amanda Mowry

Staff Present: Doug Richmond, Arborist

Motion to Excuse: Mr. Wolber moved to excuse Ms. Mowry, Ms. Rike, and Ms. Hendricks, seconded by Chairman Carey. Motion approved by a 7-0 vote.

Mr. Wolber requested that staff follow up with Ms. Rike regarding her continued interest in representing Delaware City Schools on the Shade Tree Commission, as Ms. Rike has not attended a meeting since appointed to the Commission.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of October 27, 2015 as recorded and transcribed.

Motion: Vice-Chairwoman Wright moved to approve the Motion Summary for the October 27, 2015 meeting, seconded by Mr. Wolber. Motion approved by a 6-0-1 (Olen) vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. DISCUSSION: Approved Tree Plant List

A discussion was held requesting that we try different trees in a small group to determine how well they grow and to determine if the tree should be placed on the approved tree list. The Commission members recommended that Mr. Richmond to plant the Wireless Zelkova, the Three Flowered Maple-Acer Triflorum, and the Yellowwood-Cladrastis and determine the trees success.

Mr. Richmond stated that it can take approximately five years to determine if the tree planted was successful.

ITEM 5. DISCUSSION of Soil Compaction/Grade Change

Mr. Wolber shared research information found from the Alabama Urban Forestry Association regarding a guide to preventing soil compaction during construction. Mr. Wolber discussed the difference of protecting the tree zone from the root line compared to the drip line. Mr. Wolber plans to prepare a preliminary draft on the topic to the Commission.

Vice-Chairwoman Wright discussed the need for regulations to be based on the site location and space availability. Mr. Olen recommended more awareness and education to the construction managers regarding the restrictions.

ITEM 6. DISCUSSION of Alien Invasive Species Eradication

Mr. Olen discussed the wording in the Mission Statement for the Shade Tree Commission and the responsibility the Commission has to the health of the trees and shrubs within the city. Mr. Olen recommended that the Commission make a formal recommendation to Council to remove alien invasive species. Mr. Olen recommended that the Commission research the procedures that are followed with Preservation Parks to control and eradicate invasive species.

A discussion was held on the potential use of herbicides on stumps to destroy the root. Mr. Olen discussed the importance to educate the public on the negative effects invasive species has on the environment and the need to educate the public on the effects of the herbicide.

Mr. Richmond voiced his concern regarding the feasibility of the fiscal cost to attempt to control the situation.

ITEM 7. DISCUSSION of 2015 Annual Report

Vice-Chairwoman Wright volunteered to prepare a draft of the report to present to Council. Vice-Chairwoman Wright recommended that Commission members provide input and highlights of the year.

ITEM 8. ARBORIST REPORT

Mr. Richmond stated that the budget was provided to the City Manager and discussed recommendations to increase funding for professional services for planting and pruning.

Mr. Wolber voiced his concern over the lack of removal of the tree stakes.

Mr. Richmond provided an update regarding the Emerald Ash Borer and the progress on replacing the affected trees.

ITEM 7. STAFF COMMENTS

ITEM 8. MEMBER COMMENTS

Councilmember DiGenova stated that he plans to discuss with staff during budget meetings if money compensated to the tree fund by developers can be used towards pruning and planting professional services.

Mr. Wolber acknowledged the services and contributions that Ms. Mowry provided as a member of the Shade Tree Commission.

Mr. Glissman discussed future interest on the Tree Stewardship Program.

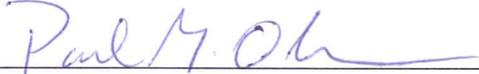
Chairman Carey reminded members that there will not be a monthly meeting in December, and that the Shade Tree Commission will meet January 26, 2016.

ITEM 9. PLAN REVIEWS

A. Howald Industrial Park (Informational Only)

ITEM 9. ADJOURNMENT

Motion: Councilmember DiGenova moved to adjourn the meeting. The Shade Tree Commission meeting adjourned at 8:35 p.m.



Chairman Carey



Clerk

**SHADE TREE COMMISSION
MOTION SUMMARY
January 26, 2016**

ITEM 1. Roll Call

Vice-Chairwoman Wright called the meeting to order at 7:00 p.m.

Members Present: Jim Buck, Tom Glissman, Amanda Mowry, Paul Olen, Juliette Rike, Councilmember George Hellinger, Vice-Chairwoman Susan Wright

Members Absent: Brenda Hendricks, Tom Wolber, Chairman Dave Carey.

Staff Present: Doug Richmond, City Arborist, Jennifer Stachler, Assistant City Engineer, Stacy Davenport, Parks Superintendent, Linda Mathews, Customer Liaison, and Tom Homan, City Manager

Motion to Excuse: Mr. Buck moved to excuse Chairman Carey, Mr. Wolber, and Ms. Hendricks, seconded by Mr. Olen. Motion approved by a 7-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of November 24, 2015 as recorded and transcribed.

Motion: Mr. Olen moved to approve the Motion Summary for the November 24, 2015 meeting, seconded by Mr. Buck. Motion failed with a 5-0-2 (Rike, Hellinger) vote. Minutes will be brought back for a vote at the next meeting.

ITEM 3. INTRODUCTION of New City Council Representative

ITEM 4. ELECTION of Chair and Vice-Chair

Vice-Chairwoman Wright recommended that the vote be tabled until the next meeting to allow for a full quorum. The Shade Tree Commission members were in agreement.

ITEM 5. PUBLIC COMMENTS

PUBLIC PARTICIPATION:

Jeff Strung, EMHT Representative
5500 New Albany Road
Columbus, Ohio

Mr. Strung voiced his concern regarding the proposed site distances at intersections for street trees and the impact that the changes will have in

developments. Mr. Strung voiced a concern over using ODOT standards that he feels are designated for highways and not for suburban areas.

Mr. Davenport discussed the recruitment for the approved position of a Parks and Natural Resource Director.

ITEM 6. DISCUSSION of 2015 Annual Report

Vice-Chairwoman Wright recommended that Commission members provide input and highlights of the year to discuss at the next regular meeting.

ITEM 7. ARBORIST REPORT

Mr. Richmond reviewed the monthly summary and discussed issues with maintaining pruning related to weather and staffing. Mr. Richmond indicated that the application for the Tree City U.S.A. was submitted in December.

Mr. Richmond stated that a notice was received from the Ohio Department of Agriculture regarding the upcoming spraying for the Gypsy Moth, and that there is a public meeting to be held February 18, 2016 at 149 N. Sandusky Street.

ITEM 8. PRESENTATION of Site Distances at Intersections

Ms. Stachler discussed the current standards for site distances at intersections that currently apply a site triangle of 20 feet in each direction.

Information was provided on the ODOT standards of site distances at intersections and that the City of Dublin follows these standards. Ms. Stachler to research other local communities standards and will make a recommendation to Council.

Ms. Stachler discussed previous reports by residents regarding concerns of site obstructions at intersections.

Vice-Chairwoman Wright asked what the potential role the Parking and Safety Committee will have in the decision. Ms. Stachler discussed the need for further research. Mr. Olen recommended that staff research what other engineering standards that are available.

ITEM 9. DISCUSSION with City Manager Tom Homan

Mr. Homan provided an update on organizational changes and the recruitment of a full-time Parks and Natural Resource Director.

ITEM 10. STAFF COMMENTS

Ms. Mathews provided a review of the Customer Service requests.

Mr. Davenport indicated that the department received additional funding to

assist with planting and pruning trees and for increased seasonal labor hours.

ITEM 11. MEMBER COMMENTS

Mr. Olen discussed further research completed regarding the topic Alien Invasive Species and that he would like to be able to provide information with a PowerPoint presentation. Mr. Olen requested that this topic be placed on a future agenda.

ITEM 9. PLAN REVIEWS

- A. Glenross North-Section 1-approved with the following revisions:
 - 1. Elimination of 1 tree at intersections due to stop sign visibility. Eliminated tree will be “worked into” plan at another location.
 - 2. Tree species diversity (as detailed on plans)

- B. Communities at Glenross-Section 6-approved with the following revisions:
 - 1. Elimination of 1 tree at intersections due to stop sign visibility.
 - 2. Tree species diversity (as detailed on plans)

- 3. Veterans Park-approved as submitted

ITEM 9. ADJOURNMENT

Motion: Mr. Olen moved to adjourn the meeting, seconded by Councilmember Hellinger. The Shade Tree Commission meeting adjourned at 8:12 p.m.



Chairman Carey



Clerk

PUBLIC WORKS/PUBLIC UTILITIES COMMITTEE
MOTION SUMMARY
January 5, 2016

ITEM 1. Roll Call

Mayor Riggle called the meeting to order at 7:00 p.m.

Members Present: Councilmember Lisa Keller, Vice-Mayor Kent Shafer and Mayor Carolyn Riggle

City Staff Present: Matt Weber, City Engineer, Brad Stanton, Director of Public Utilities, Dan Whited, Director Public Service Group, Linda Mathews, Customer Service Liaison, Jessica Ormeroid, Project Engineer, Marion Stephens, Engineering Technician, Perry Mickley, Utility Maintenance & Project Manager

ITEM 2. ELECTION of Chair and Vice-Chair

Motion: Mayor Riggle moved to elect Mr. Shafer as Chairman, seconded by Mrs. Keller. Motion approved by a 3-0 vote.

Motion: Mayor Riggle moved to elect Mrs. Keller as Vice-Chair, seconded by Chairman Shafer. Motion approved by a 3-0 vote.

ITEM 3. APPROVAL of the Motion Summary of the Public Works/Public Utilities Committee meeting held September 1, 2015 as recorded and transcribed.

Motion: Mayor Riggle moved to approve the Motion Summary of the Public Works/Public Utilities Committee meeting held September 1, 2015, seconded by Vice-Chairwoman Keller. Motion approved by a 3-0 vote.

ITEM 4. PUBLIC COMMENTS

There was no public comment.

ITEM 5. AMI Project Status Update

Mr. Stanton provided an update on the AMI project. Mr. Stanton discussed the system that will be implemented and the process to receive proposals and selected vendor. Mr. Stanton plans for implementation of the program to happen in March and discussed plans to notify the public of the program, including an Open House, social media, and First Friday event in March.

Mr. Mickley described the customer web portal for customers to access and monitors their usage. Mr. Mickley explained customers can set alert on their

usage. Mr. Mickley also discussed the data security that will be provided and that Mueller Systems will not have any specific customer numbers.

ITEM 6. Review of SafeWalks Program

Mr. Weber provided a map on the Safe Walks Program. Mr. Weber expects by 2017 that a review of all sidewalks in the city will be completed.

ITEM 7. REVIEW OF SafeWalks Program

Mr. Weber indicated that there are seven appeals, but that six of the appeals take place on Eastwood Avenue.

Mr. Stephens reviewed the six properties that are located on Eastwood Avenue, including the amount of repair needed and the estimated cost for repairs. These properties are located at 269 Eastwood Avenue, 277 Eastwood Avenue, 278 Eastwood Avenue, 294 Eastwood Avenue, 302 Eastwood Avenue, and 309 Eastwood Avenue.

PUBLIC PARTICIPATION:

Mr. Carl Ross
277 Eastwood Avenue
Delaware, Ohio 43015

Mr. Ross provided pictures of flooding to the street that have caused lifting and crumbling to the concrete. Mr. Ross discussed concerns regarding inadequate storm sewers that were not fixed until 2014.

Mr. Weber discussed city resources that were used to help alleviate flooding in the area and that sidewalk damage is not due to tree roots. Mr. Weber discussed the difficulty to determine what damage was caused by the floods and what damage was not.

Ms. Mildred Cook
302 Eastwood Avenue
Delaware, Ohio 43015

Ms. Cook voiced her concerns regarding the need for sidewalk repairs that are related to flooding, and that also had to replace driveway due to the flooding.

Mr. Todd Howard
294 East Wood Avenue
Delaware, Ohio 43015

Mr. Howard requested that staff confirm that much of the damage was done prior to 2014 when the storm sewer was installed. Mr. Mickley reported that from flooding in 1993 there were sidewalks on 269 Eastwood Avenue and 277

Eastwood Avenue that were floating. Mr. Mickley discussed two other undetermined dates that city staff assisted with flooding.

Mr. Thomas Hampton
309 Eastwood Avenue
Delaware, Ohio 43015

Mr. Hampton requested that the city assist with the repairs.

Mr. Michael Cordery
286 Eastwood Avenue
Delaware, Ohio 43015

Mr. Cordery indicated that he did not complete the Appeal in time and is still having drainage issues. Staff recommended that Mr. Cordery complete the Appeal for further review.

Motion: Vice-Chairwoman Keller moved to exempt residents at 269, 277, 278, 294, 302, and 309 Eastwood Avenue from financial responsibility for the repairs to the sidewalks, seconded by Mayor Riggle. Motion approved by a 3-0 vote.

Mr. Stephens reviewed the appeal for 352 Timbersmith Drive, Delaware, Ohio 43015. Mr. Stephens reviewed the approximate cost for repair and provided pictures of the sidewalk location. Mr. Weber explained that a repair had been completed but not to city standards. Mr. Weber also explained that the homeowners were unable to attend the meeting.

Due to technical issues Chairman Shafer requested a break at 7:52 p.m. Chairman Shafer reconvened the meeting at 7:55 p.m.

ITEM 8. UPDATE on "The Point" Traffic

Ms. Ormeroid provided a traffic stimulation model of traffic at the area of the point, including the eastside corridor. Ms. Ormeroid discussed the increase of traffic of 18.5% since 2012, and reviewed average daily traffic from 2008 compared to 2015. Ms. Ormeroid discussed backups to Glenwood Commons and also Lake Street and Channing Street.

ITEM 9. PRESENTATION of Norfolk-Southern Railroad Bridge Replacement Feasibility Review.

Ms. Ormeroid and Mr. Weber discussed traffic concerns relating to other parts of the city including U.S. 23 and U.S. 42. Mr. Weber discussed the completed feasibility study and that the results showed what couple options that the railroad will improve on. Mr. Weber discussed the need to determine which

side of the bridge for repairs and feels that improvement to this area will provide the eastbound flow.

Mr. Weber discussed applications for funding being completed for assistance with repairs to "The Point" as well as applications for city wide traffic signals.

ITEM 10. REVIEW of Snow & Ice Removal Policy

Ms. Mathews provided information regarding the purchasing of salt through ODOT Cooperative Agreement and current pricing of salt.

ITEM 11. UPDATE on Public Utilities Projects and Activities

Mr. Stanton reviewed the Park Avenue waterline project that was completed and the Bernard Avenue storm water improvements. Mr. Stanton expects the construction to begin in 2016.

Mr. Stanton discussed the project and funding for the Cooperative Boating Facility and the various access sites at Mingo Park and Cherry Street.

A discussion was held on the update of the Sanitary Sewer Master Plan. Mr. Stanton expects for the plan to be completed in 2016.

Mr. Stanton provided an update on completed 2015 projects including the design of the new aeration system at the waste water plant, and new water lines that were placed throughout the city. Mr. Stanton discussed the installed water and sewer mains for development at Sawmill Parkway and Innovation Court, the removal of two low head dams and the installation of permeable pavement at Blue Limestone Park.

ITEM 12. UPDATE on Public Works Projects and Activities

Mr. Weber discussed that the Glenn Road North realignment is nearing completion. Mr. Weber explained plans to test the new traffic signals and then it will be taken down until they are legally able to operate it. Mr. Weber expects public comments regarding this plan and will work with city staff to increase community awareness.

Mr. Weber discussed the new addition of the Public Works Building.

ITEM 13. STAFF COMMENTS

Mr. Weber stated that the City Manager requested that the Committee consider a future special meeting to discuss the results of the transportation update plan.

Ms. Mathews discussed the concern regarding trash in the tree line and that the code enforcer is aware, the property owner was notified and that the trash has been removed.

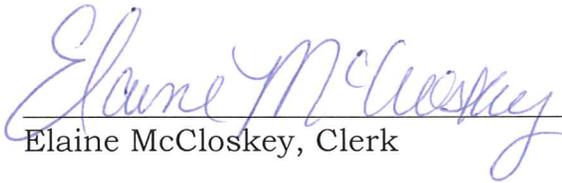
ITEM 14. MEMBER COMMENTS

ITEM 15. ADJOURNMENT

Motion: Mayor Shafer moved to adjourn the Public Works/Public Utilities Committee meeting. The meeting adjourned at 8:25 p.m.



Kent Shafer, Chairman



Elaine McCloskey, Clerk

**PLANNING COMMISSION
MOTION SUMMARY
February 3, 2016**

ITEM 1. Roll Call

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

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

Staff Present: Jennifer Stachler, Assistant City Engineer, Lance Schultz, Zoning Administrator.

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

Motion: Mr. Halter moved to approve the Motion Summary for the January 20, 2016 meeting, seconded by Ms. Tucker-Buck. Motion approved by a 7-0 vote.

ITEM 3. REGULAR BUSINESS

A. 2016-0101: A request by Garage 26 for approval of a Conditional Use Permit for an automotive service facility at 147 East William Street on approximately 0.33 acres zoned B-3 (Community Business District).

Mr. Schultz discussed the zoning and types of uses under the zoning code. Mr. Schultz stated that the property is in the Historic District and will need to follow those standards. Mr. Schultz reviewed the conditions recommended by Engineering that include the existing asphalt to be repaired in 18 months time and the tree lawn area to be converted to grass. Mr. Schultz reviewed the proposed site plan and staff conditions.

Mr. Halter voiced his concern regarding the time requirement to complete the asphalt project and that it should be required to be completed sooner.

APPLICANT:

Liz Sickinger
105 English Terrace
Delaware, Ohio 43015

David Drissi
8348 Dunnberry Circle
Powell, Ohio 43065

Don McCann
447 North Washington St.
Delaware, Ohio 43015

Mr. Drissi discussed the history of his ownership of the property and that the time limit to repair the asphalt was to allow time for the applicant's to establish their business financially.

Mr. Halter discussed the wording of the condition and who will be responsible for the repairs. Mr. Schultz indicated the owner of the property would be responsible for any site improvements and any code violations.

Mr. McCann stated that the plan is to operate an upscale automobile service. Mr. McCann indicated that future plans are to purchase the property.

Chairwoman Keller requested clarification from Mr. Drissi that the agreement for asphalt repairs will be between the City of Delaware and the owner of the property, and not the tenants. Mr. Drissi expressed his understanding and discussed the lease requirements between him and the tenants.

Mr. Schultz explained that the reestablishment of the tree lawn could happen immediately per the applicant and that no formal occupancy building permit will be approved until this condition is met if that is the wish of the commission.

Motion: Mr. Halter moved to amend 2016-0101 condition number 3 to state that "the tree lawn shall be re-established and extended from the front of the building on Little Street north to north of the property line and shall be completed prior to final certificate of occupancy building permit approval", seconded by Mr. Badger. Motion approved by a 7-0 vote.

Motion: Vice-Chairman Simpson moved to approved 2016-0101, along with all staff conditions and recommendations, seconded by Mr. Prall. Motion approved by a 6-1 (Halter) vote.

B. Informal Discussion – Communities at Glenross south of Cheshire Rd.

Mr. Schultz provided a presentation of the existing location map, zoning map, and aerial photo of the site. Mr. Schultz reviewed the 2011 Approved Preliminary Plan & Plat, and reviewed the proposed revised plans, including changes in lot sizes.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Columbus, Ohio

Mr. Peck discussed the plans of a 91 lot reduction and that changes occurred from attached to detached condominiums upon the change from Dominion Homes to Pulte. Mr. Peck indicated that there are no plans to change expected sale prices.

Ms. Tucker-Buck voiced her concern regarding the location of the tot lot, and requested consideration of a move to the southern area.

Mr. Prall voiced his concern over the change of lot size to 55ft. by 130ft. Mr. Prall discussed the need to maintain the minimum requirement of 65ft and that the auditor's valuation of the properties will not maintain and decline.

Chairwoman Keller also discussed her concerns regarding the changes in lot sizes.

Mr. Prall requested that Pulte evaluate for potential amenities for the development and target these amenities towards the expected user groups.

Mr. Peck will determine the potential loss of lots with the 65ft lot size to determine feasibility.

ITEM 4. PLANNING DIRECTOR'S REPORT

A. Mr. Schultz discussed next month's potential agenda.

ITEM 5. ELECTION OF OFFICERS

Motion: Mr. Halter moved to elect Mrs. Keller as Chairwoman, seconded by Mr. Prall. Motion approved by a 7-0 vote.

Motion: Mr. Prall moved to elect Mr. Simpson as Vice-Chairman, seconded by Mr. Badger. Motion approved by a 7-0 vote.

ITEM 6. COMMISSION MEMBER COMMENTS AND DISCUSSION

ITEM 7. NEXT REGULAR MEETING: March 2, 2016

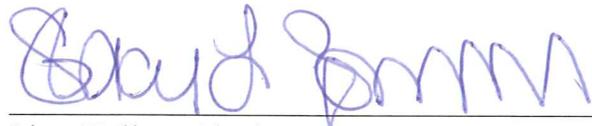
Chairwoman Keller indicated that she will be unavailable to attend the March 2, 2016 meeting.

Mr. Prall requested an update to on any future Comprehensive Plan revisions.

Vice-Chair Simpson requested the final numbers on both residential and commercial permits.

ITEM 8. ADJOURNMENT:

Motion: Chairwoman Keller moved for the February 3, 2016 Planning Commission meeting to adjourn. The meeting adjourned at 8:46 p.m.



Lisa Keller, Chairwoman



Elaine McCloskey, Clerk

**2016 CHARTER REVIEW COMMISSION
MOTION SUMMARY
February 4, 2016**

ITEM 1. Welcome/Introductions

Mr. Shulman called the Organizational Meeting for the 2016 Charter Review Commission to order at 6:00 p.m.

Members Present: Dan Bennington, Jack Hilborn (arrived at 6:03 p.m.), Mary Jane Santos, Charlotte Joseph (arrived at 6:03 p.m.), Stephanie Steinbeck, Cathy Falter, Megan Cochran, Jeremy Byers, and Mayor Carolyn Kay Riggle

Staff Present: Darren Shulman, City Attorney

Mr. Shulman welcomed members of the 2016 Charter review Commission and discussed their role.

ITEM 2. Election of Chairman and Vice-Chairman

Motion: Mayor Riggle moved to elect Ms. Santos as Chairwoman. This motion was approved by a 9-0 vote.

Motion: Chairwoman Santos moved to elect Mr. Bennington as Vice-Chairman. This motion was approved by a 9-0 vote.

ITEM 3. Review of Delaware City Charter

Mr. Shulman discussed the role of City Council and the City Manager in a Charter City.

ITEM 4. Community Outreach

Mr. Shulman discussed the plans to reach out to the community for input and suggestions through the assistance of public notices and social media.

Mr. Hilborn requested that the current Charter be available for review online. Mr. Shulman to include the link to review the current charter through the outreach process.

ITEM 5. Set Meeting Dates

(The first, second and fourth Thursdays are open)

The Commission agreed to meet the second and fourth Thursdays of each month at 6:00 p.m.

Chairwoman Santos proposed that the next meeting be held February 25, 2016 at 6:00 p.m.

ITEM 6. Set Agenda for Next Meeting

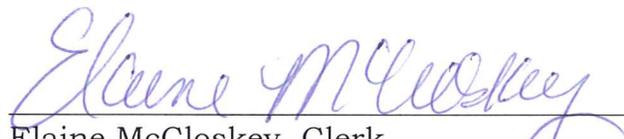
Chairwoman Santos recommended that they should the current Charter in the order that it appears with flexibility for public input.

Mr. Shulman plans that Article 1 and 2 will be a point of review for the meeting on February 25, 2016.

Motion: Mr. Steinbeck moved for the 2016 Charter Review Organizational meeting to adjourn, seconded by Ms. Falter. The meeting adjourned at 6:28 p.m.



Mary Jane Santos, Chairwoman



Elaine McCloskey, Clerk

**FINANCE COMMITTEE
MOTION SUMMARY
September 10, 2015**

ITEM 1. Roll Call

Vice-Chairman DiGenova called the meeting to order at 4:50 p.m.

Members Present: Vice-Mayor George Hellinger and Chairman Andrew Brush (arrived at 5:19 p.m.)

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

ITEM 2. Approval of the Motion Summary for July 27, 2015 as recorded and transcribed.

Motion: Vice Mayor Hellinger moved to approve the Motion Summary for July 27, 2015, as recorded and transcribed, seconded by Vice-Chairman DiGenova. Motion approved by a 2-0 vote.

ITEM 3. Financial Management Policies Review and Amendment

Mr. Stelzer discussed changes to the Financial Management Policies Review. Mr. Stelzer discussed other cities Financial Management Policies. Mr. Stelzer recommends that these policies are reviewed by the Finance Committee on an annual basis to determine if any issues have changed.

Mr. Stelzer reviewed changes to Reserve policies and C.I.P policies. Mr. Stelzer discussed including a policy on Development Reserve Fund.

Chairman Brush arrived at 5:19 p.m.

Mr. DiGenova requested information on the non-utility fund capital improvements. Mr. DiGenova discussed implementing a curb and gutter utility fund. Mr. Stelzer discussed funding this through the storm sewage improvement fund.

ITEM 4. Financial Management Software Acquisition

Mr. Stelzer provided current software for Financial Management with use in income tax, general accounting, utility, and payroll. Mr. Stelzer discussed the use of improving the software to be more efficient and informed the Committee that software is rented and has an additional yearly cost for customer support.

Mr. Homan discussed the benefits to the Finance Department to have the position of a Budget Analyst.

Motion: Vice-Chairman DiGenova moved to move forward with the Budget Software Program, seconded by Vice-Mayor Hellinger. Motion approved by a 3-0 vote.

ITEM 5. Discussion of HB5 Adoption

Mr. Stelzer provided information on the requirements for a Tax Board of Appeal from HB5, and that this board must be in effect January, 2016. Mr. Stelzer reviewed who is eligible to be on the board, as well as, board's responsibilities, roles, and approximate times to meet a year. Mr. Stelzer stated that the Tax Board of Appeals will not be subject to open meeting laws due to the confidential nature of the appeals.

Chairman Brush considered the possible payment of board members and also recommended to have alternates to the board to provide an effective quorum. Discussion was held on the benefits and negatives of financial compensation to future board members.

ITEM 6. 2016 Budget Discussion

Mr. Homan stated that the budget will be due on November 15, 2015. Mr. Homan discussed the need to evaluate and discuss the positions for Parks and Natural Resource Director Position and a Budget Analyst position.

Vice-Mayor Hellinger requested information on the role of a Budget Analyst position after budget season and what is the value to the city throughout the year with this position.

Mr. Stelzer discussed current utility rates indicating that rates have not had an increase since 2012.

ITEM 7. Old Business

Mr. Homan asked if the members had an interest in follow up on the Performance Audit. Members recommended a follow up meeting with the auditor.

Mr. Stelzer provided an update on the delinquent tax filers.

ITEM 8. Next Meeting Date

Chairman Brush recommended having a meeting set up in October.

ITEM 10. Adjournment

Motion: Vice-Chairman DiGenova moved to adjourn the Finance Committee meeting, seconded by Vice-Mayor Hellinger. The Finance Committee meeting adjourned at 6:20 p.m.



Chairman



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM F DATE: 3/14/16
ORDINANCE NO: RESOLUTION NO: 16-12
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 APPOINTING MEMBERS TO VARIOUS BOARDS, COMMISSIONS, AND/OR COMMITTEES, AND SPECIFYING THE TERM OF THE APPOINTMENTS.

BACKGROUND:

REASON WHY LEGISLATION IS NEEDED:

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

POLICY CHANGES:

PRESENTER(S):

Carolyn Kay Riggle, Mayor

RECOMMENDATION:

ATTACHMENT(S)



FACT SHEET

AGENDA ITEM NO: 8

DATE: 03/14/16

ORDINANCE NO:

RESOLUTION NO: 16-13

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING THE RECOMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2015 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ) AND TAX INCREMENT FINANCING PROGRAMS (TIF).

BACKGROUND:

N/A

REASON WHY LEGISLATION IS NEEDED:

In order to maintain and continue commercial and residential tax exemptions/abatements (Enterprise Zone, Community Reinvestment Area and Tax Increment Financing Agreements), authorized per the Ohio Revised Code and City Resolutions and Ordinances, the City of Delaware legislative authority must appoint a Tax Incentive Review Council (TIRC). The TIRC annually reviews and makes recommendations to City Council to Continue, Modify or Terminate each tax abatement agreement. City Council's decisions to accept or change the TIRC's recommendations are annually reported to the Ohio Department of Development no later than March 31.

COMMITTEE RECOMMENDATION:

Tax Incentive Review Council, 2/23/16

VOTE: Approval

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

2016 TIRC Minutes

2015 CRA and EZ Abatements Status Report Summary Spreadsheet

2015 TIFs Status Report Summary Spreadsheet

2015 Residential CRA Abatements Status Report Summary Spreadsheet

RESOLUTION NO. 16-13

A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE CITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE 2015 COMMUNITY REINVESTMENT AREA (CRA), ENTERPRISE ZONE (EZ), AND TAX INCREMENT FINANCING (TIF) PROGRAMS.

WHEREAS, the purpose of the Delaware City CRA, EZ and TIF Programs is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Programs; and

WHEREAS, the duly appointed Delaware City Tax Incentive Review Council (TIRC) met on February 23, 2016, and reviewed the status of each active agreement and made certain recommendations concerning action to either continue, modify, terminate or expire said agreements; and

WHEREAS, the City of Delaware is required, under Ohio Revised Code Sections 3735.69 and 5709.68 to submit an annual report regarding the status of each Agreement by March 31, to the Director of the Ohio Development Services Agency.

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

SECTION 1: That the review and recommendations made by the TIRC in the Meeting Minutes on this Resolution's Fact Sheet and the Fact Sheet Attachments "Program Year 2015 Summary Report" and the "2015 CRA Residential Status Report" be accepted and that these reports, and all other information required by the State of Ohio be accepted by the Council of the City of Delaware and be forwarded to the Director of the Ohio Development Services Agency, and all other appropriate entities, as noted in ORC Sections 3735.69 and 5709.68.

SECTION 2: That this Resolution shall take effect and be in force immediately after its passage.

PASSED: _____, 2016

YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK

MAYOR



CITY OF DELAWARE TAX INCENTIVE REVIEW COUNCIL (TIRC) MINUTES

TUESDAY, FEBRUARY 23, 2016
2:00 P.M.
CITY HALL - CITY COUNCIL CHAMBERS

1. Call to Order

Honorable George Kaitsa called to order the 2016 TIRC at 2:02 PM.

2. Roll Call

Members Present: Honorable George Kaitsa, Dean Stelzer, Melissa Lee, Brian Kern, Chris Bell, Tim Wells and Tom Homan

Members Absent (Excused): Mayor Carolyn Riggle, Carl Johnson

Staff Present: Sean Hughes, Molly Davenport

3. 2015 TIRC Minutes

Mr. Wells made a motion to approve the 2015 TIRC minutes, second by Ms. Lee, Mr. Homan abstained due to absence in 2015 TIRC meeting, and approved 6-0.

4. Consent Agenda: 2015 CRA/EZ Tax Abatement Reports

Mr. Hughes explained that 11 CRA/EZ (Toolmatics, Howald Industrial, Symmetry One, V&P Hydraulics, Sky Climber, AHP/Domtar, NABI, American Freight, Henkel, Optimum Plastics, Innopak) were in compliance with their total payroll goals and new and retained full time employee (FTE) goals. Mr. Bell made a motion to recommend compliance and continuation to City Council, second by Mr. Stelzer and approved by a 7-0 vote.

5. Consideration Agenda: CRA 03-001 Harry Frank/Son of Thurman

Mr. Hughes explained the CRA Agreement for Harry Frank/Son of Thurman expired on December 31, 2015. Mr. Hughes explained that Mr. Devol met his commitments with 29 FTEs and \$572,000 in payroll. Mr. Wells made a motion to recommend compliance to City Council, seconded by Mr. Bell and approved by a 7-0 vote.

6. Consideration Agenda: EZ 05-01 Engineered Material Systems

Mr. Hughes explained the EZ Agreement for Engineered Material Systems, Inc. expired on December 31, 2015. Mr. Hughes explained that Mr. Irion met his commitments with 26 new FTEs, 7 retained FTEs and \$3,092,637 in payroll. Mr. Kern made a motion to recommend compliance to City Council, seconded by Ms. Lee and approved by a 7-0 vote.

7. Tax Increment Finance Districts (TIF)

Mr. Hughes reported that 9 active TIF agreements are in compliance by having had their respective payments in lieu of taxes on real property paid, distributed to the City to be deposited in individual project accounts, and, then having funds from those account distributed as respective project related payments. Mr. Homan made a motion to recommend compliance and continuation, seconded by Ms. Lee and approved by a 7-0 vote.

8. Residential CRA Agreements

Mr. Hughes reported that all 35 Residential CRA agreements are active and in compliance (residential improvements had been made and remaining non-abated taxes were up to date). Mr. Bell made a motion to recommend compliance and continue all Residential CRA agreements to City Council, second by Mr. Wells and approved by a 7-0 vote.

9. Adjournment

Meeting was adjourned at 2:30 PM.

**2016 TAX INCENTIVE REVIEW COUNCIL SUMMARY
TAX YEAR 2015**



| 2016 TIRC SUMMARY | | | | JOB & PAYROLL CREATION | | | | | | | | | | | | | REAL & PERSONAL PROPERTY INVESTMENT | | | | | | | |
|-------------------|---|------------------------------|--------------------|------------------------|-----------------------|------------------|-----------------------|--------------------------|---------------------|------------|----------|-------------------|--------------|-------------------|----------------------|-----------------|-------------------------------------|----------------------------------|--------------------|-----------------------------------|----------------------------------|-----------------------|--------------------------------------|-------------------------------------|
| CRA | Company | Years/Abatement % | Year of Expiration | Total Payroll Goal | Retained Payroll Goal | New Payroll Goal | Current Total Payroll | Current Retained Payroll | Current New Payroll | % Achieved | FTE Goal | Retained FTE Goal | New FTE Goal | Current Total FTE | Current Retained FTE | Current New FTE | % Achieved | Parcel # | Taxes Paid in 2015 | Total Taxes Paid thru Last Report | Total Taxes Paid Thru 12/31/2015 | Taxes Forgone in 2015 | Total Taxes Forgone Thru Last Report | Total Taxes Forgone Thru 12/31/2015 |
| CRA 03-001 | Son of Thurman | 10/100% | 12/31/2015 | \$275,000.00 | \$0.00 | \$275,000.00 | \$572,000.00 | \$275,000.00 | \$295,000.00 | 208% | 13 | 0 | 13 | 29 | 0 | 29 | 223% | 51943225027877 | \$5,261.42 | \$50,638.00 | \$55,899.42 | \$3,414.63 | \$24,077.00 | \$27,491.63 |
| CRA 03-002 | ToolMatics | 15/100% | 12/31/2018 | \$375,000.00 | \$250,000.00 | \$375,000.00 | \$670,280.82 | \$250,000.00 | \$420,280.82 | 179% | 16 | 7 | 5.5 | 13 | 7 | 6 | 81% | 41921001006002 | \$1,831.56 | \$16,158.00 | \$17,989.56 | \$11,981.17 | \$115,861.00 | \$127,842.17 |
| CRA 04-002 | Howald Industrial | 10/100% | 12/31/2016 | \$100,000.00 | \$0.00 | \$100,000.00 | \$780,874.29 | \$0.00 | \$780,874.29 | 781% | 6 | 0 | 6 | 30 | 0 | 30 | 500% | 51934418007000 | \$44,539.38 | \$359,448.00 | \$403,987.38 | \$40,511.34 | \$132,325.00 | \$172,836.34 |
| CRA 04-004 | Symmetry One | 15/100% | 12/31/2019 | \$450,000.00 | \$0.00 | \$450,000.00 | \$1,919,000.00 | \$0.00 | \$1,919,000.00 | 426% | 15 | 0 | 15 | 37 | 0 | 37 | 247% | Multiple | \$5,244.48 | \$48,197.00 | \$53,441.48 | \$64,285.99 | \$489,813.00 | \$554,098.99 |
| CRA 06-001 | V&P Hydraulics | 15/50% | 12/31/2022 | \$2,300,000.00 | \$0.00 | \$2,300,000.00 | \$3,299,541.42 | \$0.00 | \$3,299,541.42 | 143% | 65 | 0 | 65 | 76 | 0 | 76 | 117% | 41922001006003 | \$30,697.48 | \$128,114.00 | \$158,811.48 | \$20,288.52 | \$111,214.00 | \$131,502.52 |
| CRA 06-002 | Sky Climber | 15/50% | 12/31/2022 | \$2,000,000.00 | \$0.00 | \$2,000,000.00 | \$3,517,859.00 | \$0.00 | \$3,517,859.00 | 176% | 45 | 0 | 45 | 50 | 0 | 50 | 111% | 41922001006002 | \$30,475.00 | \$183,547.00 | \$214,022.00 | \$38,334.18 | \$133,713.00 | \$172,047.18 |
| CRA 06-003 | Associated Hygienic Products | 15/75% | 12/31/2022 | \$7,480,879.00 | \$0.00 | \$7,480,879.00 | \$11,029,029.00 | \$0.00 | \$11,029,029.00 | 147% | 201 | 0 | 201 | 219 | 0 | 219 | 109% | 41922002001000 | \$110,129.48 | \$829,982.00 | \$940,111.48 | \$330,388.41 | \$1,647,274.00 | \$1,977,662.41 |
| CRA 07-001 | NABI Parts Division | 15/50% | 12/31/2023 | \$2,000,000.00 | \$0.00 | \$2,000,000.00 | \$4,676,236.74 | \$0.00 | \$4,676,236.74 | 230% | 45 | 0 | 45 | 76 | 0 | 76 | 169% | 41922002001001 | \$106,775.70 | \$432,123.00 | \$538,898.70 | \$87,737.11 | \$414,056.00 | \$501,793.11 |
| CRA 10-001 | American Freight | 10/50% | 12/31/2021 | \$2,120,000.00 | \$1,870,000.00 | \$250,000.00 | \$2,221,182.27 | \$1,870,000.00 | \$2,151,182.27 | 105% | 35 | 30 | 5 | 68 | 30 | 38 | 194% | 51944403010000 | \$23,528.74 | \$83,805.00 | \$107,333.74 | \$5,631.88 | \$16,355.00 | \$21,986.88 |
| CRA 10-002 | Henkel | 10/40% | 12/31/2021 | \$2,503,061.00 | \$2,400,000.00 | \$103,061.00 | \$2,672,565.00 | \$2,400,000.00 | \$272,565.00 | 107% | 47 | 42 | 5 | 47 | 42 | 5 | 100% | 41921105009000 41921105022000 | \$73,343.64 | \$200,876.00 | \$274,219.64 | \$48,895.76 | \$42,064.00 | \$90,959.76 |
| CRA 11-001 | Optimum Plastics | 10/100% | 12/31/2022 | \$3,000,000.00 | \$2,800,000.00 | \$200,000.00 | \$3,214,474.00 | \$2,800,000.00 | \$351,182.27 | 107.00% | 63 | 55 | 8 | 64 | 55 | 9 | 102% | 41922001017005 | \$11,271.00 | \$34,543.00 | \$45,814.00 | \$11,271.00 | \$11,240.00 | \$22,511.00 |
| EZ 05-01 | Engineered Material Systems (132 Johnson) | 10/100% on personal property | 12/31/2015 | \$1,125,000.00 | \$875,000.00 | \$250,000.00 | \$3,092,637.00 | \$875,000.00 | \$2,217,637.00 | 275% | 23 | 15 | 8 | 43 | 15 | 28 | 187% | 41921001006004 | \$13,716.74 | \$107,989.48 | \$121,706.22 | \$0.00 | \$0.00 | \$0.00 |
| EZ 05-02 | Innopak, Inc. | 10/100% on personal property | 12/31/2016 | \$1,300,000.00 | \$1,100,000.00 | \$200,000.00 | \$2,679,312.00 | \$1,100,000.00 | \$1,579,312.00 | 201% | 12 | 7 | 5 | 33 | 7 | 26 | 275% | 41922001006001 | \$5,254.00 | \$38,479.00 | \$43,733.00 | \$39,492.00 | \$265,230.00 | \$304,722.00 |
| Total: | | | | \$25,028,940.00 | \$9,295,000.00 | \$15,983,940.00 | \$40,344,991.54 | \$9,570,000.00 | \$32,509,699.81 | | 586 | 156 | 426.5 | 785 | 156 | 629 | | \$462,068.62 | \$2,513,899.48 | \$2,975,968.10 | \$702,231.99 | \$3,403,222.00 | \$4,105,453.99 | |

