

**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

SEPTEMBER 12, 2016

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. APPROVAL of the Motion Summary of the regular meeting of Council held August 8, 2016, as recorded and transcribed.
5. CONSENT AGENDA
 - A. Acceptance of the Motion Summaries for the Finance Committee meetings held March 7 and May 23, 2016.
 - B. Acceptance of the Motion Summary for the Shade Tree Commission meeting held July 26, 2016.
 - C. Acceptance of the Motion Summary for the Parks and Recreation Advisory Board meeting held July 19, 2016.
 - D. Acceptance of the Motion Summary for the Historic Preservation Commission meeting held June 22, 2016.
 - E. Acceptance of the Motion Summary for the Parking and Safety Committee meeting held May 16, 2016.
 - F. Acceptance of the Motion Summary for the Planning Commission meeting held August 3, 2016.
 - G. Resolution No. 16-39, a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor for Tax Year 2016/Budget Year 2017.
 - H. Resolution No. 16-40, a resolution accepting the public

improvements for the Communities at Glenross Section 6.

- I. Resolution No. 16-41, a resolution accepting the public improvements for Heatherton Phase 5.
- J. Establish September 26, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-85, an ordinance amending sections of the City of Delaware's Codified Ordinances pertaining to parking and traffic: Sections 197.02 (Fee Schedule as it pertains to parking tickets), 351.03 (Prohibit Standing or Parking Places), 351.14 (Heavy Vehicles and Trailers), and 351.19 (Enforcement; Violation Notice; Waiver).

6. LETTERS, PETITIONS, AND PUBLIC COMMENTS

7. COMMITTEE REPORTS

8. INTRODUCTIONS

- A. Kelsey Scott, Economic Development Specialist

9. PRESENTATIONS

- A. Proclamation presentation for Hunger Action Month, Alex Homan, Advocacy Coordinator

10. SECOND READING of Ordinance No. 16-63, an ordinance approving a Final Development Plan for Pulte Homes for The Communities at Glenross Section 8 consisting of 34 single-family lots on approximately 10.967 acres zoned R-2 PMU (One-family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.

11. SECOND READING of Ordinance No. 16-64, an ordinance approving a Final Subdivision Plat for Pulte Homes for The Communities at Glenross Section 8 consisting of 34 single-family lots on approximately 10.967 acres zoned R-2 PMU (One-family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.

12. SECOND READING of Ordinance No. 16-65, an ordinance approving a Final Development Plan for Pulte Homes for The Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

13. SECOND READING of Ordinance No. 16-66, an ordinance approving a Final Subdivision Plat for The Communities at Glenross Section 9 consisting of 29 Single Family lots on approximately 11.069 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.
14. SECOND READING of Ordinance No. 16-67, an ordinance approving a Final Development Plan for Pulte Homes for The Communities at Glenross Section 10 consisting of 34 single-family lots on approximately 10.234 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.
15. SECOND READING of Ordinance No. 16-68, an ordinance approving a Final Subdivision Plat for Pulte Homes for The Communities at Glenross Section 10 consisting of 34 single-family lots on approximately 10.234 acres zoned R-2 PMU (One-Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.
16. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 16-72, an ordinance approving a Rezoning for Delaware Housing Corporation from B-3 (Community Business District) to R-6 (Multi-Family Residential District for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
17. 7:30 P.M. PUBLIC HEARING AND SECOND READING of Ordinance No. 16-73, an ordinance approving an Amendment of the Comprehensive Plan for Delaware Housing Corporation on property designated as commercial on the future land use map to moderate density for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
18. SECOND READING of Ordinance No. 16-74, an ordinance approving a Combined Preliminary and Final Development Plan for Delaware Housing Corporation for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.
19. SECOND READING of Ordinance No. 16-75, an ordinance approving a Final Development Plan for Pulte Homes for Heatherton Phase 6 consisting of 32 single-family lots on approximately 9.020 acres zoned R-3 PRD (One-Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and

Burgoyne Street.

20. SECOND READING of Ordinance No. 16-76, an ordinance approving a Final Subdivision Plat for Pulte Homes for Heatherton Phase 6 consisting of 32 single-family lots on approximately 9.020 acres zoned R-3 PRD (One-Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.
21. CONSIDERATION of Ordinance No. 16-77, an ordinance approving a Final Subdivision Plat (Westport Homes) for Lantern Chase Phase 2 Section 6 Part 2 consisting of 45 Single-Family lots on approximately 30.316 acres zoned R-3 (One-Family Residential District) and located on Glemsbury Drive, Connaught Place, Cedar Creek Street and Lanthorn Pond Drive.
22. CONSIDERATION of Ordinance No. 16-78, an ordinance approving a Final Subdivision Plat (Westport Homes) for Lantern Chase Phase 2 Section 6 Part 3 consisting of 35 Single-Family lots on approximately 8.049 acres zoned R-3 (One-Family Residential District) and located on Connaught Place and Marblehead Drive.
23. CONSIDERATION of Ordinance No. 16-79, an ordinance approving the sale of a Street Department 2000 Inter-national 4900 Dump Truck that has outgrown its useful serviceable life.
24. CONSIDERATION of Ordinance No. 16-80, an ordinance supplementing the 2016 Appropriations Ordinance to increase funding for the design of the Glenn Parkway Extension north to Berlin Station Road.
25. CONSIDERATION of Ordinance No. 16-81, an ordinance supplementing the 2016 Appropriations Ordinance to provide additional funding for clean-up and repairs to City Hall associated with the June 23 basement flooding, and declaring an emergency.
26. CONSIDERATION of Ordinance No. 16-82, an ordinance authorizing the City Manager to enter into an agreement with the Organized Crime Drug Enforcement Task Force (OCDETF) Program for reimbursement of overtime incurred from assisting with OCDETF investigations and to execute successor agreements between the same parties with substantially similar conditions, and declaring an emergency.
27. CONSIDERATION of Ordinance No. 16-83, an ordinance authorizing the City Manager to enter into an agreement (MOU) between the U.S.

Immigration & Customs Enforcement Homeland Security Investigations and the Delaware Police Department designating Delaware Police Detectives, assigned to the Delaware County Drug Task Force, as “HIS/Customs Task Force Officers” and to execute any subsequent agreements between the same parties with substantially similar conditions, and declaring an emergency.

28. CONSIDERATION of Ordinance No. 16-84, an ordinance authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Multi-Agency Crisis Intervention Team (MACIT) and execute successor agreements in subsequent years; provided they are substantially similar.
29. CONSIDERATION of Ordinance No. 16-85, an ordinance amending sections of the City of Delaware’s Codified Ordinances pertaining to parking and traffic: Sections 197.02 (Fee Schedule as it pertains to parking tickets), 351.03 (Prohibit Standing or Parking Places), 351.14 (Heavy Vehicles and Trailers), and 351.19 (Enforcement; Violation Notice; Waiver).
30. CONSIDERATION of Ordinance No. 16-86, an ordinance supplementing the 2016 Appropriations Ordinance to provide funding for the conceptual drawings for the Rutherford B. Hayes Memorial, and declaring an emergency.
31. CONSIDERATION of Ordinance No. 16-87, an ordinance supplementing the 2016 Appropriations Ordinance to provide additional funding for Worker’s Compensation Professional Services, and declaring an emergency.
32. CONSIDERATION of Ordinance No. 16-88, an ordinance amending the 2016 Appropriations Ordinance to provide additional funding for the Municipal Court Indigent Driver Interlock Alcohol Monitoring (IDIAM) Fund, and declaring an emergency.
33. CONSIDERATION of Ordinance No. 16-89, an ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$4,250,000 for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of paying the costs of various public infrastructure projects, and declaring an emergency.
34. CONSIDERATION of Ordinance No. 16-90, an ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$4,000,000 for the purpose of paying the costs of enhancing the

municipal fire safety facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto, and declaring an emergency.

35. CONSIDERATION of Ordinance No. 16-91, an ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$400,000 for the purpose of paying the costs of renovating, rehabilitating and otherwise improving the City's Public Works building by replacing the roof, together with all necessary appurtenances thereto, and declaring an emergency.
36. CONSIDERATION of Resolution No. 16-42, a resolution accepting negotiated changes to the Ohio Council #8 American Federation of State, County and Municipal Employees, and Local 3934 (AFSCME-Clerical) Employees Agreement with the City of Delaware.
37. CONSIDERATION of Resolution No. 16-43, a resolution adopting the 2017-2021 Five-Year Capital Improvement Program (CIP).
38. CITY MANAGER'S REPORT
39. COUNCIL COMMENTS
40. ADJOURNMENT

RECORD OF PROCEEDINGS

Minutes of Delaware City Council

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held August 8 20 16

The regular meeting of Council held August 8, 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, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer (arrived at 7:10 p.m.), At Large George Hellinger, and Mayor Carolyn Kay Riggle who presided. Absent from the meeting was Second Ward Lisa Keller and Vice-Mayor Kent Shafer. The invocation was given Mr. DiGenova, followed by the Pledge of Allegiance.

Staff Present: Darren Shulman, City Attorney, , Dean Stelzer, Finance Director, Lance Schultz, Zoning Administrator, Sean Hughes, Economic Development Director, John Donahue, Fire Chief, Bruce Pijanowski, Brad Stanton, Public Utilities Director, Ted Miller, Parks & Natural Resources Director, Jackie Walker, Assistant City Manager, and Tom Homan, City Manager

ITEM 4: MOTION TO EXCUSE Second Ward Council Member Lisa Keller and Vice-Mayor Kent Shafer

Motion: Mr. Jones moved to excuse Mrs. Keller and Vice-Mayor Kent Shafer, seconded by Mr. Hellinger. Motion approved by a 4-0 vote.

ITEM 5: APPROVAL OF MINUTES

APPROVAL of the Motion Summary of the regular meeting of Council held July 25, 2016, as recorded and transcribed.

Motion: Mr. Hellinger moved to approve the Motion Summary for the regular meeting of Council held July 25, 2016 seconded by Mr. Jones. Motion approved by a 4-0 vote.

ITEM 6: CONSENT AGENDA

- A. Acceptance of the Motion Summary for the Shade Tree Commission meeting held June 28, 2016.
- B. Acceptance of the Motion Summary for the Planning Commission meeting held July 6, 2016.
- C. Establish September 12, 2016 at 7:30 p.m. as the date and time for a public hearing and second reading of Ordinance No. 16-72, an ordinance approving a Rezoning for Delaware Housing Corporation from B-3 (Community Business District) to R-6 (Multi-Family Residential District for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street and of Ordinance No. 16-73, an ordinance approving an Amendment of the Comprehensive Plan for Delaware Housing Corporation on property designated as commercial on the future land use map to moderate density for Londontown Apartments on approximately 0.88 acres (Parcel #419-122-01-006-000) and located at 300 Chelsea Street.