**2016 TAX INCENTIVE REVIEW COUNCIL
TAX YEAR 2015**



CITY OF DELAWARE TIF ZONES

| Area | Total Amount Disbursed | Amount to City | Expires | Notes |
|------------------------------------|------------------------|----------------|---------|--|
| Airport #527- Jet Stream, Airspace | \$24,246.49 | \$24,246.49 | 2027 | Improvement of intersection, utilities, ramps near airport |
| #565- Braumiller Subdivision | \$143,426.83 | \$143,426.83 | 2036 | Glenn Parkway addition |
| #562- Cheshire North | \$189,986.17 | \$189,986.17 | 2036 | Glenn Parkway addition |
| #563- Cheshire South | \$19,734.47 | \$19,734.47 | 2036 | Glenn Parkway addition |
| #564- Cheshire West | \$105,322.06 | \$105,322.06 | 2036 | Glenn Parkway addition |
| #566- Evans Residential | \$0.00 | \$0.00 | 2036 | Glenn Parkway addition |
| #776- Southeast Commercial | \$0.00 | \$0.00 | 2037 | For road improvements surrounding Ohio Health Blvd. |
| #945- Skyclimber & V&P Hydraulics | \$48,513.98 | \$0.00 | 2037 | Payment of costs for acquiring V&P and Skyclimber parcels |
| #1088- Zaremba- Mill Run | \$147,466.40 | \$0.00 | 2039 | Paid to developer for Glenn Parkway |
| TOTAL | \$678,696.40 | \$482,716.02 | | |

**2016 RESIDENTIAL CRA STATUS REPORT
TAX YEAR 2015**



| Name/Property Identification | Date Project Certified | Percent of Exemption | Term of Exemption | Total Project Investment | Total Real Property Investment Subject to Exemption | Date of Most Recent Council Review | Current Status |
|--|------------------------|----------------------|-----------------------------|---------------------------|---|------------------------------------|----------------|
| 2014-06 Dennis Ensign 5 Stilson Street 41912202005000 1 family new construction | 8/28/2014 | 100% | 7 yrs | \$87,036.54 | \$87,036.54 | 2/23/2016 | Active/Paid |
| 2014-05 Christopher Shelly 56 Kurrley Street 51944307007000 1 family new construction | 9/10/2014 | 100% | 7 yrs | \$91,434.46 | \$91,434.46 | 2/23/2016 | Active/Paid |
| 2014-04 David O Summers 126 Wilder Street 5194427005000 1 family new construction | 5/9/2014 | 100% | 7 yrs | 137,000.00 | 137,000.00 | 2/23/2016 | Active/Paid |
| 2014-03 James P. Manos 98 N. Sandusky Street Remodel 2nd floor to residential | 4/30/2014 | 100% | 7 yrs | 50,000.00 | 50,000.00 | 2/23/2016 | Active/Paid |
| 2014-01 Kathleen G. Crawford 47 High Street 51942823006000 1 family new construction | 1/27/2014 | 100% | 7 yrs | 111,112.80 | 111,112.80 | 2/23/2016 | Active/Paid |
| 2013-01 Raul and Caolina Olvera 57 Stilson Street 41912202013000 1 family new construction | 6/24/2013 | 100% | 7 yrs | 102,751.49 | 102,751.49 | 2/23/2016 | Active/Paid |
| 2013-02 Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units A & B 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-03 Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units C & D 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-04 Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units E & F 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-05 Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units G & H 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-06 Delaware Place Senior Apartments, LLC 351 South Sandusky Street, Units I & J 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-07 Delaware Place Senior Apartments, LLC 351 South Sandusky Street Unit K & L 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-08 Delaware Place Senior Apartments, LLC 351 South Sandusky Street Unit M & N 41912102034000 1 family new construction | 8/2/2013 | 100% | 7 yrs | 160,000 (80,000 per unit) | 160,000 | 2/23/2016 | Active/Paid |
| 2013-09 Erica McCuen 85 Chamberlain Street 51944208010000 1 family new construction | 11/7/2013 | 100% | 7 yrs | 113,580.12 | 113,580.12 | 2/23/2016 | Active/Paid |
| 2012-04 KATHRYN C. RICHLEY 81 Chamberlain Street 51944208009000 1 family new construction | 12/4/2012 | 100% | 7 yrs | 99,596.63 | \$99,596.63 | 2/23/2016 | Active/Paid |
| 2012-03 WALTER & TERESA JONES, JR. 24 Eaton Street 51943311023000 1 family new construction | 6/28/2012 | 100% | 7 yrs | 94,052.07 | 94,052.07 | 2/23/2016 | Active/Paid |
| 2012-02 FATMATA O'CONNOR 135 S Liberty Street 51943310011000 Residential new construction | 5/14/2012 | 100% | 7 yrs | \$97,729.26 | \$97,729.26 | 2/23/2016 | Active/Paid |
| 2012-01 JEFFERY & TAMMY SCOTT 91 Wilder Street 51944204007000 Residential new construction | 3/23/2012 | 100% | 7 yrs | \$97,411 | \$97,411 | 2/23/2016 | Active/Paid |
| 2011-01 LESLIE COX 292 Union St 51943103006000 Residential remodel | 5/23/2011 | 100% | 7 yrs | \$31,000 | \$31,000 | 2/23/2016 | Active/Paid |
| 2011-02 CINDY MARTIN 11 Stilson St 41912202004000 Residential new construction | 9/19/2011 | 100% | 7 yrs | \$87,198.88 | \$87,198.88 | 2/23/2016 | Active/Paid |
| 2010-02 GROMDALE PARTNERS LLC MANOS JAMES 32 South Sandusky St. Commercial renovation 5194330102900 | 7/27/2010 | 100% | 7 yrs | \$200,000 | \$200,000 | 2/23/2016 | Active/Paid |
| 2010-03 Moore Franklin & Bernice 125 S. Liberty St. Habitat residential new const. 51943310010000 | 9/3/2010 | 100% | 7 yrs | \$96,823.54 | \$96,823.54 | 2/23/2016 | Active/Paid |
| 2010-04 Miller Steven L & Pamela K 290 N. Sandusky St. 51943104008000 51943104009000 Residential renovation | 12/13/2010 | 100% | 7 yrs | \$100,000 | \$100,000 | 2/23/2016 | Active/Paid |
| 2010-05 Delaware County Habitat For Humanity 305 Curtis St. 51934418002000 Habitat residential new const. | 12/13/2010 | 100% | 7 yrs | \$108,000 | \$108,000 | 2/23/2016 | Active/Paid |
| 2009-01 MURFIELD TROY M & BLYTHE STEFANIE 18 Neil Street 41912202001000 | R | 100% | 7 yrs | \$75,360 | \$75,360 | 2/23/2016 | Active/Paid |
| 2009-02 LESKOVEC JEANNE 74 W. Harrison 51943215019000 | R 4/20/2009 | 100% | 7 yrs | \$85,067 | \$85,067 | 2/23/2016 | Active/Paid |
| 2009-03 Pamela K. Co3/17/11 60 High St. 51943321027000 | R 11/3/2009 | 100% | 7 yrs | \$98,714 | \$98,714 | 2/23/2016 | Active/Paid |
| 2009-04 Manos Properties (James Manos) 34 S. Sandusky 2nd & 3rd flr. 51943301028000 | R 12/16/2009 | 100% | 7 yrs | \$100,000 | \$100,000 | 2/23/2016 | Active/Paid |
| 00-2 H. & V. Caldwell 69 Frank St. 51943403019000 | R 5/16/2000 | 100% | 15 yrs | \$60,000 | \$60,000 | 2/23/2016 | Active/Paid |
| 00-1 PIERCE L & JEFFREY S 569 Bowtown Rd. 51944210021001 | R 1/10/2000 | 100% | 15 yrs new 7 yrs remodel | \$59,191 | \$59,191 | 2/23/2016 | Active/Paid |
| 2015-05 Jamison Bryant 51 Toledo Street 51934403002000 | 12/21/2015 | 100% | 7 yrs | \$107,161 | \$107,161 | 2/23/2016 | Active/Paid |
| 2015-04 Kiana Jones 167 Park Avenue 51943311006000 | 9/30/2015 | 100% | 7 yrs | \$106,762 | \$106,762 | 2/23/2016 | Active/Paid |
| 2015-03 Chris and Marcia Ball 93 W Harrison Street 51943320015000 | 6/18/2015 | 100% | 7 yrs | \$110,441 | \$110,441 | 2/23/2016 | Active/Paid |
| 2015-02 Griswold Homes, LLC 36 Griswold Street 51943321015000 | 6/8/2015 | 100% | 7 yrs | \$428,000 | \$428,000 | 2/23/2016 | Active/Paid |
| 2015-01 Brittany Murfield 51 Stilson Street 41912202012000 | 1/13/2015 | 100% | 7 yrs | \$110,000 | \$110,000 | 2/23/2016 | Active/Paid |

| CRA | Company | Address | | Primary Contact | Email | Phone | Notes |
|------------|--------------------------------------|---------|-------------------|---------------------------|--|--|--|
| CRA 02-011 | Optimum Plastics | 1188 | S Houk | Jon Bates | jbates@optimumplastics.com | 740.369.2770 | |
| CRA 03-001 | Harry Frank/Son of Thurman | 5&7 | N Sandusky | Chris DeVol | cdevol@columbus.rr.com | (740) 417-9614 | Mail letter to: Chris DeVol, 7 N. Sandusky Street, Delaware, Ohio 43015 |
| CRA 03-002 | Toolmatics | 144 | Johnson | Albert Valko, President | avalko@toolmatics.com | 740.368.8665 | |
| CRA 04-002 | Howald Industrial | 320 | London | John M. Howald, President | jhowald@howaldproperties.com | 740.363.7373 | Mail letter to: John Howald, 320 London Road, Suite #103, Delaware Ohio 43015 |
| CRA 04-004 | Symmetry One V&P | 2097 | London | John Lewis | JLewis1957@gmail.com | 740.815.0454 | Mail letter to: John Lewis, Symmetry One, LLC 3737 Olentangy River Road Delaware, Ohio 43015 |
| CRA 06-001 | Hydraulics | 1700 | Pittsburgh | Judd Scott | j.scott@vphyd.com | 740.203.3607 | |
| CRA 06-002 | Sky Climber Associated | 1800 | Pittsburgh | Bob Archer | barcher@skyclimber.com | 740.203.3964 | |
| CRA 06-003 | Hygienic Products | 100 | Kingsley Park Dr. | Steve Burns | steven.burns@domtar.com | 740.368.7880 x7163 | Mail letter to: Steve Burns, 100 Kingsley Park Drive, Fort Mills, SC 29715 |
| CRA 07-001 | NABI Parts Division | 2338 | US 42 S | Paul Alexander | paul.alexander@nabiusa.com | 740.368.7936 | |
| CRA 10-001 | American Freight Engineered Material | 680 | Sunbury | Carol Norz. CFO | cnorz@americanfreight.us | 740.363.2222 ext 105 | |
| EZ 05-01 | Systems | 132 | Johnson | Todd Irion | tirion@emsadhesives.com | 740.203.2940 | |
| EZ 05-02 | Innopak, Inc. | 1932 | Pittsburgh | Todd or Jon Sill | todd@innopak.com | 740.363.0090 x200 or x201 740.363.1351 | |
| CRA 10-002 | Henkel | 421 | London | Robert Haugh | robert.haugh@us.henkel.com | x3019 | Email letter to: Azhar Zuberi, azhar.zuberi@henkel.com |



FACT SHEET

AGENDA ITEM NO: 9

DATE: 3/14/16

ORDINANCE NO: 16-13

RESOLUTION NO:

READING: **RECONSIDERATION**

PUBLIC HEARING: No

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Dean Stelzer, Finance Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,665,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND AMENDING THE TERMS OF A PORTION OF THE ANTICIPATED BONDS DESCRIBED IN ORDINANCE NO.14-10, AND DECLARING AN EMERGENCY.

BACKGROUND:

This ordinance authorizes the re-issuance of maturing one year notes initially issued to pay for the Glenn Road improvements (\$11,215,000) and the safewalks project (\$450,000). We will be reducing the principal on the outstanding Glenn Rd. notes by \$480,000.

REASON WHY LEGISLATION IS NEEDED:

When this ordinance was passed Section 2 was deleted by amendment under the mistaken belief that it was a typo. Bond Counsel has confirmed that this language is necessary, therefore, staff recommends a motion to reconsider the legislation for the purpose of adopting it as originally introduced.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

This re-issuance was budgeted.

POLICY CHANGES:

N/A

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Supplemental Fiscal Officer's Certification

ORDINANCE NO. 16-13

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$11,665,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE IMPROVEMENTS, TOGETHER WITH ALL RELATED APPURTENANCES THERETO, AND AMENDING THE TERMS OF A PORTION OF THE ANTICIPATED BONDS DESCRIBED IN ORDINANCE NO. 14-10, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 15-19 passed February 23, 2015, notes in anticipation of bonds in the aggregate amount of \$12,145,000, dated April 21, 2015 (the “*Outstanding Notes*”), were issued for the component purposes stated in Section 1, to mature on April 18, 2016; and

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

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or period of usefulness of each component of the Improvement described in Section 1 is at least five years, and (i) the estimated maximum maturity of the \$2,335,000 portion of the Bonds described in clause (a) of Section 1 is fourteen (14) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is July 28, 2025, (ii) the estimated maximum maturity of the \$4,500,000 portion of the Bonds described in clause (a) of Section 1 is fifteen (15) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is May 11, 2026, (iii) the estimated maximum maturity of the \$4,380,000 portion of the Bonds described in clause (b) of Section 1 is eighteen (18) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is December 22, 2029 and (iv) the estimated maximum maturity of the \$450,000 portion of the Bonds described in clause (c) of Section 1 is twenty (20) years, and the maximum maturity of the portion of the Notes described in Section 3, to be issued in anticipation of that portion of the Bonds, is April 22, 2034;

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

Section 1. It is necessary to issue bonds of this City in the maximum aggregate principal amount of \$11,665,000 (the “*Bonds*”) for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the “*Improvement*”).

Section 2. The Bonds shall be dated approximately April 1, 2017, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in (i) fourteen (14) annual principal installments with respect to the \$2,335,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (ii) fifteen (15) annual principal installments with respect to the \$4,500,000 portion of the Bonds allocated to the component purpose described in clause (a) of Section 1, (iii) eighteen (18) annual principal installments with respect to the \$4,380,000 portion of the Bonds allocated to the component purpose described in clause (b) of Section 1 and (iv) twenty (20) annual principal installments with respect to the \$450,000 portion of the Bonds allocated to the component purpose described in clause (c) of Section 1, and in each case on December 1 of each year. The portion of the Bonds issued for the component purposes described in clauses (a) and (b) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The portion of the Bonds issued for the component purpose described in clause (c) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2017.

Section 3. It is necessary to issue and this Council determines that notes in the maximum aggregate principal amount of \$11,665,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds for the purpose described in Section 1 and to retire, together with other funds available to the City, the Outstanding Notes and to pay any financing costs. The aggregate principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the Director of Finance in the certificate awarding the Notes in accordance with Section 6 of this Ordinance (the

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

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

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

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in the Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (b) a single physical Note certificate in fully registered form is issued by the City

and payable only to a Depository or its nominee as registered owner, with the certificate deposited with and “immobilized” in the custody of the Depository or its designated agent for that purpose. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“*Depository*” means any securities depository that is a clearing agency registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934, operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of and interest on the Notes, and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after

determining that the signing thereof will not endanger the funds or securities of the City.

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

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

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

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

Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

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

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

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

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without

limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Notes, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Notes, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes. The Director of Finance or any other officer of the City having responsibility for issuance of the Notes is specifically authorized to designate the Notes as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

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

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

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

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

Section 14. This Council determines that it would be in the best interest of the City to provide additional flexibility under Chapter 133 of the Ohio Revised Code with respect to the repayment of the principal of and interest on the anticipated portion of the Bonds to be issued for the component purpose described in clause (b) of Section 1 and therefor, Section 2 of Ordinance No. 14-10 is hereby amended as follows:

“Section 2. The Bonds shall be dated approximately April 1, 2015, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in (a) sixteen (16) annual principal installments with respect to the \$3,200,000 portion of the Bonds allocated to the component purpose described in clause (i) of Section 1, (b) seventeen (17) annual principal installments with respect to the \$4,805,000 portion of the Bonds allocated to the component purpose described in clause (i) of Section 1, and (c) twenty (20) annual principal installments with respect to the \$4,530,000 portion of the Bonds allocated to the component purpose described in clause (ii) of Section 1, and in each case on December 1 of each year. The portion of the Bonds issued for the component purpose described in clause (i) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The portion of the Bonds issued for the component purpose described in clause (ii) of Section 1 shall mature in such amounts that the total principal and interest payments on that portion of the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The first principal payment of the Bonds is estimated to be December 1, 2015.”

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

Section 16. 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 any of its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to timely retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION: YEAS ____ NAYS ____
ABSTAIN ____

EMERGENCY CLAUSE: YEAS ____ NAYS ____
ABSTAIN ____

PASSED: _____, 2016 YEAS ____ NAYS ____
ABSTAIN ____

ATTEST: _____
CITY CLERK MAYOR

**SUPPLEMENTAL
FISCAL OFFICER'S CERTIFICATE**

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

As fiscal officer of the City of Delaware, Ohio, and supplementing the certificates of June 13, 2005, March 27, 2006, October 26, 2009 and February 10, 2014, I certify in connection with your proposed issuance of notes in the maximum aggregate principal amount of \$11,665,000 (the "Notes"), to be issued in anticipation of the issuance of bonds (the "Bonds") for the purpose of paying the costs of (a) constructing Glenn Road between certain termini by constructing, excavating, grading and paving, installing drainage, sanitary sewer laterals, street lighting, conduit, curbs and gutters, signage, traffic pavement markings, street signs, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto, (b) improving the intersection of U.S. Route 23 and Peachblow Road by constructing, excavating, grading and paving, installing drainage, street lighting, conduit, signalization, curbs and gutters, signage, traffic pavement markings, landscaping, and acquiring interests in real estate, together with all necessary appurtenances thereto and (c) the construction, renovation and improvement of pedestrian sidewalks throughout the City, together with all necessary appurtenances thereto (collectively, the "Improvement").

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

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

- The maximum maturity of the \$2,335,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2010, that period beyond December 31, 2010 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$2,335,000 of the Bonds to be issued for the component purpose described in clause (a) is fourteen (14) years.
- The maximum maturity of the \$4,500,000 portion of the Bonds to be used for the component purpose described in clause (a) above is twenty (20) years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2011, that period beyond December 31, 2011 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,500,000 of the Bonds to be issued for the component purpose described in clause (a) is fifteen (15) years.
- The maximum maturity of the \$4,380,000 portion of the Bonds to be used for the component purpose described in clause (b) above is twenty (20) years.

years; *provided, however*, since notes in anticipation of Bonds have been outstanding for a period beyond December 31, 2014, that period beyond December 31, 2014 shall be deducted from the maximum maturity of the Bonds and therefore, the maximum maturity of \$4,380,000 of the Bonds to be issued for the component purpose described in clause (b) is eighteen (18) years.

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

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

3. The maximum maturity of the Notes to be issued for the component purposes described above in (i) clause (a) is July 28, 2025 for the \$2,335,000 portion of the Notes and May 11, 2026 for the \$4,500,000 portion of the Notes, (ii) clause (b) is December 22, 2029 for the \$4,380,000 portion of the Notes and (iii) clause (c) is April 22, 2034 for the \$450,000 portion of the Notes.

Dated: February 22, 2016



Director of Finance
City of Delaware, Ohio



FACT SHEET

AGENDA ITEM NO: 10

DATE: 3/14/16

ORDINANCE NO: 16-14

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: ---

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE PERMITTING THE SALE AND CONSUMPTION OF ALCOHOL FOR THE WOMEN'S CITY CLUB ART FOR YOUR EARS EVENT TO BE HELD ON MAY 14, 2016 ON SOUTH SANDUSKY STREET FROM WILLIAM STREET TO SPRING STREET IN THE CITY OF DELAWARE.

BACKGROUND:

This is the second year for this event and it is to be held Saturday, May 14, 2016. The event includes a beer garden to be located on Sandusky Street. The event organizers have reviewed and agreed to comply with all of the proposed guidelines regarding serving alcohol on City property.

REASON WHY LEGISLATION IS NEEDED:

This legislation is required in order to allow a beer garden on Sandusky Street.

COMMITTEE RECOMMENDATION:

Special Events Committee recommends approval

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Maryann Davis, Event Organizer

RECOMMENDATION:

Approval

ATTACHMENT(S)

Application

ORDINANCE NO. 16-14

AN ORDINANCE PERMITTING THE SALE AND CONSUMPTION OF ALCOHOL FOR THE WOMEN'S CITY CLUB ART FOR YOUR EARS EVENT TO BE HELD ON MAY 14, 2016 ON SOUTH SANDUSKY STREET, FROM WILLIAM STREET TO SPRING STREET IN THE CITY OF DELAWARE.

WHEREAS the Women's City Club has requested permission for the sale and consumption of alcohol for their Art for Your Ears Event to be held Saturday, May 14, 2016, and

WHEREAS, the purpose of the Art for Your Ears Event is to raise monies for the Women's City Club through a musical instrument swap meet and music festival, and

WHEREAS, the Art for Your Ears is an event at which alcoholic beverages will be served, and

WHEREAS, City of Delaware Ordinances may prohibit the consumption of upon city streets, and

WHEREAS, City Council desires to support the efforts of the Women's City Club, and

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

SECTION 1. That the provisions of any ordinance or policy of the City of Delaware that would prohibit the sale and consumption of alcohol at the Art for Your Ears event on Saturday, May 14, 2016 between the hours of 6 p.m. and 12 a.m. on South Sandusky Street from William Street to Spring Street, the area set forth in attachment hereto, be waived as they may be applied to the Art for Your Ears event.

SECTION 2. That the Women's City Club will secure all proper permits from the State of Ohio to allow it to serve alcohol during the event.

SECTION 3. That the Women's City Club will secure all proper permits and comply with all guidelines from the City of Delaware for the event and closure of South Sandusky Street from William Street to Spring Street.

SECTION 4. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all

deliberations of this Council and any if 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: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Event: Art for ^{your} Ears
Date of event: May 14, 2016
Meeting date: _____



Special Event Permit Application

Complete and return to:
City of Delaware
City Manager's Office
1 Sandusky Street
Delaware, Ohio 43015

740-203-1015
lyoakum@delawareohio.net

Updated January 2016

Special Events: Application must be received by the City of Delaware 90 days prior to the proposed event with a \$25 application fee, payable to "City of Delaware."

If permit packet is not received by that time, City staff has the right to refuse to review the event permit.

Event:

Event Name Arts for Ears Festival
 Event Date and Time May 14, 2016 6:00pm-12am
 Location South Sandusky St
 Responsible Organization: Womens City Club
 Web site wccdelaware.org
 Contact: Beth Fisher
 Address: 135 N Franklin St
 City/State: Delaware, Oh Zip: 43015
 Cell Phone: ~~740~~-614 554 3020
 Email: beth.fisher12@gmail.com

Type of Event: Run/Walk Parade Street Festival Other

If other, please describe: _____

Brief Event Description – including purpose, target audience and description.

Fundraiser WCC
Musee, beer garden, silent auction
all ages.

Day/Dates/Times of Event: May 14, 2016 6:00pm - 12:00am

Day/Dates/Time of Set Up: May 14 - 8am

Day/Dates/Times of Tear Down: May 15 - Midnight - 2am

Rain Date? none

Will you charge admission or participation fees? If so, what? no.

If applicable, indicate planned street closure or event route and **attach proposed route map or closure plan:**

S. Sandusky from William to Spring

Attendance: Anticipated Spectators: 1000 Anticipated Participants: _____

Will the normal operations of residents or businesses be affected by your event? Yes No
 If yes, please attach a copy of the notification letter being sent to the affected residents/businesses.

Security and First Aid:

Will you hire a private security firm for event security? Yes No

Will you request Delaware Police for special duty security? Yes No

Will you request Delaware Fire Department provide primary first aid? Yes No

Traffic Control and Parking Resources:

Will you request the services of Delaware Police for traffic control?

Will you request on-street parking removal?

Yes No

Will you request that any street(s) be closed?

Yes No

If yes, please list street(s), date(s) & time(s):

S. Sandusky St - William
to Spring

Will you require barricades? Yes No Quantity: _____

Traffic cones? Yes No Quantity: _____

Signage

Will this event require temporary No Parking signs? Yes No Quantity: _____

Handicapped Parking signs? Yes No Quantity: _____

Directional signage? Yes No Quantity: _____

Sanitation

Will street trash cans need to be emptied before/after event? Yes No

Describe your clean-up plans both during and after the event: disposable cans/boxes

to city dumpster in city hall parking

Portable toilets rental company: Wells Septic & Drain

Contact: Bruce Wells Phone: _____ After hours phone _____

Drop off date/time: Pick up date/time: Sat May 14th morning

Electric

Will you use electricity? Yes No Generators? Yes No

Describe electrical usage: generators for stage/beer truck - tree wells for tent lights.

All electrical and temporary structure permits must be obtained from the City of Delaware Planning and Community Development Department, 740-203-1600.

Equipment

Will you use mobile structures, including tents or inflatables? Yes No

Rental company: _____ Phone: _____

List tent or inflatable size(s) & location(s) or attach map: 10x20

A permit from the City of Delaware Planning and Community Development Department, 740-203-1600, is required for any inflatable or any tent 200 square feet or larger.

Entertainment Activities

Will you have music? Yes No

If yes, what type of music/amplification? (e.g., DJ, live band, portable system) Time 6:30-11:30

Food & Beverage

Will food be sold at your event? Yes No If yes, describe: Food trucks (2)

A temporary food license must be obtained from the Delaware General Health District if food will be sold for a specified price or specified donation. Food served free of charge or free with the option to donate an unidentified amount, does not require a permit or license.

Alcohol:

To serve or consume alcohol at a special event on city property, the following must take place:

1. A Special Events Permit application must be completed and submitted to the Special Events Committee for review at least 90 days prior to the event.
2. The organizing entity must be a not-for-profit organization, as defined in Section 501 © of the Internal Revenue Code
3. A written request for the use of alcohol must be submitted to City Council for review at least 90 days prior to the event. City Council's review of the request must include at least two readings. A copy of the written request must be sent to the City Manager's Office.
4. A Special Events Liquor Permit must be obtained from the State of Ohio Liquor Control Department and submitted to the City prior to the day of the event. For permit information, contact the State of Ohio Liquor Control Department at 614-644-3155 or www.liquorcontrol.ohio.gov. A copy of the permit will become part of the Special Event application and is a condition of the Special Events Permit.
5. Proof of Liquor Liability Insurance in the minimum amount of one million dollars (\$1,000,000) on an "occurrence" basis, naming the City of Delaware as an additional insured is required if the sponsoring organization and/or server is in the business of distributing/selling alcohol. A copy of the certificate must be provided to the City Manager's Office at least 30 days prior to event.
6. Event organizers must comply with all Ohio laws.
7. The event organizer is responsible for checking the identification of all persons being served alcohol and for ensuring all persons acting as servers are age 21 or older. It is also the volunteer servers' responsibility to make sure that intoxicated persons are not served.
8. The Delaware Police will identify general security issues to consider and event organizers may be charged special duty rates for police services. The event organizer will receive an estimate for potential scenarios and must have a valid agreement to pay for police services.
9. The event organizer must provide a copy of a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to the Internal Revenue Code Section 501 (C).

Facility/Park Rental and Reservation:

Will you use a City facility/park for your event? Yes No

Reserve the facility/park through Delaware Recreation/YMCA (740-203-3051 or in person at Mingo Park, 500 East Lincoln Avenue, Delaware)

Consent and Indemnification

The event sponsor shall secure, pay for and maintain until completion of the event, public liability and property damage insurance as shall protect him and the City, as additional insured, from claims for personal injury and property damage which may arise because of the event. Such insurance policy shall provide coverage in the following amount: Two million dollars (\$2,000,000.00) combined single limit; bodily injury and property damage. This amount is subject to change, depending on the evaluation of potential risk by the City's designated Risk Manager.

A certificate of insurance naming the City of Delaware as an additional insured and acceptable to the City shall be submitted with the event application. This certificate shall contain a provision that coverage afforded under the policies will not be cancelled or reduced until at least fifteen (15) days' prior written notice has been given to the City.

Whether the City's Risk Manager requires insurance coverage or not, the following indemnification provision shall be agreed to:

The sponsor hereby agrees to protect, defend, indemnify and hold harmless from any and all losses, claims, liens, demands and causes of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interests, court costs, legal fees and all other expenses incurred by the City arising in favor of any party, including claims, liens, debts, personal injuries, including employees of the City, death or damages to property (including property of the City) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of this contract. The sponsor agrees to investigate, handle, respond to, provide defense for and defend any such claim, demand or suit at the sole expense of the sponsor. The sponsor also agrees to bear all other costs and expenses related thereto, even if the claim or claims alleged are groundless, false or fraudulent. This provision is not intended to create any cause of action in favor of any third party against the sponsor or the City or to enlarge in any way the sponsor's liability but is intended solely to provide for indemnification of the City from liability for damages or injuries to third persons or property arising from the sponsor's performance hereunder.

WCA
Organization Name

B. Fisher 1/28/2016
Event Organizer Date

Certificate of insurance is included

Signature

By signing below, I certify that I have read, understand and agree to abide by the policies and procedures of the City of Delaware as they pertain to the event I am organizing.

Event Organizer:

Date:

B. Fisher

1/28/2016

To be filled out by event organizer

Event Name: Arts for your Ears

Event Time, Date: Sat May 14, 2016

Event Location: S Sandusky

Responsible Organization: WCC

Contact's Name: Beth Fisher

Address: 1306 N Franklin

Telephone: 614-554-3020

Email: beth.fisher12@gmail.com

FOR OFFICE USE ONLY BELOW THIS SPACE

The event organizer has obtained/submitted (✓), the following for the event or the items are not applicable (NA):

Tent permit and insurance

Liability certificate of insurance requirement

Alcohol service and insurance requirements

Neighborhood/business notification

Detailed map (including tent locations, vendor sites and logistical needs, if applicable)

City shelter/facility rental contract

This permit is granted on the express condition that the said event shall in all respects, conform to City of Delaware ordinances, all requirements set forth by the Special Events Committee and all the laws of the State of Ohio, and may be revoked at any time upon violation of any provisions of said laws or requirements.

Public Works needs assessment: _____

Director of Public Works or Designee Date

Risk Management assessment: _____

Risk Manager or Designee Date

Law enforcement needs assessment: _____

Police Chief or Designee Date

Fire/EMS needs assessment: _____

Fire Chief or Designee Date



February 1, 2016

Tom Homan
City Manager
City of Delaware
1 South Sandusky Street
Delaware, Ohio 43015

Dear Tom:

Please accept this written notice for consideration to serve and/or consume alcohol for the Art for your Ears Music Festival 2016 special event on city property.

We have begun the special event application process and will continue to forward the necessary paperwork, ie insurance certificate, etc. as they become issued. Therefore, I am respectfully requesting that an ordinance for the alcohol consumption be put before City Council at the earliest possible date.

Thank you for your time and consideration. Please advise if any further information is needed.

Sincerely,

Women's City Club



ART FOR YOUR EARS MUSIC FESTIVAL

Dear Residents & Businesses of South Sandusky Street:

Saturday, May 14, 2016 marks the return of the Art for Your Ears Music Festival.

The music festival is a fundraiser for the Women's City Club, which is a local organization that provides safe and affordable transitional housing to more than a thousand women who often fall through the cracks in social services. The housing we provide can make a difference between sleeping in a car or a warm, safe bed.

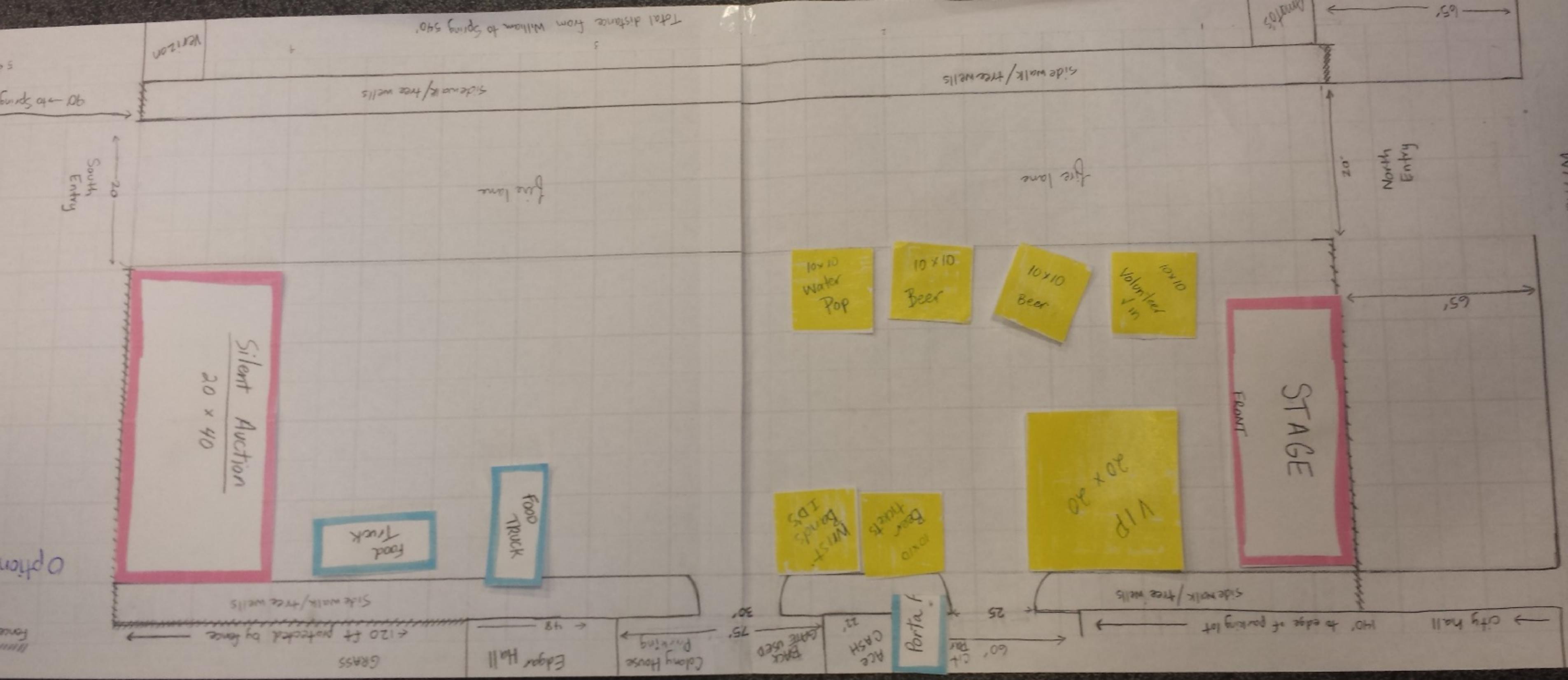
We have an exciting line up of musicians and hopefully, will raise a lot of money while also drawing people to our downtown and highlight the south block.

If you have any other questions, please either email or call. Thank you in advance for your support and cooperation.

Beth Fisher
Women's City Club

bethfisher13@gmail.com

614-554-3020





FACT SHEET

AGENDA ITEM NO: 11

DATE: 03/14/16

ORDINANCE NO: 16-15

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING AN ECONOMIC INCENTIVE GRANT AGREEMENT WITH ONDA USA, LLC FOR FIBER OPTIC AND/OR ELECTRICAL UPGRADES TO A BUILDING AT 600 LONDON ROAD, AND DECLARING AN EMERGENCY.

BACKGROUND:

We are requesting City Council's approval for the City Manager to enter into an Economic Incentive Grant Agreement with ONDA USA, LLC for a \$2,860,000 investment in the purchase of and renovations and upgrades to 600 London Rd. as well as the purchase of machinery and equipment.

Alberto Bodignon, General Manager for ONDA USA, LLC has submitted application for an Economic Incentive Agreement.

The company, an Italian manufacturer of industrial heat exchangers, has conducted a Central Ohio search for a manufacturing facility for their first United States manufacturing operations. Upon passage of this Economic Incentive Grant Agreement, they intend to purchase 600 London Rd. for their U.S. operations. However, due to the age of the building and its former uses, the building will require fiber optics and electrical upgrades in order for the business to utilize the building for manufacturing.

REASON WHY LEGISLATION IS NEEDED:

Our success in attracting ONDA USA, LLC would allow the City to obtain an additional 25 full-time equivalent (FTE) jobs with a \$1 million payroll in a two-year time period and 50 FTEs with a \$2 million payroll in a five-year time period. In two years, the City would generate \$37,000 in income taxes allowing for an 80% return on investment in two years for a \$30,000 grant. The City also would be able to easily replenish the funds from the grant within a two-year period based on the income tax generated in that time. This company falls within the primary target industries for the 2014 economic development plan. Additionally, this is considered to be a foreign direct investment project for Delaware.

Based on ONDA USA, LLC's job and payroll creation commitments outlined above, we are proposing the following incentives.

Summary of Incentives:

- Economic Incentive Grant – Based on the creation of 25 FTEs with \$1,000,000 in new annual payroll, the City of Delaware will pay \$30,000 towards needed fiber optic and electrical upgrades at 600 London Rd. The funds can either be directly payable to the vendors doing the upgrades after the City is invoiced, or to ONDA USA, LLC as a reimbursement after ONDA invoices the city for the funds and provides copies of receipts totaling \$30,000 or greater.

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

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Monies will be taken from the Development Reserve Fund

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

ONDA USA, LLC Incentives Application

ONDA USA, LLC Economic Incentive Grant Agreement

ORDINANCE NO. 16-15

AN ORDINANCE APPROVING AN ECONOMIC INCENTIVE GRANT AGREEMENT WITH ONDA USA, LLC FOR FIBER OPTIC AND/OR ELECTRICAL UPGRADES TO A BUILDING AT 600 LONDON ROAD, AND DECLARING AN EMERGENCY.

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

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

SECTION 1. The Economic Incentive Grant Agreement by and between the City of Delaware and ONDA USA, LLC meets all state laws in regards to grants and economic development incentives, and the same is hereby approved.

SECTION 2. That the City Council of the City of Delaware hereby authorizes the execution of said Economic Development Grant Agreement for this project.

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. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City, and is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



INCENTIVES APPLICATION

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

Enterprise Name **ONDA USA LLC**

Contact Person **ALBERTO BODIGNON**

Address **690 Hadley Dr, Columbus, OH 43228** Telephone Number **614 321 3342**

b. Project site: **600 London Rd, Delaware, OH 43015 - Existing building and land**

Contact Person **ALBERTO BODIGNON**

Address **690 Hadley Dr, Columbus, OH 43228** Telephone Number **312 806 1480**

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

b. List primary 6 digit North American Industry Classification System (NAICS) #
Business may list other relevant SIC numbers. **332410**

c. If a consolidation, what are the components of the consolidation? (must itemize the location, assets, and employment positions to be transferred: **Transferring no.1 employee from present location in Columbus, manager. Filling all new positions with new employees.**

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

3. Name of principal owner(s) or officers of the business. **Ownership is 100% Italian parent company Onda SpA. Great majority of Onda SpA is owned by Mr Giuseppe Sella, Italian citizen. Sole and managing member of Onda USA LLC is Alberto Bordignon**

4. a. State the enterprise's current employment level at the proposed project site: **Presently Onda USA has only no.1 employee acting as manager on location in Columbus.**

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? **Yes, see above**

c. If yes, state the locations from which employment positions or assets will be relocated and the location to where the employment positions or assets will be located: **From location in Columbus at 690 Hadley Dr to newly acquired location in Delaware, 600 London Rd**

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and permanent and temporary employees): **no.1 full time employee**

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: **no.1 full time employee**

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? **no.1 full time employee**

5. Does the Property Owner owe:

a. Any delinquent taxes to the State of Ohio or a political subdivision of the state?
No

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

c. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not?
No

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

6. Project Description: Create new manufacturing and distribution center.

7. Project will begin **November 1st, 2015** and be completed **November, 2018 (first phase, plant is intended to stay for an indefinite time and expand as needed)** provided a tax exemption is provided.

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

No. 10 full time employees for Onda USA within one year, to grow to 25 within 3 years.