Motion: Mr. DiGenova moved to approve the Consent Agenda, seconded by Mr. Hellinger. Motion approved by a 4-0 vote.

ITEM 7A. LETTERS, PETITIONS, AND PUBLIC COMMENTS

PUBLIC PARTICIPATION:

Mark Butler
407 Western Dreamer Dr.
Delaware, Ohio 43015

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Held August 8 20 16

Mr. Butler requested that City Council sponsor a resolution concerning the Confederate Flag and the display of the flag in the City of Delaware.

Mr. Rohrer arrived at 7:10 p.m.

ITEM 7B: COMMITTEE REPORTS

Mr. DiGenova provided an update on the Hayes Memorial.

ITEM 8: ORDINANCE NO. 16-57 [Third Reading]

AN ORDINANCE APPROVING A REZONING AMENDMENT TO THE DEVELOPMENT TEXT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the third time.

Mr. Schultz reviewed the City Thoroughfare Plan-2004 and discussed the plans for the road extension to Peachblow Road. Mr. Schultz discussed the placement of an emergency access easement in the proposed site plan. Chief Donahue voiced support for proposed site plan.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-57, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

ITEM 9: ORDINANCE NO. 16-58 [Third Reading]

AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the third time.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-58, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

ITEM 10: ORDINANCE NO. 16-59 [Third Reading]

AN ORDINANCE APPROVING AN AMENDMENT TO THE PRELIMINARY SUBDIVISION PLAT TEXT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTIONS 11-22 CONSISTING OF 487 SINGLE FAMILY LOTS ON APPROXIMATELY 210.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) LOCATED SOUTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the third time.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-59, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

ITEM 11: ORDINANCE NO. 16-62 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR A POOL FACILITY AND RECREATION AREA FOR PULTE HOMES FOR THE

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COMMUNITIES AT GLENROSS ON APPROXIMATELY 22.7 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED NORTH OF CHESHIRE ROAD.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the proposed site plan and provided information regarding the private use of pool. Mr. Schultz stated that the Home Owners Association will maintain the pool area.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-62, seconded by Mr. DiGenova. Motion approved by a 5-0 vote.

Motion: Mr. Rohrer moved to adopt Ordinance No. 16-62, seconded by Mr. DiGenova. Motion approved by a 5-0 vote.

ITEM 12: ORDINANCE NO. 16-63 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE-FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-63, seconded by Mr. DiGenova. Motion failed by a 4-1 (Jones) vote.

ITEM 13: ORDINANCE NO. 16-64 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE-FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

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APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-64, seconded by Mr. DiGenova. Motion failed by a 4-1 (Jones) vote.

ITEM 14: ORDINANCE NO. 16-65 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

Motion: Mr. Rohrer moved to suspend the rules for Ordinance No. 16-65, seconded by Mr. DiGenova. Motion failed by a 4-1 (Jones) vote.

ITEM 15: ORDINANCE NO. 16-66 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

ITEM 16: ORDINANCE NO. 16-67 [First Reading]

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE-FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

The Clerk read the ordinance for the first time.

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Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

ITEM 17: ORDINANCE NO. 16-68 [First Reading]

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE-FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

The Clerk read the ordinance for the first time.

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

APPLICANT:

Steve Peck
4900 Tuttle Crossing Blvd.
Dublin, Ohio

ITEM 18: ORDINANCE NO. 16-69 [First Reading]

AN ORDINANCE APPROVING A COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH SYMMETRY II LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON PARCEL 41922002003006 (SYMMETRY II).

The Clerk read the ordinance for the first time.

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-69, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 16-69, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-69, seconded by Mr. Rohrer. Motion approved by a 4-0-1 (Riggle) vote.

ITEM 19: ORDINANCE NO. 16-70 [First Reading]

AN ORDINANCE AMENDING A 2015 COMMUNITY REINVESTMENT AREA AGREEMENT AND SCHOOL COMPENSATION AGREEMENT WITH PRECISION TOWER PRODUCTS, LLC, DELAWARE CITY SCHOOLS AND DELAWARE AREA CAREER CENTER FOR INVESTMENT IN REAL PROPERTY IMPROVEMENTS ON A PARCEL ON PITTSBURGH DRIVE, AND DECLARING AN EMERGENCY (SKY CLIMBER).

The Clerk read the ordinance for the first time.

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APPLICANT:

Todd King
1600 Pittsburgh Drive
Delaware, Ohio 43015

Motion: Mr. DiGenova moved to suspend the rules for Ordinance No. 16-70, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to enact the emergency clause for Ordinance No. 16-70, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

Motion: Mr. DiGenova moved to adopt Ordinance No. 16-70, seconded by Mr. Rohrer. Motion approved by a 5-0 vote.

ITEM 20: ORDINANCE NO. 16-71 [First Reading]
AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL OF THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) PROGRAM.

The Clerk read the ordinance for the first time.

Motion: Mr. Jones moved to suspend the rules for Ordinance No. 16-71, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

Motion: Mr. Jones moved to adopt Ordinance No. 16-71, seconded by Mr. Hellinger. Motion approved by a 5-0 vote.

ITEM 21: ORDINANCE NO. 16-72 [First Reading]
AN ORDINANCE APPROVING A REZONING FOR DELAWARE HOUSING CORPORATION FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for September 12, 2016 at 7:30 p.m.

ITEM 22: ORDINANCE NO. 16-73 [First Reading]
AN ORDINANCE APPROVING AN AMENDMENT OF THE COMPREHENSIVE PLAN FOR DELAWARE HOUSING CORPORATION ON PROPERTY DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP TO MODERATE DENSITY FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

The Clerk read the ordinance for the first time.

A public hearing has been scheduled for September 12, 2016 at 7:30 p.m.

ITEM 23: ORDINANCE NO. 16-74 [First Reading]
AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE HOUSING CORPORATION FOR

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LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

The Clerk read the ordinance for the first time.

ITEM 24: ORDINANCE NO. 16-75 [First Reading] AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE-FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGoyNE STREET.

The Clerk read the ordinance for the first time.

ITEM 25: ORDINANCE NO. 16-76 [First Reading] AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE-FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE-FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGoyNE STREET.

The Clerk read the ordinance for the first time.

ITEM 26: 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.

Mr. Rohrer motioned to enter into Executive Session at 8:12 p.m. This motion was seconded by Mr. Jones and approved by a 5-0 vote. Council met in 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, and 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, Third Ward Joe DiGenova, Fourth Ward Kyle Rohrer, At Large George Hellinger and Mayor Carolyn Kay Riggle. Absent from the session was Second Ward Lisa Keller and Vice-Mayor Kent Shafer. Following the discussion at 9:27 p.m., it was moved by Mr. Jones that Council move back into Open session, seconded by Mr. Hellinger and approved by 5-0 vote.

ITEM 27: CITY MANAGER'S REPORT Mr. Homan discussed the need to increase funds from the Community Promotions Funds for additional enhancements for the upcoming Ironman event.

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Mr. Homan provided an update on meetings for the Moving Delaware Forward Campaign.

ITEM 28: COUNCIL COMMENTS

Mr. Jones discussed previous meeting with Mark Butler regarding his concerns on the Confederate Flag.

Mr. Jones requested an update on the status of the Comprehensive Plan.

Mr. DiGenova stated that there are plans to have a Finance Meeting in August.

Mr. DiGenova requested an update regarding the Air Force plaque and lighting at Veterans Memorial. Mr. Miller discussed the plans to reposition the lighting.

Mayor Riggle discussed the expected financial impact to the City of Delaware for hosting the Ironman.

Mayor Riggle indicated that a Proclamation will be read on August 12, 2016 at 10:00 a.m. for Ralph Martin.

ITEM 29: ADJOURNMENT

Motion: Mr. Jones moved to adjourn the meeting, seconded by Mr. Hellinger. The meeting adjourned at 9:28 p.m.

Mayor Carolyn Kay Riggle

Elaine McCloskey, Council Clerk

**FINANCE COMMITTEE
MOTION SUMMARY
March 7, 2016**

ITEM 1. Roll Call

Vice-Chairman DiGenova called the meeting to order at 5:05 p.m.

Members Present: Councilmember Chris Jones, Vice-Mayor Shafer, and Vice-Chairman DiGenova

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

ITEM 2. Approval of the Motion Summary for the meeting held September 10, 2015, as recorded and transcribed.

Motion: Vice-Mayor Shafer moved to approve the Motion Summary for September 10, 2015, as recorded and transcribed, seconded by Mr. Jones. Motion approved by a 3-0 vote.

ITEM 3. Election of Chairman

Motion: Mr. Jones moved to nominate Mr. DiGenova as Chairman, seconded by Vice-Mayor Shafer. Motion approved by a 3-0 vote.

ITEM 4. Election of Vice-Chairman

Motion: Vice-Mayor Shafer moved to nominate Mr. Jones as Vice-Chairman, seconded by Chairman DiGenova. Motion approved by a 3-0 vote.

ITEM 5. Utility Rate Review

Mr. Stelzer provided information on the past utility rates from 2003 until 2012. Mr. Stelzer discussed the increase of operating expenses and the need to adjust the water fund due to increase in the cost of electricity.

A discussion was held on the refuse fund operation. Mr. Stelzer discussed the need to increase the rate from \$2.50 to \$3.00 to help offset the cost of curb and gutter repairs and replacements.

Motion: Vice-Mayor Shafer recommended to Council to increase the utility rate recommended by the Finance Director to a \$0.50 increase to the storm sewer rate, seconded by Vice-Chairman Jones. Motion approved by a 3-0 vote.

ITEM 6. CIP Update

Mr. Jones discussed the current waterline maintenance to avoid a waterline crisis that is currently happening in Flint, Michigan.

Mr. Homan discussed supplemental needs for the parking study and a building study for remodeling of office space and the future entrepreneur center.

ITEM 7. Year End Finance Report

Mr. Stelzer reviewed the operating funds and reviewed the budget and actual cost. A discussion was held regarding the income tax collection, airport fund, and golf course expenditures and revenues.

ITEM 8. Member Comments

ITEM 9. Next Meeting Date

ITEM 10. Adjournment

Motion: Vice-Chairman Jones moved to adjourn the Finance Committee meeting, seconded by Vice-Mayor Shafer. The Finance Committee meeting adjourned at 6:25 p.m.



Joe DiGenova, Chairman



Elaine McCloskey, Clerk

**FINANCE COMMITTEE
MOTION SUMMARY
May 23, 2016**

ITEM 1. Roll Call

Chairman DiGenova called the meeting to order at 5:00 p.m.

Members Present: Vice-Chairman Chris Jones, Vice-Mayor Shafer, and Chairman DiGenova

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

ITEM 2. Approval of the Motion Summary for March 7, 2016 as recorded and transcribed.

Motion: Vice-Chairman Jones moved to approve the Motion Summary for March 7, 2016, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 3-0 vote.

A discussion was held on the need to clarify the Finance Director's recommendation and motion for increase to storm water rate.

Motion: Vice-Chairman Jones moved to withdraw his approval of the Motion Summary for March 7, 2016, as recorded and transcribed, seconded by Vice-Mayor Shafer. Motion approved by a 3-0 vote.

ITEM 3. Discussion of curb and gutter program

A discussion was held on engineering standards for curbs and variances between different communities. Mr. Stelzer recommended looking at improvement that is needed at individual locations. Mr. Homan recommended an analysis be completed to determine possible revenue needed. Mr. Homan recommended utilizing an engineering firm to work with staff to update project needs and evaluate how many linear feet of curb within the city that is beyond repair.

Mr. DiGenova recommended an update of the report with a cost factor of the engineering review. Mr. Homan estimated approximately 60 days to receive proposals back.

Motion: Vice-Mayor Shafer moved to submit for proposals to update storm sewer utility rates including task to look at curb & gutter issues, seconded by Vice-Chairman Jones. Motion approved by a 3-0 vote.

ITEM 4. Utility Rate Update

Mr. Homan discussed concerns by property manager regarding the cost of the collection of refuse in residential apartment complexes. Mr. Homan reviewed this property managers' request to amend code ordinances to not require use of city services for refuse collection. Mr. Stelzer discussed that refuse funds and that the rates are based on the cost.

ITEM 5. Building Improvement Update

A discussion was held on the process to receive a design build for roof repairs at the Public Works garage. Mr. Stelzer discussed budget funds to repair roof.

Mr. Stelzer discussed analysis of improvements to the Gazette Building.

A discussion was held on surface parking in the downtown area.

ITEM 6. Income Tax Prosecution Update

Mr. Stelzer provided an update on the efforts for income tax prosecution. Mr. Stelzer provided an update on how many cases were received and approximate taxes collected. A discussion was held on the challenge to get individuals to file.

An update was provided on the J.E.D.D.

ITEM 7. Possible Supplements

Mr. Homan and Mr. Stelzer provided an update regarding possible supplemental needs including:

- a. Public Works-repairs on U.S. 23, South of interchange at U.S. 42.

Mr. Homan informed that city staff working with ODOT to determine responsibility of project.

- b. Professional Service Fee-YMCA
- c. YMCA Facility-parking lot maintenance
- d. YMCA-Mingo Pool pump repair
- e. Refuse Fund-Recycling Grant
- f. William Street/Sandusky Street-Audible Countdown Cross Walk Signals.
Vice-Mayor Shafer recommended moving forward and determining if there are grants available.
- g. Glenn Road extension

ITEM 8. Member Comments

ITEM 9. Next Meeting Date

ITEM 10. Adjournment

Motion: Vice-Mayor Shafer moved to adjourn the Finance Committee meeting, seconded by Vice-Chairman Jones. The Finance Committee meeting adjourned at 6:22 p.m.



Joe DiGenova, Chairman



Elaine McCloskey, Clerk

SHADE TREE COMMISSION
July 26, 2016
MOTION SUMMARY

ITEM 1. Roll Call

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

Members Present: Shannon Brewster, Jim Buck, Dave Carey (arrived at 7:15 p.m.), Tom Glissman (arrived at 7:08 p.m.), Tom Wolber, Councilmember George Hellinger, and Vice-Chairwoman Susan Wright

Members Absent: Chairman Paul Olen

Staff Present: Ted Miller (Parks and Natural Resource Director), Doug Richmond (City Arborist)

Motion to Excuse: Mr. Wolber moved to excuse Chairman Paul Olen, seconded by Councilman Hellinger. Motion approved by a 5-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of June 28, 2016 as recorded and transcribed.

Motion: Councilman Hellinger moved to approve the Motion Summary for the June 28, 2016 meeting, seconded by Mr. Wolber. Motion approved with a 7-0 vote.

Vice-Chairwoman Wright introduced Stan McDonald, representative of Delaware City Schools.

ITEM 3. PUBLIC COMMENTS

ITEM 4. ARBORIST REPORT

Mr. Richmond reviewed the arborist report and informed the Commission that six trees were removed. Mr. Richmond reviewed the backlog of trees that need to be planted. Mr. Richmond discussed the planned five year pruning cycle.

Discussion was held on the use of software to assist with a tree pruning schedule.

Vice-Chairwoman Wright voiced a concern regarding dying spruce trees in her neighborhood. Mr. Richmond discussed potential issues affecting spruce trees.

Mr. Richmond discussed plans to replace the three trees in the downtown area.

ITEM 5. STAFF COMMENTS

Mr. Miller provided an update on the recently held meeting with the Cheshire Crossing Home Owners Association. Mr. Miller informed the Commission that staff is researching city codes in other communities for potential changes and updates.

ITEM 6. MEMBER COMMENTS

Mr. Glissman voiced a concern regarding trees on U.S. 36 on possible power lines. Mr. Richmond discussed the role of AEP pruning trees around power lines.

Mr. Wolber discussed an article presented in The Delaware Gazette regarding Boardman Art Garden.

Mr. Buck requested information on the placement of Tree City U.S.A signage.

Vice-Chairman Wright requested an update on the Boardman Art Garden. Mr. Miller informed the Commission that the Northwest Neighborhood Association was meeting with a design consultant.

Ms. Brewster informed the Commission that she would be interested to volunteer on a Tree Stewardship program.

ITEM 7. PLAN REVIEWS

- a. Communities at Glenross Section 8-10-Plans are approved with tree species changes
- b. Henderson Trucking (Informational)
- c. Londontown Apartments
- d. Heatherton Section 6 (Informational)

ITEM 9. ADJOURNMENT

Motion: Mr. Wolber moved to adjourn the meeting, seconded by Mr. Buck. The Shade Tree Commission meeting adjourned at 7:47 p.m.


Chairman Olen


Clerk

PARKS AND RECREATION ADVISORY BOARD
MOTION SUMMARY
July 19, 2016

ITEM 1. Roll Call

Chairwoman Lash called the meeting to order at 7:00 p.m.

Members Present: Joshua Bricker, Cassie Cunningham, Nicole LaMar, Angela McWhinney, Matt Polites, Lucas Ratliff, Vice-Chairwoman Dianna Hibinger and Chairwoman Allyson Lash

Members Absent: Councilmember Kyle Rohrer

City Staff Present: Linda Mathews, Customer Service City Liaison and Ted Miller, Parks and Natural Resource Director

YMCA Staff Present: Jeremy Byers, Associate Executive Director

Motion to Excuse: Mr. Polites moved to excuse Councilmember Rohrer, seconded by Ms. LaMar. Motion approved by an 8-0 vote.

ITEM 2. APPROVAL of the Motion Summary for the meeting held April 19, 2016 as recorded and transcribed.

Motion: Mr. Bricker moved to approve the Motion Summary for the meeting held April 19, 2016 as recorded and transcribed, seconded by Mr. Polites. Motion approved by an 8-0 vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. UPDATE of YMCA Recreation Services

Mr. Byers provided information on the upcoming fall season programs.

Mr. Bricker requested information regarding the status on the youth golf class cancellation.

ITEM 5. UPDATE of Parks Activities

Mr. Miller provided an update on the turf at Veterans Park. Discussion was held on the temperature of the turf.

ITEM 6. UPDATE of Bike Master Plan

Mr. Miller provided an update on the Bike Master Plan.

ITEM 7. DISCUSSION and RECOMMENDATION of the Renaming Policy

Mr. Miller presented to the Advisory Board proposed recommendations on renaming parks. Discussion was held over the recommendations, and how to receive public input on any potential changes.

Mr. Polites recommended that included in the recommendations it state “if the application is rejected by City Council the application will return to the Park & Recreation Advisory Board for submission of a new name”. The Advisory Board also recommended changes to the number to reflect 6.5.

Motion: Mr. Polites recommended to Council the Renaming Policy presented along with recommended changes, seconded by Mr. Ratliff. Motion approved by an 8-0 vote.

ITEM 8. DISCUSSION of Parks and Recreation Advisory Board Meeting Format

Mr. Miller discussed the previous sub-committee meeting that was held in May, in which most of the information was repeated. Chairwoman Lash expressed her preference to not break into sub-committees and meet on a monthly basis as a whole board. There was no concern voiced by the Advisory Board to discontinue sub-committees.

ITEM 9. DISCUSSION AND RECOMMENDATION of Sub-Committees

a. YMCA Advisory Committee

Mr. Miller discussed the recommendation to form a new YMCA Advisory Committee with a few members of the Parks and Recreation Advisory Board. Discussion was held on the preference for YMCA to not provide recent updates, but to allow for input from the Advisory Board on their current and upcoming program plans.

The Advisory Board recommended that the discussion of future YMCA programming be discussed at the Parks and Recreation Advisory Board meeting to allow for all members of the board to provide input to staff.

b. HVGC Advisory Committee

Mr. Miller discussed the need to include input from the Advisory Board, along with staff from Hidden Valley, and possible members of the golf course.

Mr. Bricker and Mr. Ratliff volunteered to serve on a HVGC Advisory Committee.

ITEM 10. DISCUSSION AND RECOMMENDATION of Boardman Art Garden Concepts

Mr. Miller reviewed conceptual plans. Mr. Bricker requested that all sports groups that utilize the field currently be notified of the potential park to allow for a new location to be found.

ITEM 11. UPDATE on Hayes Memorial

Mr. Miller provided an update on plan reviews and discussed projected cost and timeline of project.

Ms. McWhinney voiced a concern regarding the legacy of President Hayes.

ITEM 12. DISCUSSION and RECOMMENDATION of the Ross Street Mural

ITEM 13. STAFF COMMENTS

Mr. Miller provided an update regarding the request for cricket field. Mr. Miller provided information on the size of the field in reference to current available locations.

ITEM 14. MEMBERS COMMENTS

Vice-Chairwoman Hibinger voiced a concern on potential day camps and counselors using tennis nets for kickball and misuse of equipment.

Mr. Polites voiced a concern regarding security at Mingo.