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

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): **No. 10 full time employees for Onda USA within one year, to grow to 25 within 3 years.**

9. a. Estimate the amount of annual payroll such new employees will add \$ _____ (new

annual payroll must be itemized by full and part-time and permanent and temporary new employees). **No. 10 full time employees for Onda USA within one year for \$400,000**
No. 25 full time employees for Onda USA within 3 years for \$1,000,000 or above

b. Indicate separately the amount of existing annual payroll relating to any job retention claim resulting from the project: **\$ 100,000 in addition to above that is retained (from Columbus to Delaware)**

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

| | |
|--|------------------|
| A. Acquisition of Buildings: | \$ 1,600,000 |
| B. Additions/New Construction: | \$ 0 |
| C. Improvements to existing buildings: | \$ 250,000 |
| D. Machinery & Equipment: | \$ 1,000,000 |
| E. Furniture & Fixtures: | \$ 10,000 |
| F. Inventory: | \$ 0 |
| Total New Project Investment: | \$ 2,860,000 |

11. a. Business requests the following tax exemption incentives: **50%** for **15** years covering real as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible) **Creation of new jobs and related payroll as well as investment in equipment, local personnel formation. Requested incentives are in line with the ones offered by other county in OH.**

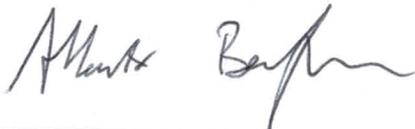
Submission of this application expressly authorizes (name of local jurisdiction) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of Taxation, or complete a waiver form allowing the Department of Taxation to release specific tax records to the local jurisdiction considering the request. (The Applicant agrees to supply additional information upon request.)

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

Name of Property Manager Alberto Bordignon

Date 08/11/2015

Signature



Typed Name and Title

Alberto Bordignon
Managing Member

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

** Attach to Final Incentives Agreements as Exhibit A

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



FACT SHEET

AGENDA ITEM NO: 12

DATE: 03/14/16

ORDINANCE NO: 16-16

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH MIDWEST ACOUST-A-FIBER AND METAL STARS II, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 759 PITTSBURGH DR.

BACKGROUND:

We are requesting City Council's approval for the City Manager to enter into a Community Reinvestment Area (CRA) Tax Incentive Agreement and School Compensation Agreement with Midwest Acoust-A-Fiber and landlord METAL STARS II, LLC, Delaware City Schools and Delaware Area Career Center for a \$2,600,000 investment in a 40,000 sq. ft. expansion, machinery and equipment at their 759 Pittsburgh Dr. facility.

Patrick Bye, Operations Director for Midwest Acoust-A-Fiber has submitted application for a 100%/10 year Community Reinvestment Area Tax Abatement.

The company currently is operating a heat insulation metal stamping production process at a leased facility at 487 London Rd. with 36 employees. Their lease is being terminated, therefore, they are exploring the best possible location in which to locate this operation. They have explored a few Southeast U.S. states in order to be closer to some of the automotive manufacturers who

are their customers. They have stated that if they are to open a Southeast U.S. operation, they may move their entire operation including headquarters to this new location.

REASON WHY LEGISLATION IS NEEDED:

Our success in retaining Midwest Acoust-A-Fiber would allow us to retain their existing 36 employees from the London Rd. location with a total payroll of \$1,080,000 and 126 employees from 759 Pittsburgh Dr. with a payroll of \$4,780,000. Losing these jobs would be a loss of \$108,410 in income tax to the city per year. A successful project also would allow Midwest Acoust-A-Fiber to commit to hiring a minimum of 14 new FTEs with a payroll of \$420,000 within 3 years in the City of Delaware (18 in 4 years with a payroll of \$540,000) for their expanded facility.

The City of Delaware Tax Incentive Negotiating Committee (TINC) met on October 13, 2015 with Midwest Acoust-A-Fiber officials. The TINC investigated the tax incentive/abatement application and found Midwest Acoust-A-Fiber qualified by financial responsibility and business experience to able to retain and create employment opportunities. The TINC (City, County, City School and Delaware Area Career Center representatives) recommends that City Council authorize these agreements. The TINC considers this a high return on investment (454.31%), advanced manufacturing, high priority project that is indicative of the target industries in the City's 2014 economic development plan.

Based on Midwest Acoust-A-Fiber's commitments of the creation of retention of 162 FTEs with a payroll of \$5.86 million and the creation of 14 new full-time jobs within 3 years of the completion of your project and the creation of an additional \$420,000 in taxable payroll, we are proposing the following incentives.

Summary of Incentives:

- Community Reinvestment Area (CRA) Tax Abatement
100% tax abatement on property improvements
10 year term
Value of Abatement is estimated at \$305,167 (11.7% of their total investment with this project)
- School Compensation Agreement between the companies, the City of Delaware, Delaware City Schools and Delaware Area Career Center for \$9,950.10 per year for 10 years for a total of \$99,501 to be paid by Midwest Acoust-A-Fiber (30% of the estimated value).

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

COMMITTEE RECOMMENDATION:

Tax Incentive Negotiation Committee Recommends Approval

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

CRA School Notification Letters

Midwest Acoust-A-Fiber Incentives Application

CRA Agreement

School Compensation Agreement

ORDINANCE NO. 16-16

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH MIDWEST ACOUST-A-FIBER AND METAL STARS II, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON THEIR BUILDING AND PARCEL AT 759 PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY.

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

WHEREAS, the City of Delaware by Resolution Number 01-52, as amended by Resolution 16-, resolved to review and approve all Community Reinvestment Area Agreements which meet the statutory guidelines;

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

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

SECTION 1. The Community Reinvestment Area Agreement by and between the City of Delaware, Midwest Acoust-A-Fiber and METAL STARS II, LLC meets all of the guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 2. The School Compensation Agreement by and between the City of Delaware, Delaware City School District, Delaware Area Career Center, Midwest Acoust-A-Fiber and METAL STARS II, LLC meets all of the school compensation guidelines established by the State of Ohio and the City of Delaware, and the same is hereby approved.

SECTION 3. The Economic Incentive Grant Agreement by and between the City of Delaware and Engineered Materials Systems meets all state laws in regards to grants and economic development incentives, and the same is hereby approved.

SECTION 4. That the City Council of the City of Delaware hereby authorizes the execution of said agreements by the City Manager to implement the Community Reinvestment Area Program and School Compensation Agreement for this project.

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 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 is necessary to finalize negotiations, and as such will be in full force and effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

VOTE ON EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

COMMUNITY REINVESTMENT AREA AGREEMENT
CITY OF DELAWARE and **METAL STARS II, LLC AND
MIDWEST ACOUST-A-FIBER**

This agreement made and entered into by and between the City of Delaware, Ohio, a municipal government, with its main offices located at 1 South Sandusky Street, Delaware, Ohio 43015, and **METAL STARS II, LLC, 2201 N. Willenborg St., Ste. #2, Effingham, IL, 62401** and **Midwest Acoust-A-Fiber, 759 Pittsburgh Dr., Delaware, OH 43015**, WITNESSETH;

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

WHEREAS, **Midwest Acoust-A-Fiber** desires to consolidate its operations into a single facility that it will lease its current facility at 759 Pittsburgh Dr. from owner **METAL STARS II, LLC** and **METAL STARS II, LLC** will construct a 40,000 sq. ft. expansion to accommodate the company's consolidation and expansion. This PROJECT will take place within the boundaries of the aforementioned Community Reinvestment Area provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, **METAL STARS II, LLC** is the owner of the current building and developer and owner of the 40,000 sq. ft. expansion and **Midwest Acoust-A-Fiber** is the job creator tenant of **METAL STARS II, LLC** at 759 Pittsburgh Dr.; and

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

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

WHEREAS, the City of Delaware, having the appropriate authority for the stated type of project desires to provide **METAL STARS II, LLC** and **Midwest Acoust-A-Fiber** with incentives available for the development of the PROJECT in said Community Reinvestment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, **Midwest Acoust-A-Fiber**, has submitted a proposed agreement application (herein attached as Exhibit A and incorporated herein by reference) to the City of Delaware (hereinafter referred to as "APPLICATION"); and

WHEREAS, **Midwest Acoust-A-Fiber** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

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

WHEREAS, the project site as proposed by **Midwest Acoust-A-Fiber** and **METAL STARS II, LLC**, is located in the Delaware City School District and the Delaware Area Career Center (per the attached resolutions authorizing the superintendents to act on behalf of the board) has been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

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

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

1. **METAL STARS II, LLC** shall construct a new 40,000 sq. ft. addition onto the existing 84,146 sq. ft. facility at 759 Pittsburgh Dr. and combine their Delaware City operations at the new facility.

The PROJECT will begin April 1, 2016 and all construction will be completed by November 1, 2016. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Midwest Acoust-A-Fiber** shall **create** the equivalent of **14 new full-time equivalent (FTE)** jobs at the Delaware facility. The job creation period begins **November 1, 2016** and all jobs will be in place by **November 1, 2019** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

This increase in the number of new employees shall result in at least FOUR HUNDRED AND TWENTY THOUSAND DOLLARS (\$420,000) in total new annual payroll (\$420,000 NEW FULL TIME PERMANENT PAYROLL) generated at the PROJECT site.

3. The incentives application listed **Midwest Acoust-A-Fiber's** current employment as 162. **Midwest Acoust-A-Fiber** shall **retain 162 existing full-time equivalent (FTE)** employees in addition to the new 14 full-time equivalent (FTE) employees (for a total of 176 FTEs) at **METAL STARS II, LLC's** Delaware facility until the expiration of this CRA agreement, December 31, 2027, with a **minimum existing payroll of \$5,860,000** in addition to the **newly created \$420,000 payroll from the new FTEs** (for a **total of \$6,280,000 in payroll**).
4. Based on new job and payroll creation levels, the City of Delaware estimates an annual new employee income tax revenue amount of \$7,770 (\$420,000 payroll times the current income tax rate of 1.85%) for the PROJECT. If in any year after the first three year grace period of this Agreement the level of new payroll does not reach or falls below levels established by this Agreement, **Midwest Acoust-A-Fiber AND/OR METAL STARS II, LLC**, agree to reimburse the City of Delaware for lost employee income taxes. Should the City's income tax rates change, the reimbursement will be adjusted accordingly.

To the extent that **Midwest Acoust-A-Fiber and METAL STARS II, LLC** substantially comply with the terms of this section 4 of this agreement, the company shall incur no income tax reimbursement penalty.

5. The incentives detailed in this agreement are based on the arrangement between Midwest Acoust-A-Fiber and METAL STARS II, LLC creating the jobs and payroll detailed above. If Midwest Acoust-A-Fiber terminates its lease or otherwise vacates the building during the term of the abatement, METAL STARS II, LLC may meet the FTE and payroll requirement by leasing the building to a replacement company, as long as the replacement is in place within eleven months of Midwest Acoust-A-Fiber vacating the building.

6. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council (ORC3735.671C7).

ADDITIONAL REQUIREMENTS:

a. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall make the following payments totaling \$9,950.10 to **Delaware City School District** (\$9,545.23) and **Delaware Area Career Center** (\$404.87) to benefit the districts' educational initiatives. These payments shall be subject to the terms and conditions of a separate School Compensation Agreement between Midwest Acoust-A-Fiber, METAL STARS II, LLC, Delaware City Schools, Delaware Area Career Center and the City of Delaware. Per this agreement, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** will make these payments directly to the school districts upon receipt of invoices from Delaware City Schools and Delaware Area Career Center for the amounts established in the School Compensation Agreement at the following times.

| <u>School Compensation Payment #</u> | <u>Payment Due Date</u> | <u>Total Amount</u> |
|--------------------------------------|-------------------------|---------------------|
| Payment #1 | 9/30/18 | \$9,950.10 |
| Payment #2 | 9/30/19 | \$9,950.10 |
| Payment #3 | 9/30/20 | \$9,950.10 |
| Payment #4 | 9/30/21 | \$9,950.10 |
| Payment #5 | 9/30/22 | \$9,950.10 |
| Payment #6 | 9/30/23 | \$9,950.10 |
| Payment #7 | 9/30/24 | \$9,950.10 |
| Payment #8 | 9/30/25 | \$9,950.10 |
| Payment #9 | 9/30/26 | \$9,950.10 |
| Payment #10 | 9/30/27 | \$9,950.10 |

If Ohio tax law changes result in no net tax incentive benefits (tax incentives offered through this agreement minus the school compensation payment is negative), Midwest Acoust-A-Fiber OR METAL STARS II, LLC may request that the City of Delaware Tax Incentive Review Council modify or terminate this agreement.

7. City of Delaware hereby grants **METAL STARS II, LLC and tenant Midwest Acoust-A-Fiber** a tax exemption for real property

improvements made to the PROJECT site pursuant to Section 3735.67 of the Ohio Revised Code and shall be for ten (10) years in the following amounts:

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

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2017, nor extend beyond December 31, 2026. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Midwest Acoust-A-Fiber AND/OR METAL STARS II, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

8. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars; provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars.

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

9. Waiver Requirement (for jobs relocated within Ohio)

If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:

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

10. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** fails to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter (ORC3735.671C2).
11. City of Delaware shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions (ORC3735.671C4).
12. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the area, or the City of Delaware revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** materially fails to fulfill their obligations under this agreement and the City of Delaware terminates or modifies the exemptions from taxation granted under this agreement (ORC3735.671C5).
13. If **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** materially fails to fulfill their obligations under this agreement, or if the City of

Delaware determines that the certification as to delinquent taxes required by this agreement is fraudulent, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.

14. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** hereby certifies that at the time this agreement is executed, **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** do not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** are liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** currently are paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.
15. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** affirmatively covenants that they do not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
16. **Midwest Acoust-A-Fiber, METAL STARS II, LLC** and the City of Delaware acknowledge that this agreement must be approved by formal action of the legislative authority of the City of Delaware and approval and execution of this agreement by **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** as a condition for the agreement to take effect (ORC3735.671C10).
17. The City of Delaware has developed a policy to ensure recipients of a Community Reinvestment Area tax benefits practice non-discriminating hiring in its operations. By executing this agreement, **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** are committing to following non-discriminating hiring practices acknowledging that

no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

18. Exemptions from taxation granted under this agreement shall be revoked if it is determined that **Midwest Acoust-A-Fiber OR METAL STARS II, LLC**, any successor property owner, or any related member (as those terms are defined in Division (E) of Section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections (ORC3735.671C9).
19. In any three-year period after the first three years of the agreement during which this agreement is in effect, if the actual number of employee positions created or retained by **Midwest Acoust-A-Fiber** is not equal to or greater than ninety percent of the number of employee positions estimated to be created or retained under this agreement, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.
20. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall be required to immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to Ohio Revised Code Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to Ohio Revised Code Section 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
21. This agreement is not transferable or assignable without the express, written approval of the City of Delaware.

22. **Midwest Acoust-A-Fiber** acknowledges that if any person that is party to an agreement granting an exemption from taxation discontinues operations at the structure to which that exemption applies prior to the expiration of the term of the agreement, that person, any successor to that person, and any related member shall not enter into an agreement under this section or sections 5709.62, 5709.63, or 5709.632 of the Ohio Revised Code, and no legislative authority shall enter into such an agreement with such a person, successor, or related member, prior to the expiration of five years after the discontinuation of operations. As used in this division, 'successor' means a person to which the assets or equity of another person has been transferred, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the tax commissioner. 'Related member' has the same meaning as defined in section 5733.042 of the Ohio Revised Code without regard to Division (B) of that section (ORC3735.671E).

23. **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** hereby represents that they have full authority to act, negotiate, and execute this agreement.

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Resolution** __-__ adopted on _____, has caused this instrument to be executed this ____ day of _____ 2016, and **Midwest Acoust-A-Fiber AND METAL STARS II, LLC** has caused this instrument to be executed on this ____ day of _____ 2016.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

MIDWEST ACOUST-A-FIBER

By: _____
_____, President
Midwest Acoust-A-Fiber

METAL STARS II, LLC

By: _____
_____, President
METAL STARS II, LLC

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney



INCENTIVES APPLICATION

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

Enterprise Name **Midwest Acoust-A-Fiber** Contact Person **Judy Evans/ Pat Bye**

Address **759 Pittsburgh Dr, Delaware, OH 43015** Telephone Number **7403693624 x 152**

b. Project site: Same

Contact Person Same

Address Same

Telephone Number Same

2. a. Nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site. **Manufacturing. We manufacture and supply primarily automotive industry. We supply, Chrysler, GM, Honda, Nissan, Toyota, Subaru and others. We ship daily to US plants , Mexico plants and Canadian plants. (please see the Company presentation attached)**

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

Business may list other relevant SIC numbers. 3296

c. If a consolidation, what are the components of the consolidation? (must itemize the location,

assets, and employment positions to be transferred: **Potential Relocation of 36 jobs from the leased 487 London rd , Delaware OH to the owned 759 Pittsburgh Dr Delaware OH or other potential locations out of state. In addition we are experiencing growth and anticipate hiring a minimum of 18 new full time jobs over 4 years.**

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

Corporation

3. Name of principal owner(s) or officers of the business. **Herve Bocher, CEO**

4. a. State the enterprise's current employment level at the proposed project site: **Current total employment at the leased London Rd and the owned Pittsburgh Dr is 162 (36 at London Rd and 126 at Pittsburgh dr the proposed location)**

b. Will the project involve the relocation of employment positions or assets from one Ohio location to another? **Yes**

c. If yes, state the locations from which employment positions or assets will be relocated and the

location to where the employment positions or assets will be located:

Potential Relocation of 36 jobs from the leased ,487 London rd , Delaware OH to 759 Pittsburgh Dr Delaware OH or other potential locations out of state.

d. State the enterprise's current employment level in Ohio (itemized for full and part-time and

permanent and temporary employees): **162 total full time, 0 temporary**

e. State the enterprise's current employment level for each facility to be affected by the relocation of employment positions or assets: **Current total employment at leased**

London Rd and Pittsburgh Dr is 162 (36 at London Rd and 126 at Pittsburgh dr the proposed location)

f. What is the projected impact of the relocation, detailing the number and type of employees and/or assets to be relocated? **36 current employees will be relocated and approximately \$1,200,000 of existing equipment.**

5. Does the Property Owner owe:

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

No

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

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

No ___

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

6. Project Description: **Relocate our Metal stamping facility from the leased 487 London Rd , Delaware , OH to the owned 759 Pittsburgh Dr, Delaware, OH (or other potential geographic location)**

- **This will involve adding a 40,000 sq ft addition to our Pittsburgh Dr facility .**
- **Relocation of stamping lines valued at \$1,200,000**
- **Provide space and capacity to continue our growth.**

7. Project will begin October ,2015 and be completed August ,2015 provided a tax exemption is provided.

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

b. State the time frame of this projected hiring: 4 yrs.

c. State proposed schedule for hiring (itemize by full and part-time and permanent and temporary employees): **18 new hires total . Year 1 = 4, Year 2 = 6, Year 3 = 4, year 4 = 4**

9. a. Estimate the amount of annual payroll such new employees will add **\$ 30,000 per each new employee for a total of \$540,000 new annual payroll These all will be full time employees.** (new annual payroll must be itemized by full and part-time and permanent and temporary new employees).

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

- **36 retained jobs at leased London rd Facility = \$1,080,000**
- **126 jobs at Pittsburgh dr location = \$4,780,000 could be at risk in future if an out of state location is picked for the proposed relocation project.**

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

| | |
|---|---------------------|
| A. Acquisition of Buildings: | \$ 0 |
| B. Additions/New Construction: | \$ 2,000,000 |
| C. Improvements to existing buildings: | \$ 0 |
| D. Machinery & Equipment: | \$ 500,000 |
| E. Furniture & Fixtures: | \$ 0 |
| F. Inventory: | \$ 100,000 |

Total New Project Investment: \$ 2,600,000

11. a. Business requests the following tax exemption incentives: **100 % for 10 years** covering real as described above. Be specific as to the rate, and term.

b. Business's reasons for requesting tax incentives (be quantitatively specific as possible) Submission of this application expressly authorizes (City of Delaware) to contact the Ohio Environmental Protection Agency to confirm statements contained within this application including item# 5 and to review applicable confidential records. As part of this application, the property owner may also be required to directly request from the Ohio Department of

School Compensation Agreement
MIDWEST ACOUST-A-FIBER and METAL STARS II, LLC
Community Reinvestment Area #141-1135-01

This agreement between the **City of Delaware**, a municipal corporation, with its offices at 1 South Sandusky Street, Delaware, Ohio 43015; **Delaware City School District Board of Education**, a public school district, with its principal offices at 248 North Washington Street, Delaware, Ohio 43015; **Delaware Area Career Center Board of Education**, a public school district with its principal offices at 4565 Columbus Pike, Delaware, OH 43015, **Midwest Acoust-A-Fiber**, 759 Pittsburgh Drive, Delaware, OH 43015, and **METAL STARS II, LLC**, 2201 N. Willenborg St., Ste. #2, Effingham, IL 62401 specifies the manner in which and procedures to be used pursuant to Ohio Revised Code 3735 authorizing general compensation relating to the Community Reinvestment Area tax abatement for the construction of an expansion to their headquarters and manufacturing facility at 759 Pittsburgh Dr., Delaware, Ohio 43015 in Delaware's Community Reinvestment Area #141-1135-01.

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

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

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

Whereas, effective November 26, 2001, a Delaware City School District Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, effective April 15, 2004, a Delaware Area Career Center Board of Education resolution authorized the Superintendent to act on its behalf to negotiate, approve, and define terms and conditions on any Tax Incentive Agreement; the minutes of the October 13, 2015 Tax Incentive Negotiating Committee document the Superintendent's approval; and

Whereas, the City of Delaware within **Resolution Number** __-__ adopted on _____, 2016, has acted pursuant to ORC 3735 to grant a tax exemption

to **Midwest Acoust-A-Fiber and METAL STARS II, LLC** and entered into a formal Community Reinvestment Area abatement agreement on _____, **2016**; and

Whereas, Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project requires compensation to the Delaware City School District and Delaware Area Career Center for the sole benefit of educational initiatives.

Now therefore, in consideration of the foregoing and of the mutual promises, covenants, and agreements hereinafter set forth by the City of Delaware, Delaware City School District, Delaware Area Career Center, **Midwest Acoust-A-Fiber, and METAL STARS II, LLC**, agree as follows:

Section 1. **Midwest Acoust-A-Fiber OR METAL STARS II, LLC** shall pay NINE THOUSAND FIVE HUNDRED FORTY FIVE DOLLARS AND TWENTY THREE CENTS (\$9,545.23) per year for ten (10) years to the Delaware City School District AND FOUR HUNDRED FOUR AND EIGHTY SEVENT CENTS (\$404.87) per year for ten (10) years to the Delaware Area Career Center in accordance with the terms and conditions set forth in Item 6a of the Community Reinvestment Area Agreement for the referenced project. This payment shall be made upon receipt of invoices per the instructions set forth in Item 6a of the Community Reinvestment Area Agreement relating to the aforementioned project, and the first payment shall be due September 30, 2018 and dispersed per Section 2 of this agreement.

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

| | | |
|----|-------------------------------|------------|
| a. | Delaware City School District | \$9,545.23 |
| b. | Delaware Area Career Center | \$404.87 |
| c. | Total | \$9,950.10 |

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

Note: All parties agree that if Ohio tax reform results in no net tax incentive benefits (if the sum of tax incentives offered through the Community Reinvestment Area Agreement minus the school compensation payment is negative), Midwest Acoust-A-Fiber AND METAL STARS II, LLC may request that the City of Delaware Tax Incentive Review Council recommend agreement modification or termination. No

School Compensation payment is required if there is no net tax benefit to Midwest Acoust-A-Fiber and METAL STARS II, LLC

Section 4. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

Section 5. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

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

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

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

_____, President
Midwest Acoust-A-Fiber
759 Pittsburgh Drive
Delaware, OH 43015

_____, President
METAL STARS II, LLC
2201 N. Willenborg St., Ste. #2
Effingham, IL 62401

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

Section 6. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

In witness whereof, the parties have caused this Agreement to be executed as of this __ **day of** ____ **2016**.

CITY OF DELAWARE

R. Thomas Homan

DELAWARE CITY SCHOOL DISTRICT

Paul A. Craft, Superintendent

DELAWARE AREA CAREER CENTER

Mary Beth Freeman, Superintendent

MIDWEST ACOUST-A-FIBER

_____, President

METAL STARS II, LLC

_____, President

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

From: [Paul Craft](#)
To: [Sean Hughes](#)
Cc: [R Thomas Homan](#); [Melissa Lee](#)
Subject: Waiver of 45 Day Notification
Date: Monday, December 7, 2015 6:32:23 PM

Sean,

The DCS Board of Education voted tonight to waive the 45 day notification period.

- Paul

Paul A. Craft
Superintendent
Delaware City Schools
craftpa@delawarecityschools.net
(740) 833-1100

Follow us on: <https://www.facebook.com/DelawareCitySchools>

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FACT SHEET

AGENDA ITEM NO: 13

DATE: 3/14/16

ORDINANCE NO: 16-17

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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 FINAL DEVELOPMENT PLAN FOR THE DAIMLER GROUP FOR A BUILDING ADDITION TO THE DELAWARE HEALTH CENTER ON APPROXIMATELY 102.25 ACRES ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT 801 OHIO HEALTH BOULEVARD.

BACKGROUND:

In 2005, the Planning Commission and City Council (Ordinance 05-11) approved a rezoning to PO/I with Text Limitations. Then in June 2007, the Planning Commission and City Council (Ordinance 07-75) approved a Combined Preliminary and Final Development Plan for Phase 1 of the Delaware Health Village. The subsequent approximate 60,320 square foot office building was constructed in 2008. Then in 2009, Planning Commission and Council (Ordinance 09-17) approved a rezoning to PO/I PMU to allow more flexibility for a campus setting for the subject site. Now the applicant is requesting to construct an approximate 7,160 square foot addition to the eastern portion of the existing building that will expand the oncology practice and offer new specialized cancer treatment options to patients.

The site would remain as currently configured except for the proposed 7,160 square foot addition on the east side of the existing building fronting Ohio Health Boulevard and the existing parking lot. The area where the addition is proposed is currently grass. The existing 263 space parking lot would be able

to accommodate the existing building and the proposed addition which would require 236 parking space as required by the original rezoning approved in 2005 (Ordinance 05-11) and the subsequent rezoning to a Planning Mixed Use Overlay District approved in 2009 (Ordinance 09-17). Also, the proposed building design would match the existing building as much as feasible. The proposed building would be comprised of brick with windows on the south (Ohio Health Boulevard) and west elevations with a flat roof with a parapet to screen any mechanical equipment on the roof. The nature of the use of the building limits the number of windows within the addition.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on March 2, 2016.

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. 16-17

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE DAIMLER GROUP FOR A BUILDING ADDITION TO THE DELAWARE HEALTH CENTER ON APPROXIMATELY 102.25 ACRES ZONED PO/I PMU (PLANNED OFFICE/INSTITUTIONAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED AT 801 OHIO HEALTH BOULEVARD.

WHEREAS, the Planning Commission at its meeting of March 2, 2016, recommended approval of a Final Development Plan for The Daimler Group for a building addition to the Delaware Health Center on approximately 102.25 acres zoned PO/I PMU (Planned Mixed Office/Institutional District with Planned Mixed Use Overlay District) located at 801 Ohio Health Boulevard (PC 2016-0242), and

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

SECTION 1. That the Final Development Plan for The Daimler Group for a building addition to the Delaware Health Center on approximately 102.25 acres zoned PO/I PMU (Planned Mixed Office/Institutional District with Planned Mixed Use Overlay District) located at 801 Ohio Health Boulevard, 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 Applicant shall submit all building elevations along with material and color samples for all building materials for staff review and approval
3. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building material.
4. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
6. Any public utility easements shall be approved and recorded at the County per the City Engineer.

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: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-0242

REQUEST: Final Development Plan

PROJECT: Delaware Health Center

MEETING DATE: March 2, 2016

APPLICANT/OWNER

The Daimler Group
1533 Lake Shore Drive
Columbus, Ohio 43204

REQUESTS

2016-0242: A request by The Daimler Group for approval of a Final Development Plan for a building addition to the Delaware Health Center on approximately 102.25 acres zoned PO/I PMU (Planned Office/Institutional with a Planned Mixed Use Overlay District) located at 801 Ohio Health Boulevard.

PROPERTY LOCATION & DESCRIPTION

The subject property and existing office building is located just east of the Glenn Road and Ohio Health Boulevard roundabout. The subject property is zoned PO/I PMU (Planned Office/Institutional with a Planned Mixed Use Overlay District). The property to the north is zoned R-2 PRD (One-Family Residential District with a Planned Residential Development District), the properties to the south are zoned B-3, R-2 and R-6 PMU (Community Business District, One-Family Residential District and Multi-Family Residential District with a Planned Mixed Use Overlay District), the properties to the east are zoned R-2 PMU and the property to the west is zoned B-4 (General Business District) with Text Limitations.

BACKGROUND/PROPOSAL

In 2005, the Planning Commission and City Council (Ordinance 05-11) approved a rezoning to PO/I with Text Limitations. Then in June 2007, the Planning Commission and City Council (Ordinance 07-75) approved a Combined Preliminary and Final Development Plan for Phase 1 of the Delaware Health Village. The subsequent approximate 60,320 square feet office building was constructed in 2008. Then in 2009, Planning Commission and Council (Ordinance 09-17) approved a rezoning to PO/I PMU to allow more flexibility for a campus setting for the subject site. Now the applicant is requesting to construct an approximate 7,160 square foot addition to the eastern portion of the existing building that will expand the oncology practice and offer new specialized cancer treatment options to patients.

STAFF ANALYSIS

- **ZONING:** As mentioned above, the zoning of the subject property is PO/I PMU which allows medical offices, health and allied services as a permitted use. As typical, a Final Development Plan would need to be approved for the small addition by the Planning Commission and City Council.
- **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 from an existing curb cut on Ohio Health Boulevard just east of the roundabout at Glenn Parkway and Ohio Health Boulevard.
- **SITE LAYOUT:** The site would remain as currently configured except for the proposed 7,160 square foot addition on the east side of the existing building fronting Ohio Health Boulevard and the existing parking lot. The area where the addition is proposed is currently grass. The existing 263 space parking lot would be able to accommodate the existing building and the proposed addition which would require 236 parking space as required by the original rezoning approved in 2005 (Ordinance 05-11) and the subsequent rezoning to a Planning Mixed Use Overlay District approved in 2009 (Ordinance 09-17).
- **BUILDING DESIGN:** The proposed building design would match the existing building as much as feasible. The proposed building would be comprised of brick with windows on the south (Ohio Health Boulevard) and west elevations with a flat roof with a parapet to screen any mechanical equipment on the roof. The nature of the use of the building limits the number of windows within the addition.
- **LANDSCAPING:** The applicant is proposing parking island and foundation plantings. Two trees and associated landscaping will bookend the main entrance from the parking lot. In addition, 2 trees and 7 shrubs

CASE NUMBER: 2016- 0242
MEETING DATE: March 2, 2016
PAGE: Page 3 of 3

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

CONDITIONS/MISCELLANEOUS:

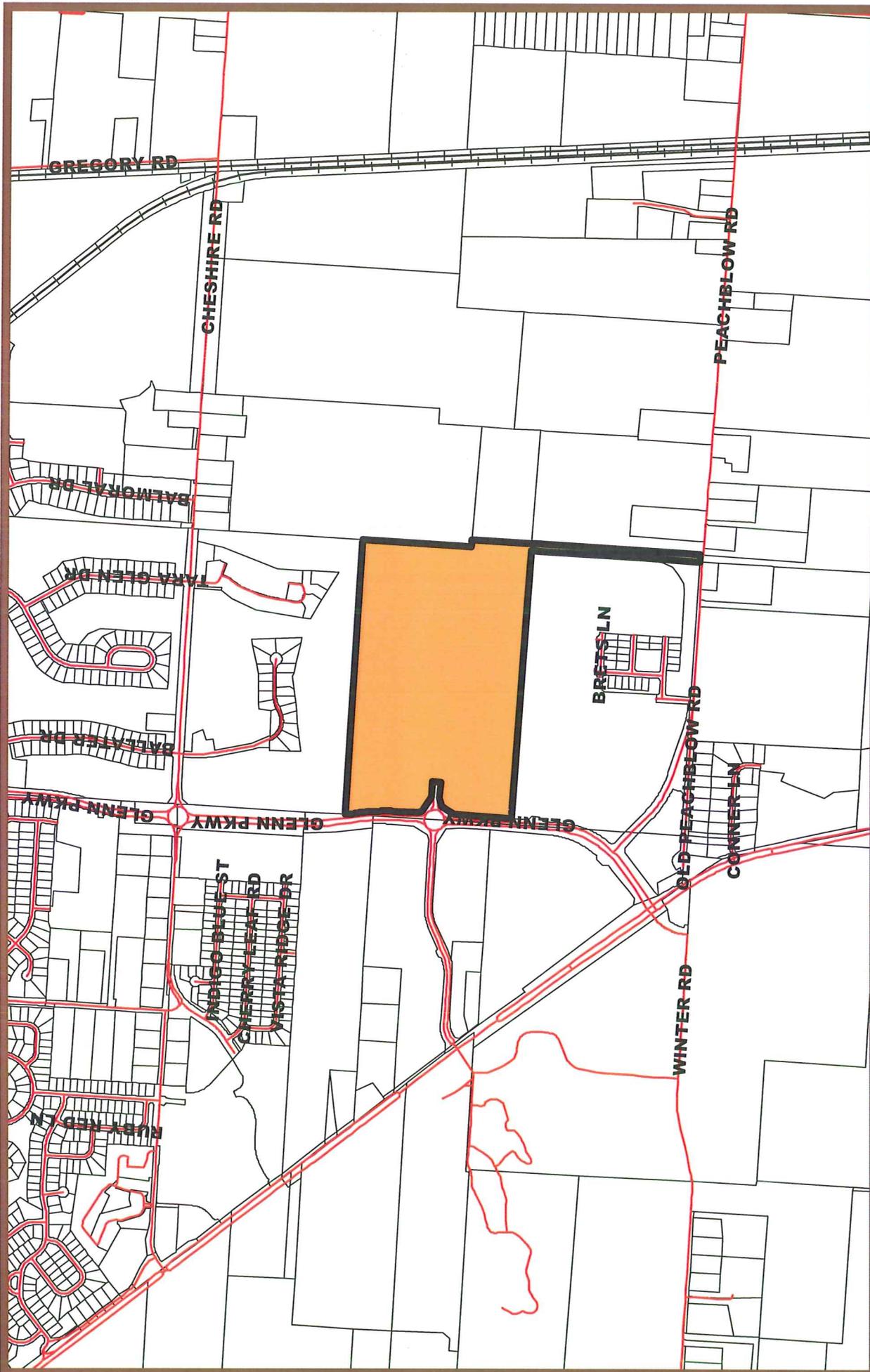
FILE:
ORIGINAL:
REVISED: 2/12/16



Delaware Health Center – Linear Accelerator

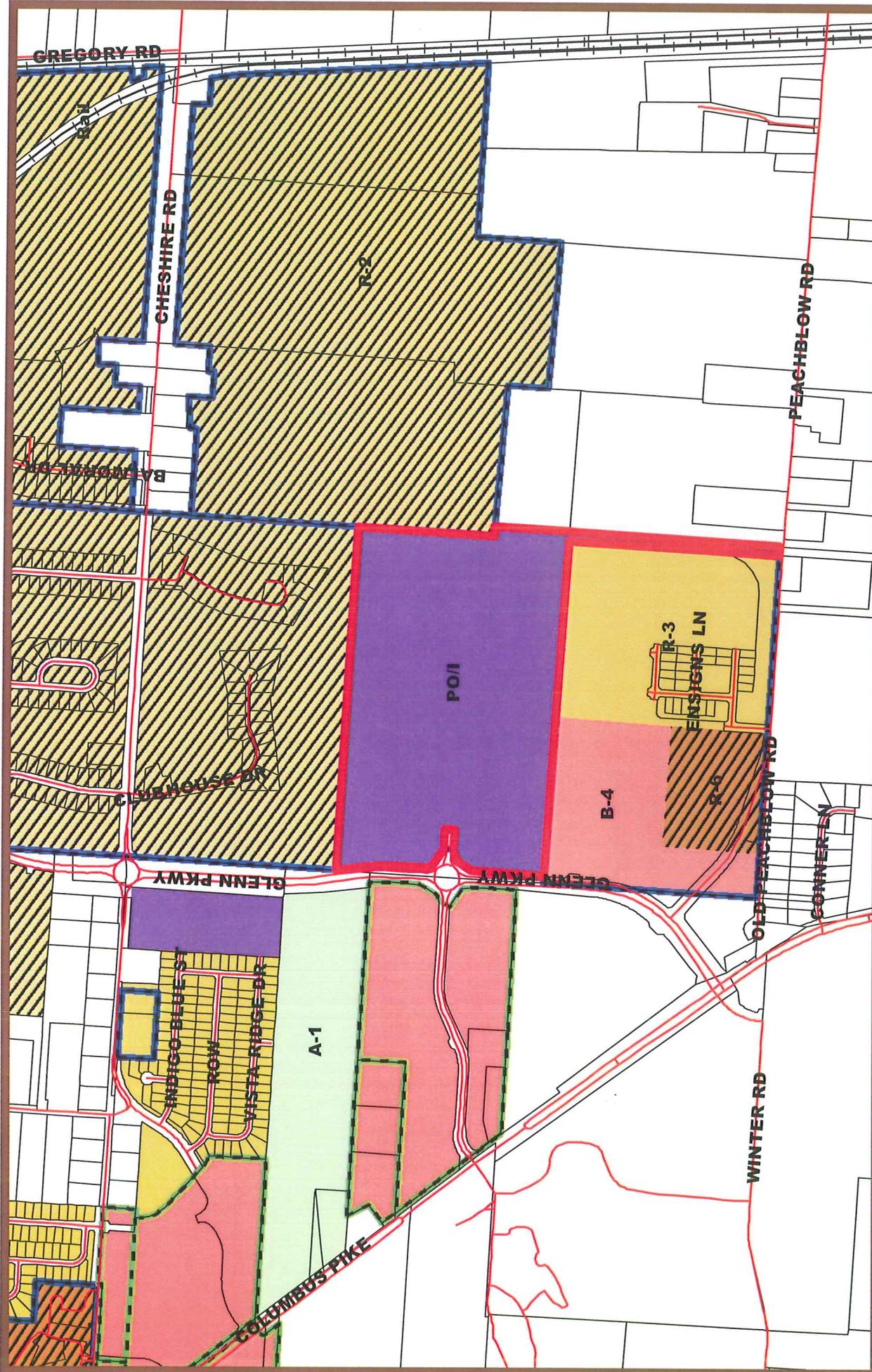
| | |
|-------------------------------|--|
| Project: | Delaware Health Center – Linear Accelerator Addition |
| Project Size: | The project will consist of a one-story, 7,160 square foot addition (existing building is 60,320 square feet). |
| Project Location: | The project is located in the northeast corner of Ohio Health Boulevard and Glenn Parkway. The addition itself will be constructed along the eastern wall of the existing building. |
| Parcel/Land Size: | 105.278 acres |
| Proposed Project Site: | 0.40 acres within the larger 105.278 acre tract owned by Grady Memorial Hospital. |
| Project Description: | The Project will serve as part of OhioHealth’s new cancer center that will build on its existing oncology practice and offer new specialized cancer treatment options to patients. |
| Existing Zoning: | PO/I Planned Office/Institutional with a PMU (Planned Mixed Use) Overlay District. As defined in Section 1141.02 of the Zoning Code, medical offices, health and allied services are a permitted use. No adjustments to the zoning are being requested as part of this submission. |
| Use: | Medical Office/Institutional |
| Parking: | Currently there are 263 parking spaces serving the existing building. The Development Plan approval for the existing building allowed for a reduced number of parking spaces. Per Section 1161.08 of the Zoning Code and Schedules 1161.04 and 1161.08, a reduced number of parking spaces are permitted so long as the number of spaces exceeds 70% of amount required by zoning (1 space per 200 sf) and there are sufficient areas for construction of the additional required spaces if needed. With the addition of 7,160 square feet, the 70% threshold is 236 parking spaces, which is exceeded by the 263 spaces available. The existing parking lot is currently underutilized with plenty of capacity for its current uses and use anticipated with the new addition. Additionally, there are sufficient areas to add additional spaces due to any unforeseen conditions by the applicant. |
| Design: | Exterior design responds to both street-side and parking side elevations of the existing building, by incorporating the same palette of materials and other design elements, including corbeled brick parapets, limestone window headers and accent quoins, brick banding and corner column details, and an entry element incorporating glass and wood trim. New landscaping will match existing materials used on the site. |





2016-0242
 Final Development Plan
 Delaware Health Center - 801 Ohio Health Boulevard
 Location Map





2016-0242
 Final Development Plan
 Delaware Health Center - 801 Ohio Health Boulevard
 Zoning Map





2016-0242
Final Development Plan
Delaware Health Center - 801 Ohio Health Boulevard
Aerial (2013)





J 775 West Street, Suite 105
Columbus, OH 43212
J 614.744.1407
F 614.744.0287
www.m+a-architects.com

DELaware HEALTH CENTER 801 OHIOHEALTH BLVD, DELAWARE, OH 43015

OH DELAWARE HEALTH CENTER LINEAR ACCELERATOR ADDITION

m+a architects

PROJECT NUMBER: 15030
PHASE: SITE OVERVIEW
DATE: 01.12.16
DRAWING: C1

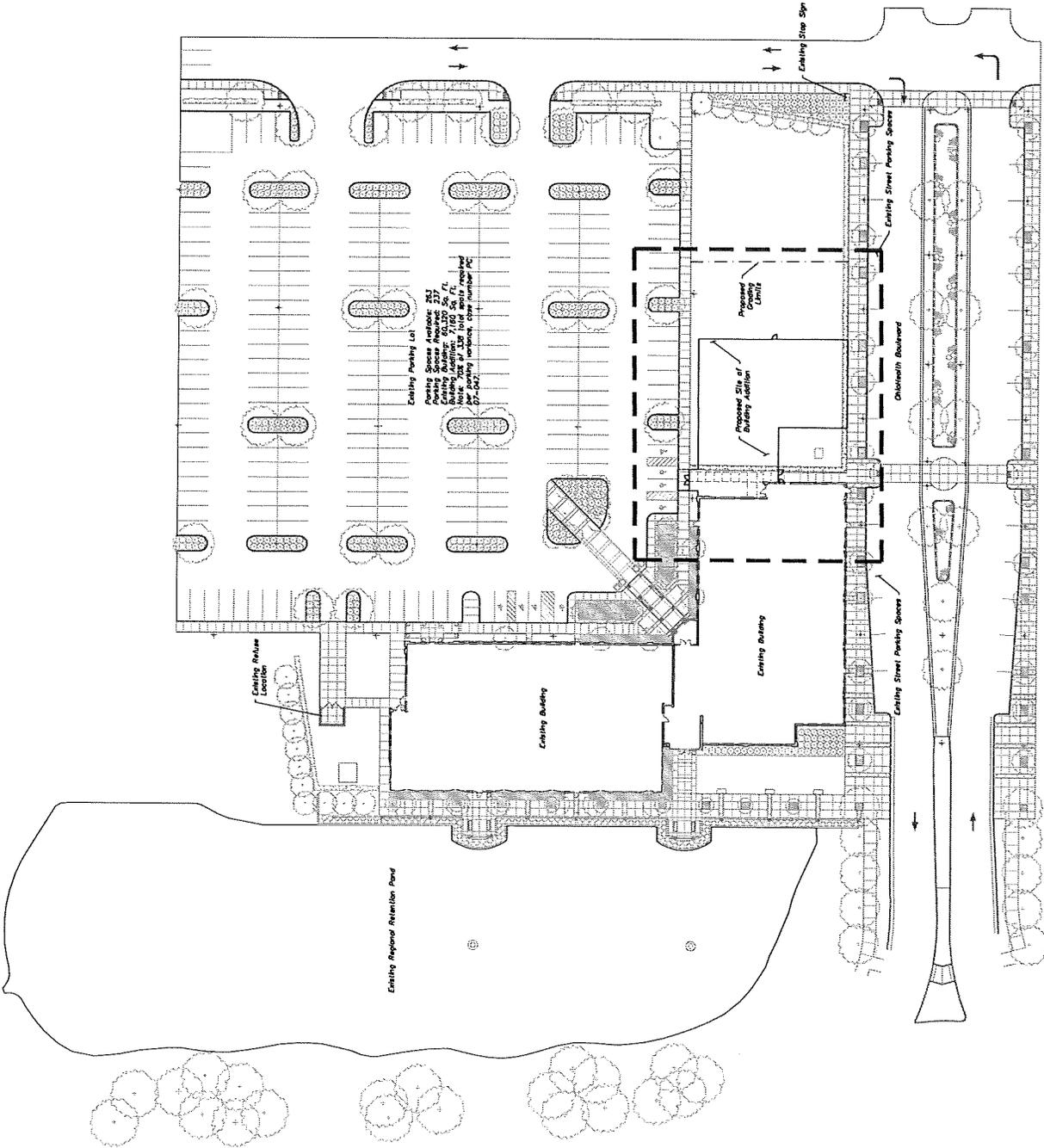


**Proposed Addition:
Summary Table**

| Area (Acres) | Description |
|--------------|------------------------|
| 0.40 | Proposed Building Site |
| 0.15 | Existing Site Area |
| 0.05 | Hardscape Space |
| 0.78 | Existing Building |
| 2.50 | Existing Parking Lot |

LEGEND
EXISTING

Direction of Traffic





775 West Chester, Suite 202
Columbus, Ohio 43212
P 614.744.0407
F 614.744.0277
www.m+a-architects.com

DELAWARE HEALTH CENTER 801 OHIO HEALTH BLVD., DELAWARE, OH 43015

OH DELAWARE HEALTH CENTER LINEAR ACCELERATOR ADDITION

DATE: 01.12.16

REVISION:

m+a architects
PROJECT NO. 15380
SITE DEMOLITION PLAN
DATE: 01.12.16
SHEET NUMBER: 02



LEGEND

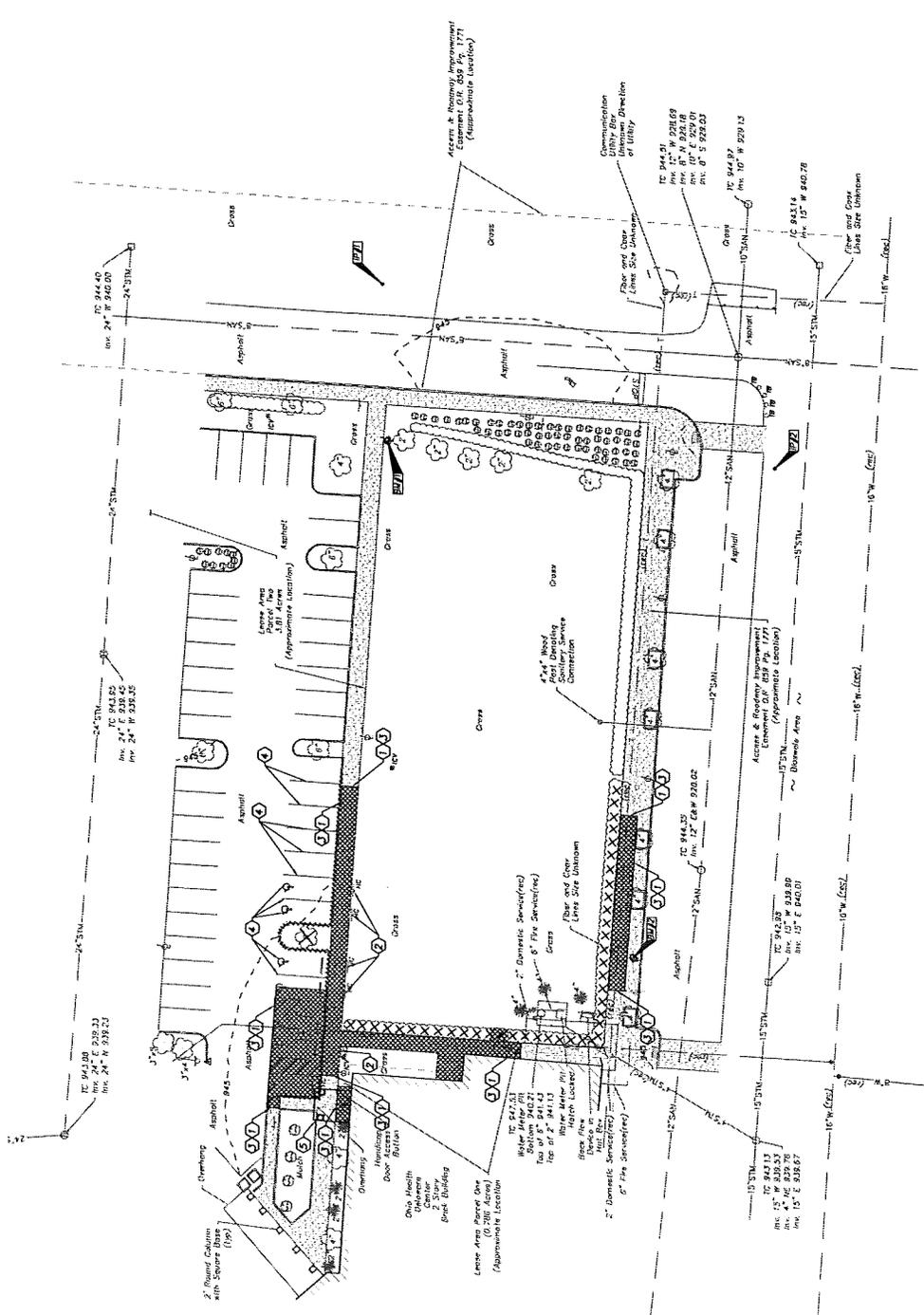
EXISTING

- Building/Wall
- Curb
- Pavement
- Walk
- Water line
- Fire Protection Service Line
- Storm Sewer
- Sanitary Sewer
- Fire Hydrant
- View
- Manhole with Open Date
- Open O.U.
- Open Spot
- Light Pole
- Traffic Ballast
- Sign
- Bush/Tree
- Survey Control Point
- Benchmark

PROPOSED

- Remove existing asphalt, gravel, and concrete paving materials, subgrade, and pavement base materials
- Remove existing concrete curb
- Remove existing lawn and/or shrub

- GENERAL NOTES**
- See call out for existing asphalt, pavement and concrete curb to be removed. Existing construction, like core to new out meet existing curb, shall be removed. Existing concrete, etc. shall remain in place unless otherwise noted.
 - Contractor shall use caution to protect existing site features to remain. Report any damage or no call to the Owner.
 - Use of rebar necessary to control dust on site and prevent erosion.
 - Legally enclose any access materials offsite.



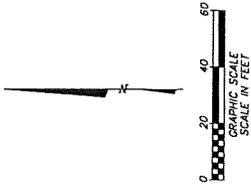
- CODED NOTES:**
- Small existing pavement/curb with next straight line.
 - Clearly remove and average existing sign.
 - Protect existing pavement to remain.
 - Remove existing pavement markings.
 - Remove existing overhang and supports.



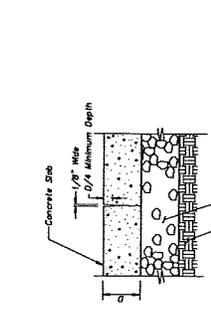
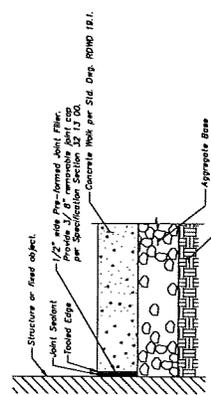
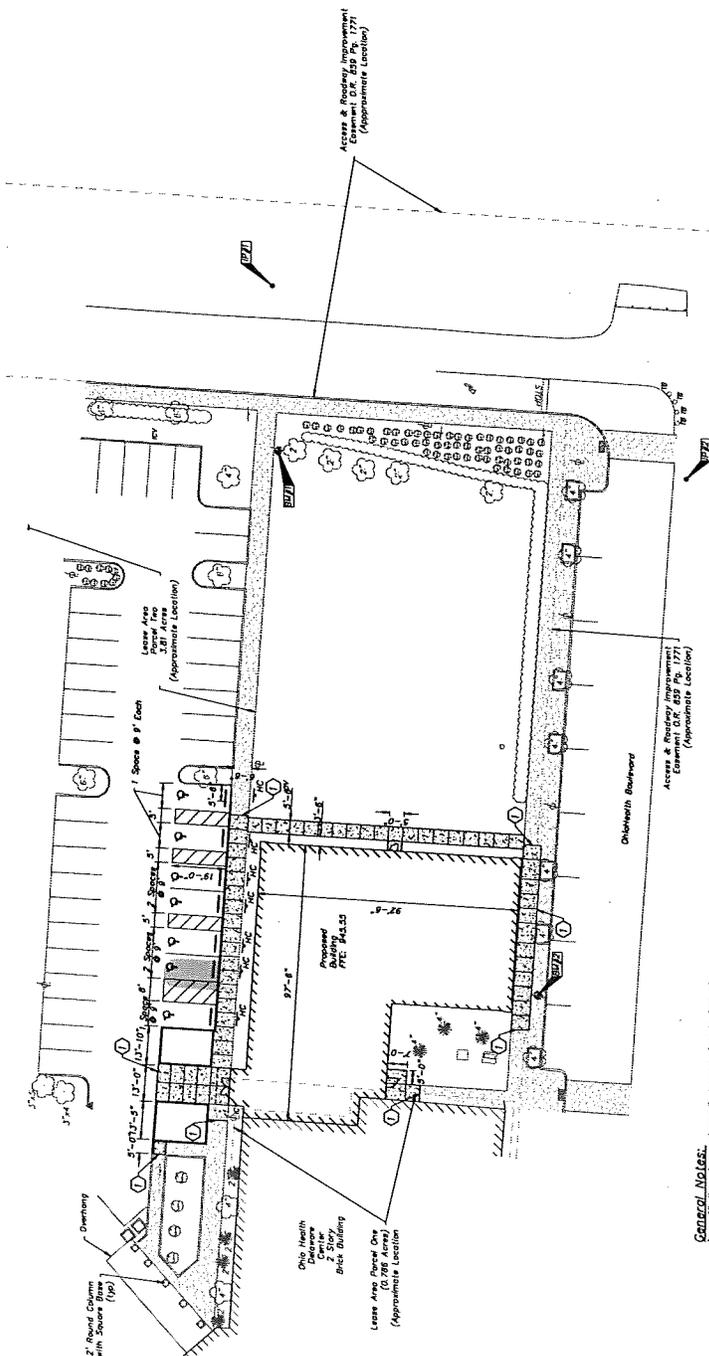
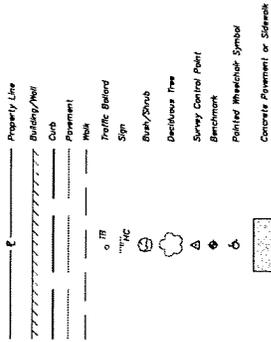
M+A Architects, Suite 205
 Columbus Circle, #2012
 7 Park Plaza Blvd.
 Columbus, Ohio 43215
 614.544.0227
 www.m+a-architects.com

OH DELAWARE HEALTH CENTER
 LINEAR ACCELERATOR ADDITION
 DELAWARE HEALTH CENTER 801 OHIOHEALTH BLVD., DELAWARE, OH 43015

DATE: 01.12.16
 SHEET TITLE: PLAN
 SHEET NUMBER: 03



LEGEND



NOTES:

1. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.
2. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.
3. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.

NOTES:

1. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.
2. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.
3. Provide joint sealant on all concrete slab edges and on all structures or inset objects including, but not limited to, walls, columns, and beams. Sealant shall be applied to the exterior face of the joint.

- General Notes:**
1. All dimensions and coordinates are given to face of curb and face of building unless otherwise noted.
 2. Provide 100% compaction for all existing concrete and 95% compaction for all proposed concrete to subgrade plane coordinates.
 3. All curb and sidewalk shall be 5'-0" unless otherwise noted.
 4. Provide striping and symbols as shown per 0007 Item 640 and 641. Striping shall be 0007 Item 740.02 and 740.03. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates.
 5. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates.
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 10. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates. Provide 100% compaction for all concrete to subgrade plane coordinates.

DETAIL A
 LONGITUDINAL SECTION ON TRANSVERSE

DETAIL B
 CONCRETE ISOLATION JOINT

Code Notes:

1. Project existing pavement to remain.



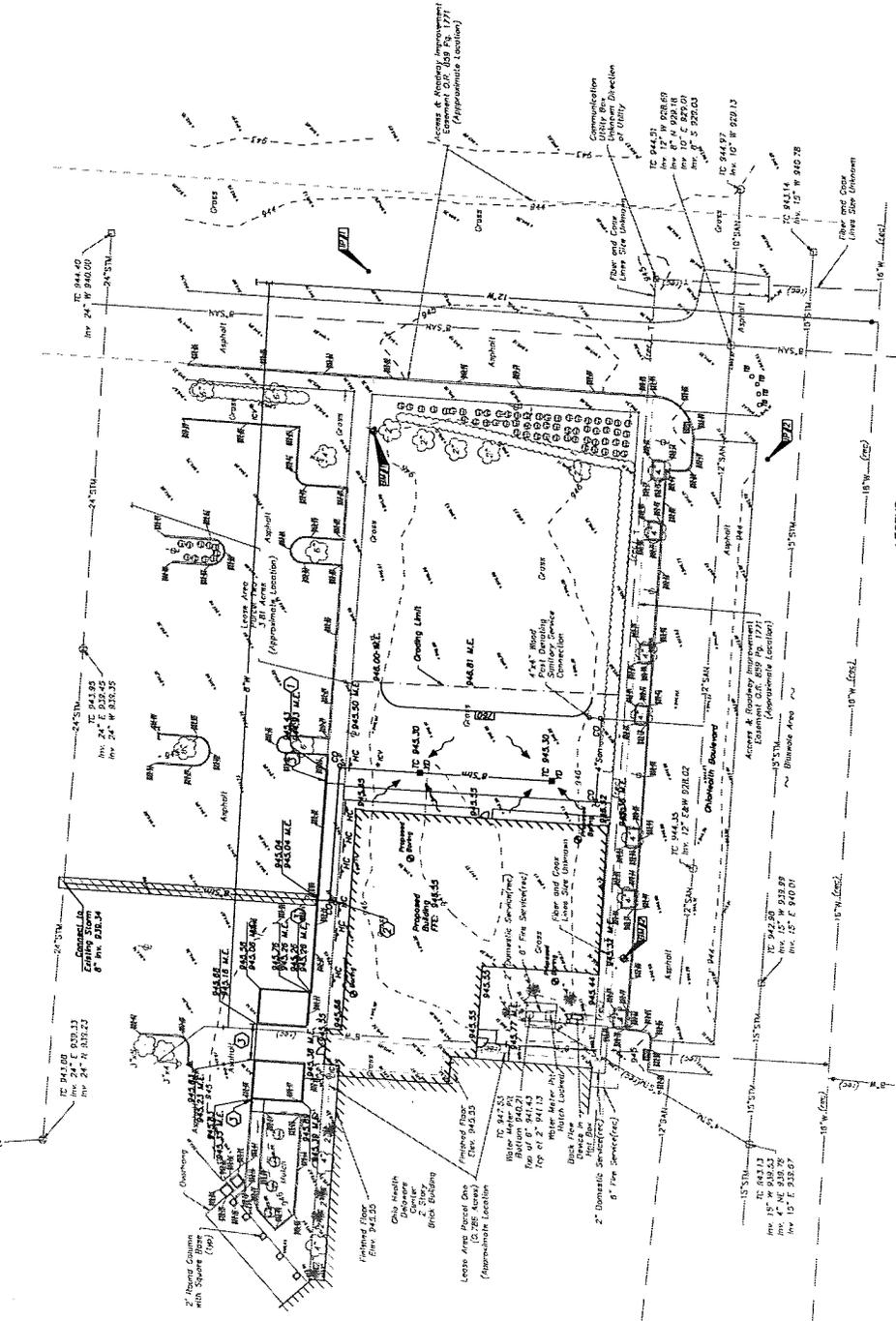
777 West Street, Suite 205
Columbus, OH 43215
P 614.744.0077
F 614.744.0277
www.m+a-architects.com

OHIO HEALTH BLVD, DELAWARE, OH 43015

OH DELAWARE HEALTH CENTER LINEAR ACCELERATOR ADDITION

m+a architects

15380
SHEET TITLE
SITE GRADING
PLAN
DATE
01.12.16
SHEET NUMBER
C4



General Notes:

- All pavement elevations refer to finished pavement elevation at face of curb unless otherwise noted.
- No construction work will be permitted without approved plans and specifications.
- Work shall be in accordance with City of Delaware Master Specifications and City of Delaware requirements and project specifications, City of Delaware standards and goals.
- Soil erosion and sedimentation BMP measures, and be installed prior to construction. BMP measures shall be installed and maintained until permanent erosion and sedimentation BMP measures in place. All BMP measures shall be to the satisfaction of the City of Delaware.
- Use of mats necessary to control dust on the site and prevent tracking of mud and sediment from site structures, and at underpass areas that need has been established.
- Remove sediment from catch structures, and at underpass areas that need has been established.
- All dimensions and coordinates are to face of curb or face of building unless otherwise noted.
- Extend utilities to within 5'-0" of face of building unless otherwise noted. Coordinate exact location with Plumbing Contractor. (This connection by plumbing contractor.)
- Maximum finish slopes shall be 4:1 unless otherwise noted.
- All coordinates and elevations based on survey performed by Rees/Warner Engineering, dated 1/16/16. Refer to Sheet 151.
- Contractor shall stop and stabilize existing riprap throughout the site prior to excavation. Upon completion of final grading, provide 6 inches of riprap over existing riprap. Riprap shall be placed in a continuous area and under locations of located outside the grading/utility limits within the work limits shall be adjacent to drain gully.
- Outlet curb underpass to adjacent existing underpass or storm sewer system.
- Excise utilities noted this Engineer prior to beginning work so that utility to determine effects on the proposed alignment and provide. Approximate location and location to the Engineer in order that any connections to the existing and location can be made.
- Concrete adjacent to building shall be stepped away from building at 2:1 concrete otherwise noted.
- Roof areas, foundation drains, and other drain water connections to the storm sewer are prohibited.

Grading Notes:

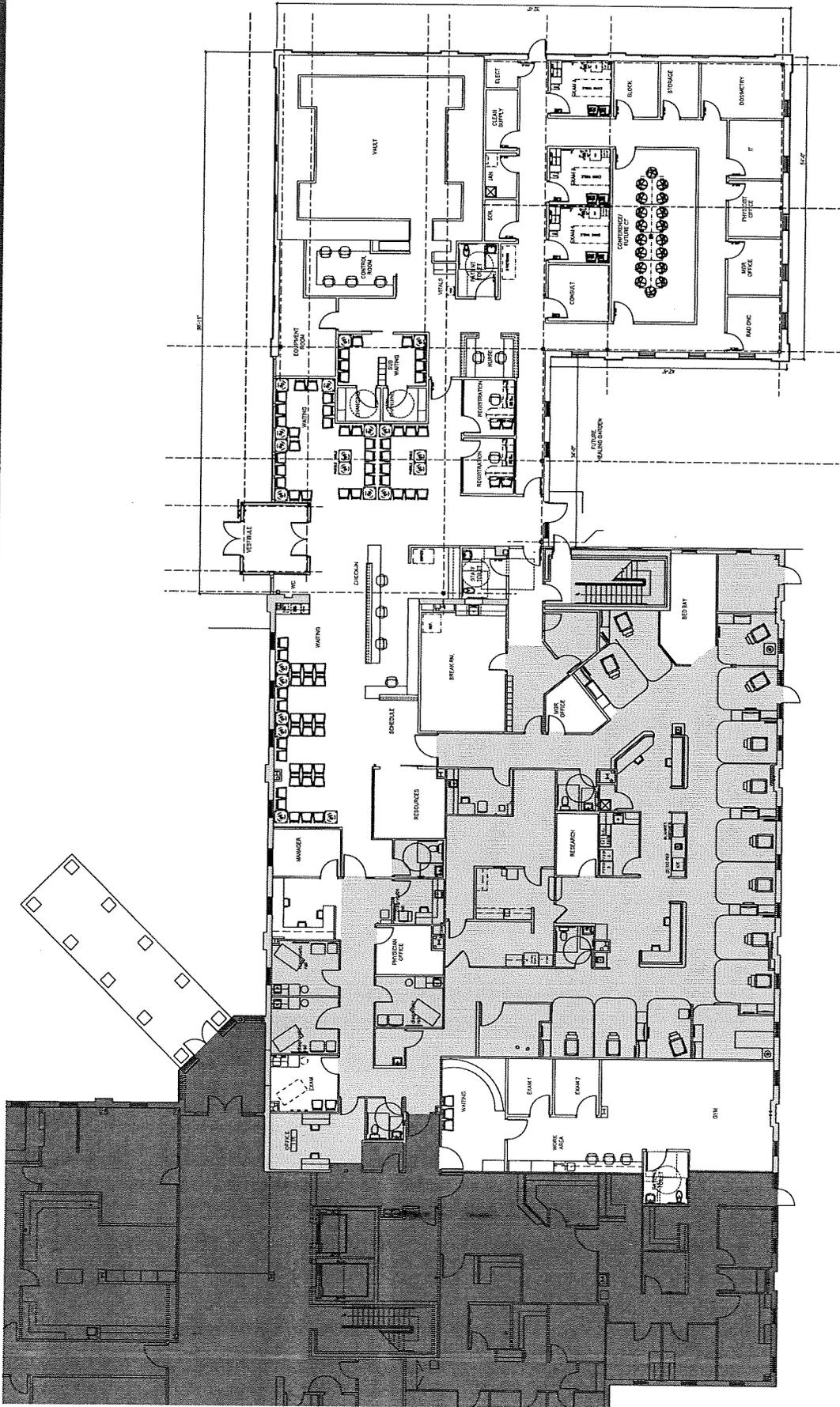
- Rear from full height curb to finish curb in 4'-0".
- Existing utilities to within 5'-0" of face of building unless otherwise noted. Coordinate exact location with Plumbing Contractor. (This connection by plumbing contractor.)
- Flush Curb with Landscaping.

PROPOSED

LEGEND

EXISTING

| | | | |
|-----------------------------------|--------|-----------------------------------|--------|
| Inner Contour | 600 | Inner Contour | 600 |
| Intermediate Contour | 750 | Intermediate Contour | 750 |
| Building/Wall | 100 | Building/Wall | 100 |
| Grading Limits | 100 | Grading Limits | 100 |
| Fire Protection Service Line | 100 | Fire Protection Service Line | 100 |
| Storm Sewer | 100 | Storm Sewer | 100 |
| Sanitary Sewer | 100 | Sanitary Sewer | 100 |
| Drainage Adaptor | 100 | Drainage Adaptor | 100 |
| Yard Drain | 100 | Yard Drain | 100 |
| Recessed Handicapped Parking Sign | 100 | Recessed Handicapped Parking Sign | 100 |
| Spot Elevation | 700.53 | Spot Elevation | 700.53 |
| Top of Curb Elevation | 700.00 | Top of Curb Elevation | 700.00 |
| Driller Elevation at Face of Curb | 699.50 | Driller Elevation at Face of Curb | 699.50 |
| Edge of Pavement | E/P | Edge of Pavement | E/P |
| Rear Direction Arrow | → | Rear Direction Arrow | → |
| High (Green) Point | M.E. | High (Green) Point | M.E. |
| Mainstem Existing Elevation | → | Mainstem Existing Elevation | → |



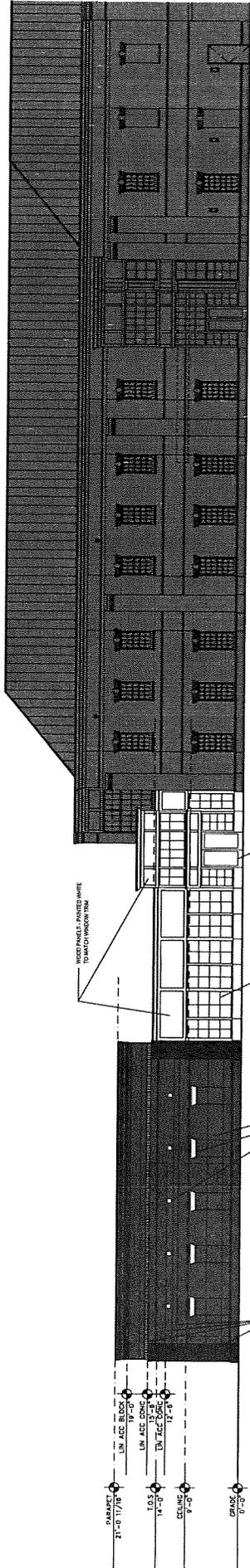
1 FIRST FLOOR PLAN
1/8" = 1'-0"

City Submittal
02.03.16
101-1
C. SYLVA/ARCHITECTS

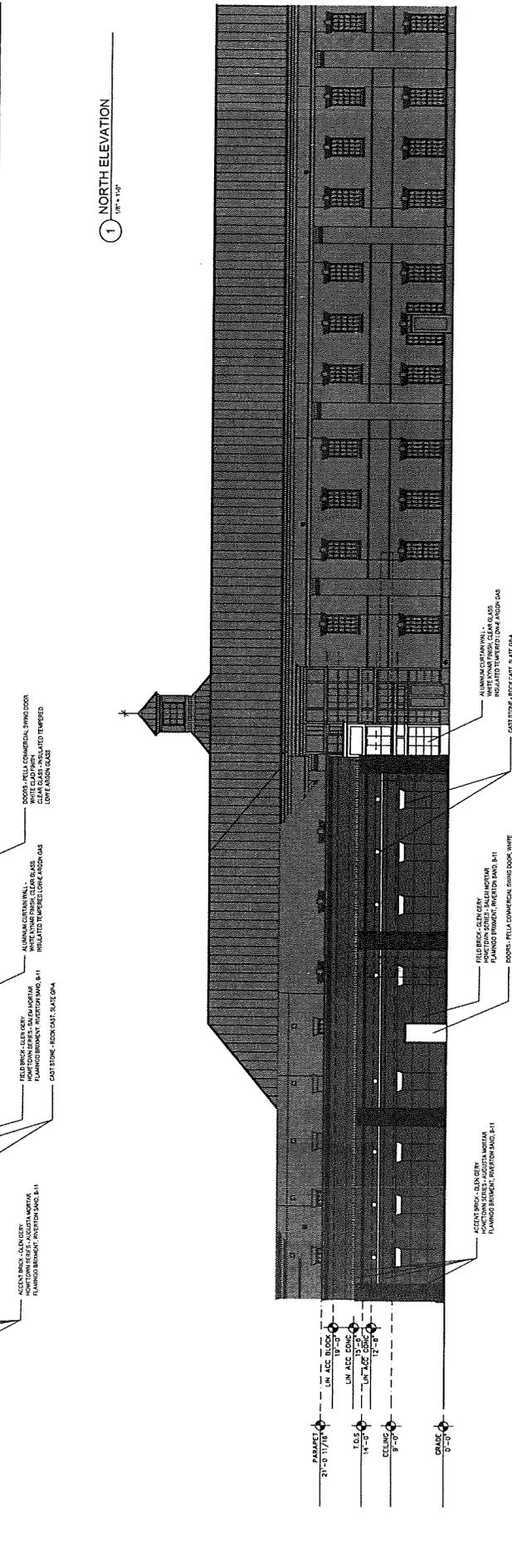
RADIATION ONCOLOGY ADDITION
Delaware Health Center

ma architects





1 NORTH ELEVATION
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"



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RADIATION ONCOLOGY ADDITION

Delaware Health Center

City Submittal
02.03.16

19177
F. ZYSHMAN

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Karlsberger Architecture Inc.
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**DELaware HEALTH CENTER
 SHELL AND CORE PACKAGE**
 OhioHealth
 DELAWARE, OHIO

2626A1
 SHEET DATE: MARCH 10, 2008
 COMPILED DATE: MAY 2, 2008
 REVISIONS:

UTILITY PLAN
 SCALE: 1" = 40'
 DRAWN BY: GCS
01
 c7

Floyd Brown Group
 Consulting Engineers
 14100 E. 15th Ave., Suite 100
 Denver, CO 80231-1647
 (303) 751-1647
 www.floydbrown.com

SEE LEGEND - SHEET C5-02

NORTH
 GRAPHIC SCALE IN FEET

NOTE:
 LOCATION AND ELEVATION OF ALL UTILITY COORDINATES SHALL BE SHOWN ON ALL SHEETS PRIOR TO INSTALLATION.

NOTE:
 ALL DIMENSIONS SHALL BE SHOWN AT THE BEGINNING AND END OF EACH UTILITY LINE AND THE CENTERLINE OF EACH UTILITY LINE SHALL BE SHOWN AT THE BEGINNING AND END OF EACH UTILITY LINE.

STORM SEWER LINE TABLE

| LINE | BEARING | DISTANCE |
|-------|---------------|----------|
| 1-2 | S 86°21'32" E | 158.00' |
| 2-3 | S 86°21'32" E | 158.00' |
| 3-4 | S 86°21'32" E | 153.04' |
| 4-5 | S 04°00'00" E | 125.16' |
| 5-6 | S 86°21'32" E | 178.96' |
| 6-7 | S 86°21'32" E | 153.00' |
| 7-8 | N 03°28'36" E | 153.00' |
| 8-9 | S 16°20'00" E | 220.00' |
| 9-10 | S 65°57'08" E | 11.89' |
| 10-11 | S 65°57'08" E | 190.77' |
| 11-12 | S 86°21'32" E | 153.00' |
| 12-13 | S 86°21'32" E | 248.00' |
| 13-14 | S 20°24'26" W | 26.97' |
| 14-15 | S 03°59'58" W | 62.97' |

STORM SEWER STRUCTURE DATA

| STRUCTURE | PROPOSED NORTHING | PROPOSED EASTING | AS-BUILT NORTHING | AS-BUILT EASTING |
|-----------|-------------------|------------------|-------------------|------------------|
| 1 | 207709.3478 | 181311.2850 | | |
| 2 | 207709.3478 | 181466.0705 | | |
| 3 | 207709.3478 | 181620.8560 | | |
| 4 | 207688.2804 | 181978.2225 | | |
| 5 | 207548.6115 | 181978.0612 | | |
| 6 | 207548.6115 | 181854.6597 | | |
| 7 | 207711.2328 | 181978.0612 | | |
| 8 | 207711.2328 | 181978.0612 | | |
| 9 | 207711.2328 | 181978.0612 | | |
| 10 | 207711.2328 | 181978.0612 | | |
| 11 | 207384.2563 | 181978.0612 | | |
| 12 | 207384.2563 | 181978.0612 | | |
| 13 | 207384.2563 | 181978.0612 | | |
| 14 | 207384.2563 | 181978.0612 | | |
| 15 | 207384.2563 | 181978.0612 | | |
| 16 | 207384.2563 | 181978.0612 | | |
| 17 | 207384.2563 | 181978.0612 | | |

WATERLINE STRUCTURE DATA

| STRUCTURE | STATION | PROPOSED NORTHING | PROPOSED EASTING | AS-BUILT NORTHING | AS-BUILT EASTING |
|-----------|----------|-------------------|------------------|-------------------|------------------|
| 1 | 3+18.42 | 207714.8928 | 181830.5382 | | |
| 2 | 4+29.50 | 207714.8928 | 181830.5382 | | |
| 3 | 4+41.50 | 207714.8928 | 181830.5382 | | |
| 4 | 4+53.50 | 207714.8928 | 181830.5382 | | |
| 5 | 4+65.50 | 207714.8928 | 181830.5382 | | |
| 6 | 4+77.50 | 207714.8928 | 181830.5382 | | |
| 7 | 4+89.50 | 207714.8928 | 181830.5382 | | |
| 8 | 5+01.50 | 207714.8928 | 181830.5382 | | |
| 9 | 5+13.50 | 207714.8928 | 181830.5382 | | |
| 10 | 5+25.50 | 207714.8928 | 181830.5382 | | |
| 11 | 5+37.50 | 207714.8928 | 181830.5382 | | |
| 12 | 5+49.50 | 207714.8928 | 181830.5382 | | |
| 13 | 5+61.50 | 207714.8928 | 181830.5382 | | |
| 14 | 5+73.50 | 207714.8928 | 181830.5382 | | |
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| 18 | 6+21.50 | 207714.8928 | 181830.5382 | | |
| 19 | 6+33.50 | 207714.8928 | 181830.5382 | | |
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| 152 | 33+09.50 | 207714.8928 | 181830.53 | | |