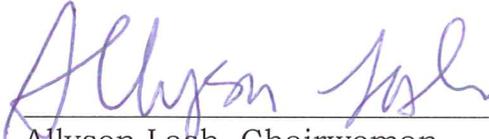
Mr. Bricker discussed feedback received regarding the overcrowding of Mingo Pool and the use of the pool by various day camps. Mr. Bricker requested information on the potential plans for a second pool and membership increases.

Ms. McWhinney voiced a concern regarding the use of tobacco at city parks. Ms. Mathews provided information on past discussions on enforcement.

Ms. Cunningham provided information on portable pitches for a cricket field.

ITEM 15. ADJOURNMENT

Motion: Vice-Chairwoman Hibinger moved to adjourn the Parks and Recreation meeting, seconded by Mr. Polites. The meeting adjourned at 8:33 p.m.



Allyson Lash, Chairwoman



Elaine McCloskey, Clerk

**HISTORIC PRESERVATION COMMISSION
MOTION SUMMARY
June 22, 2016**

ITEM 1. Roll Call

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

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

Members Absent: Joe Coleman and Councilman Kyle Rohrer

Motion to Excuse: Mr. Nicley moved to excuse Councilman Rohrer, seconded by Vice-Chairman Hatten. Motion approved by a 5-0 vote.

Staff Present: Dianne Guenther, Development Planner

ITEM 2. APPROVAL OF MOTION SUMMARY of the Historic Preservation Commission meeting held on April 27, 2016, as recorded and transcribed.

Motion: Vice-Chairman Hatten moved to approve the Motion Summary of the Historic Preservation Commission meeting held on April 27, 2016, as recorded and transcribed, seconded by Ms. Riviera. Motion approved by a 5-0 vote.

ITEM 3. REGULAR BUSINESS

- A. 2016-1725: A request by JATAK LLC for a Certificate of Appropriateness for building improvements at 18-20 West William Street which is zoned B-2 (Central Business District) and located in the Transitional Sub-district of the Downtown Historic District Overlay.

Ms. Guenther provided a presentation that included the location of the property and previous renovations completed by the current property owner. Ms. Guenther provided information on property damage sustained from the demolition of adjacent 14 W. William Street in 2015. Ms. Guenther discussed the applicant's improvement plans for the now-exposed east elevation brick and masonry renovation, east elevation second story soffit repairs, east rear brick building addition roof replacement, and the deteriorated west rear addition extension removal. Ms. Guenther reviewed the building repair improvement proposal which complies with the Architectural Standards.

APPLICANT:

Jack Kahaian
538 Thistle Dr.
Delaware, Ohio 43015

Motion: Vice-Chairman Hatten moved to approve 2016-1725 for the Certificate of Appropriateness for building improvements at 18-20 West William Street, along with all staff recommendations, seconded by Mr. Kehoe. Motion approved by a 5-0 vote.

ITEM 4. COMMISSION MEMBER COMMENTS AND DISCUSSION

Ms. Riviera informed the Commission that she will be unable to attend the July 27, 2016 meeting due to a scheduled vacation.

Mr. Nicley informed the Commission that he may have a business commitment and unable to attend the July 27, 2016 meeting.

Mr. Koch requested an update on the compliance of patio fencing in the downtown historic district. Ms. Guenther provided an update on enforcement procedures.

ITEM 5. NEXT REGULAR MEETING: July 27, 2016

ITEM 7. ADJOURNMENT

Motion: Mr. Nicley moved to adjourn the meeting, seconded by Ms. Riviera. The Historic Preservation Commission meeting adjourned at 7:54 p.m.



Roger Koch, Chairman



Elaine McCloskey, Clerk

**PARKING AND SAFETY
MOTION SUMMARY
May 16, 2016**

ITEM 1. ROLL CALL

Chairman Shafer called the Special Parking and Safety Meeting to begin at 7:00 p.m.

Members Present: Councilman Chris Jones, Councilman George Hellinger, and Chairman Kent Shafer

Staff Present: Bruce Pijanowski, Police Chief, John Donahue, Fire Chief, Bill Ferrigno, Director of Public Works, and Matt Weber, Deputy City Engineer

ITEM 2. APPROVAL of the Motion Summary of the Parking and Safety Committee meeting held January 4, 2016, as recorded and transcribed.

Motion: Mr. Jones moved for the approval of the motion summary of the Parking and Safety Committee meeting held January 4, 2016, seconded by Mr. Hellinger. Motion approved by a 3-0 vote.

Motion: Mr. Jones moved to nominate Mr. Shafer as Chairperson, seconded by Mr. Hellinger. Motion approved by a 3-0 vote.

Motion: Mr. Jones moved to nominate Mr. Hellinger as Vice-Chairperson, seconded by Chairman Shafer. Motion approved by a 3-0 vote.

ITEM 3. PUBLIC COMMENT

Darci Hooks
159 Cheshire Crossing Dr.
Delaware, Ohio

Ms. Hooks voiced a concern regarding increased speeding incidents on her street. Ms. Hooks informed the Committee that there is signage for blind child at play, which does not slow down drivers.

Mr. Ferrigno discussed speed studies completed in the area. Discussion was held on additional signage and the use of the speed trailer in the area.

ITEM 4. DISCUSSION

A. The Installation of Multi-Way Stop Signs at North Liberty Street and West Fountain Avenue.

PUBLIC COMMENT:

Patricia Stout
175 W. Fountain St.
Delaware, Ohio

Ms. Stout discussed a recent accident that she was involved in on November 18, 2015 at W. Fountain and Liberty Street. Ms. Stout recommended the use of a stop sign at the intersection.

Mr. Weber reviewed the original request and provided a history of the request and staff actions to count traffic. Mr. Weber informed the Committee that the stop sign is not warranted based on the criteria, and recommended counter measures before recommendation for a stop sign. Mr. Weber discussed the need to look at site distance, parking restrictions, enhanced striping, tree trimming. Mr. Weber informed the Committee of the public survey completed by resident that presented majority of neighborhood residents against the stop sign. Mr. Weber also informed the Committee of discussion that was held with the Delaware City Schools regarding the potential stop sign. Mr. Weber informed the Committee that the school will not be providing a crossing guard at this intersection.

Motion: Mr. Jones moved to approve staff recommendation for the parking signage and study, seconded by Vice-Chairman Hellinger. Motion approved by a 3-0 vote.

B. The Review of the City Ordinance Fee Schedule for: 1) Parking Fines, 2) Handicap Parking Fines, 3) Parking over the Designated Parking Space Line Fines; per 351.03-Prohibited Standing or Parking Places.

Chief Pijanowski reviewed recommended changes and adjustments in language.

Motion: Mr. Jones moved to approve changes recommended by Chief Pijanowski and forwarded to City Council for full approval, seconded by Vice-Chairman Hellinger. Motion approved by a 3-0 vote.

C. The Discussion of Commercial Vehicle and Truck Parking in Residential Areas (Updating Classification Terminology).

Chief Pijanowski discussed changes to language while maintaining same requirements.

Motion: Mr. Jones moved to recommend to City Council that terminology for commercial vehicle language is updated and brought before City Council with

recommendation for full approval, seconded by Vice-Chairman Hellinger. Motion approved by a 3-0 vote.

ITEM 5. NEW BUSINESS

A. On Street Parking Consistency in Neighborhoods (Ohio Fire Code)

Chief Donahue discussed on street parking consistency and reviewed Ohio Fire Codes and requirements. Chief Donahue reviewed staff recommendation.

B. Citywide Traffic Signal Study

Mr. Weber provided information on research that has been completed and that staff is working on a draft application for MORPC funding.

ITEM 6. OLD BUSINESS

A. North Sandusky Street Parking Reduction

Motion: Vice-Chairman Hellinger moved to accept the parking reduction on N. Sandusky Street contingent on the signage of Memorandum of Understanding as presented to the Committee tonight, and forwarded to Council for full approval, seconded by Mr. Jones. Motion approved by a 3-0 vote.

B. One-Way Alley Conversion at Union Street Alley

Mr. Ferrigno reviewed the new recommendation for safety and site concern with additional traffic. Mr. Ferrigno recommended to adjust the previous recommendation and go with 115 ft west of Union Street to be a two way alley and then from that point turns into a one way alley.

PUBLIC COMMENT:

John Melvin

Manager of Facilities for Delaware County

Mr. Melvin voiced a concern over the creation of a left in and left out. Mr. Melvin discussed that the County plans to maintain snow removal.

Scott Miller

103 N. Union Street

Delaware, Ohio 43015

Mr. Miller discussed the need to minimize impact of the new courthouse traffic to surrounding neighbors. Mr. Miller recommended an additional exit to provide further circulation. Mr. Miller recommended that the county balance assignment of employee parking spots to prevent large number of employees accessing one alley to exit at a time. Mr. Miller also recommended that the county assign spacing for county owned vehicles and have those placed on level

that exits onto alley to decrease traffic.

Mr. Melvin to present staff recommendations to Delaware County.

ITEM 7. BRIEFING BY THE PARKING CONSULTANTS

PRESENTOR:

Justin Goodwin
MKSK
462 S. Ludlow Alley
Columbus, Ohio 43215

Mr. Goodwin discussed the input from working group and steering committee, as well as, public engagement. Mr. Goodwin discussed the study area and project schedule.

ITEM 8. COMMITTEE COMMENTS

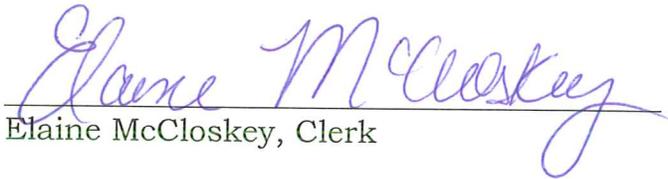
Chief Pijanowski discussed street closing recommendation for street closing at First Friday event.

ITEM 9. ADJOURNMENT

Motion: Mr. Jones moved to adjourn the meeting. The Parking and Safety Committee Meeting adjourned at 8:52 p.m.



Kent Shafer, Chairman



Elaine McCloskey, Clerk

**PLANNING COMMISSION
MOTION SUMMARY
August 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, Dean Prall, Vice-Chairman Stacy Simpson, and Chairwoman Lisa Keller

Staff Present: Jennifer Stachler, Assistant City Engineer, Lance Schultz, Zoning Administrator, and Dave Efland, Planning and Community Development Director

ITEM 2. Approval of the Motion Summary of the Planning Commission meeting held on July 6, 2016, as recorded and transcribed.

Motion: Mr. Badger moved to approve the Motion Summary for the July 6, 2016 meeting, seconded by Mr. Prall. Motion approved by a 5-0-1 (Halter) vote.