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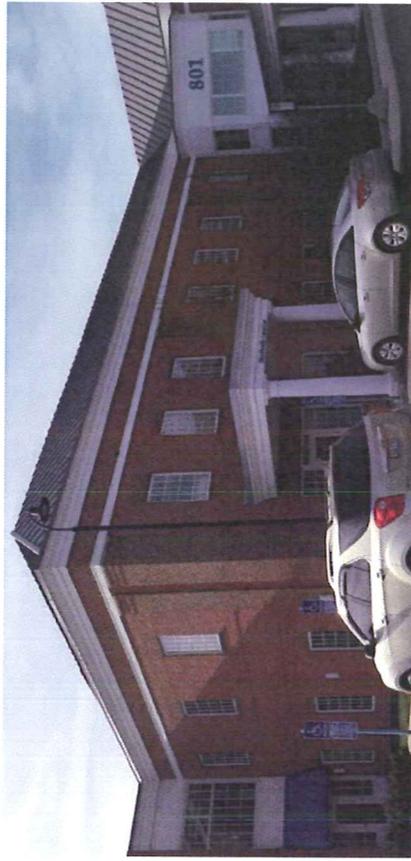
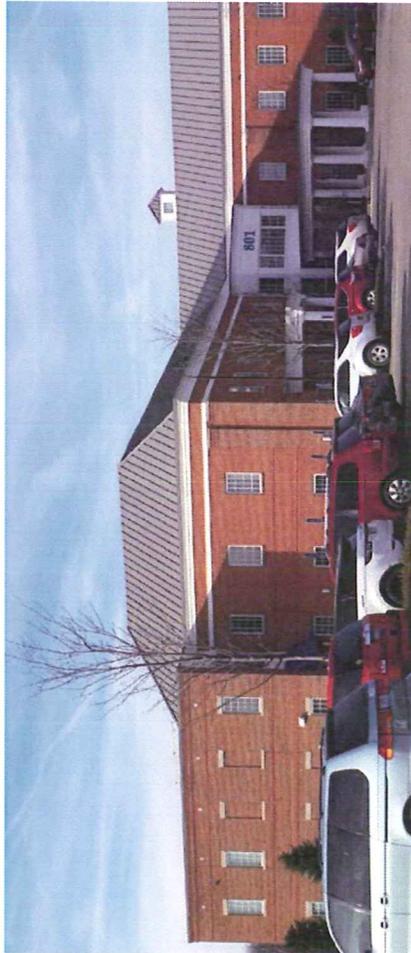
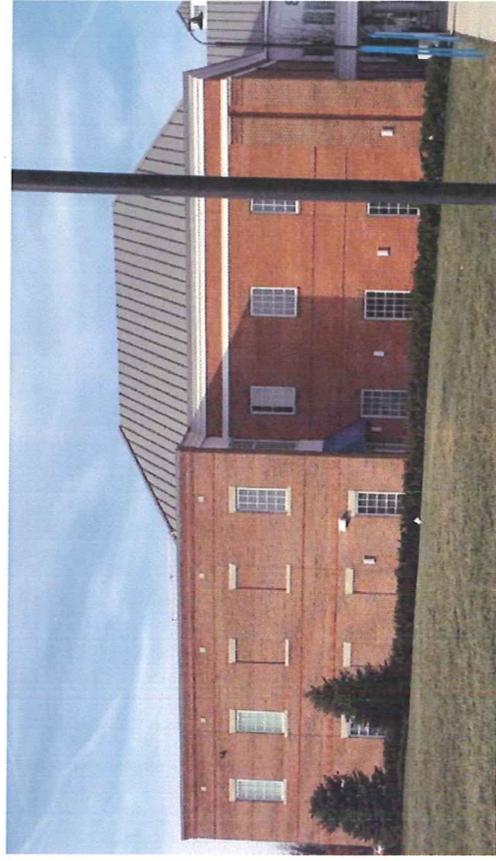
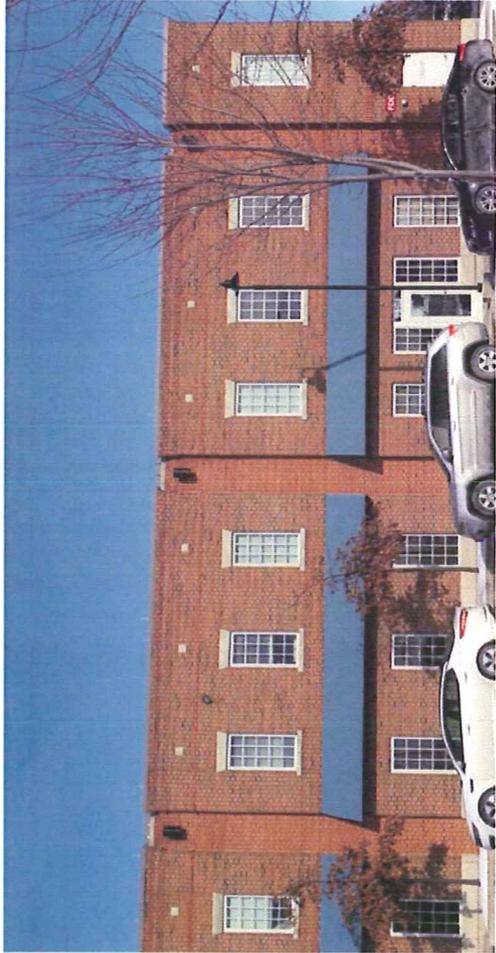
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delaware health center

city submittal
2...2016

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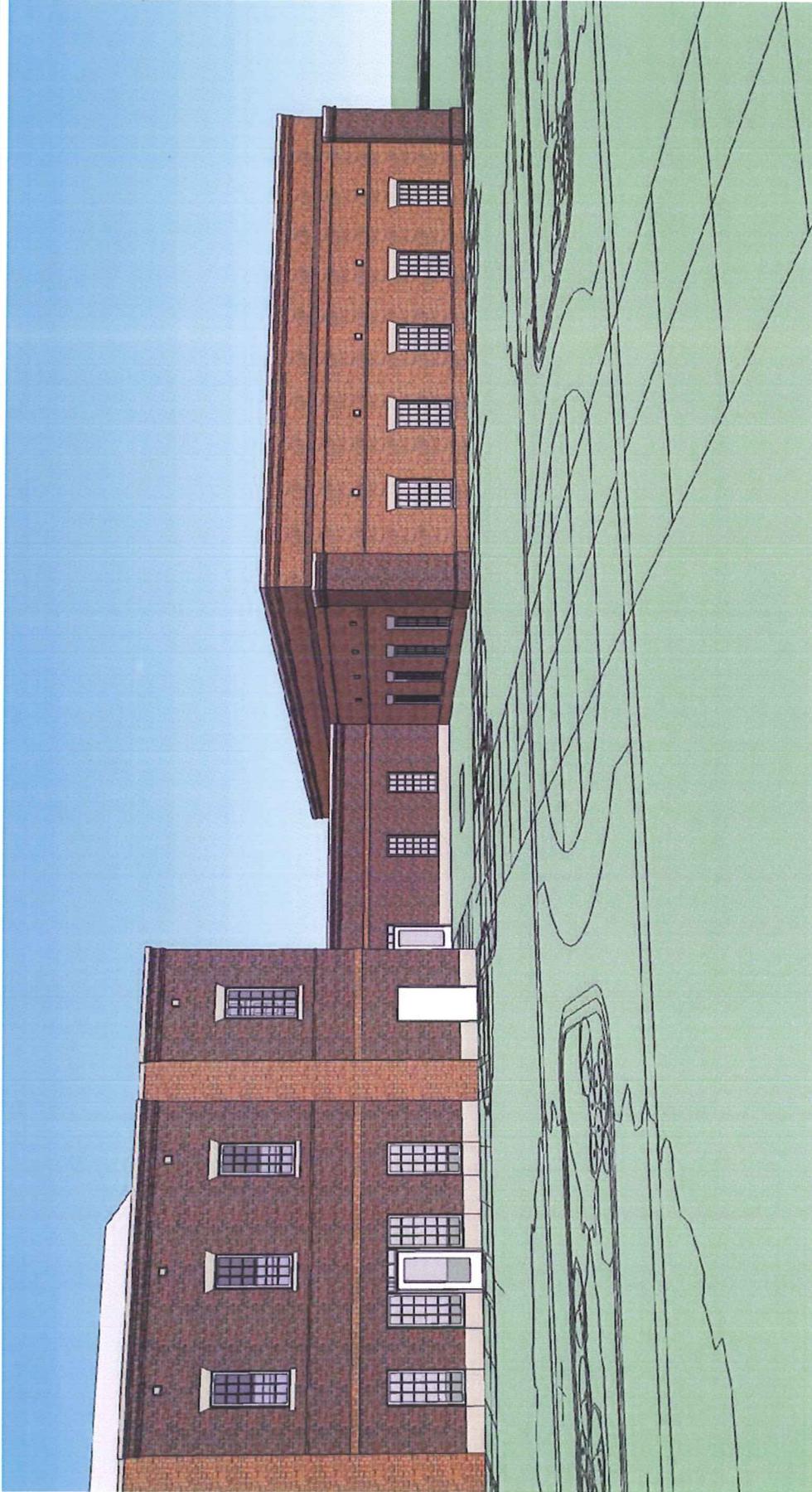
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RADIATION ONCOLOGY ADDITION

delaware health center

city submittal
2.3.2016

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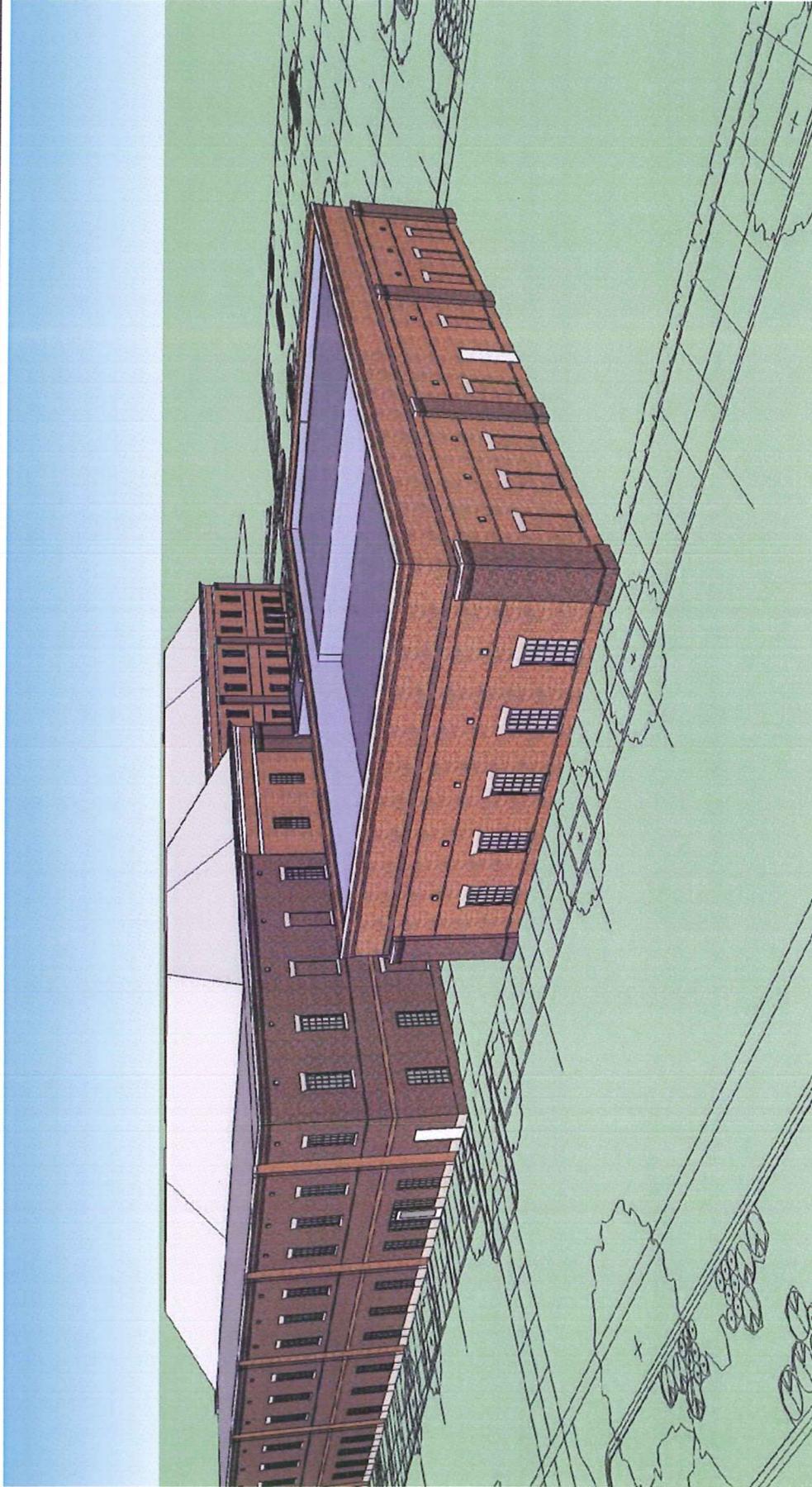
city submittal
2.3.2016

RADIATION ONCOLOGY ADDITION

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delaware health center

city submittal
2.3.2016

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



Project # _____

Case # 2016-02412

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 | Board of Zoning Appeals |
| <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 | |

Delaware Health Center

Subdivision/Project Name Linear Accelerator Addition Address 801 Ohio Health Blvd.

Acreage 0.40 Square Footage 7,160 Number of Lots 1 Number of Units _____

Zoning District/Land Use PO/I Proposed Zoning/Land Use PO/I Parcel # 418-320-01-031-000

Applicant Name The Daimler Group Contact Person Chris Tumblin

Applicant Address 1533 Lake Shore Drive, Columbus, Ohio 43204

Phone 614-488-4424 Fax 614-488-0603 E-mail Christe@daimlergroup.com

Owner Name Grady Memorial Hospital/Ohio Health Contact Person Lee Bivens

Owner Address 180 E. Broad Street, Columbus, Ohio 43215

Phone 614-566-2002 Fax _____ E-mail Lee.Bivens@OhioHealth.com

Engineer/Architect/Attorney M+A Architects Contact Person Dorothea Stamm

Address 775 Yard Street, Suite 325, Columbus, Ohio 43212

Phone 614-764-0407 Fax _____ E-mail Dotties@ma-architects.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.

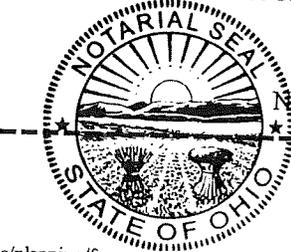
[Signature]
Owner Signature

LEE A. BIVENS
Owner Printed Name

[Signature]
Agent Signature

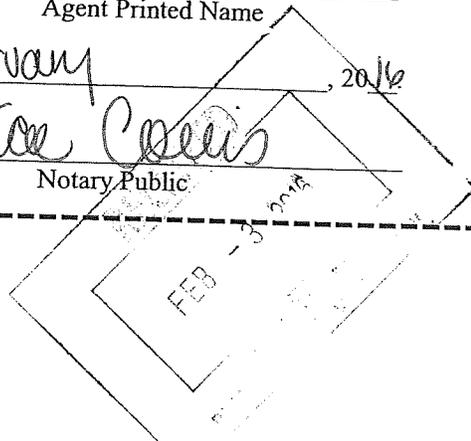
Chris Tumblin
Agent Printed Name

Sworn to before me and subscribed in my presence this 3rd day of February, 2016



Notary JESSICA CORRIS
Notary Public, State of Ohio
My Commission Expires 12-04-2018

[Signature]
Notary Public





FACT SHEET

AGENDA ITEM NO: 14

DATE: 3/14/16

ORDINANCE NO: 16-18

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

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 FOR PRECISION TOWER PRODUCTS FOR APPROVAL OF COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATE 77,500 SQUARE FOOT BUILDING ON APPROXIMATELY 9.49 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) LOCATED AT 1600 PITTSBURGH DRIVE.

BACKGROUND:

The vacant site is located in the City's Industrial Park and the applicant is proposing to construct an approximate 77,500 square foot building for Precision Tower Products on the subject site. The building would have a 4,000 square foot office and approximately 73,525 square foot of the building would be for manufacturing/warehouse use. In addition, the plan identifies a potential 20,000 square foot future expansion on the north side of the building. The proposed building is located on the eastern portion of the site with a 100 foot x 100 foot gravel storage area enclosed by a chain link fence located just north of the building. There would be five truck docks, six overhead doors and four man doors on the western elevation fronting the main access drive. They are proposing a total of 63 parking spaces with a 42 space parking lot located just south of the building while a 21 space parking lot is located just north of the building. A detention basin is located between Pittsburgh Drive and the proposed building.

The office would be on the southern portion of the building and would be one-story high (20 feet at the maximum peak) and constructed of light gray pre-cast concrete wall panels with a blue stripe along the top of the building. The office would have a glass entry feature with a stone arch with a continuous band of windows on the south, east and west elevations. The manufacturing/warehouse portion of the building would be a maximum 29 feet high and would be constructed of the same material as the office portion. In addition, the development would have to achieve compliance with the tree preservation, landscaping, lighting, signage and FAA regulations.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on March 2, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval with documented conditions.

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-18

AN ORDINANCE FOR PRECISION TOWER PRODUCTS FOR APPROVAL OF COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATE 77,500 SQUARE FOOT BUILDING ON APPROXIMATELY 9.49 ACRES ZONED M-2 (GENERAL MANUFACTURING DISTRICT) LOCATED AT 1600 PITTSBURGH DRIVE.

WHEREAS, the Planning Commission at its meeting of March 2, 2016 recommended approval of a Combined Preliminary and Final Development Plan for an approximate 77,500 square foot building on approximately 9.49 acre zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive (PC 2016-0244), 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 an approximate 77,500 square foot building on approximately 9.49 acre zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive, the same and 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 required parking spaces shall be reduced to 63 parking spaces with 149 future parking spaces identified. The current land owner, at their sole expense, shall construct the future parking spaces when it is notified to do so by the City in its sole discretion.
3. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
4. Any ground and building signage shall achieve compliance with the minimum zoning requirements and the approved Gateways and Corridors Plan.
5. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
6. Any trees that are removed shall comply with Chapter 1168 Tree Preservation Regulations.

7. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
8. The fire lane shall be extended and constructed per the City Fire Department.
9. A building permit shall not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.

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 ___

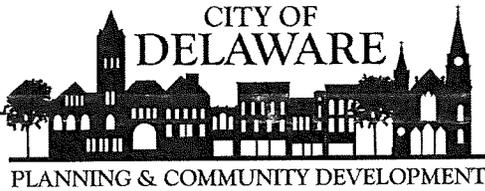
PASSED: _____, 2016

YEAS ___ NAYS ___
 ABSTAIN ___

ATTEST: _____

CITY CLERK

 MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBER: 2016-0244

REQUEST: Combined Preliminary and Final Development Plan

PROJECT: Precision Tower Products

MEETING DATE: March 2, 2016

APPLICANT/OWNER

FedOne Dublin LLC
8400 Industrial Parkway
Plain City, Ohio 43064

REQUEST

2016-0244: A request by Fed One Dublin LLC for approval of a Combined Preliminary and Final Development Plan for an approximate 77,500 square foot building for Precision Tower Products on approximately 9.49 acres zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive.

PROPERTY LOCATION & DESCRIPTION

The 9.49 acre parcel is located on the north side of Pittsburgh Drive between South Houk Road and Section Line Road and is zoned M-2 (General Manufacturing District). The properties to the east, west and south are all zoned M-2 while the property to the north is in the Township.

BACKGROUND/PROPOSAL

The vacant site is located in the City's Industrial Park and the applicant is proposing to construct an approximate 77,500 square foot building for Precision Tower Products on the subject site. The building would have a 4,000 square foot office and approximately 73,525 square foot of the building would be for manufacturing/warehouse use. In addition, the plan identifies a potential 20,000 square foot future expansion on the north side of the building.

STAFF ANALYSIS

- **ZONING:** The subject property is currently zoned M-2 (General Manufacturing District) which would allow the proposed use. A Combined Preliminary and Final Development Plan would need to be approved by the Planning Commission and City Council.
- **GENERAL ENGINEERING:** The Applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
- **UTILITIES:** Any new utilities to be constructed and/or extended within the development shall comply with the City minimum requirements or as approved by the Utility Director.
- **ROADS AND ACCESS:** The access to the site would be from a single curb cut on Pittsburgh Drive on the western portion of the site. In addition, a 20 foot wide fire lane (constructed of gravel at a minimum) stubbed into the parcel to the west is required along the northwestern portion of the site to provide looped access to the building to the west and extend to the eastern side of the proposed building.
- **SITE CONFIGURATION:** The proposed 77,525 square foot building is located on the eastern portion of the site with a 100 foot x 100 foot gravel storage area enclosed by a chain link fence located just north of the building. There would be five truck docks, six overhead doors and four man doors on the western elevation fronting the main access drive. They are proposing a total of 63 parking spaces with a 42 space parking lot located just south of the building while a 21 space parking lot is located just north of the building. The base zoning code requires 113 spaces. However per Chapter 1161.08, the Planning Commission can grant a 30% reduction ($113 \times 0.70 = 80$ total spaces) if the subject future spaces could be constructed on the site. The applicant is only identifying 63 parking spaces (which is an approximate 56% reduction) because they are proposing only 23 everyday employees with 12 field technicians who may occasionally visit the site. Therefore, 23-35 spaces would be utilized during each shift. Staff can support the 56% reduction because the current user is comfortable with the parking ratio and because the site plan identifies 212 parking spaces that could be built if the existing user or future user would have a parking issue and staff could require the appropriate parking spaces to be constructed. This would be consistent with past decisions for other industrial uses. There is no compelling reason to pave over what otherwise would be green space for vacant parking

lots. The critical element is that there is sufficient room and accesses to allow the future provision for additional parking should it become necessary either by the applicant or by the City. A detention basin is located between Pittsburgh Drive and the proposed building.

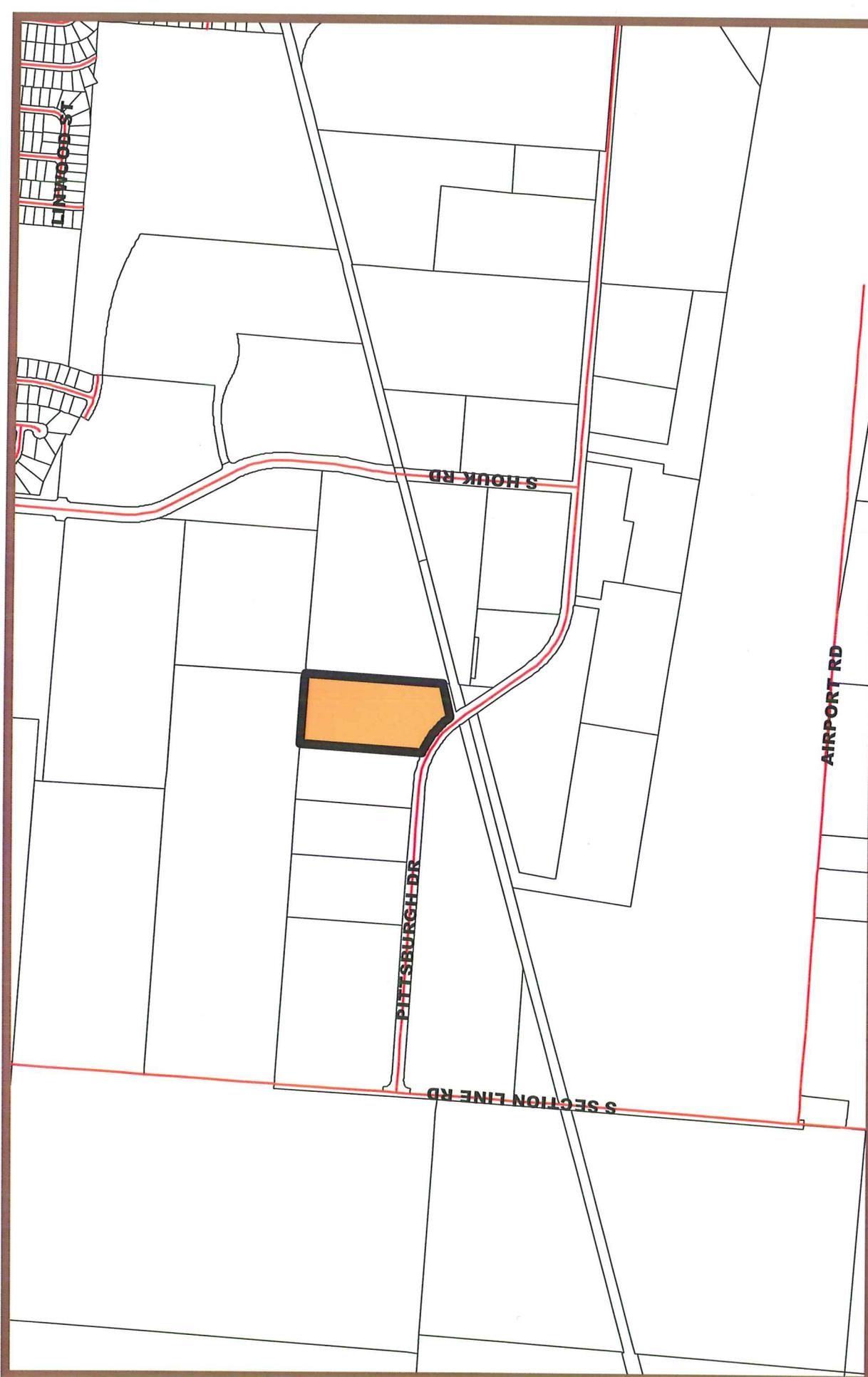
- **BUILDING DESIGN:** The office would be on the southern portion of the building and would be one-story high (20 feet at the maximum peak) and constructed of light gray pre-cast concrete wall panels with a blue stripe along the top of the building. The office would have a glass entry feature with a stone arch with a continuous band of windows on the south, east and west elevations. The manufacturing/warehouse portion of the building would be a maximum 29 feet high and would be constructed of the same material as the office portion. There would be five truck docks, six overhead doors and four main doors on the west elevation. There would be one overhead door on the north elevation and one man door on the north and east elevation respectively. All building appurtenance (coping, downspouts, etc.) shall be painted to match the adjacent building color. The building design and materials achieve compliance with zoning code and is consistent with the surrounding area.
- **TREE REMOVAL & REPLACEMENT:** No trees appear to be removed in the proposed development but there are trees along the eastern and northern property lines and if they are removed because of any construction they would need to be replaced per Chapter 1168 Tree Preservation Regulations.
- **LANDSCAPING & SCREENING:** The development requires street trees, front yard trees, interior parking lot trees and shrubs and foundation plantings. The proposed development appears to comply with the required street trees (7) and front yard trees (6) along Pittsburgh Drive. Also the appropriate amount of interior parking lot and foundation landscaping is proposed within the development. The landscaping plan would be required to be approved by the Shade Tree Commission.
- **LIGHTING:** The plan identifies three 28 foot high light poles located in the southern parking lot and one light pole in the northern parking lot. In addition, there would be eight wall mounted lights located on all elevations of the building. The lighting plan would have to achieve compliance with the zoning code along with being approved by the Chief Building Official.
- **SIGNAGE:** The owner didn't identify any specific signage in the application but would be allowed building and ground signage that would have to achieve compliance with the minimum zoning code requirements.
- **AIRPORT OVERLAY DISTRICT:** The owner would have to receive the "Determination of No Hazard to Air Navigation" approval from the FAA. In addition, the owner would have to get a temporary determination letter to allow a crane, etc. during construction. Therefore, any approval must be conditioned that a building permit will not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.

STAFF RECOMMENDATION (2016-0244 – COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Fed One Dublin LLC of a Combined Preliminary and Final Development Plan for an approximate 77,500 square foot building for Precision Tower Products on approximately 9.49 acres zoned M-2 (General Manufacturing District) located at 1600 Pittsburgh Drive, with the following conditions that:

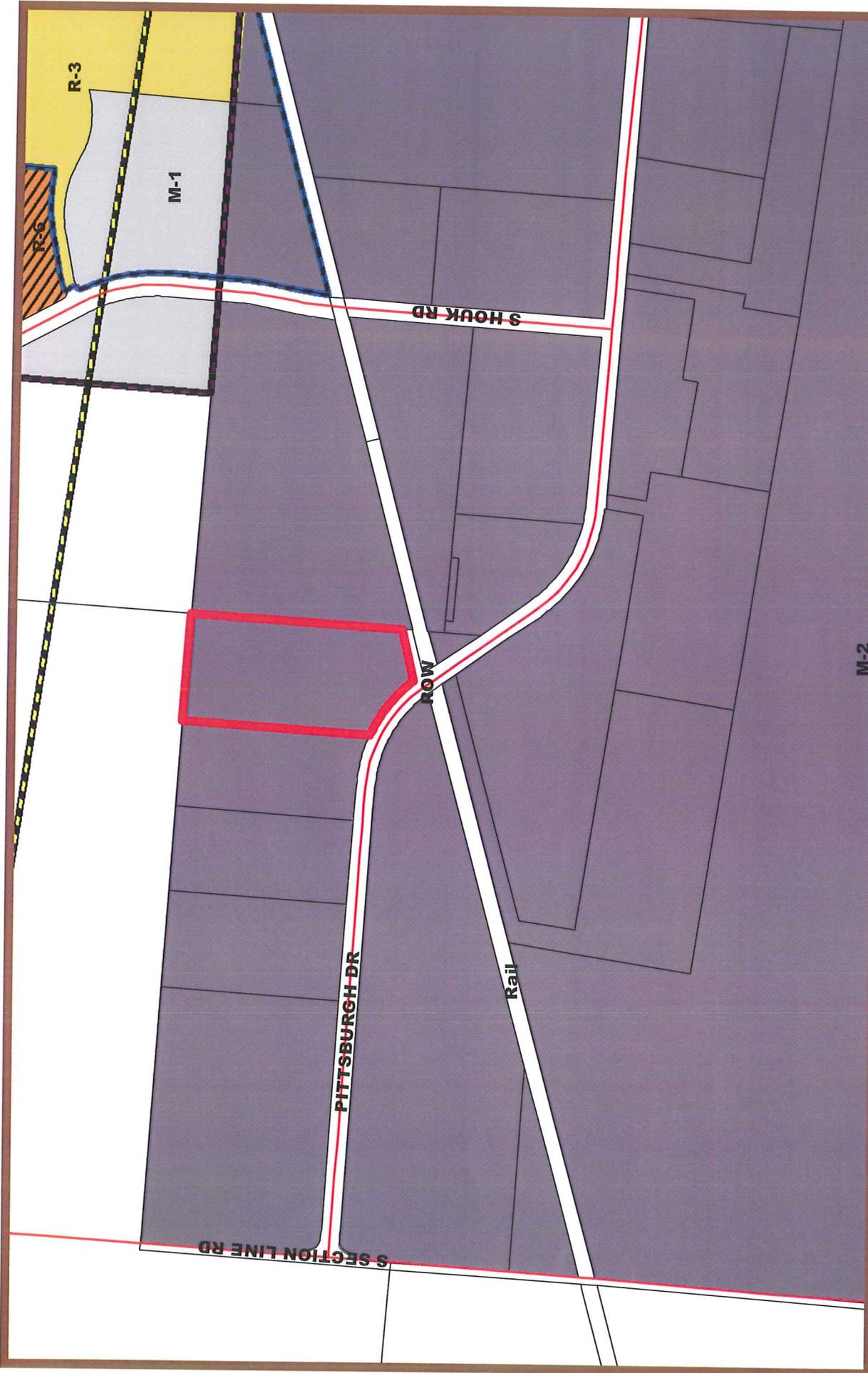
1. The applicant needs to obtain engineering approvals, including any storm water and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout and details of the project are preliminary and subject to modification or change based on the final technical review by the Engineering Department once a complete plan set is submitted for review.
2. The required parking spaces shall be reduced to 63 parking spaces with 149 future parking spaces identified. The current land owner, at their sole expense, shall construct the future parking spaces when it is notified to do so by the City in its sole discretion.
3. All building appurtenances (coping, downspouts, etc.) shall be painted to match the adjacent building color.
4. Any ground and building signage shall achieve compliance with the minimum zoning requirements and the approved Gateways and Corridors Plan.
5. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
6. Any trees that are removed shall comply with Chapter 1168 Tree Preservation Regulations.
7. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.

8. The fire lane shall be extended and constructed per the City Fire Department.
9. A building permit shall not be issued until a copy of the permanent and temporary FAA determination is provided to the City and any conditions required by the FAA are met.



2016-0244
Combined Preliminary and Final Development Plan
1600 Pittsburgh Drive
Location Map





2016-0244
 Combined Preliminary and Final Development Plan
 1600 Pittsburgh Drive
 Zoning Map

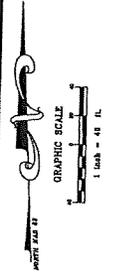




2016-0244
Combined Preliminary and Final Development Plan
1600 Pittsburgh Drive
Aerial (2013)

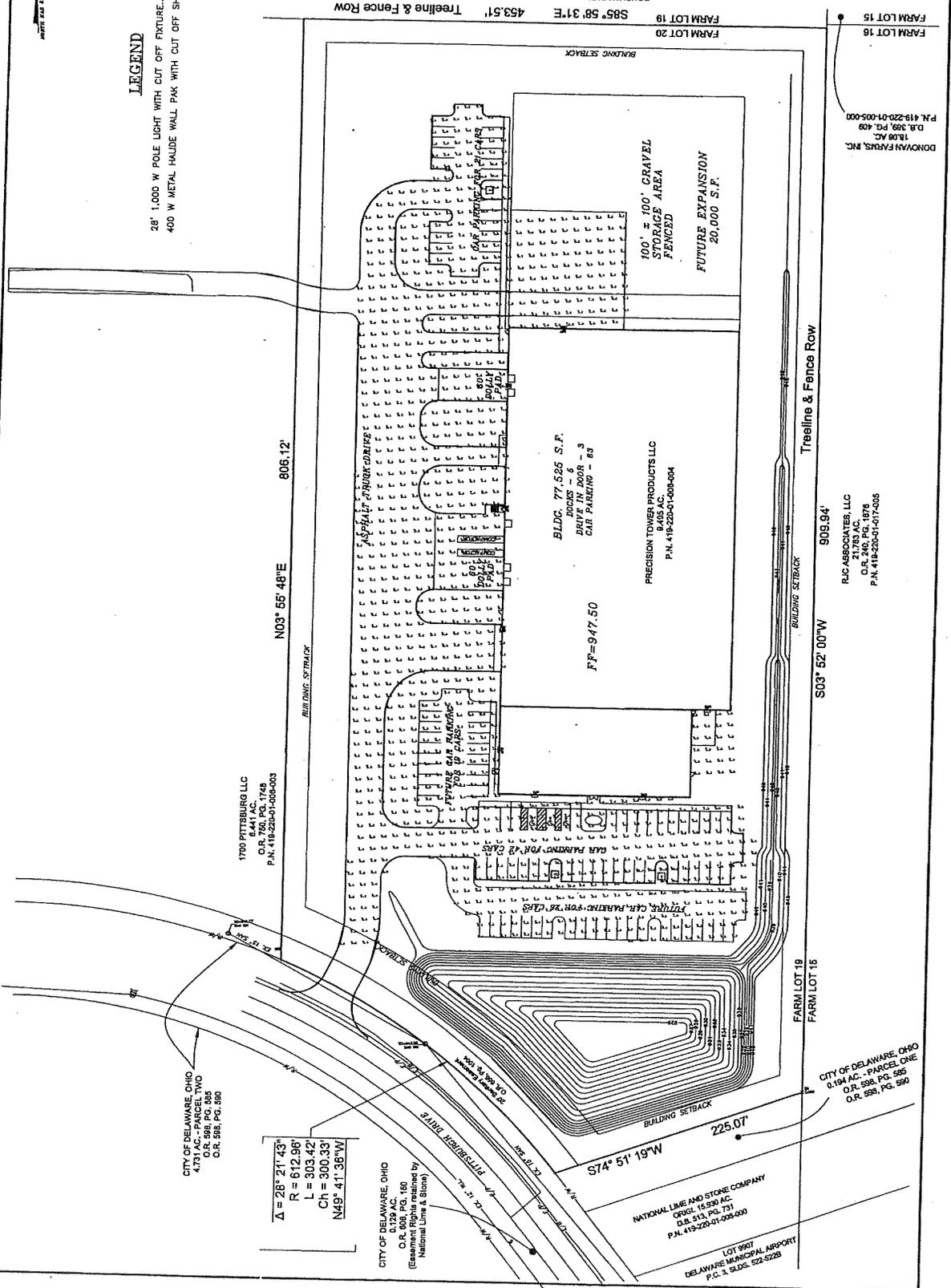


| | | | |
|--|-------|--------------------|-------------|
| 16-400 PROJECT NO. | 16016 | SITE LIGHTING PLAN | |
| PRECISION TOWER PRODUCTS CITY OF DELAWARE, OHIO | | REVISIONS | BY |
| STORM GRADING & SITE IMPROVEMENTS | | DATE | DESCRIPTION |
| 8400 INDUSTRIAL PARKWAY PLAIN CITY, OHIO 43084 P.O. BOX 116 PLAIN CITY, OHIO 43084 P.H. 614-873-2222 | | | |
| 16-400 LIGHT 16-400 PLAN | | | |



LEGEND

- 28' 1,000 W POLE LIGHT WITH CUT OFF FIXTURE.....
- 400 W METAL HAULDE WALL PAK WITH CUT OFF SHIELD.....



1700 PITTSBURGH LLC
 6.441 AC.
 O.R. 700, PG. 1748
 P.N. 419-220-01-006-003

BLDG. 77,525 S.F.
 ROOMS - 6
 CAR PARKING - 3
 CAR PARKING - 68
 P.P. = 947.50
 PRECISION TOWER PRODUCTS LLC
 9405 AC.
 P.N. 419-220-01-006-004

NATIONAL LIME AND STONE COMPANY
 ORIG. 15,200 AC.
 O.B. 613, PG. 731
 P.N. 419-220-01-008-000

RUC ASSOCIATES, LLC
 21,793 AC.
 O.B. 240, PG. 1878
 P.N. 419-220-01-017-005

DONOVAN FARMS, INC.
 18.08 AC.
 D.B. 309, PG. 409
 P.N. 419-220-01-005-000

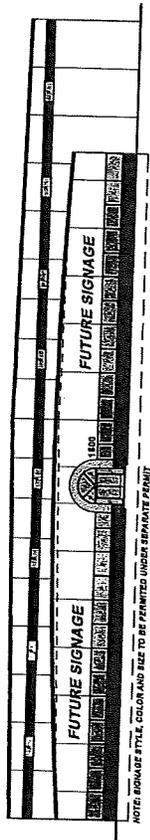
FARM LOT 18

FARM LOT 19
 FARM LOT 15

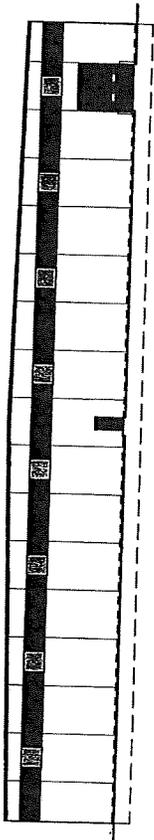
CITY OF DELAWARE, OHIO
 0.129 AC.
 O.R. 808, PG. 160
 (Easement) - Owned by
 National Lime & Stone

CITY OF DELAWARE, OHIO
 0.194 AC - PARCEL ONE
 O.R. 598, PG. 585
 O.R. 598, PG. 590

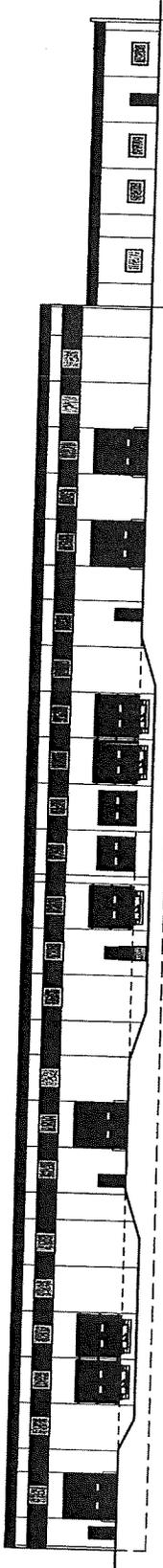
LOT 1907
 DELAWARE MUNICIPAL AIRPORT
 P.C. 3, S.D.S. 522-5228



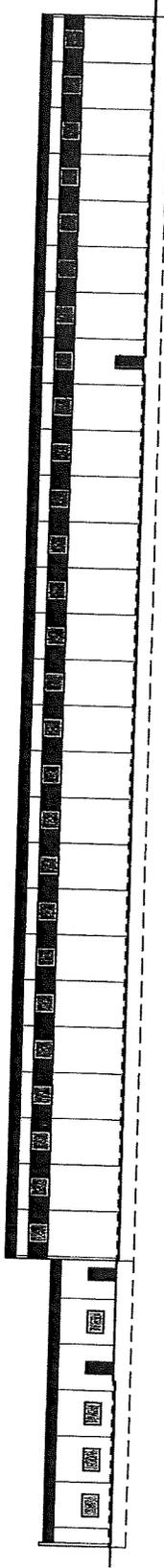
SOUTH ELEVATION
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



WEST ELEVATION
1/8"=1'-0"



EAST ELEVATION
1/8"=1'-0"



FEDONE



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



Project # _____

Case # 2016-0244

1475.75

Planning Commission

- | | | |
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| <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 | Board of Zoning Appeals |
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| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" 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 checked="" type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name Precision Tower Products Address 1600 Pittsburgh Drive, Delaware OH 43015
 Acreage 9.495 Square Footage 77,525 Number of Lots 1 Number of Units 1
 Zoning District/Land Use M2 Proposed Zoning/Land Use M2 Parcel # 419-220-01-006-004

Applicant Name Fed One Dublin, LLC Contact Person Amy Biondi-Huffman
 Applicant Address 8400 Industrial Pkwy, Plain City, OH 43064
 Phone 614-873-0662 Fax 614-873-2684 E-mail amyhuffman@rohio.com
 Owner Name Precision Tower Products Contact Person Todd King
 Owner Address 1800 Pittsburgh Dr. Delaware, OH 43015
 Phone 740-203-3905 Fax _____ E-mail tking@skyclimber.com
 Engineer/Architect/Attorney Bischoff Miller + Assoc. Contact Person Sara Hares
 Address PO Box 1410, Powell, OH 43065
 Phone 614-361-6794 Fax _____ E-mail shares@rohio.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.

Owner Signature

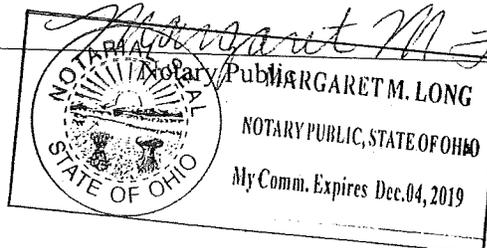
Owner Printed Name

Amy Biondi-Huffman
 Agent Signature

Amy Biondi-Huffman
 Agent Printed Name

Sworn to before me and subscribed in my presence this 2 day of February, 2016

Notary Stamp



**Community Impact Assessment
Precision Tower Products, LLC
1600 Pittsburgh Drive
Delaware, Ohio 43015**

(a) Site Specific Information

(1) Legal Description

- A. The Deed has been enclosed for the Precision Tower Products, LLC parcel. Precision Tower Products, LLC owns the property shown in Deed Volume 1393 Page 1708-1718. Exhibit "A" is the Warranty Deed for this property. Figure 1A is the legal descriptions of the parcel.
- B. The Delaware County Auditor's office currently has the land market value for the Precision Tower Products, LLC parcel as \$129,700. Figure 1B is the Delaware County Auditor's current tax assessment.
- C. Adjacent property owners are as follows:
Figure 1C shows the adjacent parcels with ownership

To the West is:

1700 Pittsburgh, LLC (VP Hydraulics)
1700 Pittsburgh Drive
Delaware, Ohio 43015

To the North is:

Donovan Farms, Inc.
1723 S. Section Line Road
Delaware, Ohio 43015

To the East is:

RJC Associates, LLC
1188 Houk Road
Delaware, Ohio 43015

To the South is:

Gardner David Noel ET AL
2295 Snook Drive
Naples, Florida 34102

To The South is:

National Lime & Stone Co.
PO Box 120
Findlay, Ohio 45840

D. There are no existing or proposed covenants to the subject land.

(2) Location and Access

This parcel (Parcel Number 41922001006004) is located on the Southwest side of the City of Delaware. It is situated on the North side of Pittsburgh Drive, East of the intersection of South Section Line Road. See Figure 2, Delaware County Auditor's aerial view. Access to the site will be via a single private access drive that will exit onto Pittsburgh Drive. See the enclosed site plan Exhibit B.

(3) Adjacent Land Use

The subject property is zoned M2. The parcels to the South are owned Gardner David Noel ET AL and National Lime & Stone Company. It is currently vacant land and is zoned M2. The parcel to the East is owned by RJC Associates, LLC. It is currently vacant land and is zoned M2. The parcel to the West is owned by 1700 Pittsburgh, LLC and is zoned M2. The parcel to the North is owned by Donovan Farms and is located in the Township of Delaware. It is currently an agricultural use. The long range Master Plan for the City of Delaware is that this parcel will also be in the M zoning classification. See Figure 2, Delaware County Auditor's aerial view. For the property assessments, see Figure 1B and the attached Property Information sheets which explain Figure 1B.

(4) Existing Site Land Use

The site is currently a vacant lot and it is zoned M2. It lies in the Delaware Industrial Park and construction of the manufacturing facility will be consistent with the permitted uses within the Industrial Park.

(5) Maps, Chart, and Illustrations

A tax map from the Delaware County Courthouse showing the site is included as Figure 3.

The aerial photograph of the site is in the City's computer system and attached as Figure 2.

(6) Environmental Impacts

A. Topography and Drainage: The site is located North of Pittsburgh Drive and West of the VP Hydraulics Building. The site is an open, flat field with tall weeds. The majority of the site drains to the Southeast. There is a small portion of the Northeast corner of this site that drains to the West into the existing swale on the VP Hydraulics property. (See Exhibit F).

Vegetation: The site is a vacant field with tall weeds. There are trees along the Northern and Eastern property lines that will not be disturbed by this development.

B. Soils: The site contains topsoil ranging from 0.50 to 0.60 feet thick. Below the surface cover the site was comprised of brown mottled gray to brown lean clay classified as CL under the Unified Soil Classification System. Standard penetration tests indicated the lean clay soils to be medium stiff in cohesive consistency. Below the upper level of lean clay, the borings encountered brown grading to gray glacial till (lean sandy clay and lean clay with gravel). Bedrock was not encountered in any of the borings (boring depth 20'). See Exhibit D (Subsurface Exploration and Foundation Engineering Reports by Geotechnical Consultants).

C. Ecology: The site will be located in a zoned industrial district (M2). This proposed project would have no abnormal impact on the ecology in the area.

(7) Air and Noise Pollution

The proposed manufacturing/warehouse/accessory use office building will result in minimal increases in the noise and air pollution to the area. This proposed use is consistent with the surrounding development.

(8) Sanitary Sewer and Storm Drainage

Sanitary Sewer and Water: The City of Delaware has Public sanitary sewer lines on the North side of Pittsburgh Drive and a water line on the South side of Pittsburgh Drive. Utility taps will be made from these existing main lines.

Storm Sewer: The site will consist of a retention basin designed to detain up to the 100 year post development storm including the Environmental Protection Agency Water Quality Volume. The on-site drainage system will collect the storm water from the building, paved and grass areas in 12", 15", 18" and 24" N-12 pipe, and with a grass swale with a 6" underdrain along the east side of the site. All of these drain into the basin. The on-site storm sewers will be sized for a 2 year storm and a 5 year hydraulic grade line.

(9) Traffic and Parking

On-site parking will be provided for 63 vehicles. This allows for ample parking spaces for the manufacturing and warehousing operations. There will be minimal visitors to these businesses. (Parking spaces will be 9 feet by 19 feet to meet the existing zoning code of 171 s.f. per space.) Should the need arise, there is sufficient green area to allow for additional parking spaces. The Final Development Plan indicates the "Future Car Parking Area". Since the businesses will have minimal truck traffic and Pittsburg Drive was designed to accommodate employee traffic, the Planning Department and Engineering Department have indicated that a full traffic impact study was not required.

(10) View Interference

The proposed building will have attractive landscaping and planted earth berms to provide screening of parking areas from the public roadways. Landscaping at the entrance will be placed in such a way as to maintain appropriate clear site paths at the intersections.

(11) Historical Sites

The proposed site is not located on a historical site. None of the adjacent sites have historical buildings or structures. (See Exhibit C).

(12) Compatibility

A. Proposed Development

The proposed factory/warehouse will be 325' x 200'. It will have a 75' x 167' office projection on the South side of the building. The building will be 29'-1" at the highest point of the structure. The building will be constructed of painted concrete pre-cast hard wall panels. The building will be light gray in color and will have a blue stripe on all side of the building. The building will have a glass entry feature similar to the existing Skyclimber building with a Dryvit and stone arch surrounding the front entry doors. Additionally, the building will have a band of continuous glass windows along the South side of the office projection. As an added architectural feature to the building, it will have 5' x 5' sidelights near the top of the hardwall panels on the North, East and West sides of the manufacturing sections of the buildings, and 2 1/2' x 5' sidelights near the top of the South side of the manufacturing building. This matches the existing Skyclimber and VP Hydraulics buildings. This construction is consistent with the other surrounding buildings in the M zoning district. See the attached color elevations of the building.

B. Proposed Project

The proposed manufacturing/warehouse/accessory use office buildings will be built in an area with M2 zoning. All the surrounding sites are in the City Master Plan and either are or will be zoned M as well. The site will meet the requirements of the City of Delaware Zoning Code. No variances are being requested for this site at this time.

(b) **Impact on Public Services**

(1) **Tax Effect**

Industrial/ Commercial expansion improves the tax base of the community.

(2) **Police and Fire**

There is no anticipation of additional load added to the existing police and fire department other than emergency services.

(3) **Schools**

The proposed site will have no housing and has no additional loading to the school facilities and or an impact on the board of education.

(4) **Parks and Recreation**

The proposed project has no effect or requirements on the Parks and Recreation Department. A landscaping plan has been submitted which meets the requirements of the City of Delaware Planning and Zoning Code. Per the Planning and Zoning Department, bike paths are not required for this project.

(5) **Traffic Control**

No additional Traffic Control Signals or turn lanes will need to be added as a result of this project. The entrance drive has been designed 30' wide to accommodate both truck traffic and emergency vehicles.

(c) **General Requirements**

(1) **Financial Interest**

The building costs for this project is estimated at \$4,020,000. The Precision Tower building is being owned by Precision Tower Products, LLC. The members

of Precision Tower Products, LLC are George Anasis, Kelly Winkler, Tom Warchol and Todd King. There is no involvement with any appointed official.

A. Tax abatement and a Tax Increment Financing Plan have been requested for these projects. An agreement with the City has been reached and is provided as an attachment to this report. (See Exhibit E).

(2) Coordination

FAA Form 7460-1 dated 11-98 has been prepared by Stantec and filed with the US Department of Transportation, Federal Aviation Commission. This form has been submitted for both the permanent facilities and construction equipment, which may impact the airport height zone. It is not anticipated that public health or mass transit services will be necessary for this site.

(3) Economic Impact

The short term economic impact will be the creation of construction jobs for a period of six months. Precision Tower Products projects bringing 35 new jobs to the City of Delaware by 2020.

(4) Construction Scheduling

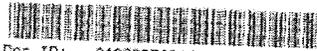
The proposed project is to be completed within six months from the start of construction. Construction is planned to begin immediately following the City Council approval of the Final Development Plan which is projected for early March 2016.

(5) Adjacent Development

All adjacent parcels are zoned M2' with the exception of the parcel to the North (Owned by Donovan Farms, Inc.) which is in Delaware Township. The Master Plan for the City of Delaware shows the Donovan Farms parcel being rezoned to an M zoning category.

(6) Alternatives

These are the only lots owned by the Applicant. There are no other alternatives for this project. The project is uniquely suited for the site.



Doc ID: 010922760011 Type: OFF
 Kind: DEED
 Recorded: 12/15/2015 at 04:26:29 PM
 Fee Amt: \$100.00 Page 1 of 11
 Workflow# 0000108919-0002
 Delaware County, OH
 Melissa Jordan County Recorder
 File# 2015-00085575

EXHIBIT A

Delaware County
 The Grantor Has Complied With
 Section 319.202 Of The R.C.
 DATE 12-15-15 Transfer Tax Paid 690.90
 TRANSFERRED OR TRANSFER NOT NECESSARY
 Delaware County Auditor By [Signature]

BK 1393 PG 1708-1718

TALON TITLE AGENCY (BOX)
 570 POLARIS PKWY STE 140
 WESTERVILLE, OH 43082

Order Number: 179937

**LIMITED WARRANTY DEED* AND DEED OF EXECUTOR,
 ADMINISTRATOR, TRUSTEE, GUARDIAN, RECEIVER OR
 COMMISSIONER****

Talon box - C

(2)

David Noel Gardner; married; Susan M. McKenzie, married; Stephen J. Myers; married and Sharon Myers Koons, Trustee of the Marilyn S. Myers Trust f/b/o Sharon Myers Koons u/a/d October 19, 1990, by the power conferred by the Trust Agreement and every other power, for valuable consideration paid, grants, with limited warranty covenants to **Precision Tower Products LLC, an Ohio limited liability company**, whose tax mailing address is 1800 Pittsburgh Drive, Delaware, Ohio 43015

the following real property:

"See Exhibit "A" attached hereto and made a part hereof..."

Parcel Number: 9.4 acres as split from 419-220-01-006-000

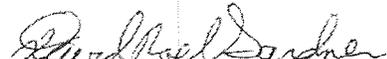
Property Address: 9.4 acres Pittsburgh Drive, Delaware, Ohio 43015

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: Deed Book 535, page 358; and Official Record Volume 1215, page 1233, Recorder's Office, Delaware, County, Ohio.

Maudine Kaye Gardner, wife of David Noel Gardner; Scott McKenzie, husband of Susan M. McKenzie and Lana Kay Myers, wife of Stephen J. Myers, release all rights of dower therein.

Witness their hands this _____ day of _____, 2015.


David Noel Gardner


Maudine Kaye Gardner

Susan M. McKenzie

Scott McKenzie

Stephen J. Myers

Lana Kay Myers

Sharon Myers Koons, Trustee of the
Marilyn S. Myers Trust f/b/o Sharon
Myers Koons u/a/d October 19, 1990

State of Florida
County of Collier ss:

Be It Remembered, that on this 7th day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named David Noel Gardner and Maudine Kaye Gardner, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



[Signature]
Notary Public

State of Tennessee
County of _____ ss:

Be It Remembered, that on this _____ day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Susan M. McKenzie and Scott McKenzie, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

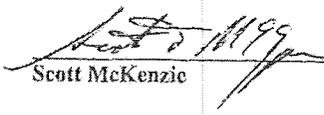
Witness their hands this 3rd day of December, 2015.

David Noel Gardner

Maudine Kaye Gardner



Susan M. McKenzie



Scott McKenzie

Stephen J. Myers

Lana Kay Myers

Sharon Myers Koons, Trustee of the
Marilyn S. Myers Trust f/b/o Sharon
Myers Koons u/a/d October 19, 1990

State of Florida
County of _____ ss:

Be It Remembered, that on this _____ day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named David Noel Gardner and Maudine Kaye Gardner, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

State of Tennessee
County of Hamilton ss:

Be It Remembered, that on this 3rd day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Susan M. McKenzie and Scott McKenzie, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Katrinlea Perry
Notary Public



Witness their hands this 2nd day of December, 2015.

David Noel Gardner

Maudine Kaye Gardner

Susan M. McKenzie

Scott McKenzie

*

S. J. Myers
Stephen J. Myers

*

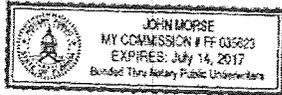
Lana Kay Myers
Lana Kay Myers

Sharon Myers Koons, Trustee of the
Marilyn S. Myers Trust f/b/o Sharon
Myers Koons u/a/d October 19, 1990

State of FLORIDA
County of Collier ss:

Be It Remembered, that on this 2ND day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Stephen J. Myers and Lana Kay Myers, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



[Signature]
Notary Public

~~State of _____
County of _____ ss:~~

~~Be It Remembered, that on this _____ day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Sharon Myers Koons, Trustee of the Marilyn S. Myers Trust f/b/o Sharon Myers Koons u/a/d October 19, 1990, the Grantors in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed.~~

~~In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.~~

~~_____
Notary Public~~

*See Section 5302.07 and 5302.08 Ohio Revised Code
**See Section 5302.09 Ohio Revised Code

This instrument prepared by Magnuson & Barone, Attorneys at Law

Witness their hands this _____ day of _____, 2015.

David Noel Gardner

Maudine Kaye Gardner

Susan M. McKenzie

Scott McKenzie

Stephen J. Myers

Lana Kay Myers

* *Sharon Myers Koons Trustee*

Sharon Myers Koons, Trustee of the
Marilyn S. Myers Trust 1/b/o Sharon
Myers Koons u/a/d October 19, 1990

State of _____
County of _____ ss:

~~Be It Remembered, that on this _____ day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Stephen J. Myers and Lana Kay Myers, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.~~

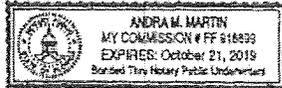
~~In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.~~

Notary Public

State of Florida
County of Alachua ss:

Be It Remembered, that on this 7th day of December, 2015, before me, a Notary Public in and for said State, personally appeared the above named Sharon Myers Koons, Trustee of the Marilyn S. Myers Trust f/b/o Sharon Myers Koons u/a/d October 19, 1990, the Grantors in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed. *Sharon Myers Koons personally known to me.*

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Andrea M. Martin

Notary Public

*See Section 5302.07 and 5302.08 Ohio Revised Code
**See Section 5302.09 Ohio Revised Code

This instrument prepared by Magnuson & Barone, Attorneys at Law



EXHIBIT C

Ohio Department of Natural Resources

BRIAN C. LAMICH, GOVERNOR

JAMES ZIEBENGER, DIRECTOR

Ohio Division of Wildlife
Raymond W. Petering, Chief
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
Phone: (614) 265-6300

January 25, 2016

Amy Biondi-Huffman
Fed One Dublin, LLC
8400 Industrial Parkway
Plain City, OH 43064

Dear Ms. Biondi-Huffman,

After reviewing the Natural Heritage Database, I find the Division of Wildlife has no records of rare or endangered species in the Precision Towers Products project area, including a one mile radius, in Delaware Township, Delaware County, Ohio. We are unaware of any unique ecological sites, geologic features, animal assemblages, scenic rivers, state wildlife areas, nature preserves, parks or forests, national wildlife refuges, parks or forests or other protected natural areas within a one mile radius of the project area.

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area. This letter only represents a review of rare species and natural features data within the Ohio Natural Heritage Database. It does not fulfill coordination under the National Environmental Policy Act (NEPA) or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S. C. 661 et seq.) and does not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Please contact me at 614-265-6818 if I can be of further assistance.

Sincerely,

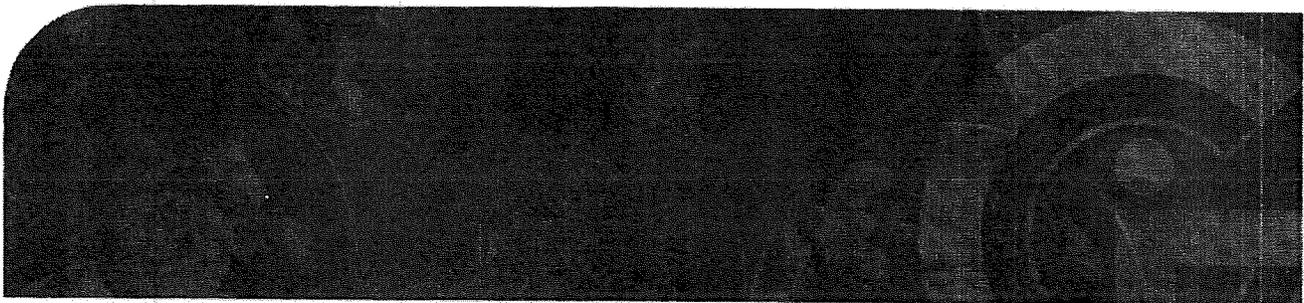
A handwritten signature in cursive script that reads "Debbie Woischke".

Debbie Woischke
Ohio Natural Heritage Database Program

EXHIBIT D



GEOTECHNICAL
CONSULTANTS INC.



GCI PROJECT No. 16-G-19614

Subsurface Exploration and Geotechnical Engineering Report

Sky Climber 2 - Office/Warehouse
Pittsburgh Drive
Delaware, Ohio

Prepared for:
Fed One Dublin, LLC

January 28, 2016



**GEOTECHNICAL
CONSULTANTS INC.**

MAIN OFFICE
720 Greencrest Drive
Westerville, OH 43081
614.895.1400 **phone**
614.895.1171 **fax**

YOUNGSTOWN OFFICE
8433 South Avenue
Building 1, Suite 1
Boardman, OH 44514
330.965.1400 **phone**
330.965.1410 **fax**

DAYTON OFFICE
2380 Belibrook Avenue
Xenia, OH 45385
937.736.2053 **phone**

www.gci2000.com

January 28, 2016

Ms. Amy Biondi-Huffman
Fed One Dublin, LLC
8400 Industrial Parkway
Plain City, Ohio 43064

e-mail: amyhuffman@rroho.com

**Reference: Proposed Sky Climber 2
77,525 sf Office/Warehouse
Pittsburg Drive – Delaware, Ohio
GCI Project No 16-G-19614**

Dear Ms. Huffman;

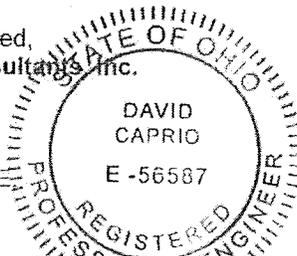
As you requested and authorized, Geotechnical Consultants, Inc. (GCI) performed a subsurface exploration and prepared a geotechnical engineering report for the above referenced project. In summary, the borings generally encountered a surface cover of topsoil over natural lean clay soils (including glacial till). We did not encounter bedrock in the borings. We encountered groundwater seepage in one of the six borings at a depth of 16 feet below existing grade. The seepage was from a sand and gravel seam in the impervious glacial till soils.

The primary geotechnical issues that will impact site development are proper site stripping, stabilizing soft natural soils, proper fill placement and compaction, and proper installation of foundations, slabs, and pavements. Groundwater seepage should not be an issue for typical shallow foundations. Provided these issues are properly addressed, it is GCI's opinion that this site is suitable for support of the anticipated one-story, slab-on-grade office/warehouse type structure using conventional shallow foundations with concrete slab-on-grade. We discuss geotechnical considerations and provide recommendations in the report.

After you have reviewed the report, feel free to contact us with any questions you may have. We appreciate the opportunity to provide our services for this project and hope to continue providing our services through construction.

Respectfully submitted,
Geotechnical Consultants, Inc.


David W. Caprio, P.E.
Project Manager




Jennifer Y. Rivera, E.I.
In-House Reviewer

Distribution: Ms. Amy Biondi-Huffman @ Fed One – 1 bound, 1 pdf
GCI file

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INTRODUCTION

As requested and authorized by Ms. Amy Huffman on behalf of Fed One Dublin, LLC, Geotechnical Consultants, Inc. (GCI) performed a subsurface exploration and prepared a geotechnical engineering report for the proposed Sky Climber 2 facility to be constructed on Pittsburgh Drive in Delaware, Ohio. Prior to drilling, Fed One provided GCI with a site plan showing the proposed building layout and pond and pavement areas.

Our subsurface study consisted of 6 standard penetration borings within the proposed building and retention pond areas. GCI field located the borings using field stakes placed by others identifying the building corners; locations should be considered approximate. We were not provided with topographic information for the project and we did not determine ground elevations at the boring locations. We attach a sketch showing the approximate boring locations and copies of the boring logs in the appendix.

The intent of this study was to evaluate subsurface conditions and offer geotechnical recommendations relative to foundations, slabs, site preparation, and earthwork for the proposed the proposed Sky Climber 2 structure in Delaware, Ohio. We issue this report prior to the receipt of final site layout and grading plans. GCI should review these plans when available, and provide additional recommendations, if necessary.

We prepared this report for the exclusive use of Fed One Dublin, LLC and their consultants for specific application to the above referenced building in Delaware, Ohio in accordance with generally accepted soil and foundation engineering practices. We make no warranty, expressed or implied.

SITE AND PROJECT DESCRIPTIONS

The site is an approximately rectangular-shaped parcel located in the north of Pittsburgh Drive in Delaware, Ohio. The site is due east of the existing V&P Hydraulics and the existing Sky Climber facility. The general site location is shown on an attached map (DeLorme Street Mapping).

The aerial photograph below shows the approximate site boundary. At the time of drilling, the site consisted of open, undeveloped land with grass/weed surface cover (as depicted on the aerial photograph).



Aerial photograph (2016, Google Maps)

The project consists of constructing a one-story, slab-on-grade office/warehouse structure with an area of 77,525 square-feet. Topographically, the site is relatively flat

and level. While we do not have existing site topographic information, we assume only minor regrading will be performed to create a level building pad and properly sloping pavements. The project will also include drives, parking areas, new site utilities, and a retention pond south of the proposed building.

SUBSURFACE CONDITIONS

GCI mobilized a truck-mounted rotary drill rig (with an automatic sampling hammer) to the site on Monday, January 25, 2016. We drilled 5 standard penetration borings (B-1 to B-5) in the proposed building area to a depth of 15 to 20 feet. We also performed boring B-6 in the proposed retention pond to a depth of 20 feet.

We attach boring logs, a copy of the boring location plan, and a summary table of encountered subsurface conditions in the appendix. We summarize the subsurface findings on the following pages. Refer to the individual boring logs and summary table for more detailed subsurface information at specific boring locations.

Surface Cover

The borings encountered 0.5 to 0.6 feet of natural topsoil at the ground surface.

Natural Soils

Below the surface cover, the borings encountered brown mottled gray to brown lean clay (classified as CL under the Unified Soil Classification System). The lean clay was stained dark brown in the borings to a depth of about 2 feet. The lean clay extended to depths ranging from 4 to 6 feet below existing grade. Standard penetration testing indicated the lean clay soils were medium stiff in cohesive consistency.

Below the upper lean clay, the borings encountered brown grading to gray glacial till (lean sandy clay to sandy lean clay with gravel – CL). In general, the gray till contained more sand and gravel and was less plastic when compared to the brown till. We noted occasional cobbles and boulders and granular layers (silty sand) within the glacial till deposits. Standard penetration testing indicated the glacial till was medium stiff to stiff in cohesive consistency, becoming hard with depth. We terminated borings in the gray glacial till at depths ranging from 15 feet to 20 feet below existing grade.

Bedrock

We did not encounter bedrock within the depths of the borings performed (maximum drilled depth of 20 feet).

Groundwater and Soil Moisture Conditions

During the drilling work, we encountered groundwater seepage in borings B-2 at 16 feet below existing grade. The seepage appeared to be perched in the sand and gravel layers within the glacial till deposits. By completion of the drilling, the seepage rose to approximately 10 feet. We did not encounter groundwater in the remaining borings during drilling or immediately following completion of the drilling process.

Soil samples obtained from the drilling process were noted to be moist to very moist, with occasional wet samples noted at and below groundwater seepage levels and at isolated granular layers within the glacial till deposits. Note that soil moisture conditions and groundwater observations fluctuate due to changes in precipitation, climate, stabilization time and other factors that may differ from the time the measurements were made.

ANALYSES AND CONCLUSIONS

GEOTECHNICAL EVALUATION

Based on our borings, it is GCI's opinion that the site geotechnical conditions are suitable to support the proposed building, provided the site is properly prepared. The primary geotechnical issues that will impact site development are the proper topsoil stripping and fill placement and compaction to support foundations and slabs. We discuss these issues below.

Topsoil Stripping

The borings encountered a topsoil surface cover (0.5 to 0.6 feet thick). Topsoil, vegetation, and other organic materials are not suitable for foundation, floor slab, or pavement support. Stripping should extend to a minimum of 5 feet laterally beyond proposed building and pavement areas. Topsoil and organic matter can be stockpiled for reuse in landscaping mounds, redistributed in proposed green spaces areas, or disposed at an off-site location.

Subgrade Stability

The earthwork contractor should proof-roll the exposed natural soil subgrade using a fully-loaded, tandem-axle dump truck (or equivalent) to identify potential soft, yielding subgrade areas. Soft spots identified during the proof-roll should be undercut to firm, stable conditions or otherwise stabilized prior to placing additional fill, slab construction, or paving. Structural fill can be placed to design grade provided the exposed subgrades are proof-rolled, and firm, stable conditions are verified prior to fill placement.

The severity of soft, very moist subgrade conditions will depend on the time of year earthwork is performed, and the amount of moisture within the subgrade soils. We expect fewer problems with soft and wet subgrades if earthwork and mass grading operations are performed during traditionally drier times of the year (i.e. late spring, summer, and early fall).

Stabilization of soft subgrades by disking, aerating/drying, and re-compaction may be feasible during traditionally drier times of the year. During wet seasons, partial undercutting and replacing of wet soils with structural fill, drying with soil additives such as lime, or use of geosynthetics may be needed to create a stable subgrade before placing controlled fills. The use of soil additives such as cement, lime, and flyash or installation of geosynthetics should be reviewed by our office prior to use in the field. Careful routing of construction traffic is advised to help minimize instabilities of near surface soils during wet seasons.

Fill Placement and Compaction

We expect that site cut and fills will be balanced to create a level building pad and properly sloping pavements. The retention pond excavation will be a source of fill for the project. The fill will consist of clay based soils including lean clay and sandy lean clay (CL in the Unified/ASTM classification system).

Fill materials within the building pad and pavement areas should be placed in a controlled manner. Fill should be placed in maximum 8-inch thick loose lifts and compacted to at least 98% of the maximum Standard Proctor dry density. Moisture should be controlled within 3% of the optimum Standard Proctor moisture. Lift thickness should be reduced to

6 inches in confined areas where hand operated compaction equipment is used. The clay-based site soils will compact best using static-weight, sheepsfoot or vibratory pad-foot compactors and granular materials will compact best with vibratory smooth-drum rollers.

Compaction will be difficult to obtain if soft/unstable subgrades are not properly remediated before starting to place fill, or if the proposed fill materials contain excess moisture. We recommend that site earthwork and grading be performed during traditionally drier times of the year such as late spring, summer, and early fall to reduce problems associated with very moist soils. It will be difficult to obtain proper compaction during wet seasons due to excess moisture.

FOUNDATIONS

Provided the site is properly prepared as stated above, it is GCI's opinion that the proposed building can be constructed on conventional spread footings and continuous wall foundations. All footings should bear on stable, natural soils or new, controlled fill placed directly over stable natural soils. Footings bearing on acceptable soils can be designed using a maximum allowable bearing capacity not to exceed 3,000 pounds per square foot.

A side adhesion value of 500 psf can be used for design of footing to resist uplift. Footings shall be earth-formed, and not subjected to disturbance from frost, rain, etc.

Regardless of calculated sizes, we recommend minimum sizes of 16 inches wide for wall footings and 30 inches square for column pads to prevent a "punch" effect. All exterior

footings should extend to local frost bearing depth (36 inches) or to stable bearing (as stated above), whichever is deeper. Interior footings in heated areas may be placed as shallow as feasible, if bearing on acceptable soils.

Undercut foundations through soft or unstable, natural soils to bear footings on firm and stable, natural soils. Undercut areas can be backfilled to design bottom-of-footing elevation using controlled density fill (CDF) to allow footing construction at design grade. Alternatively, the foundations can be constructed on firm, stable site soils at the bottom-of-footing undercut. Soft, unstable bearing soils should be reviewed by the soil engineer prior to undercuts.

FLOOR SLAB

GCI recommends placing a minimum of 4 inches of granular fill (well-graded crushed stone, such as AASHTO #57 Stone or ODOT Item 304) under lightly loaded floor slabs to serve as a capillary cut-off, and to provide a uniform, firm subbase. We recommend the aggregate base thickness be increased to 6 inches below more heavily loaded slabs. We recommend placing a vapor barrier below the slab where moisture may be a problem with slab-on-grade floor coverings. Subgrades should be thoroughly proof-rolled and any soft, yielding areas brought to a stable condition prior to slab construction or placement of aggregate base.

SEISMIC FACTOR

The borings revealed a subsurface profile generally consisting of topsoil over natural clay-based soils including glacial till deposits. In accordance with the Ohio Building Code, we estimate the site as a Site Class D – stiff soil profile.

EXCAVATIONS AND GROUNDWATER

The natural clay-based soils can be excavated with conventional track hoe equipment.

We did not encounter bedrock within the borings and we do not expect bedrock will impact shallow foundations or site development work. **All site excavations should comply with current OSHA regulations.**

We encountered groundwater seepage in one boring at a depth of 16 feet below existing grade. Based on the borings, groundwater should not be a significant issue for shallow foundation and shallow utility excavations at the site. If water is encountered in site excavations, the excavations should be dewatered to allow footing construction and utility trench backfilling in dry conditions. We expect groundwater seepage flows can be handled with portable sump pumps and working mats of crushed stone, as needed.

Deeper excavations that penetrate any saturated sand and gravel layers (found within the glacial till) will encounter more seepage and may require more extensive dewatering techniques, such as deep sumps or well points. Contact GCI for additional recommendations if excessive groundwater conditions are encountered.

RETENTION POND

A retention pond will be constructed in the southeast corner of the site. We drilled boring B-6 in the location of the pond and encountered clay-based soils (including glacial till), with occasional sand and gravel layers. We did not encounter groundwater seepage in the boring.

The natural, lean clay site soils are suitable to use as a liner to retain water for a "wet" retention basin/pond. If sand and gravel layers are encountered within the sidewalls or the bottom of the pond, gouge out the materials and cover with a minimum of 18 inches of compacted, clay-based soil. Fill should be properly placed and compacted to a minimum of 98% Standard Proctor dry density, as described in the *Site Preparation and Earthwork* section of this report.

Ponds that encounter water seepage may require dewatering to properly place the liner material. Dewatering should be maintained until placement of the liner is completed and the pond is filled.

GENERAL SITE PREPARATION AND EARTHWORK

As a general approach to the site preparation, GCI recommends the following:

1. Strip vegetation, any topsoil, and root mat systems from below the proposed building footprint and pavement areas plus a minimum of 5 feet beyond. Stockpile any topsoil encountered for redistribution in proposed green space areas, reuse in landscaping mounds, or to backfill on-site borrow pits, otherwise haul the topsoil off-site.
2. Thoroughly and carefully proof-roll the exposed soil subgrades with a fully-loaded, tandem-axle dump truck (or equivalent) to identify potential soft/unstable areas. Undercut soft spots identified in the proof-roll or otherwise stabilize soft spots prior to placing controlled fill, placing underslab aggregate, or proceeding with pavement construction.
3. Place controlled fill to design grade within the proposed construction areas, as required. The natural, non-organic site soils are suitable for reuse in controlled fills. Off-site borrow materials should be reviewed by our office prior to use.
4. Place controlled fills in maximum 8-inch thick loose lifts and compact to a minimum of 98% of the maximum Standard Proctor dry density (ASTM D-698). The moisture in the site soils should be controlled to within $\pm 3\%$ of the optimum Standard Proctor moisture content. **Depending on the time of year of earthwork, moisture adjustment of the site soils may be required to achieve proper compaction.** Cohesive soils will compact best with a static-weight sheepsfoot roller. Clay-based soils that are at or slightly over the optimum

moisture content will tend to pump if exposed to vibratory sheepsfoot compaction equipment.

5. Excavate for foundations after the building pad is properly constructed. Refer to the *Geotechnical Evaluation* section of this report for specific foundation design parameters.
6. Slabs should be compacted to a smooth and stable surface prior to the placement of aggregate base.
7. We recommend that GCI be retained to observe proof-rolling operations, cut and fill operations, and footing excavations.
8. If work is performed during the winter (e.g., when freezing temperatures occur), special protective measures will be required during fill placement and footing construction procedures. Contact GCI for additional cold weather recommendations, as needed.

CONSTRUCTION MATERIALS ENGINEERING AND TESTING

GCI provides construction materials engineering and testing services. For project continuity throughout construction, we recommend that GCI be retained to observe, test, and document:

- earthwork procedures (stripping, fill placement, compaction, utility trench backfill, etc.),
- foundation and slab preparation (proof-rolling, excavations, undercuts, etc.),
- concrete placement and compressive strength testing (footings, structural concrete, slabs), and
- structural steel (welds, bolts, etc.).

The purpose of this work is to assess that the intent of our recommendations is being followed and to make timely changes to our recommendations (as needed) in the event site conditions vary from those encountered in our borings. Please contact our field department to initiate these services.

FINAL

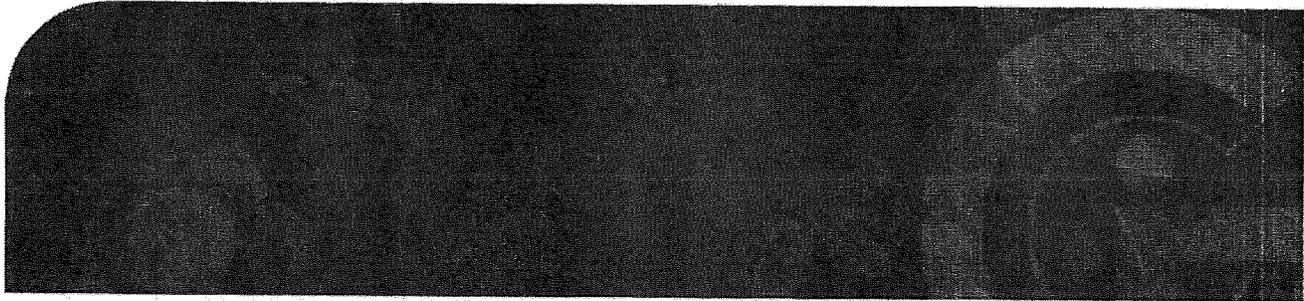
GCI should review the final building location, grading plans, final site topography, and project specifications in order to verify that recommendations contained in this report have been properly interpreted and implemented.

This report is for site evaluation and design purposes only and is not intended to be sufficient to prepare an accurate bid document. The nature and extent of variations between the borings might not become evident until construction and if variations are noted during construction, it may be necessary to re-evaluate the recommendations of this report.

If you have any questions or need for any additional information, please contact our office. It has been a pleasure to be of service to you on this project, and we hope to continue our services through construction.



GEOTECHNICAL
CONSULTANTS INC.



APPENDIX – Sky Climber 2 – Pittsburgh Drive, Delaware, Ohio

**General Notes for Soil Sampling and Classifications
General Site Location Map (DeLorme Street Atlas USA – 2014)
Boring Location Plan
Summary of Encountered Subsurface Conditions
Test Boring Logs (B-1 to B-6)**



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GENERAL NOTES FOR SOIL SAMPLING AND CLASSIFICATIONS

BORINGS, SAMPLING AND GROUNDWATER OBSERVATIONS:

Drilling and sampling were conducted in accordance with procedures generally recognized and accepted as standard methods of exploration of subsurface conditions. The borings were drilled using a truck-mounted drill rig using auger boring methods with standard penetration testing performed in each boring at intervals ranging from 1.5 to 5.0 feet. The stratification lines on the logs represent the approximate boundary between soil types at that specific location and the transition may be gradual.

Water levels were measured at drill locations under conditions stated on the logs. This data has been reviewed and interpretations made in the text of the report. Fluctuations in the level of the groundwater may occur due to other factors than those present at the time the measurements were made.

The Standard Penetration Test (ASTM-D-1586) is performed by driving a 2.0 inch O.D. split barrel sampler a distance of 18 inches utilizing a 140 pound hammer free falling 30 inches. The number of blows required to drive the sampler each 6 inches of penetration are recorded. The summation of the blows required to drive the sampler for the final 12 inches of penetration is termed the Standard Penetration Resistance (N). Soil density/consistency in terms of the N-value is as follows:

| COHESIONLESS DENSITY | | COHESIVE CONSISTENCY | |
|----------------------|--------------|----------------------|--------------|
| 0-10 | Loose | 0-4 | Soft |
| 10-30 | Medium Dense | 4-8 | Medium Stiff |
| 30-50 | Dense | 8-15 | Stiff |
| 50 + | Very Dense | 15-30 | Very Stiff |
| | | 30 + | Hard |

SOIL MOISTURE TERMS

Soil Samples obtained during the drilling process are visually characterized for moisture content as follows:

| MOISTURE CONTENT | DESCRIPTION |
|------------------|--|
| Damp | Soil moisture is much drier than the Atterberg plastic limit (where soils are cohesive) and generally more than 3% below Standard Proctor "optimum" moisture conditions. Soils of this moisture generally require added moisture to achieve proper compaction. |
| Moist | Soil moisture is near the Atterberg plastic limit (cohesive soils) and generally within $\pm 3\%$ of the Standard Proctor "optimum" moisture content. Little to no moisture conditioning is anticipated to be required to achieve proper compaction and stable subgrades. |
| Very Moist | Soil moisture conditions are above the Atterberg plastic limit (cohesive soils) and generally greater than 3% above Standard Proctor "optimum" moisture conditions. Drying of the soils to near "optimum" conditions is anticipated to achieve proper compaction and stable subgrades. |
| Wet | Soils are saturated. Significant drying of soils is anticipated to achieve proper compaction and stable subgrades. |

SOIL CLASSIFICATION PROCEDURE:

Soil samples obtained during the drilling process are preserved in plastic bags and visually classified in the laboratory. Select soil samples may be subjected to laboratory testing to determine natural moisture content, gradation, Atterberg limits and unit weight. Soil classifications on logs may be adjusted based on results of laboratory testing.

Soils are classified in accordance with the ASTM version of the Unified Soil Classification System. ASTM D-2487 "Classification of Soils for Engineering Purposes (Unified Soil Classification System)" describes a system for classifying soils based on laboratory testing. ASTM D-2488 "Description and Identification of Soil (Visual-Manual Procedure)" describes a system for classifying soils based on visual examination and manual tests.