ITEM 3. REGULAR BUSINESS

A. Londontown Apartments

- (1) 2016-2049: A request by Delaware Housing Corporation for approval of a Rezoning Amendment for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) from B-3 (Community Business District) to R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.
- (2) 2016-2050: A request by Delaware Housing Corporation for approval of a Combined Preliminary and Final Development Plan for a Parking Lot Expansion for Londontown Apartments on approximately 0.88 (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.
- (3) 2016-2192: A request by Delaware Housing Corporation for approval of an Amendment of the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density Multi-Family for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

Anticipated Process

- a. Staff Presentation

Mr. Efland reviewed the proposed site plan. Discussion was held on proposed fencing plan.

- b. Applicant Presentation

APPLICANT:

Mark Cameron
1495 Old Henderson Road
Columbus, Ohio 43220

- c. Public comment (public hearing)

There was no public comment.

- d. Commission Action

Motion: Mr. Prall moved to approve 2016-2049, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

Motion: Mr. Prall moved to approve 2016-2050, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

Motion: Mr. Prall moved to approve 2016-2051, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

- B. 2016-2055: A request by Henderson Trucking for approval of a Development Plan Exemption for a Building Expansion on approximately 8.69 acres zoned M-2 (General Manufacturing District) and located at 124 Henderson Court.

Anticipated Process

- a. Staff Presentation

Mr. Efland reviewed the proposed addition for storage purposes and proposed site plan.

- b. Applicant Presentation

APPLICANT:

James Leeseberg
2550 Corporate Exchange
Columbus, Ohio

- c. Public comment (no public hearing)

There was no public comment.

- d. Commission Action

Motion: Mr. Badger moved to approve 2016-2055, along with all staff conditions and recommendations, seconded by Vice-Chairman Simpson. Motion approved by a 6-0 vote.

- C. 2016-2057: A request by Pulte Homes for approval of a Final Development Plan for a Pool House and Recreation Area for the Communities at Glenross on approximately 22.7 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located north of Cheshire Road.

Anticipated Process

- a. Staff Presentation

Mr. Schultz reviewed the proposed site plan and pool house building elevations. Mr. Schultz discussed the role of the Home Owners Association in maintaining the pool, which will not be open to the public.

- b. Applicant Presentation

APPLICANT:

Joel West
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

Mr. Prall requested information regarding the designated grass parking area. Mr. West discussed the use of the area for overflow parking and to determine the need for additional parking at a later time.

Mr. Prall voiced a concern regarding the visual location of the proposed sledding hill location. Mr. West discussed the design of the park to be a four season park. Mr. West discussed proposed landscape to buffer the hill from the road.

Mr. Prall requested additional information on the color scheme of the pool house and shelter house. Mr. West discussed the plan for the materials and timeline to open the pool.

Vice-Chairman Simpson discussed the location of the volleyball courts. Mr. West discussed the current location was to allow for a large open space.

Mr. West discussed condition number 6, and recommended the allowance for an aggregate base. Mr. West discussed the designated area is intended for golf carts parking. Mr. Efland recommends the use of asphalt for maintenance and consistency. The Commission was in agreement to staff condition number 6.

Mr. West discussed condition number 7 and requested the ability to raise the mounding and landscape with trees and not rows of shrubs to achieve headlight screening. Mr. Efland informed the Commission that these changes would fulfill the condition requirement.

c. Public comment (no public hearing)

PUBLIC PARTICIPATION:

Tom Bonacuse
880 Ballater Dr.
Delaware, Ohio 43015

Mr. Bonacuse voiced support for the inclusion of a sledding hill. Mr. Efland addressed Mr. Bonacuse question regarding why the park area will be open to the public.

Mr. Bonacuse requested signage to inform construction vehicles which roads to use.

d. Commission Action

Motion: Vice-Chairman Simpson moved to approve 2016-2057, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 6-0 vote.

D. Communities at Glenross- Section 8

- (1) 2016-2059: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.
- (2) 2016-2060: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive.

Anticipated Process

- a. Staff Presentation

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

- b. Applicant Presentation

APPLICANT:

Joel West
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

- c. Public comment (no public hearing)

There was no public comment.

- d. Commission Action

Motion: Mr. Badger moved to approve 2016-2059, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

Motion: Mr. Badger moved to approve 2016-2060, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

E. Communities at Glenross - Section 9

- (1) 2016-2061: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.
- (2) 2016-2062: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

Anticipated Process

- a. Staff Presentation

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

b. Applicant Presentation

APPLICANT:

Joel West
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

c. Public comment (no public hearing)

There was no public comment.

d. Commission Action

Motion: Vice-Chairman Simpson moved to approve 2016-2061, along with all staff conditions and recommendations, seconded by Mr. Mantzoros. Motion approved by a 6-0 vote.

Motion: Vice-Chairman Simpson moved to approve 2016-2062, along with all staff conditions and recommendations, seconded by Mr. Mantzoros. Motion approved by a 6-0 vote.

F. Communities at Glenross - Section 10

- (1) 2016-2063: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.
- (2) 2016-2064: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat.

b. Applicant Presentation

APPLICANT:

Joel West
4900 Tuttle Crossing Blvd.

Dublin, Ohio 43016

Mr. West discussed plans for mounding for Section 10.

c. Public comment (no public hearing)

There was no public comment.

d. Commission Action

Motion: Mr. Mantzoros moved to approve 2016-2063, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

Motion: Mr. Mantzoros moved to approve 2016-2064, along with all staff conditions and recommendations, seconded by Mr. Halter. Motion approved by a 6-0 vote.

G. Heatherton - Section 6

- (1) 2016-2073: A request by Pulte Homes for approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.
- (2) 2016-2074: A request by Pulte Homes for approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.

Anticipated Process

a. Staff Presentation

Mr. Schultz reviewed the Approved Preliminary Development Plan and Plat. Discussion was held on location of park and open space. Discussion was held on the use of a park as a nature area.

b. Applicant Presentation

APPLICANT:

Joel West
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

c. Public comment (no public hearing)

There was no public comment.

d. Commission Action

Motion: Mr. Halter moved to approve 2016-2073, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 6-0 vote.

Motion: Mr. Halter moved to approve 2016-2074, along with all staff conditions and recommendations, seconded by Mr. Badger. Motion approved by a 6-0 vote.

ITEM 4. PLANNING DIRECTOR'S REPORT

A. October's Meeting-Reschedule to October 19 from October 5

ITEM 5. COMMISSION MEMBER COMMENTS AND DISCUSSION

Mr. Mantzoros discussed the different activities occurring in the downtown area.

Mr. Prall requested information regarding the Comprehensive Plan.

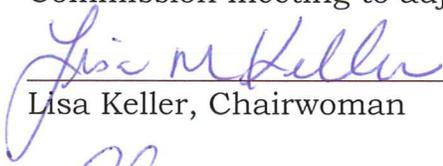
Mr. Halter voiced a concern regarding the weeds on Houk Road near the cemetery. Mr. Halter voiced a concern regarding the land condition surrounding the CVS building on Houk Road.

Chairwoman Keller requested an update regarding the signage on Houk Road and U.S. 36.

ITEM 6. NEXT REGULAR MEETING: September 7, 2016

ITEM 7. ADJOURNMENT:

Motion: Chairwoman Keller moved for the August 3, 2016 Planning Commission meeting to adjourn. The meeting adjourned at 8:34 p.m.



Lisa Keller, Chairwoman



Elaine McCloskey, Clerk



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM G DATE: 9/12/16
ORDINANCE NO: RESOLUTION NO: 16-39
READING: FIRST 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:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR TAX YEAR 2016/BUDGET YEAR 2017.

BACKGROUND:

Before October 1 of each year, the City is required by Ohio Revised Code to authorize through resolution the tax levy rates for the upcoming budget year. These rates provide the County with an amount to tax each landowner within the taxing district in order to collect the amount due to the City for real estate taxes in the next calendar year.

REASON WHY LEGISLATION IS NEEDED:

Ohio Revised Code § 5705.34 requires "Each taxing authority, by ordinance or resolution, shall authorize the necessary tax levies and certify them to the county auditor before the first day of October in each year."

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

N/A

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

2017 Schedule A

Official Certificate of Estimated Resources

RESOLUTION NO. 16-39

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR FOR TAX YEAR 2016/BUDGET YEAR 2017.

BE IT RESOLVED that the Council of the City of Delaware, Delaware County, Ohio, met in regular session on the ____ day of September, 2016 in City Council Chambers:

Mr./Ms. _____ moved to adopt the following Resolution:

WHEREAS, The Budget Commission of Delaware County, Ohio has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of Delaware, Delaware County, Ohio that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as provided in Schedule A hereby attached, and be it further

RESOLVED, That the Clerk of Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr./Ms. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

SECTION 6. That this resolution shall take effect and be in force immediately after passage.

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

For Municipal Use City of Delaware Fiscal Year 2017		For Budget Commission Use		For County Auditor Use	
FUND	Budget Year Amount Requested of Budget Commission Inside/Outside	Budget Year Amount Approved by Budget Commission Inside 10 M	Budget Year Amount to be Derived From Levies Outside 10 M Limitation	County Auditor's Estimate of Tax Rate to be Levied	
				Inside 10 M. Limit	Outside 10 M. Limit
	Column 1	Column 2	Column 3	Column 4	Column 5
GOVERNMENT FUNDS	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXX	XXXXXXX
GENERAL FUND		\$1,440,525		2.10	
FIREMENS PENSION		\$215,328		0.30	
POLICE PENSION		\$215,328		0.30	
PROPRIETARY FUNDS	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXX	XXXXXXX
FIDUCIARY FUNDS	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX	XXXXXXX	XXXXXXX
TOTAL ALL FUNDS		\$1,871,181	\$0	2.70	0.00

Official Certificate of Estimated Resources

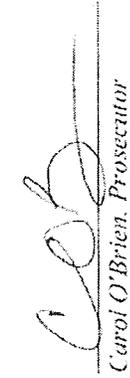
The Budget Commission of Delaware County, Ohio hereby makes the following Certificate of Estimated Resources for the City of Delaware for the fiscal year beginning January 1, 2017.