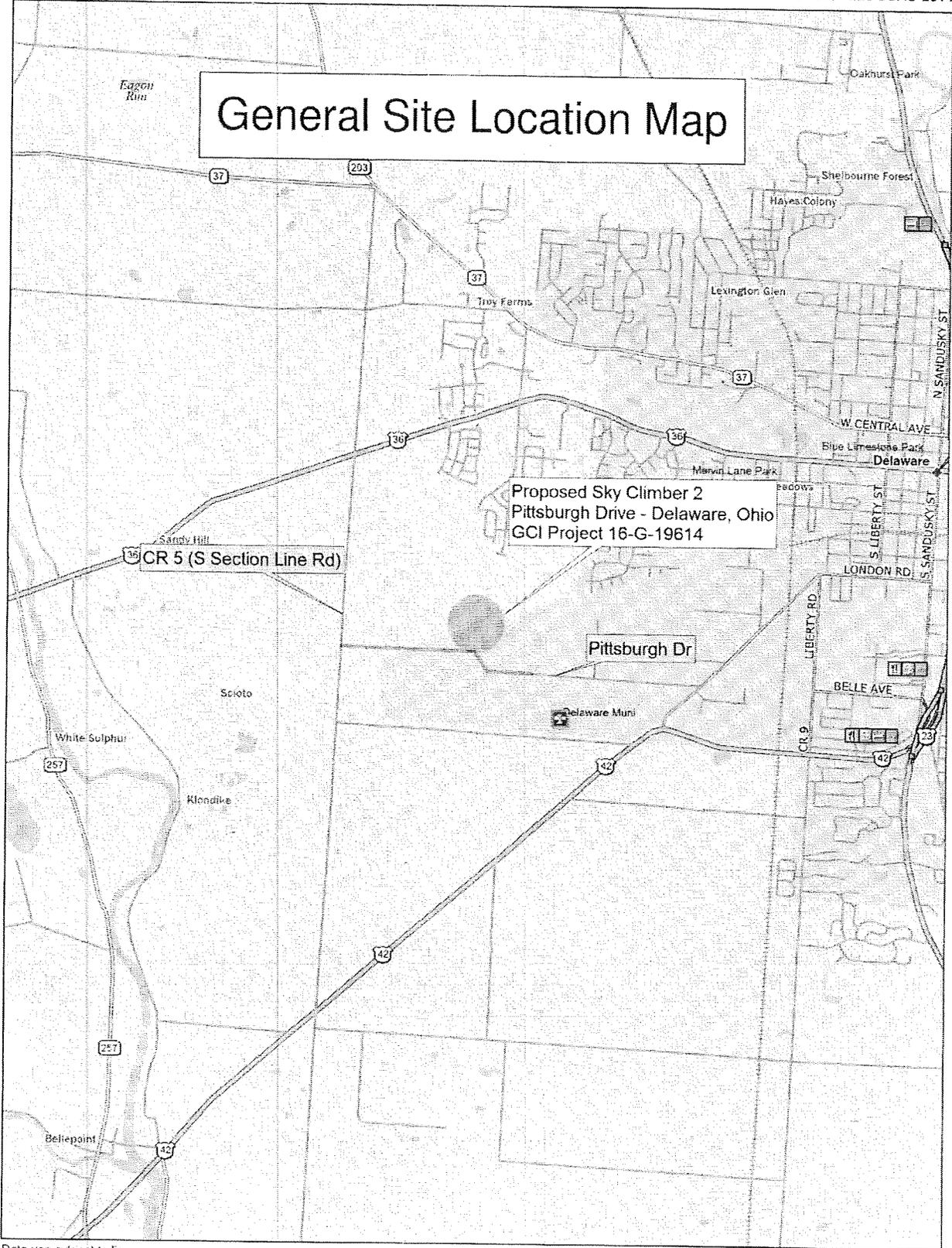
Soil classifications are based on the following tables (see reverse side):

GENERAL NOTES FOR SOIL SAMPLING AND CLASSIFICATIONS

| PARTICLE SIZE DEFINITION | | CONSTITUENT MODIFIERS | |
|--------------------------|---|---------------------------------------|--|
| Boulders: | >12" | | |
| Cobbles: | 3" to 12" | | |
| Gravel: | Coarse: | 3/4" to 3" | Trace |
| | Fine: | No. 4 (3/16") to 3/4" | Few |
| Sand: | Coarse | No. 10 (2.0mm) to No. 4 (4.75mm) | Little |
| | Medium | No. 40 (0.425mm) to No. 10 (2.0mm) | Some |
| | Fine | No. 200 (0.074mm) to No. 40 (0.425mm) | Mostly |
| Silt & Clay | <0.074mm; classification based on overall plasticity; in general clay particles <0.005mm. | | Less than 5% 5-10% 15-25% 30-45% 50-100% |

| ASTM/UNIFIED SOIL CLASSIFICATION AND SYMBOL CHART | |
|--|---|
| COARSE-GRAINED SOILS (more than 50% of materials is larger than No. 200 sieve size) | |
| GRAVELS More than 50% of coarse fraction larger than No. 4 sieve size | <i>Clean Gravel (less than 5% fines)</i> |
| | GW Well-graded gravel, gravel-sand mixtures, little or no fines |
| | GP Poorly-graded gravels, gravel sand mixtures, little or no fines |
| | <i>Gravels with fines (more than 12% fines)</i> |
| | GM Silty gravels, gravel-sand-silt mixtures |
| | GC Clayey gravels, gravel-sand-clay mixtures |
| SANDS More than 50% of coarse fraction smaller than No. 4 sieve size | <i>Clean Sands (Less than 5% fines)</i> |
| | SW Well-graded sands, gravelly sands, little or no fines |
| | SP Poorly-graded sands, gravelly sands, little or no fines |
| | <i>Sands with fines (More than 12% fines)</i> |
| | SM Silty sands, sand-silt mixtures |
| | SC Clayey sands, sand-clay mixtures |
| Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows: | |
| Less than 5 percent | GW, GP, SW, SP |
| Greater than 12 percent | GM, GC, SM, SC |
| 5 to 12 percent | Bordertline cases requiring dual symbols: SP-SM, GP-GM, etc. |
| FINE-GRAINED SOILS (50% or more of material is smaller than No. 200 sieve size) | |
| SILTS AND CLAYS Liquid Limit less than 50% | ML Inorganic silts and very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity |
| | CL Inorganic clays or low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays |
| | CL-ML Inorganic silty clay of slight plasticity, P.I. between 4 and 7 |
| | OL Organic silts and organic silty clays of low plasticity |
| SILTS AND CLAYS Liquid Limit 50% or greater | MH Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts |
| | CH Inorganic clays of high plasticity, fat clays |
| | OH Organic clays or medium to high plasticity, organic silts |
| HIGHLY ORGANIC SOILS | PT Peat and other highly organic soils |

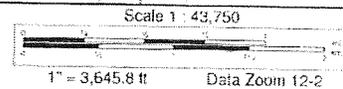
General Site Location Map

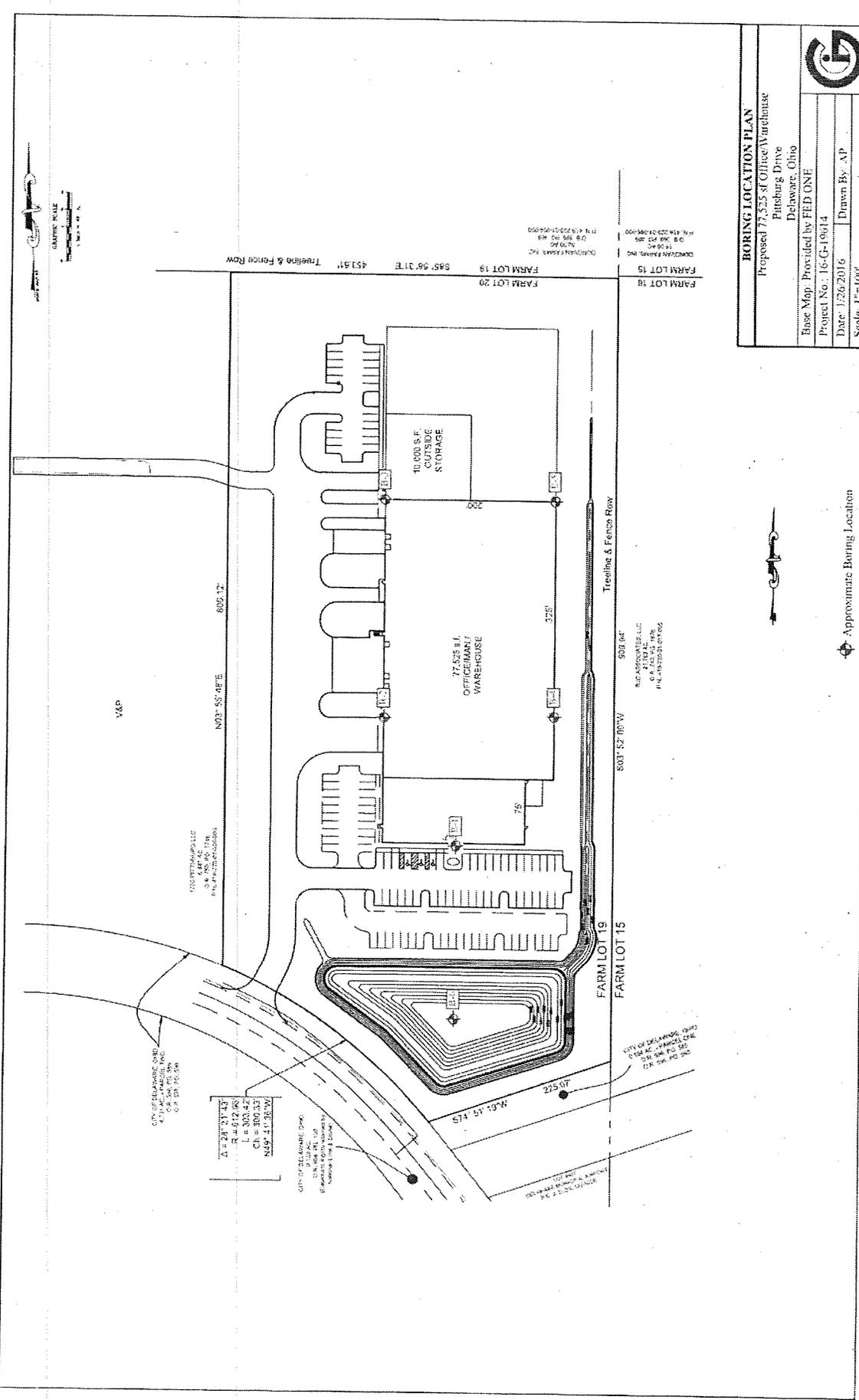


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| | |
|---------------------------------------|--------------|
| BORING LOCATION PLAN | |
| Proposed 77,525 S.F. Office/Warehouse | |
| Pittsburg Drive Delaware, Ohio | |
| Base Map: Provided by FED ONE | |
| Project No.: 16-G-19814 | |
| Date: 1/26/2016 | Drawn By: AP |
| Scale: 1"=100' | |



Approximate Boring Location

Summary of Encountered Subsurface Conditions

Sky Climber 2 - Office/Warehouse
Pittsburg Drive
GCI Job Number: 16-G-19614

| Borehole | Surface Layer | Topsoil Thickness (ft.) | Groundwater: Level Encountered (ft) | | Groundwater: Level at Completion (ft) Depth | Depth to Top of Lean Clay (ft) | Depth to Top of Brown Till (ft) | Depth to Top of Gray Till (ft) | Bottom of Boring Depth (ft) |
|----------|---------------|-------------------------|-------------------------------------|-------|---|--------------------------------|---------------------------------|--------------------------------|-----------------------------|
| | | | Depth | Level | | | | | |
| B1 | Topsoil | 0.5 | -- | -- | -- | 0.5 | 5.0 | -- | 15.0 |
| B2 | Topsoil | 0.6 | 16 | 10 | 10 | 0.6 | 5.5 | 12.5 | 20.0 |
| B3 | Topsoil | 0.5 | -- | -- | -- | 0.5 | 4.0 | 14.0 | 15.0 |
| B4 | Topsoil | 0.6 | -- | -- | -- | 0.6 | 5.0 | 9.0 | 15.0 |
| B5 | Topsoil | 0.5 | -- | -- | -- | 0.5 | 5.0 | 15.5 | 20.0 |
| B6 | Topsoil | 0.5 | -- | -- | -- | 0.5 | 6.0 | 12.5 | 20.0 |

Average Topsoil Depth at boring locations: 0.5 feet

*NOTE: Surface elevations were interpolated from topographic data on plans provided; GCI did not field verify the elevations.



TEST BORING LOG

PROJECT NAME **Sky Climber 2 - Office/Warehouse - Pittsburg Drive**

BORING NO. **B2**

CLIENT **Fed One Dublin, LLC**

PROJ.

SURF. ELEV.

NO. **16-G-19614**

DATE DRILLED **1/25/2016**

| GROUND WATER OBSERVATION | | | | Proportions Used | | | 140 lb Wt. x 30" fall on 2" O.D. Sampler | | | |
|---|---------------------------|-----------------------|----------------|-------------------------|--------------|-------|--|----------------------|--|--------------|
| <u>10.0</u> FEET BELOW SURFACE AT COMPLETION _____ FEET BELOW SURFACE AT 24 HOURS _____ FEET BELOW SURFACE AT _____ HOURS | | | | Trace | Less than 5% | | Cohesionless Density | | Cohesive Consistency | |
| | | | | Few | 5 to 10% | | 0 - 10 | Loose | 0 - 4 | Soft |
| | | | | Little | 15 to 25% | | 10 - 30 | Medium Dense | 4 - 8 | Medium Stiff |
| | | | | Some | 30 to 45% | | 30 - 50 | Dense | 8 - 15 | Stiff |
| | | | | Mostly | 50 to 100% | | 50 + | Very Dense | 15 - 30 | Very Stiff |
| | | | | | | | | 30 + | | Hard |
| LOCATION OF BORING See Boring Location Plan | | | | | | | | | | |
| DEPTH | Pocket Penetrometer (tsf) | Sample Depths From To | Type of Sample | Blows per 6" on Sampler | | | Moisture Density or Consist. | Strata Change Depth* | SOIL IDENTIFICATION Remarks include color, type of soil, etc. Rock-color, type, condition, hardness | |
| | | | | 0-6 | 6-12 | 12-18 | | | | |
| | | 0.0-1.5 | SS | 6 | 4 | 4 | Moist | 0.6 | Topsoil | |
| | | | | | | | | | Brown Mottled Gray Lean Clay (CL), moderate plasticity, trace sand - Stained to 2.0' | |
| | | 1.5-2.5 | SS | 2 | 2 | 3 | Very Moist | | | |
| | | | | | | | | | Brown Sandy Lean Clay (CL), low/moderate plasticity, little/some fine/coarse sand, few fine/coarse gravel, few black shale fragments, trace limestone fragments - Glacial Till | |
| | | 1.5 | SS | 2 | 2 | 2 | Very Moist | 5.5 | | |
| | | | | | | | | | Gray Sandy Lean Clay w/Gravel (CL), low plasticity, some fine/coarse sand, little fine/coarse gravel - Glacial Till | |
| | | 1.5 | SS | 2 | 2 | 3 | Very Moist | 12.5 | | |
| | | | | | | | | | Water Seepage at 16' Gray Silty Sand and Gravel layers | |
| | | 0.5 | SS | 3 | 5 | 6 | Wet to Very Moist | | | |
| | | | | | | | | | BOTTOM OF BORING: 20' | |
| | | 0.5 | SS | 8 | 10 | 13 | Wet | 20.0 | | |

* The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



TEST BORING LOG

PROJECT NAME **Sky Climber 2 - Office/Warehouse - Pittsburg Drive**

BORING NO. **B3**

CLIENT **Fed One Dublin, LLC**

PROJ.

SURF. ELEV.

NO. **16-G-19614**

DATE DRILLED **1/25/2016**

| GROUND WATER OBSERVATION | | | | Proportions Used | | | 140 lb Wt. x 30" fall on 2" O.D. Sampler | | | |
|---|---------------------------|-----------------------|----------------|-------------------------|--------------|----|--|----------------------|---|--------------|
| None FEET BELOW SURFACE AT COMPLETION | | | | Trace | Less than 5% | | Cohesionless Density | | Cohesive Consistency | |
| _____ FEET BELOW SURFACE AT 24 HOURS | | | | Few | 5 to 10% | | 0 - 10 | Loose | 0 - 4 | Soft |
| _____ FEET BELOW SURFACE AT _____ HOURS | | | | Little | 15 to 25% | | 10 - 30 | Medium Dense | 4 - 8 | Medium Stiff |
| | | | | Some | 30 to 45% | | 30 - 50 | Dense | 8 - 15 | Stiff |
| | | | | Mostly | 50 to 100% | | 50 + | Very Dense | 15 - 30 | Very Stiff |
| | | | | | | | | | 30 + | Hard |
| LOCATION OF BORING | | | | | | | | | | |
| See Boring Location Plan | | | | | | | | | | |
| DEPTH | Pocket Penetrometer (tsf) | Sample Depths From To | Type of Sample | Blows per 6" on Sampler | | | Moisture Density or Consist. | Strata Change Depth* | SOIL IDENTIFICATION Remarks include color, type of soil, etc. Rock-color, type, condition, hardness | |
| | | | | From | To | To | | | | |
| | | 0.0-1.5 | SS | 6 | 4 | 4 | Moist | 0.5 | Topsoil | |
| | | | | | | | | | Brown Mottled Gray Lean Clay (CL), moderate plasticity, trace sand - Stained to 2.0' | |
| | | 2.0-3.0 | SS | 2 | 2 | 3 | Very Moist | | | |
| | | | | | | | | | Brown Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, trace gravel - Glacial Till | |
| | | 2.5 | SS | 2 | 2 | 2 | Very Moist | 4.0 | | |
| 5 | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | 4.5 | SS | 6 | 12 | 11 | Very Moist | | | |
| 10 | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | Gray Sandy Lean Clay w/Gravel (CL), low plasticity, some fine/coarse sand, little/some fine/coarse gravel, few/trace limestone fragments - Glacial Till - with cobble and boulders and silty sand and gravel layers | |
| | | 1.5 | SS | 3 | 5 | 5 | Wet to Moist | 14.0 | | |
| 15 | | | | | | | | 15.0 | | |
| | | | | | | | | | BOTTOM OF BORING: 15' | |

* The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



TEST BORING LOG

PROJECT NAME **Sky Climber 2 - Office/Warehouse - Pittsburg Drive**

BORING NO. **B4**

CLIENT **Fed One Dublin, LLC**

PROJ.

SURF. ELEV.

NO. **16-G-19614**

DATE DRILLED **1/25/2016**

| GROUND WATER OBSERVATION | | | | Proportions Used | | | 140 lb Wt. x 30" fall on 2" O.D. Sampler | | | | |
|---|---------------------------|-----------------------|----------------|---------------------------------|--------------|-------|--|----------------------|---|--------------|--|
| None FEET BELOW SURFACE AT COMPLETION _____ FEET BELOW SURFACE AT 24 HOURS _____ FEET BELOW SURFACE AT _____ HOURS | | | | Trace | Less than 5% | | Cohesionless Density | | Cohesive Consistency | | |
| | | | | Few | 5 to 10% | | 0 - 10 | Loose | 0 - 4 | Soft | |
| | | | | Little | 15 to 25% | | 10 - 30 | Medium Dense | 4 - 8 | Medium Stiff | |
| | | | | Some | 30 to 45% | | 30 - 50 | Dense | 8 - 15 | Stiff | |
| | | | | Mostly | 50 to 100% | | 50 + | Very Dense | 15 - 30 | Very Stiff | |
| | | | | | | | | | 30 + | Hard | |
| LOCATION OF BORING See Boring Location Plan | | | | | | | | | | | |
| DEPTH | Pocket Penetrometer (tsf) | Sample Depths From To | Type of Sample | Blows per 6" on Sampler From To | | | Moisture Density or Consist. | Strata Change Depth* | SOIL IDENTIFICATION | | |
| | | | | 0-6 | 6-12 | 12-18 | | | Remarks include color, type of soil, etc. Rock-color, type, condition, hardness | | |
| | | 0.0-1.5 | SS | 5 | 4 | 3 | Moist | 0.6 | Topsoil | | |
| | | | | | | | | | Brown Mottled Gray Lean Clay (CL), moderate plasticity, trace sand - Stained to 2.0' | | |
| | 2.0 | 2.0-3.5 | SS | 2 | 3 | 3 | Moist | | | | |
| | | | | | | | | | Brown Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, few fine/coarse gravel - Glacial Till | | |
| | 3.5-4.0 | 4.0-5.5 | SS | 2 | 2 | 2 | Moist | 5.0 | | | |
| | | | | | | | | | Gray Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, few fine/coarse gravel - Glacial Till - with gray sand and gravel layers | | |
| | 2.5 | 8.5-10.0 | SS | 4 | 3 | 4 | Moist | 9.0 | | | |
| | | | | | | | | | BOTTOM OF BORING: 15' | | |
| | | 13.5-15.0 | SS | 15 | 29 | 28 | Moist | 15.0 | | | |

* The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



TEST BORING LOG

PROJECT NAME Sky Climber 2 - Office/Warehouse - Pittsburg Drive

BORING NO. B5

CLIENT Fed One Dublin, LLC

PROJ.

SURF. ELEV. _____

NO. 16-G-19614

DATE DRILLED 1/25/2016

| GROUND WATER OBSERVATION | | | | Proportions Used | | | 140 lb Wt. x 30" fall on 2" O.D. Sampler | | | |
|---|---------------------------|-----------------------|----------------|-------------------------|--------------|-------|--|----------------------|--|--------------|
| None FEET BELOW SURFACE AT COMPLETION _____ FEET BELOW SURFACE AT 24 HOURS _____ FEET BELOW SURFACE AT _____ HOURS | | | | Trace | Less than 5% | | Cohesionless Density | | Cohesive Consistency | |
| | | | | Few | 5 to 10% | | 0 - 10 | Loose | 0 - 4 | Soft |
| | | | | Little | 15 to 25% | | 10 - 30 | Medium Dense | 4 - 8 | Medium Stiff |
| | | | | Some | 30 to 45% | | 30 - 50 | Dense | 8 - 15 | Stiff |
| | | | | Mostly | 50 to 100% | | 50 + | Very Dense | 15 - 30 | Very Stiff |
| | | | | | | | | | 30 + | Hard |
| LOCATION OF BORING See Boring Location Plan | | | | | | | | | | |
| DEPTH | Pocket Penetrometer (tsf) | Sample Depths From To | Type of Sample | Blows per 6" on Sampler | | | Moisture Density or Consist. | Strata Change Depth* | SOIL IDENTIFICATION Remarks include color, type of soil, etc. Rock-color, type, condition, hardness | |
| | | | | 0-6 | 6-12 | 12-18 | | | | |
| | | 0.0-1.5 | SS | 5 | 4 | 3 | Moist | 0.5 | Topsoil | |
| | | | | | | | | | Brown Mottled Gray Lean Clay (CL), moderate plasticity, trace sand - Stained to 2.0' | |
| | 2.5 | 2.0-3.5 | SS | 2 | 2 | 3 | Very Moist | | | |
| | | | | | | | | | Brown Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, few weathered black shale fragments, trace gravel - Glacial Till | |
| | 2.5-3.0 | 4.0-5.5 | SS | 3 | 3 | 3 | Moist | 5.0 | | |
| 5 | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | 2.0 | 8.5-10.0 | SS | 3 | 4 | 6 | Moist | | | |
| 10 | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | NR | 13.5-15.0 | SS | 10 | 50/1 | | Moist | 15.5 | | |
| 15 | | | | | | | | | Gray Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, few fine/coarse gravel - Glacial Till | |
| | | | | | | | | | | |
| | | | | | | | | | Brown Silt layers noted in sample at 18.5 feet | |
| | 2.5 | 18.5-20.0 | SS | 13 | 25 | 45 | Moist | | | |
| | | | | | | | | | BOTTOM OF BORING: 20' | |
| | | | | | | | | 20.0 | | |

* The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



TEST BORING LOG

PROJECT NAME Sky Climber 2 - Office/Warehouse - Pittsburg Drive

BORING NO. B6

CLIENT Fed One Dublin, LLC

PROJ.

SURF. ELEV. _____

NO. 16-G-19614

DATE DRILLED 1/25/2016

| GROUND WATER OBSERVATION | | | | Proportions Used | | | 140 lb Wt. x 30" fall on 2" O.D. Sampler | | | | |
|--|---------------------------|-----------------------|----------------|-------------------------|--------------|----------------------|--|----------------------|---|--|--|
| <p><u>None</u> FEET BELOW SURFACE AT COMPLETION</p> <p>_____ FEET BELOW SURFACE AT 24 HOURS</p> <p>_____ FEET BELOW SURFACE AT _____ HOURS</p> | | | | Trace | Less than 5% | Cohesionless Density | | Cohesive Consistency | | | |
| | | | | Few | 5 to 10% | 0 - 10 | Loose | 0 - 4 | Soft | | |
| | | | | Little | 15 to 25% | 10 - 30 | Medium Dense | 4 - 8 | Medium Stiff | | |
| | | | | Some | 30 to 45% | 30 - 50 | Dense | 8 - 15 | Stiff | | |
| | | | | Mostly | 50 to 100% | 50 + | Very Dense | 15 - 30 | Very Stiff | | |
| | | | | | | | | 30 + | Hard | | |
| LOCATION OF BORING See Boring Location Plan | | | | | | | | | | | |
| DEPTH | Pocket Penetrometer (tsf) | Sample Depths From To | Type of Sample | Blows per 6" on Sampler | | | Moisture Density or Consist. | Strata Change Depth* | SOIL IDENTIFICATION Remarks include color, type of soil, etc. Rock-color, type, condition, hardness | | |
| | | | | 0-6 | 6-12 | 12-18 | | | | | |
| | | 0.0-1.5 | SS | 4 | 3 | 3 | Wet | 0.5 | Topsoil | | |
| | | | | | | | | | Brown Mottled Gray Lean Clay (CL), moderate plasticity, trace sand - Stained to 2.0' | | |
| | 2.5 | 2.0-3.5 | SS | 2 | 3 | 3 | Moist | | | | |
| | | | | | | | | | Brown Sandy Lean Clay (CL), low/moderate plasticity, some fine/coarse sand, trace gravel - Glacial Till | | |
| | 2.0-3.0 | 4.0-5.5 | SS | 2 | 2 | 3 | Moist | | | | |
| 5 | | | | | | | | 6.0 | | | |
| | | | | | | | | | | | |
| | | | | | | | | | Gray Sandy Lean Clay (CL), low/moderate plasticity, little fine/coarse sand, trace gravel - Glacial Till - with cobbles and boulders and silty sand and gravel layers | | |
| | 2.5 | 8.5-10.0 | SS | 4 | 5 | 5 | Moist | | | | |
| 10 | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | BOTTOM OF BORING: 20' | | |
| | NR | 13.5-15.0 | SS | 50/2 | | | Moist | 12.5 | | | |
| 15 | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | 4.5 | 18.5-20.0 | SS | 13 | 22 | 29 | Wet to Moist | 20.0 | | | |

* The stratification lines represent the approximate boundary between soil types and the transition may be gradual.



EXHIBIT E

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

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

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

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

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

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

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

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

WHEREAS, **Precision Tower Products, LLC** has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the APPLICATION to be forwarded to said department with a copy of the final agreement; and

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

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

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

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

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

The PROJECT will begin at the earliest on September 1, 2015 and all construction will be completed by January 1, 2017. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. **Precision Tower Products, LLC** shall create the equivalent of **35 new full-time equivalent (FTE) (23 will be on-site and 12 will be travelling field techs)** jobs at the Delaware facility. The job creation period begins **January 1, 2017** and all jobs will be in place by **January 1, 2020** (3 years or 36 months after the completion of the PROJECT per ORC 3735).

This increase in the number of new employees shall result in the creation of at least ONE MILLION NINE HUNDRED AND SEVENTY THOUSAND (\$1,970,000) in total annual payroll generated at the PROJECT site (does not include \$600,000 of field tech payroll that would be taxed where the field techs work).

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

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

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

| <u>Year of Tax Exemption</u> | <u>Tax Exemption Amount</u> |
|------------------------------|-----------------------------|
| Year 1 | 100% |
| Year 2 | 100% |
| Year 3 | 100% |
| Year 4 | 100% |
| Year 5 | 100% |
| Year 6 | 100% |
| Year 7 | 100% |
| Year 8 | 100% |

| | |
|---------|------|
| Year 9 | 100% |
| Year 10 | 100% |
| Year 11 | 100% |
| Year 12 | 100% |
| Year 13 | 100% |
| Year 14 | 100% |
| Year 15 | 100% |

The exemption commences the first full taxable year the facility is 100% complete. No exemption shall commence before January 1, 2015, nor extend beyond Dec. 31, 2031. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the PROJECT site. **Precision Tower Products, LLC** must file the appropriate tax forms (DTE 23) with the County Auditor to effect and maintain the exemptions covered in the agreement.

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

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

7. Waiver Requirement (for jobs relocated within Ohio)
If the Director of Development has issued a waiver under Section 5709.633 of the Ohio Revised Code as a condition for the agreement to be executed, the following applies:
Continuation of this agreement is subject to the validity of the circumstances upon which **Precision Tower Products, LLC** applied for, and the Director of the Ohio Department of Development issued, the waiver pursuant to Section 5709.633 of the Ohio Revised Code. If, after formal approval of this agreement by the City of Delaware, the Director or the City of Delaware discovers that such a circumstance did not exist, **Precision Tower Products** shall be deemed to have materially failed to comply with this agreement. The formal waiver document shall be incorporated as an exhibit to this

agreement and specifies conditions enumerated in Section 5709.633 of the Ohio Revised Code upon which the waiver was issued.

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

LLC currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against **Precision Tower Products, LLC**. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

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

of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Delaware may terminate or modify the exemptions from taxation granted under this agreement.

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

IN WITNESS WHEREOF, the City of Delaware, Ohio, by R. Thomas Homan, its City Manager, and pursuant to **Ordinance 15-42** adopted on **May 11, 2015**, has caused this instrument to be executed this 1st day of June 2015, and **Precision Tower Products, LLC** has caused this instrument to be executed on this _____ day of _____ 2015.

CITY OF DELAWARE

By: _____
R. Thomas Homan, City Manager

PRECISION TOWER PRODUCTS, LLC

By: Todd King
Todd King, President
Precision Tower Products, LLC

Approved as to form:

By: _____
Darren Shulman, Delaware City Attorney

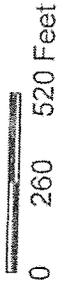
EXHIBIT F

Photo: 2002 Delaware Color Ortho

1/13/2016

Legend

- Road
- Boundary
- Subdivision
- Easement
- Subdivision
- Easement

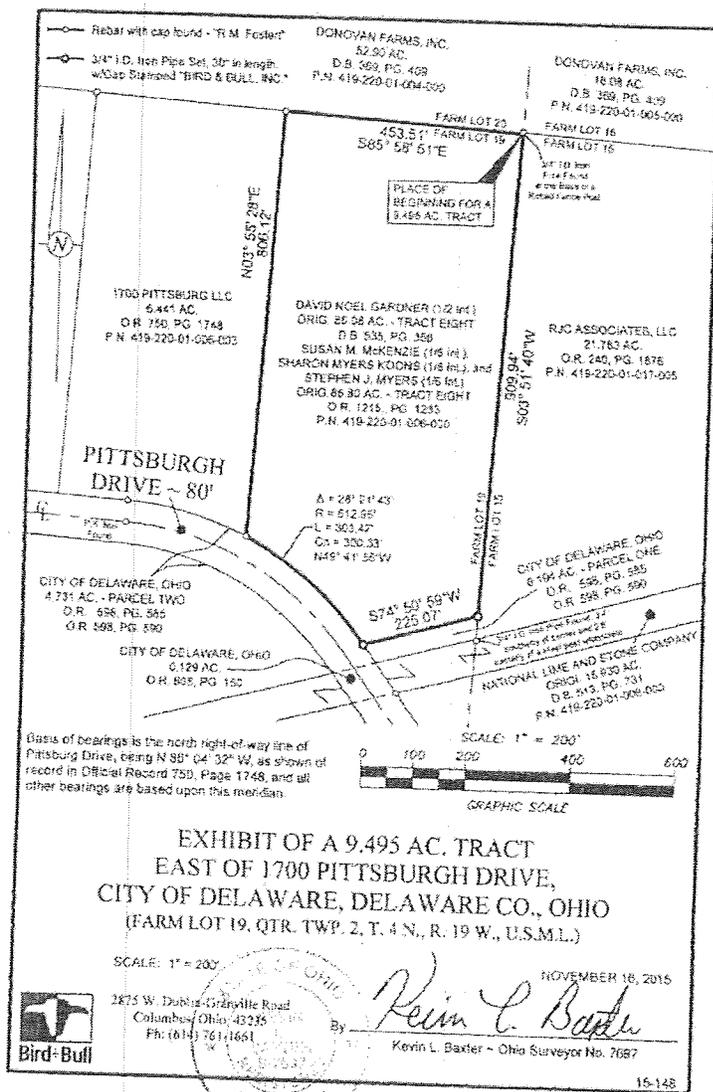


Conservation District
 Rd. Suite A
 JH 43015
 d@delawareswcd.org
 r@swcd.org



Note:
 Delaware SWCD makes no warranty or
 warranty as to the accuracy of the
 information on this map.

FIGURE 1A



DESCRIPTION OF A 9.495 ACRE TRACT EAST OF 1700 PITTSBURG DRIVE, CITY OF DELAWARE, DELAWARE COUNTY, OHIO

Situated in the State of Ohio, County of Delaware, City of Delaware, in Farm Lot 19, Quarter Township 2, Township 4 North, Range 19 West, United States Military Lands and being a portion of an original 86.08 acre tract of land conveyed, as Tract 8, to David Noel Gardner (1/2 Interest), by deed of record in Deed Book 535, Page 358 and Susan M. McKenzie (1/6 Interest), Sharon Myers Koons (1/6 Interest) and Stephen J. Myers (1/6 Interest), by deed of record in Official Record 1215, Page 1233, all record referenced to the Recorder's Office, Delaware County, Ohio and bounded and described as follows;

Beginning at a 3/4" I.D. iron pipe found representing the corner common to said Farm Lot 19, Farm Lot 20, Farm Lot 16 and Farm Lot 15, at the northeast corner of said original 86.08 acre tract, at the southeast corner of a 52.90 acre tract of land conveyed to Donovan Farms, Inc., by deed of record in Deed Book 369, Page 409, at the southwest corner of an 18.08 acre tract of land conveyed to Donovan Farms, Inc., by deed of record in Deed Book 369, Page 409 and at the northwest corner of a 21.783 acre tract of land conveyed to RJC Associates, LLC, by deed of record in Official Record 240, Page 1876;

thence S 03° 51' 40" W along the east line of said Farm Lot 19, along the west line of said Farm Lot 15, along a portion of the east line of said original 86.08 acre tract and along a portion of the west line of said 21.783 acre tract a distance of 909.94 feet to a 3/4" I.D. iron pipe set at the northeasterly corner of a 0.194 acre tract of land conveyed, as Parcel One and out of said original 86.08 acre tract; to the City of Delaware, Ohio, by deeds of record in Official Record 598, Page 585 and Official Record 598, Page 590;

thence S 74° 50' 59" W crossing a portion of said original 86.08 acre tract and along the northerly line of said 0.194 acre tract a distance of 225.07 feet to a 3/4" I.D. iron pipe set at the northwesterly corner of said 0.194 acre tract and in the curved northeasterly right-of-way line of Pittsburg Drive (80 feet in width), said Pittsburg Drive having been conveyed as Tract Two, a 4.731 acre tract out of said original 86.08 acre tract, to the City of Delaware, Ohio, by deeds of record in Official Record 598, Page 585 and Official Record 598, Page 590;

thence northwesterly crossing a portion of said original 86.08 acre tract, along the curved northeasterly right-of-way line of Pittsburg Drive and with a curve to the left, data of which is: radius = 612.96 feet, and delta = 28° 21' 43", arc length = 303.42 feet, a chord distance of 300.33 feet bearing N 49° 41' 56" W to a rebar with cap ("R.M. Foster") found at the southeast corner of a 6.441 acre tract of land conveyed to 1700 Pittsburg LLC, by deed of record in Official Record 750, Page 1748;

thence N 03° 55' 28" E crossing a portion of said original 86.08 acre tract and along the east line of said 6.441 acre tract a distance of 806.12 feet to a rebar with cap ("R.M. Foster") found in the north line of said original 86.08 acre tract, at the northeast corner of said 6.441 acre tract, in the north line of said Farm Lot 19, in the south line of said Farm Lot 20 and in the south line of said 52.90 acre tract;

thence S 85° 58' 51" E along a portion of the north line of said original 86.08, along a portion of the north line of said Farm Lot 19, along a portion of the south line of said Farm Lot 20 and along a portion of the south line of said 52.90 acre tract a distance of 453.51 feet to the place of beginning;

containing 9.495 acres of land more or less and being subject to all easements and restrictions of record.

The above description was prepared by Kevin L. Baxter, Ohio Surveyor No. 7697, of C.F. Bird & R.J. Bull, Inc., Consulting Engineers & Surveyors, Columbus, Ohio, from an actual field survey performed under his supervision in November, 2015. Basis of bearings is the north right-of-way line of Pittsburg Drive, being N 86° 04' 32" W, as shown of record in Official Record 750, Page 1748, Recorder's Office, Delaware County, Ohio.

Kevin L. Baxter 11/16/15
Kevin L. Baxter - Ohio Surveyor #7697



DESCRIPTION FOR CLOSING ONLY
 REC Approval Required
 Municipal Approval Required
Delaware County Engineer

12-16-15

DESCRIPTION APPROVED FOR TRANSFER
Chris Bauserman
Delaware County Engineer

12-16-15



FACT SHEET

AGENDA ITEM NO: 15

DATE: 3/14/16

ORDINANCE NO: 16-19

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

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 FINAL DEVELOPMENT PLAN FOR THE COMMUNITIES AT GLENROSS SECTION 7 CONSISTING OF 40 SINGLE FAMILY LOTS ON 38.76 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON WHITE FAWN RUN, NIGHT BIRD LANE, COURSE ROAD AND CRICK STONE DRIVE.

BACKGROUND:

In August 2015 The Communities at Glenross Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. Now the applicant is requesting to develop Section 7 which is located north of Cheshire Road, west of the railroad tracks and just south of Section 4 between Sections 5 and 6. Access is gained through White Fawn Run and Crick Stone Drive respectively from the adjacent sections while Night Bird Lane and Course Road are internal streets within this section. The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: minimum 2,000 square feet for all single family houses respectively, 100% natural materials on all elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other items. The lot sizes range from 10,628 square feet (0.244 acre) to 28,139 square feet (0.646 acres) with minimum lot widths of 80 feet and

minimum lot depths of 125 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 10 feet. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1129.06 Development Plan Review Procedures of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on March 2, 2016.

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. 16-19

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE COMMUNITIES AT GLENROSS SECTION 7 CONSISTING OF 40 SINGLE FAMILY LOTS ON 38.76 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON WHITE FAWN RUN, NIGHT BIRD LANE, COURSE ROAD AND CRICK STONE DRIVE.

WHEREAS, the Planning Commission at its meeting of March 2, 2016 recommended approval of a Final Development Plan for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Drive, Night Bird Lane, Course Road and Crick Stone Drive (2016-0172), and

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

SECTION 1. That the Final Development Plan for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Drive, Night Bird Lane, Course Road and Crick Stone Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final 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.
2. The subject plan shall achieve compliance with the approved Preliminary Development 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.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



PLANNING COMMISSION / STAFF REPORT

CASE NUMBERS: 2016-0172 & 0173

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 7

MEETING DATE: March 2, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-0172: A request by Pulte Homes for approval of a Final Development Plan for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive.

2016-0173: A request by Pulte Homes for approval of a Final Subdivision Plat for The Communities at Glenross Section 6 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Section 4 between Sections 5 and 6 and located on White Fawn Run, North Bird Lane, Course Road and Crick Stone Drive respectively. The zoning of the subject site is R-2 PMU (Single-Family Residential District with a Planned Mixed Use Overlay District) as are the properties to the north, south and west. The property to the east is zoned residential in Berlin Township.

BACKGROUND

The Communities at Glenross development was annexed and zoned in 2006 and received a Rezoning Amendment and Amended Preliminary Development Plan and Preliminary Subdivision Plat approval in 2010. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres and over 1,100 dwelling units. The plan includes single family detached units as well as condominium units. Compared to the Golf Club at Glenross development, the Communities at Glenross has a much more detailed sub-area plan and Development Text. The development is located in several zoning sub-areas on both sides of Cheshire Road and includes significant open space, park area, a club house, and buffering amenities.