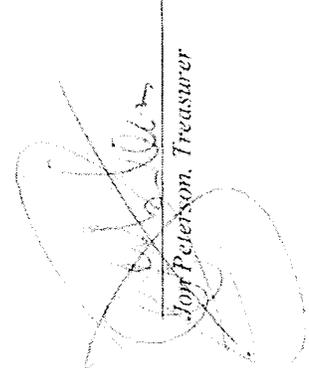
FUND	Unencumb. Balance January 1, 2017	Real Estate Tax	Local Government	Other Sources	Total
General Fund	3,335,696.00	1,440,525.00	607,966.38	17,663,000.00	25,047,187.38
Special Revenue	15,066,901.00	430,656.00		22,125,890.00	37,623,447.00
Debt Service	253,585.00			4,194,417.00	4,448,002.00
Capital Projects	1,775,848.00			16,732,650.00	18,508,498.00
Enterprise	23,446,461.00			25,684,711.00	49,131,172.00
Internal Service	4,885,665.00			6,667,913.00	11,553,578.00
Trust and Agency	1,900,313.00			303,300.00	2,203,613.00
Total	50,664,469.00	1,871,181.00	607,966.38	93,371,881.00	146,515,497.38

Date August 18, 2016

Delaware County Budget Commission


George Katsis, Auditor


Carol O'Brien, Prosecutor


Jop Peterson, Treasurer



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM H DATE: 9-12-16
ORDINANCE NO: RESOLUTION NO: 16-40
READING: FIRST PUBLIC HEARING: NO

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE COMMUNITIES AT GLENROSS SECTION 6.

BACKGROUND:

This resolution conditionally accepts the now completed public improvements consisting of streets, water distribution, sanitary sewer and stormwater drainage for Communities at Glenross Section 6, except for the installation of lighting. A one year performance bond has been posted for the lighting, covering expense necessary to repair work due to deficiencies or failure of materials or workmanship.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Bill Ferrigno, Public Works Director/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S):

Summary Report

RESOLUTION NO. 16-40

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE COMMUNITIES AT GLENROSS SECTION 6.

WHEREAS, the developer of Communities at Glenross, section 6, has complied with all of the conditions set forth in Codified Ordinance 1111.17 which are necessary to obtain acceptance by the City of the public improvements for streets, water distribution, sanitary sewer collection and stormwater drainage, and

WHEREAS, the developer has duly dedicated said public improvements to the City in writing.

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

SECTION 1. That the City of Delaware hereby accepts the public improvements for streets, sanitary, water distribution, and stormwater drainage for Communities at Glenross Section 6, and that the dedication of said improvements to the City is hereby accepted contingent upon the posting of a maintenance and performance bond by the Developer in accordance with Section 1111.06 of the Delaware Codified ordinance.

SECTION 2. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2016 YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____ CITY CLERK
_____ MAYOR



CITY OF DELAWARE, OHIO
PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: David Efland, Planning Director

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

CC: Brad Stanton, Director of Public Utilities

SUBJECT: Recommendation for Acceptance of Public Improvements for
Communities at Glenross Section 6

DATE: 9-12-16

Communities at Glenross section 6 is the next phase of the 586 lot, 373.9 acre residential subdivision located on the north side of Cheshire Road, just east of Glenn Parkway. Section 6 includes 30 single family lots on 9.927 acres of ground. Construction for this project commenced in May 2016 and has been recently completed.

All utilities including storm sewer, sanitary sewer, waterlines, and roadways were constructed in accordance with current city engineering specifications and are in consideration to be publicly owned and operated. All utility lines and roadways have been inspected and found to be in acceptable condition by the Public Works Department. The estimated value of new public improvements totals \$ 1,508,411 and in accordance with City Codified Ordinance Section 1111.06, a two year maintenance bond has been posted by the developer, Pulte Homes of Ohio LLC, which would cover the expense of necessary repair work due to deficiencies or failure of materials or workmanship. Also, a one year performance bond has been posted, which covers lighting yet to be installed and tested. The developer has paid all required plan review and construction inspection fees. Upon your satisfaction that all non-engineering related requirements have been completed as specified in the approved subdivision plans or other written commitments, we recommend acceptance of public improvements by the City.

mls

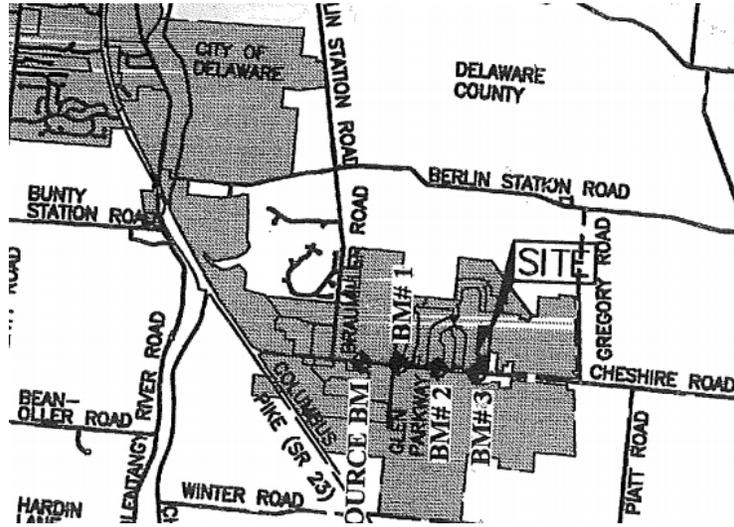
Attachments

CC: Public Improvements Ordinance File
Communities at Glenross Section 6 Project File

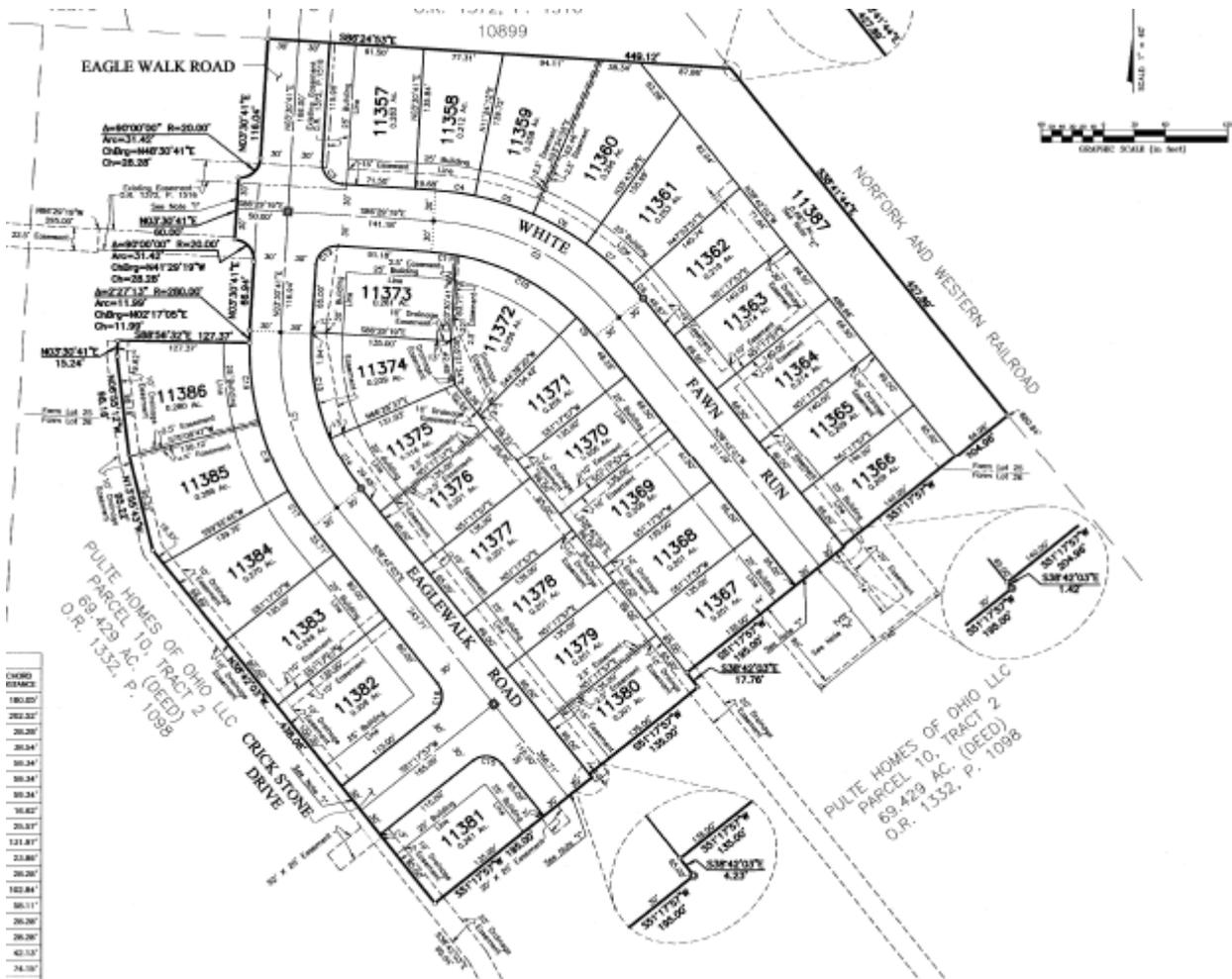
MATERIAL QUANTITY REPORT

PROJECT: Communities at Glenross Section 6			PC #: 2015-2565, 256
OWNER/DEVELOPER: Pulte Homes of Ohio LLC		CONTRACTOR: Savko Construction	
DESCRIPTION: 30 Single family lots on 9.927 acres			API ORD.#:
TOTAL UTILITY COST: \$ 1,508,411			ENG #: 15-024
SANITARY SEWER			
MANHOLES	8 EA	Type C	
SERVICE TAPS	33	6" Wyes	
6-Inch	105 LF		
8-Inch	1375 LF		
10-Inch			
12-Inch			
15-Inch			
18-Inch			
24-Inch			
OTHER			
MISCELLANEOUS			
			\$ 147,635
WATER SERVICE			
SERVICE TAPS	32 EA	¾" 'K' Copper	
MAIN TAPS			
HYDRANTS W/Valve	4 EA	W/6" Valve and box	
6-Inch Valve			
8-Inch Valve	6 EA		
12-Inch Valve			
16-Inch Valve			
6-Inch Dip			
8-Inch Dip	1770 LF		
10-Inch Dip			
12-Inch Dip			
16-Inch Dip			
MISCELLANEOUS			
			\$ 132,960

STORM SEWER			
MANHOLES	13 EA		
CATCH BASINS	47 EA		
CURB INLETS	6 EA		
DET/RET BASIN			
12-Inch RCP	1165 LF		
15-Inch RCP	340 LF		
18-Inch RCP	585 LF		
21-Inch RCP			
24-Inch RCP	830 LF		
27-Inch RCP			
30-Inch RCP	1125 LF		
36-Inch RCP	3350 LF		
42-Inch RCP			
54-Inch RCP			
HEADWALLS	10		
ROCK CHANNEL	31	CY	
			\$ 666,716
ROADWAY			
24'-0 ROAD			
28'-0 ROAD	1580 LF		
32'-0 ROAD			
36'-0 ROAD			
2'-0 CURB	3160 LF		
CURB RAMPS	14		
SIDEWALK			
MONUMENT BOXES	2 EA		
STREET LIGHTS	13 EA		
(+) INTERSECTIONS	1 EA		
(T) INTERSECTIONS	1 EA		
CUL-DE-SAC			
STRIPING/SIGNAGE			\$ 56,294
			\$561,100



Location Map



Site Map



FACT SHEET

AGENDA ITEM NO: CONSENT ITEM I DATE: 9-12-16
ORDINANCE NO: RESOLUTION NO: 16-41
READING: FIRST PUBLIC HEARING: NO

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HEATHERTON PHASE 5.

BACKGROUND:

This resolution conditionally accepts the now completed public improvements consisting of streets, water distribution, sanitary sewer and stormwater drainage for Heatherton Phase 5, except for the installation of lighting, curb ramps and monument boxes. A one year performance bond has been posted for these items, covering expense necessary to repair work due to deficiencies or failure of materials or workmanship.

REASON WHY LEGISLATION IS NEEDED:

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

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Bill Ferrigno, Public Works Director/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S):

Summary Report

RESOLUTION NO. 16-41

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR HEATHERTON PHASE 5.

WHEREAS, the developer of Heatherton Phase 5, has complied with all of the conditions set forth in Codified Ordinance 1111.17 which are necessary to obtain acceptance by the City of the public improvements for streets, water distribution, sanitary sewer collection and stormwater drainage, and

WHEREAS, the developer has duly dedicated said public improvements to the City in writing.

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

SECTION 1. That the City of Delaware hereby accepts the public improvements for streets, sanitary, water distribution, and stormwater drainage for Heatherton Phase 5, and that the dedication of said improvements to the City is hereby accepted contingent upon the posting of a maintenance and performance bond by the Developer in accordance with Section 1111.06 of the Delaware Codified ordinance.

SECTION 2. That this resolution shall be in force and effect immediately upon its passage.

PASSED: _____, 2016 YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK MAYOR



CITY OF DELAWARE, OHIO
PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: David Efland, Planning Director

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

CC: Brad Stanton, Director of Public Utilities

SUBJECT: Recommendation for Acceptance of Public Improvements for Heatherton Phase 5

DATE: 9/12/16

Heatherton phase 5 is the next phase consisting of 44 lots on 12.203 acre renamed Lehner Woods subdivision located west of Houk Road, just south of Benjamin Street on the west side of Delaware, Ohio. Construction for this project commenced in March and is considered substantially complete.

All utilities including storm sewer, sanitary sewer, waterlines, and roadways were constructed in accordance with current city engineering specifications and are in consideration to be publicly owned and operated. All utility lines and roadways have been inspected and found to be in acceptable condition by the Public Works Department. The estimated value of new public improvements totals \$ 900,852 and in accordance with City Codified Ordinance Section 1111.06, a two year maintenance bond has been posted by the developer, Pulte Homes of Ohio LLC which would cover the expense of necessary repair work due to deficiencies or failure of materials or workmanship. Also, a one year performance bond has been posted, which covers lighting, curb ramps and sidewalks along Benjamin St. yet to be installed. The developer has paid all required plan review and construction inspection fees. Upon your satisfaction that all non-engineering related requirements have been completed as specified in the approved subdivision plans or other written commitments, we recommend acceptance of public improvements by the City.

mls

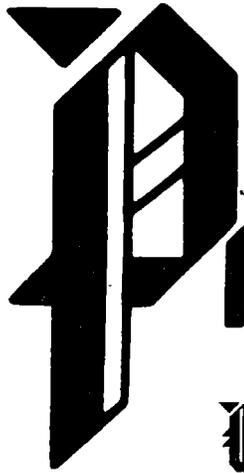
Attachments

CC: Public Improvements Ordinance File
Heatherton 5 Project File

MATERIAL QUANTITY REPORT

PROJECT: Heatherton Phase 5			PC #: 2015-1048, 1049
OWNER/DEVELOPER: Pulte Homes of Ohio LLC		CONTRACTOR: Weiser Inc.	
DESCRIPTION: 44 Single family lots on acres			API ORD.#:
TOTAL UTILITY COST: \$ 900,852			ENG #: 14-010
SANITARY SEWER			
MANHOLES	10 EA		
SERVICE TAPS	31 EA		
6-Inch	965 LF		
8-Inch	564 LF		
10-Inch	462 LF		
12-Inch	134 LF		
15-Inch			
18-Inch			
21-Inch			
OTHER			
MISCELLANEOUS			
			\$73,463
WATER SERVICE			
SERVICE TAPS	44 EA	¾" 'K' Copper	
MAIN TAPS	49 EA		
HYDRANTS W/Valve	4 EA	W/6" Valve	
6-Inch Valve	4 EA		
8-Inch Valve	5 EA		
12-Inch Valve			
16-Inch Valve			
6-Inch Dip	471 LF		
8-Inch Dip	1501 LF		
10-Inch Dip			
12-Inch Dip			
16-Inch Dip			
MISCELLANEOUS			
			\$ 155,977

STORM SEWER			
MANHOLES	11 EA		
CATCH BASINS	14 EA		
CURB INLETS	11 EA		
DET/RET BASIN			
12-Inch RCP	2841 LF		
15-Inch RCP	464 LF		
18-Inch RCP			
21-Inch RCP			
24-Inch RCP			
27-Inch RCP	130 LF		
30-Inch RCP	732 LF		
36-Inch RCP	67 LF		
42-Inch RCP			
48-Inch RCP			
HEADWALLS			
ROCK CHANNEL	CY	TYPE B	
			\$ 270,481
ROADWAY			
24'-0 ROAD			
28'-0 ROAD	1909 LF		
32'-0 ROAD			
36'-0 ROAD	1000 LF		
2'-0 CURB	3819 LF		
CURB RAMPS	12 EA		
SIDEWALK	6312 SF		
MONUMENT BOXES	2 EA		
STREET LIGHTS	15 EA	+ 8 Pull boxes	
(+) INTERSECTIONS			
(T) INTERSECTIONS	2 EA		
CUL-DE-SAC			
STRIPING/SIGNAGE			\$ 1949
			\$ 400,931



Office of the Mayor

Proclamation

Whereas:

the City of Delaware has

the responsibility to recognize occasions of outstanding significance; and

WHEREAS, hunger and poverty are issues of grave concern in the United States and the State of Ohio; and

WHEREAS, the City of Delaware is taking steps to raise awareness about the need to combat hunger and to provide additional resources that citizens need; and

WHEREAS, our City is committed to working with Mid-Ohio Foodbank in educating people about the role and importance of food banks and pantries in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, more than 524,000 Ohioans rely on food provided by the Mid-Ohio Foodbank annually; and

WHEREAS, the Mid-Ohio Foodbank distributed more than 59 million pounds of food and groceries in 2015 through its network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, food banks and partner agencies across the state – including Mid-Ohio Foodbank – will promote numerous events throughout the month of September to bring awareness and attention to efforts to end hunger in their local community.

NOW, THEREFORE, I, Carolyn Kay Riggle, Mayor of the City of Delaware, Ohio, do hereby proclaim September 2016 as:

HUNGER ACTION MONTH

in the City of Delaware, Ohio and I urge every citizen to take time this month to help combat hunger in Delaware.



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

Carolyn Kay Riggle

Carolyn Kay Riggle, Mayor



FACT SHEET

AGENDA ITEM NO: 10

DATE: 9/12/16

ORDINANCE NO: 16-63

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 acres.

Access is gained through Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and

minimum lot depths of 130 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 20% of lot width (minimum 6 feet). The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

There is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-63

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive (PC 2016-2059), 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 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl 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 Amended 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: 2016-2059 & 2060

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 8

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2059: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive.

2016-2060: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Section 6 between Sections 9 and 10 and located on Eagle Walk Road and White Fawn Run. 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 July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling 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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 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 Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. 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 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 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 20% of lot width

(minimum 6 feet). All lots meet or exceed minimum requirements of the approved text and are in conformance with the approved 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 IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **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 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 is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission. In addition per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **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 - 2016-2059)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl 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 Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2060)

Staff recommends approval of a request by Pulte Homes of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Grave Owl Drive, with the following conditions that:

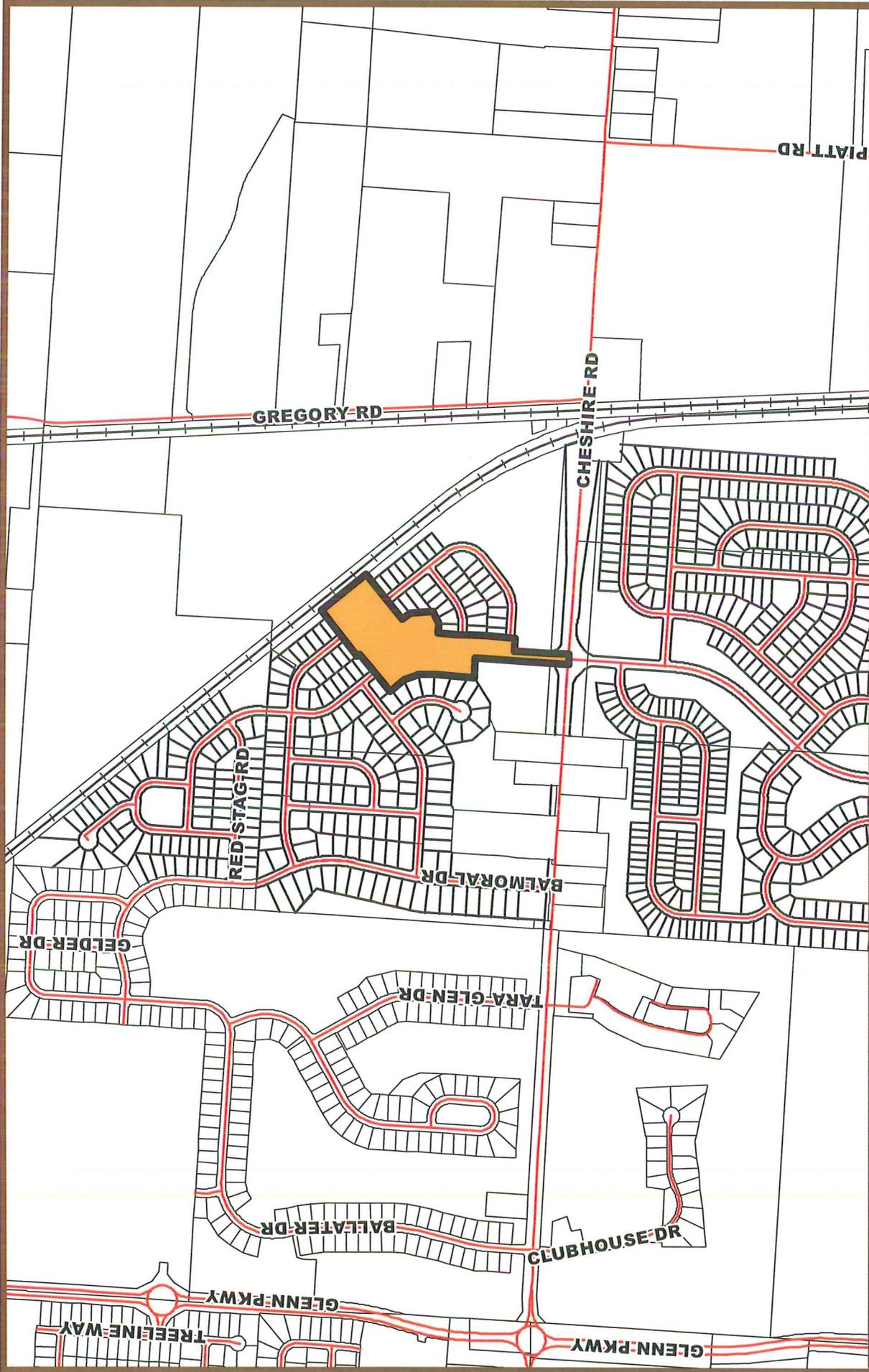
1. The Applicant needs to obtain final engineering approvals, including any stormwater and utility issues that need to be worked out through the Engineering and Utilities Departments. All comments regarding the layout