In August 2015, Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. In January 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 6. Now the applicant is requesting to develop Section 7 which is located west of the railroad tracks and south of Section 4 between Sections 5 and 6 and would contain 40 single family lots on 38.76 acres.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that recommends a future land use of Mixed Use consistent with the PMU Overlay zoning and associated development text and preliminary plans. The proposed single family development achieves compliance with the comprehensive plan.
- **ENGINEERING:** The Applicant has submitted final engineering drawings for review by 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. All utilities shall be stubbed to the section line to facilitate future adjacent development.
- **ROADS, TRAFFIC & ACCESS:** Access is gained through Sections 5 and 6 from the east and west respectively along White Fawn Run and Crick Stone Drive. With the construction of this section, a second access point to Cheshire Road would be established utilizing Balmoral Drive. Night Bird Lane and Course Road are internal roads within this Section. All the streets would have to achieve compliance with minimum engineering standards

-
- **LOT SIZE:** This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 10,628 square feet (0.244 acre) to 28,139 square feet (0.646 acres) with minimum lot widths of 80 feet and minimum lot depths of 125 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 10 feet. All lots meet or exceed minimum requirements of the approved text and are in conformance with the Amended Preliminary Development Plan and Preliminary Subdivision Plat.
 - **DESIGN:** The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: minimum 2,000 square feet for all single family houses, 100% natural materials on all elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other items.
 - **LIGHTING PLAN:** A lighting plan needs to be submitted, reviewed and approved by the Chief Building Official that complies with the minimum zoning requirements prior to the engineering drawing approval.
 - **LANDSCAPE PLAN:** A street tree planting plan needs to be submitted, reviewed, and approved by the Shade Tree Commission. It is imperative that the Applicant coordinate the landscaping plan with the engineering site development plan so that required landscaping does not impede visibility at intersections or of any traffic control signs.
 - **OPEN SPACE/RESERVE AREA:** There are two open space/detention basins located along Cheshire Road in this Section platted for storm water and traffic engineering considerations. The subjects lots are 5.581 and 17.124 acres located just west and east of the main entrance and roundabout into Section 10 of the subject development. Per a condition in the approved Amended Preliminary Plan and Plat, the programming and review of the amenities (tot lot, shelter house, basketball court, volleyball court and recreational fields) would occur with the Final Subdivision Plat for Section 10. These two lots shall be owned and maintained by the Homeowners Association for open space and storm water facilities.
 - **MISCELLANEOUS:** This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.
-

STAFF RECOMMENDATION – (FINAL DEVELOPMENT PLAN - 2016-0172)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive, with the following conditions that:

1. The Applicant needs to obtain final 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.
 2. The subject plan shall achieve compliance with the approved Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-0173)

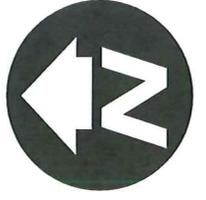
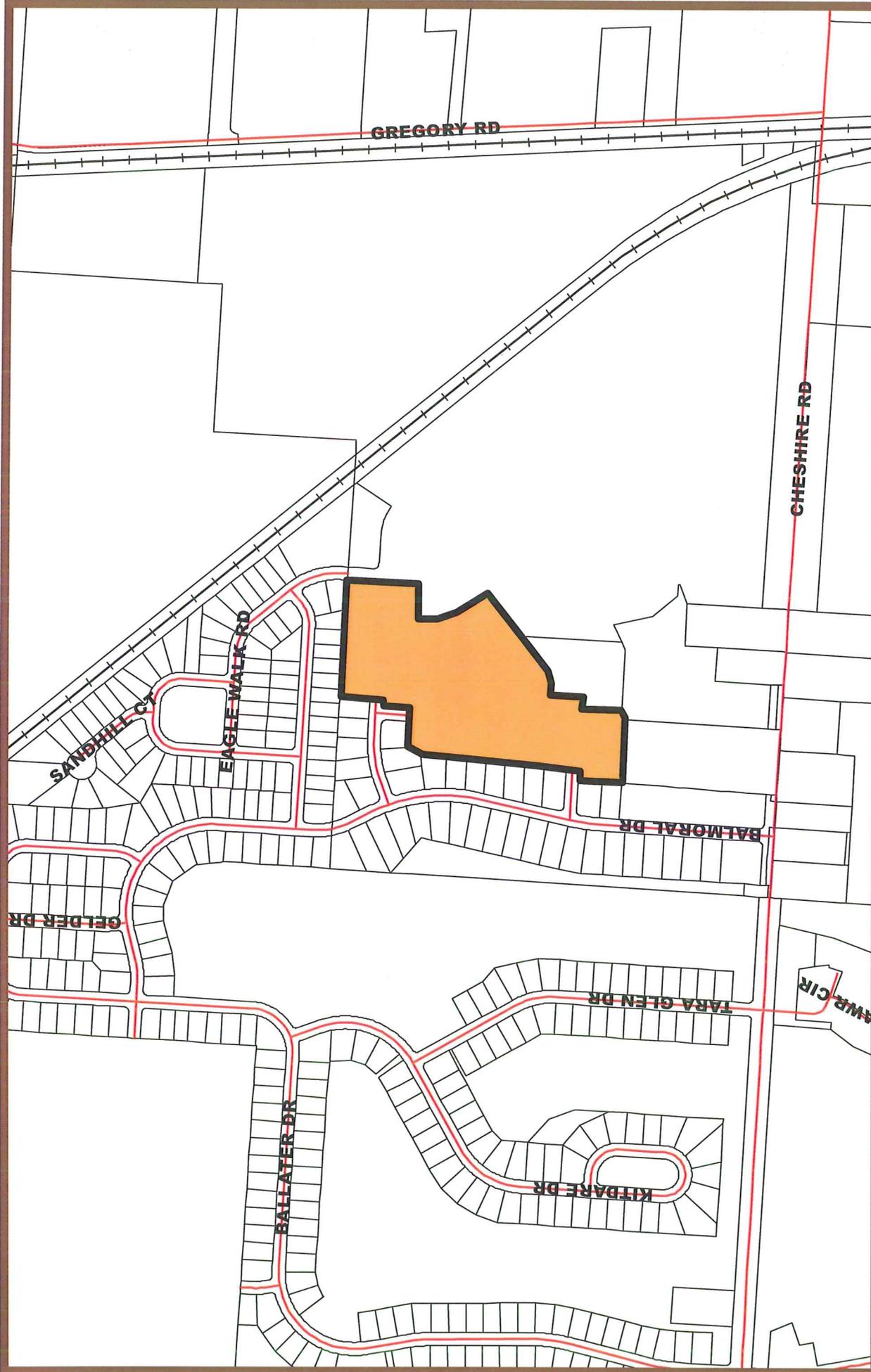
Staff recommends approval of a request by Pulte Homes of a Final Subdivision Plat for The Communities at Glenross Section 6 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Run, Night Bird Lane, Course Road and Crick Stone Drive, with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater 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.
2. The single family houses shall comply with the Sub-Area IIA Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be reviewed and approved by the Shade Tree Commission.
5. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.

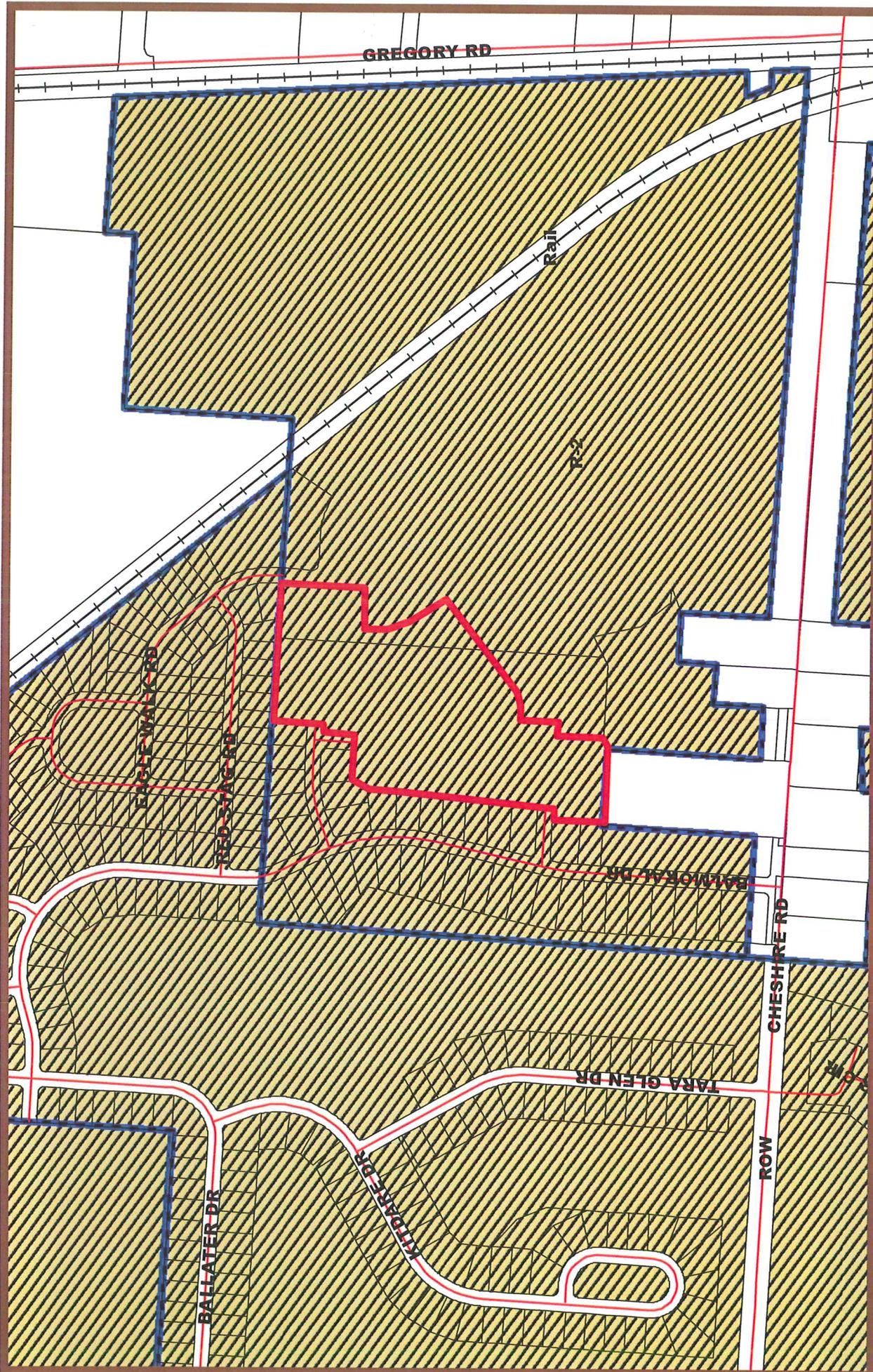
CONCLUSIONS

- The proposal is consistent with the Land Use element of the Comprehensive Plan.
- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



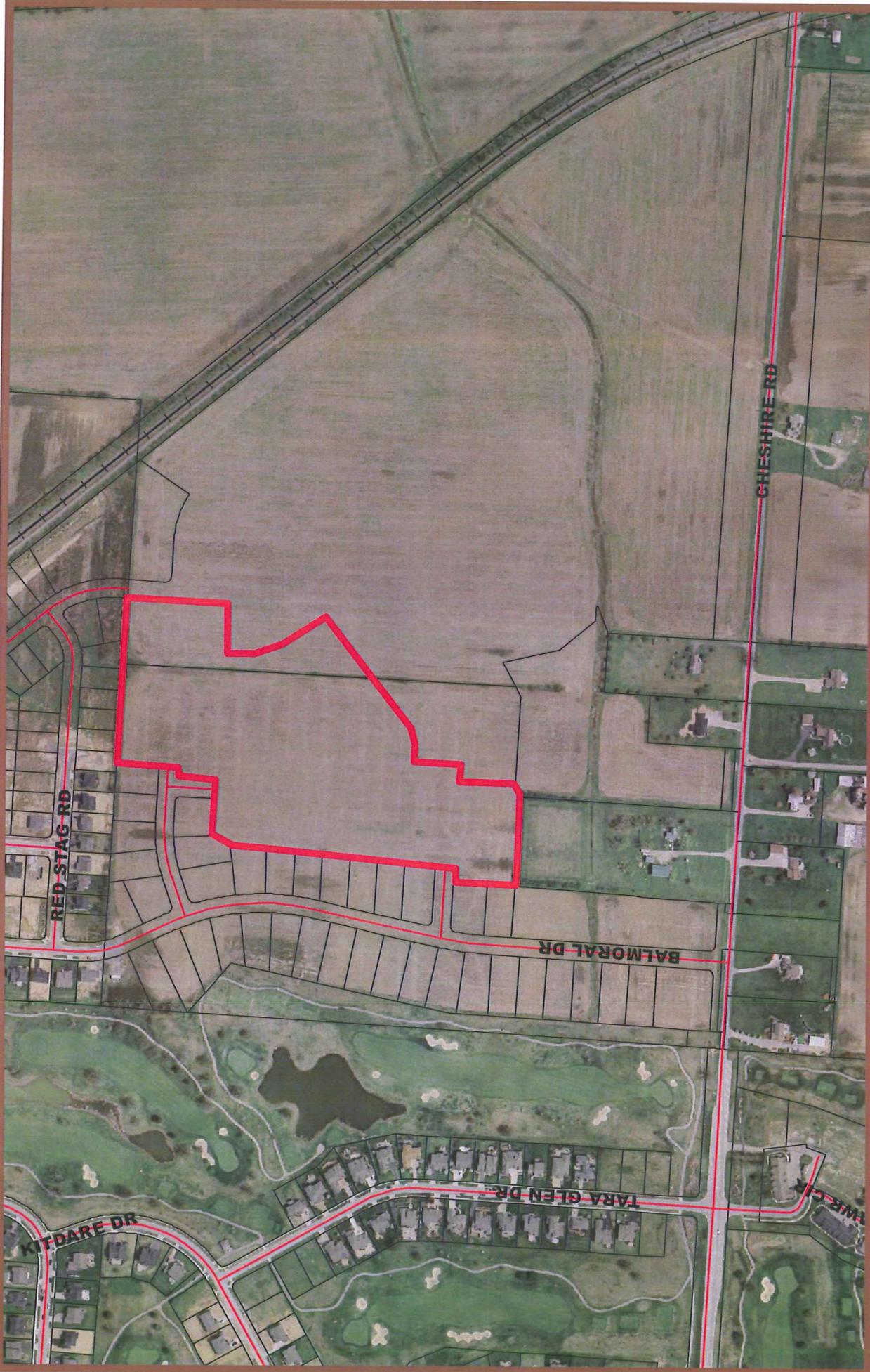
2016-0172 & 0173
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 7
Location Map





2016-0172 & 0173
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 7
 Zoning Map

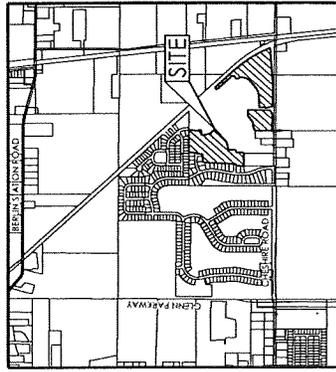




2016-0172 & 0173
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 7
Aerial (2013)



COMMUNITIES AT GLENROSS SECTION 7 FINAL DEVELOPMENT PLAN



LOCATION MAP
NOT TO SCALE

INDEX OF DRAWINGS

| | |
|--------------------------------------|-----------|
| SECTION 7 FINAL PLAN: | SHEET 1-3 |
| STREET TREE PLAN: | SHEET 4 |
| STREET TREE PLAN & LANDSCAPE DETAILS | SHEET 5 |
| ILLUSTRATIVE SITE PLAN: | SHEET 6 |

PREPARED FOR:



4900 TUTTLE CROSSING BOULEVARD
DUBLIN, OHIO 43016
PH. 614-356-5833

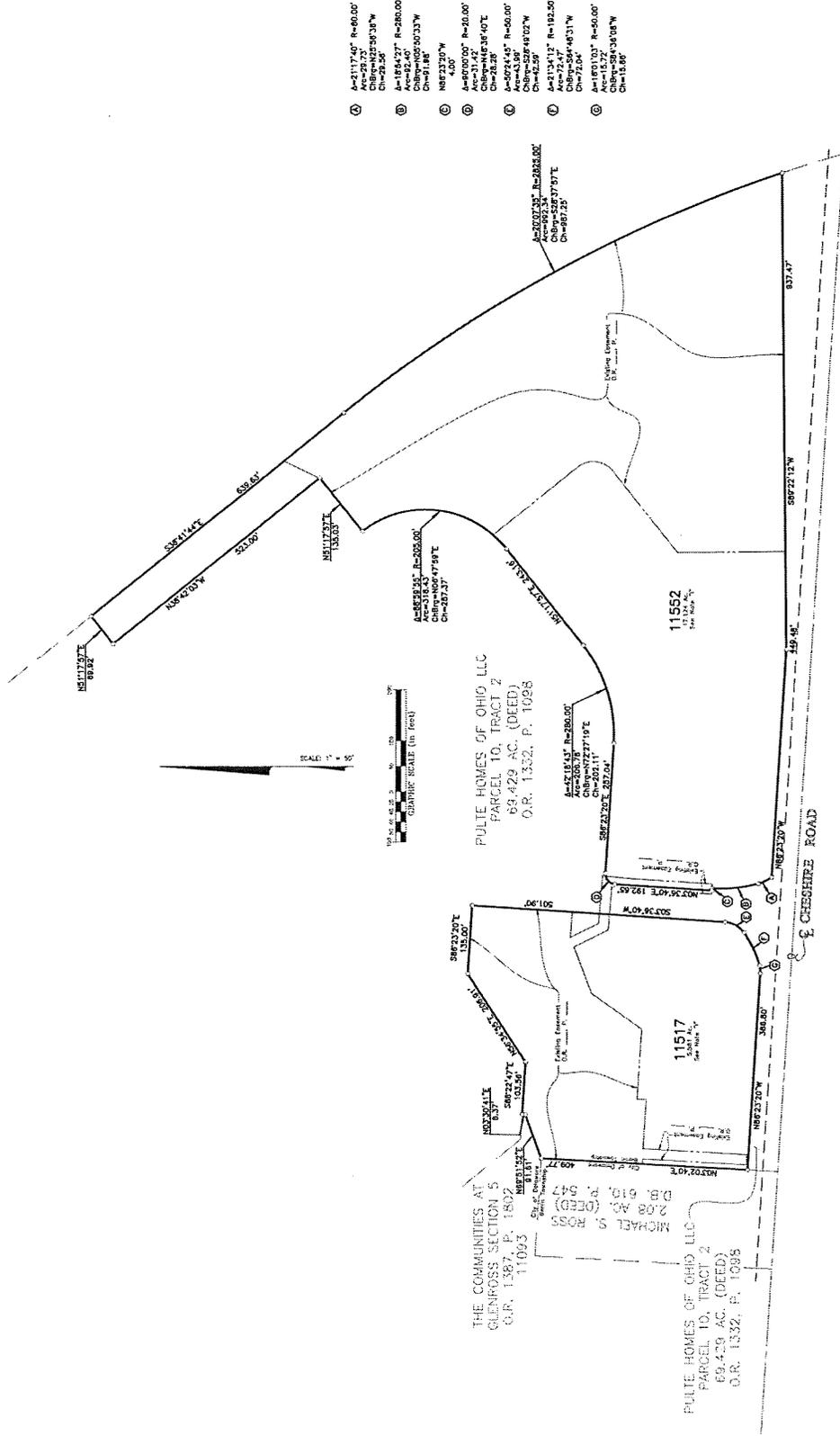
SUBMITTAL: JANUARY 13, 2016
SUBMITTAL: FEBRUARY 3, 2016

CIVIL ENGINEER &
LANDSCAPE ARCHITECT



EMH
Doris, Meacham, Hambleton & Tibbo, Inc.
Engineers • Surveyors • Planners • Scientists
500 New Albany Road, Columbus, OH 43004
614.291.7500
emh.com

COMMUNITIES AT GLENROSS SECTION 7



- ② A=111740° R=40.00'
Ch=29.73'
Ch=102.8338'W
- ③ A=154507° R=260.00'
Ch=12.40'
Ch=102.8338'W
- ④ N=272°W
Ch=2.00'
- ⑤ A=80700° R=20.00'
A=21.42'
Ch=1.8184'W
- ⑥ A=502445° R=40.00'
A=43.90'
Ch=1.8184'W
- ⑦ A=213412° R=122.50'
A=23.47'
Ch=7.064'
Ch=1.8184'W
- ⑧ A=180103° R=40.00'
A=15.72'
Ch=1.8184'W



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

EST 1808
CITY OF
DELAWARE
OHIO

Project # 20150050

Case # 2016-0172-2938 ^(Total)
(-1950 - PM)

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 <u>1089</u> |
| <input type="checkbox"/> Amended Final Subdivision Plat | <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Vacation-Alley <u>out</u> |
| <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 | Board of Zoning Appeals |
| <input 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 checked="" type="checkbox"/> Final Development Plan | <input type="checkbox"/> Subdivision Variance | |

Subdivision/Project Name The Communities at Glenross Section 7 Address Cheshire Rd, Delaware OH
 Acreage 38.76 Square Footage N/A Number of Lots 42 Number of Units 42
 Zoning District/Land Use PMU/R-2 Proposed Zoning/Land Use PMU/R-2 Parcel # 41832001016000

Applicant Name Pulte Homes of Ohio LLC Contact Person Steve Peck
 Applicant Address 4900 Tuttle Crossing Blvd, Dublin OH 43016
 Phone 614-376-1082 Fax 614-356-6801 E-mail Stephen.Peck@Pulte.com
 Owner Name Pulte Homes of Ohio LLC Contact Person Steve Peck
 Owner Address 4900 Tuttle Crossing Blvd, Dublin OH 43016
 Phone 614-376-1082 Fax 614-356-6801 E-mail Stephen.Peck@Pulte.com
 Engineer/Architect/Attorney EMH&T INC Contact Person Brian Prenger
 Address 5500 New Albany Rd Columbus OH 43054
 Phone 614-775-4344 Fax 614-775-4887 E-mail bprenger@emht.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.

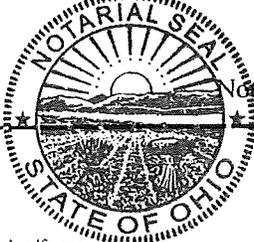
[Signature]
Owner Signature

Steve Peck
Owner Printed Name

Agent Signature

Agent Printed Name

Sworn to before me and subscribed in my presence this 2nd day of February, 2016



Notary Stamp Jill R. Hayes
Notary Public, State of Ohio
My Commission Expires 12-07-2020

[Signature]
Notary Public



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



Project # 20150050

Case # 2016-0173

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 checked="" 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 | Board of Zoning Appeals |
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| <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 The Communities at Glenross Section 7 Address Cheshire Rd, Delaware OH
 Acreage 38.76 Square Footage N/A Number of Lots 42 Number of Units 42
 Zoning District/Land Use PMU/R-2 Proposed Zoning/Land Use PMU/R-2 Parcel # 41832001016000

Applicant Name Pulte Homes of Ohio LLC Contact Person Steve Peck
 Applicant Address 4900 Tuttle Crossing Blvd, Dublin OH 43016
 Phone 614-376-1082 Fax 614-356-6801 E-mail Stephen.Peck@Pulte.com
 Owner Name Pulte Homes of Ohio LLC Contact Person Steve Peck
 Owner Address 4900 Tuttle Crossing Blvd, Dublin OH 43016
 Phone 614-376-1082 Fax 614-356-6801 E-mail Stephen.Peck@Pulte.com
 Engineer/Architect/Attorney EMH&T INC Contact Person Brian Prenger
 Address 5500 New Albany Rd Columbus OH 43054
 Phone 614-775-4344 Fax 614-775-4887 E-mail bprenger@emht.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

Steve Peck

Owner Printed Name

Agent Signature

Agent Printed Name

Sworn to before me and subscribed in my presence this 2nd day of February, 2016.



Notary State Jill R. Hayes
 Notary Public, State of Ohio
 My Commission Expires 12-07-2020

[Signature]
 Notary Public



FACT SHEET

AGENDA ITEM NO: 16

DATE: 3/14/16

ORDINANCE NO: 16-20

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING:NO

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 FINAL SUBDIVISION PLAT FOR THE COMMUNITIES AT GLENROSS SECTION 7 CONSISTING OF 40 SINGLE FAMILY LOTS ON 38.76 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON WHITE FAWN RUN, NIGHT BIRD LANE, COURSE ROAD AND CRICK STONE DRIVE.

BACKGROUND:

In August 2015 The Communities at Glenross Sections 6-10, located north of Cheshire Road, received Amended Preliminary Development Plan and Amended Subdivision Plat approval by the Planning Commission and City Council. Now the applicant is requesting to develop Section 7 which is located north of Cheshire Road, west of the railroad tracks and just south of Section 4 between Sections 5 and 6. Access is gained through White Fawn Run and Crick Stone Drive respectively from the adjacent sections while Night Bird Lane and Course Road are internal streets within this section. The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIA include: minimum 2,000 square feet for all single family houses respectively, 100% natural materials on all elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other items. The lot sizes range from 10,628 square feet (0.244 acre) to 28,139 square feet (0.646 acres) with minimum lot widths of 80 feet and

minimum lot depths of 125 feet (8,450 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard setbacks are 10 feet. This subdivision shall be in the Delaware South New Community Authority, there is a calculated transportation fee per lot imposed at the time of building permit issuance at the rate for single family lots in the Glenross Golf Club Subdivision and this area is subject to the South East Highland Sanitary Sewer additional capacity fee of \$3,200 per dwelling unit.

REASON WHY LEGISLATION IS NEEDED:

To achieve compliance with Section 1111.04 Final Plat Submission Requirements of the zoning code.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 5-0 on March 2, 2016.

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)

ORDINANCE NO. 16-20

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR THE COMMUNITIES AT GLENROSS SECTION 7 CONSISTING OF 40 SINGLE FAMILY LOTS ON 38.76 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED ON WHITE FAWN RUN, NIGHT BIRD LANE, COURSE ROAD AND CRICK STONE DRIVE.

WHEREAS, the Planning Commission at its meeting of March 2, 2016 recommended approval of a Final Subdivision Plat for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Drive, Night Bird Lane, Course Road and Crick Stone Drive (2016-0173), and

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

SECTION 1. That the Final Subdivision Plat for The Communities at Glenross Section 7 consisting of 40 single family lots on 38.76 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) located on White Fawn Drive, Night Bird Lane, Course Road and Crick Stone Drive, is hereby confirmed, approved, and accepted with the following conditions that:

1. The Applicant needs to obtain final engineering approvals, including any stormwater 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.
2. The single family houses shall comply with the Sub-Area IIA Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be reviewed and approved by the Shade Tree Commission.
5. This section of the Communities of Glenross Subdivision is in the Delaware South New Community Authority, subject to the single family lot transportation fee in effect for the Glenross Golf Club at the time of

building permit issuance and is subject to the South East Highland Sanitary Sewer additional capacity charge of \$3,200 per dwelling units.

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: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 17

DATE: 3/14/16

ORDINANCE NO: 16-21

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 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR TRANSPORTATION STUDY EXPENSES, AND DECLARING AN EMERGENCY.

BACKGROUND:

The 2015 budget was approved with \$75,000 in funding available to advance certain professional services related to updating the transportation planning documents. \$50,000 of the funding was set aside to pay for professional engineering services in preparing updated concept roadway alignment exhibits and construction estimates. This work was completed by American Structure Point. The remaining \$25,000 was established to cover the cost of preparing updated traffic modelling. The City entered into an agreement with the Mid-Ohio Regional Planning Commission to have their Transportation Group and related staff complete updated regional growth and traffic projections for the city roadway network from 2015, and through a 2040 horizon year. This work continues and will be completed later this year.

REASON WHY LEGISLATION IS NEEDED:

Submission of a requisition to encumber the cost of completing the MORPC traffic modelling work is necessary, however inadvertently overlooked before the end of 2015, thus leaving the \$25,000 appropriation for this work, unencumbered within the State Highway Improvements account. The work was a planned 2015 program item so funding was not included in the 2016

budget, thus necessitating a supplemental appropriation to cover the cost of the work, and pay the vendor.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The proposed \$25,000 supplemental appropriation is being requested to cover the amount per the MORPC agreement. Because the 2015 budget did include funding for this work activity, and the funding was not encumbered by the end of 2015, the \$25,000 remains in the current State Highway Improvement funds balance, and is available for the intended modelling activities.

POLICY CHANGES:

N/A

PRESENTER(S):

Matt Weber, Assistant City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-21

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR TRANSPORTATION STUDY EXPENSES, AND DECLARING AN EMERGENCY.

WHEREAS, the 2015 State Highway Improvement Fund established \$75,000 for transportation plan update work, of which \$25,000 was set aside for traffic modelling update work to be performed by the Mid-Ohio Regional Planning Commission Transportation Group, and

WHEREAS, a contract to perform this work was authorized by the City Manager in 2015, and

WHEREAS, a requisition to encumber the funds necessary for the cost associated with completing the work was inadvertently not submitted by the end of 2015, and

WHEREAS, a supplemental appropriation is required to provide the funding necessary to cover the cost of the traffic modelling work, anticipated for completion later this year.

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 State Highway Improvement Fund, \$25,000.00 increasing the following account:

201.0201.5537 Professional Services \$25,000.00

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 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 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: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 18

DATE: 3/14/16

ORDINANCE NO: 16-22

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bruce Pijanowski, Police Chief

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENOA TOWNSHIP AND DELAWARE COUNTY TO ALLOW GENOA TOWNSHIP THE USE OF FREQUENCIES FOR ACTIVATING A TORNADO SIREN.

BACKGROUND:

The City of Delaware currently owns an early outdoor warning system that is activated any time there is a tornado warning in the County. Genoa Township desires to utilize the radio signal generated by the activation of the system to operate a siren that is being placed in Genoa Township. This resolution will allow the City Manager to sign the agreement to allow Genoa Township to take advantage of the radio frequency and technology to provide early outdoor warning services to residents of Genoa Township. This agreement is also co-signed by Delaware County because the system is activated by Delaware County employees at Delaware County Emergency Communications Center.

REASON WHY LEGISLATION IS NEEDED:

This agreement is cost effective for Genoa Township and has no impact on the City. It also is in the best interest of public safety as it allows for one point of activation across the county for the early outdoor warning system.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Bruce L. Pijanowski, Police Chief

RECOMMENDATION:

Approval

ATTACHMENT(S)

Agreement

ORDINANCE NO. 16-22

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENOA TOWNSHIP AND DELAWARE COUNTY TO ALLOW GENOA TOWNSHIP THE USE OF FREQUENCIES FOR ACTIVATING A TORNADO SIREN.

WHEREAS, the City of Delaware owns and maintains an Early Warning System, and

WHEREAS, Genoa Township desires to utilize that system and radio frequencies to active a tornado siren in the Township.

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

SECTION 1. That the City Manager is hereby authorized to enter into an agreement with Genoa Township and Delaware County to allow the Township the use of frequencies for activating a tornado siren.

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: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

**AGREEMENT REGARDING USE OF FREQUENCIES
FOR ACTIVATING TORNADO SIREN**

This Agreement by and between the Genoa Township, the City of Delaware, Ohio (City) and Delaware County Ohio together "The Parties", witnesseth:

By mutual agreement of the Parties and for good and valuable consideration, receipt of which is hereby acknowledged by all Parties, it is hereby agreed that:

1) Genoa Township, Ohio desires to utilize the signal generated by the City of Delaware Early Warning System on frequency 154.355MGH; or any successor, to activate its Genoa Township Tornado Siren as an Early Warning System.

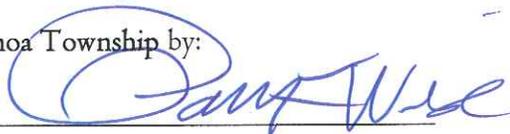
2) The City agrees to allow Genoa Township to utilize the radio frequency set forth above to activate its tornado siren upon the terms set forth herein.

3) Genoa Township agrees to forever release and absolve the City of Delaware and Delaware County from any and all liability resulting from the operation or non-operation of the City's Tornado Siren System for whatever reason and for whatever cause.

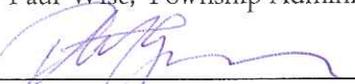
4) Delaware County has reviewed and approves the terms of this agreement.

In witness hereof the Parties have executed this agreement this ____ of _____, 2016 at Delaware, Ohio.

Genoa Township by:



Paul Wise, Township Administrator


Patrick Meyers, Fiscal Officer

Approved as to form:

City of Delaware, Ohio by:

Darren Shulman,
City Attorney

R. Thomas Homan, City Manager

Approved as to form:

Delaware County, OH by

Aric Hochstetler,
Assistant Prosecuting Attorney

Barb Lewis, President of the Board of Commissioners
Pursuant to Resolution Nos.



FACT SHEET

AGENDA ITEM NO: 19

DATE: 3/14/16

ORDINANCE NO: 16-23

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Jackie Walker, Assistant City Manager

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR DOWNTOWN PARKING STUDY, AND DECLARING AN EMERGENCY.

BACKGROUND:

The City of Delaware sent out to qualified firms a request for qualifications and received four qualification statements. From the four, one firm withdrew due to anticipated new business. Through a "Go To Meeting" format, a committee comprised of Vice Mayor Kent Shafer, Chief of Police Bruce Pijanowski, Planning and Community Director Dave Efland, Economic Development Director Sean Hughes and Assistant City Manager Jackie Walker, interviewed the remaining three firms and ranked them according to 1) Experience with similar projects of size and nature 2) Approach to the project 3) Key Staff dedicated to this project as well as the total number of staff employed with the successful firm and 4) Timeline Completion. The highest ranked firm was determined to be MKSK from Columbus.

At the completion of the project, MKSK will include in their deliverables:

- A parking supply/ demand analysis that includes input by downtown business and property owners, customers, end users and City and County Staff and elected officials

- Alternatives to existing parking issues ranked in order of effectiveness that include implementation procedures and associated costs.
- City of Delaware specific recommendations on changes that could be made to current policies and procedures.
- A needs analysis related to things that will affect parking demands in the future, estimated timeline as to when these needs will have to be addressed and recommendations for addressing those anticipated needs and all costs for addressing the needs.
- An evaluation of options to increase parking availability, along with pros and cons of each option and estimated cost of each.

In order to accomplish these tasks, MKSK will include several professionally accepted tasks to include but is not limited to: conduct a kick off meeting, review City parking codes, base maps and hold stakeholder meetings with carefully grouped downtown stakeholders, inventory parking, conduct a parking attitude survey and land use, review connectivity, parking management and pricing

The total project is expected to take four to six months. However, MKSK will be prepared to provide the City with a preliminary report in three months. The negotiation of the cost of the study included participation by City staff in some of the areas that were originally the responsibility of the firm. We feel confident that staff can perform these duties at a lower cost without endangering the unbiased outcome of the final report.

REASON WHY LEGISLATION IS NEEDED:

This legislation is needed in order to execute a contract with the successful firm.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Appropriating an additional \$30,000

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-23

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO ESTABLISH FUNDING FOR DOWNTOWN PARKING STUDY, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware recognizes the need to respond to its citizens' concerns; and

WHEREAS, the City of Delaware has heard concerns from the downtown business owners, residents and visitors regarding the parking in the downtown area; and

WHEREAS, staff is confident that an outside expert could provide all of the stakeholders a comprehensive and unbiased evaluation of the parking needs today and the future; and

WHEREAS, a supplemental appropriation is required to provide the funding necessary to cover the cost of the downtown parking study, anticipated for completion later this year.

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 Capital Improvement Fund, \$30,000.00 increasing the following account:

410.4106.5230 Professional Services \$30,000.00

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 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 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: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 20

DATE: 03/14/16

ORDINANCE NO: 16-24

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Sean Hughes, Economic Development Director

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO EXECUTE ECONOMIC DEVELOPMENT GRANT PASS THROUGH PAYMENTS (INNOVATION COURT), AND DECLARING AN EMERGENCY.

BACKGROUND:

The Ohio Department of Transportation and the Ohio Development Services Agency partnered with the City of Delaware in expanding Engineered Materials Systems by awarding Engineered Materials Systems and the City of Delaware with an ODOT Economic Development Grant and a 629 Road Development Grant to provide for partial funding for the design and construction of Innovation Court so that Engineered Materials Systems could access their proposed site from Sawmill Parkway. The ODOT grant was up to \$50,000 or 12% of the project whichever was less. The 629 Road Development Grant was up to \$200,000 or 47% of the project costs whichever was less. The Innovation Court project totaled \$261,533.04, therefore, the ODOT grant dollars equaled \$31,384 and the 629 grant equaled \$122,921. Both grants were only reimbursable from their respective state agency to the City of Delaware. Sawmill Delaware Investments agreed to design, construct and dedicate Innovation Parkway to the City of Delaware through an Offsite Development Agreement. Through this agreement, the City of Delaware agreed to reimburse Sawmill Delaware Investments, LLC the amounts of each grant for their expenses in design and constructing the road. The City also had agreed to provide an Economic Incentive Grant of up to \$125,000 or 50% of the

remainder of the cost of the road after the ODOT and 629 grants were applied whichever was less. Therefore, the City also will be reimbursing Sawmill Delaware Investments for \$53,614. This amount was already appropriated for 2016 under the Development Reserve Fund. The developer is responsible for the remaining \$53,614.26 as part of the Economic Incentive Grant and Offsite Development Agreements.

REASON WHY LEGISLATION IS NEEDED:

Due to not having a total amount for the ODOT Economic Development Grant or the 629 Road Development Grant until February of 2016, we were not able to appropriate these amounts through the budget process.

Therefore, in order to reimburse Sawmill Delaware Investments, LLC, we are requesting this supplemental appropriation.

COMMITTEE RECOMMENDATION:

FISCAL IMPACT(S):

- \$31,384 ODOT Economic Development Grant
- \$122,921 629 Road Development Grant

POLICY CHANGES:

N/A

PRESENTER(S):

Sean Hughes, Economic Development Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

ORDINANCE NO. 16-24

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING TO EXECUTE ECONOMIC DEVELOPMENT GRANT PASS THROUGH PAYMENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City has entered into an Offsite Development Agreement with Sawmill Delaware Investments, LLC to construct Innovation Court, a public roadway to be dedicated to the City of Delaware; and

WHEREAS, the City of Delaware and Engineered Materials Systems were awarded an Ohio Department of Transportation Economic Development grant and an Ohio Development Services Agency 629 Road Development Grant for the construction of Innovation Court to serve a site for the retention and expansion of Engineered Materials Systems; and

WHEREAS, the Offsite Development Agreement provides that the City will collect the Ohio Department of Transportation Economic Development Grant and the Ohio Development Services Agency 629 Road Development Grant and will distribute the grant monies to Sawmill Delaware Investments, LLC to reimburse the company for the design, construction, inspection and dedication of Innovation Court; and

WHEREAS, an appropriation will be needed to distribute the Ohio Department of Transportation Economic Development Grant and the Ohio Development Services Agency 629 Road Development Grant funds for 2016.

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 Capital Improvement Fund \$154,305 to the following accounts:

| | |
|---|------------|
| Innovation Ct 629 Grant (410-4120-5535) | \$ 122,921 |
| Innovation Ct ODOT ED Grant (410-4121-5536) | \$ 31,384 |

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 payment of the grant proceeds to the developer in accordance with the economic development agreement, and as such will be in full force and be in effect immediately upon its passage.

VOTE ON EMERGENCY CLAUSE:

YEAS___ NAYS___
ABSTAIN ___

VOTE ON RULE SUSPENSION:

YEAS___ NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

TO: Mayor Riggle and Members of Council
FROM: R. Thomas Homan, City Manager
SUBJECT: Miscellaneous Matters
DATE: March 10, 2016

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**
February 22
 - * Rotary
 - * Council meetingFebruary 23
 - * Tax Incentive Review CouncilFebruary 29
 - * East William Street Improvements Open HouseMarch 7
 - * Finance Committee meeting
 - * Council Work SessionMarch 8
 - * Town/GownMarch 9
 - * Delaware County Bank 2016 Economic ForumMarch 10
 - * MORPC Policy/Commission meeting

March

2016

| <i>Sun</i> | <i>Mon</i> | <i>Tue</i> | <i>Wed</i> | <i>Thu</i> | <i>Fri</i> | <i>Sat</i> |
|------------|------------|------------|------------|------------|------------|------------|
| | | 1 | 2 | 3 | 4 | 5 |

Public Works/Public Utilities Committee 7

Civil Service Commission 3 Planning Commission 7

Tentative Charter Review Commission 6

| | | | | | | |
|----------|----------|----------|----------|-----------|-----------|-----------|
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|----------|----------|----------|----------|-----------|-----------|-----------|

Council Work Session 6:30

BZA 7

Tentative Charter Review Commission 6

| | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|

Council 7

Parks & Rec Advisory Board 7

Tentative Charter Review Commission 6

| | | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|

Shade Tree Commission 7

HPC 7

| | | | | |
|-----------|-----------|-----------|-----------|-----------|
| 27 | 28 | 29 | 30 | 31 |
|-----------|-----------|-----------|-----------|-----------|

Council 7

CONTRACT APPROVAL - MARCH 14, 2016

| VENDOR | EXPLANATION OF AGREEMENT | 2016 AMOUNT | DEPARTMENT |
|--------------------------------------|--|--------------------|-------------------|
| MT Business Technologies | Print Services | \$5,000 | Finance |
| Delaware County Sheriff's Office | LEAP Multi-Agency Drug Task Force | \$0 | Police |
| Delaware County Sheriff's Office | Jail Tracker Software | \$0 | Police |
| Delaware County Dept Job & Family | Adult Protective Services Interdisciplinary Team | \$0 | Police |
| Legacy Mark | Cemetery Management Software | \$47,909.65 | Finance |
| Delaware Metropolitan Housing | CHIP TBRA Administration | \$298,870 | Planning |
| Delaware County Habitat for Humanity | CHIP Agreement | \$40,000 | Planning |