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 IIC 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 submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.
6. 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.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

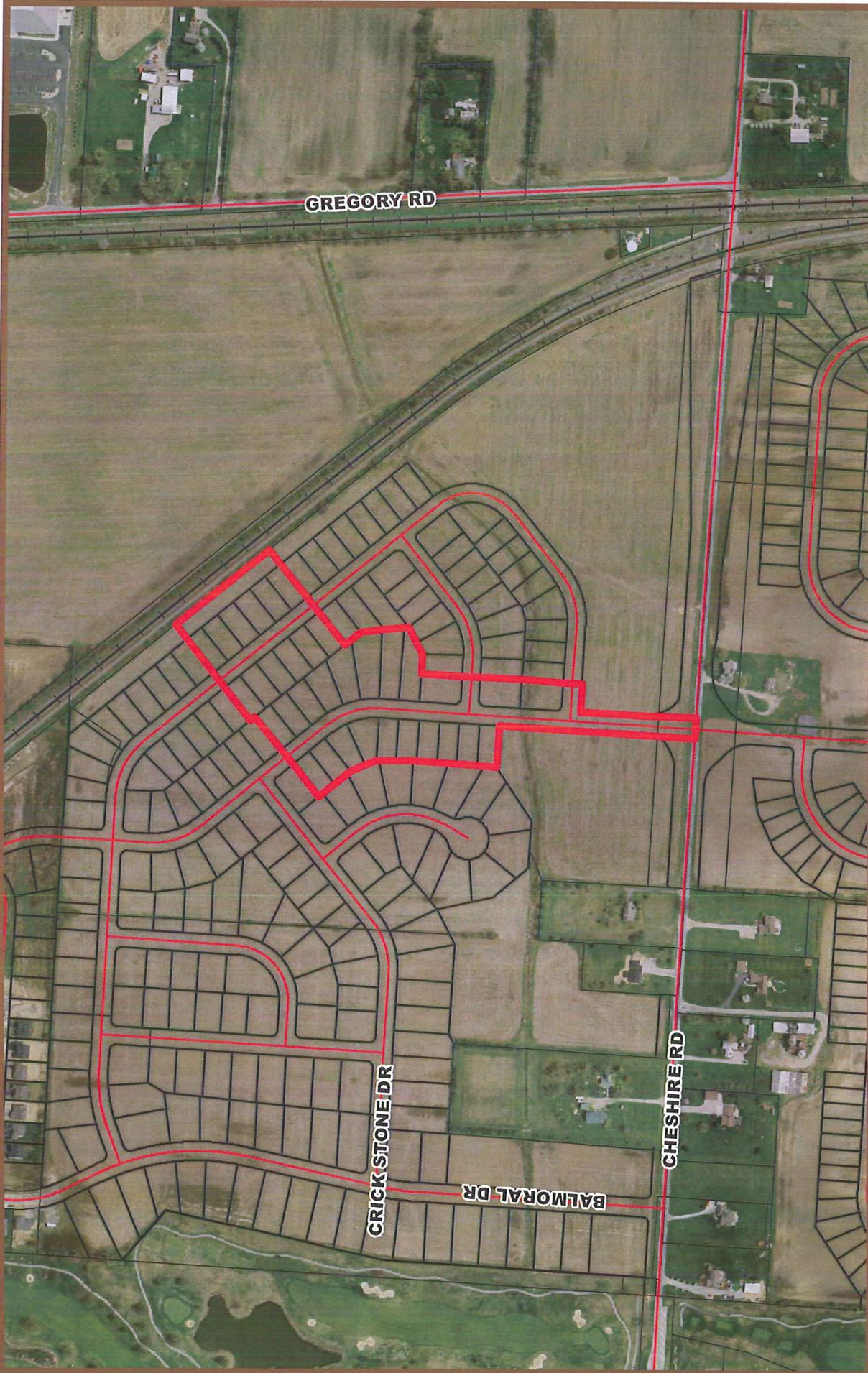
CONCLUSIONS

- 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.



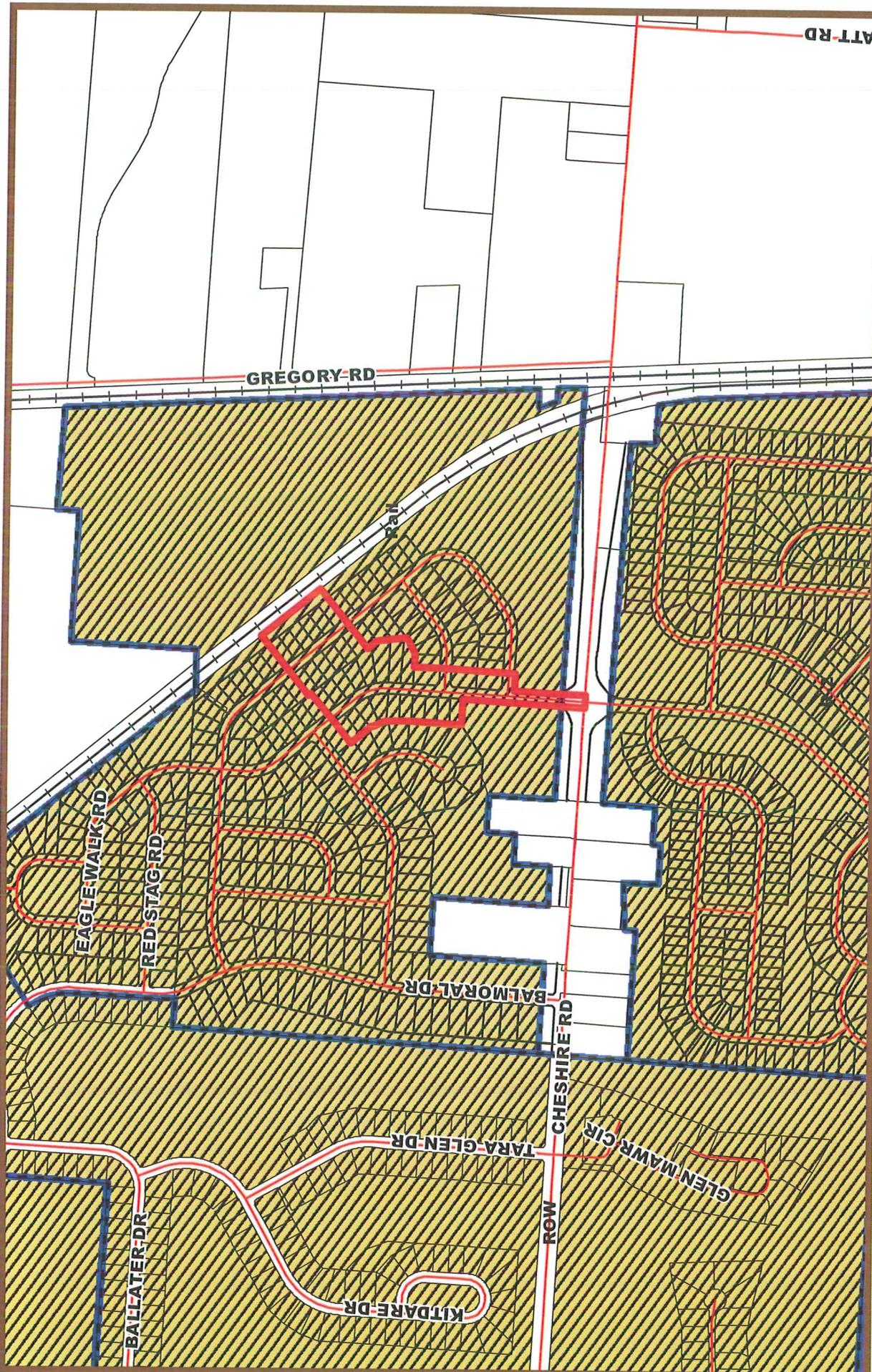
2016-2059 & 2060
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 8
 Location Map





2016-2059 & 2060
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 8
Aerial (2013)





2016-2059 & 2060
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 8
 Zoning Map





FACT SHEET

AGENDA ITEM NO: 11

DATE: 9/12/16

ORDINANCE NO: 16-64

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 8 which would contain 34 single family lots on 10.967 acres.

Access is gained through Section 7 from north to south along Eagle Walk Road and White Fawn Run. With the construction of this section, Eagle Walk Road would be extended to Cheshire Road establishing another access point into the subdivision. Gray Owl Drive stubs eastward into Section 10. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 17,685 square feet (0.406 acre) with minimum lot widths of 65 feet and

minimum lot depths of 130 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 20% of lot width (minimum 6 feet). The comprehensive and extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.

There is a single 0.631 acre open area located adjacent to the railroad tracks behind six lots in the subject plat allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-64

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 8 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.967 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON EAGLEWALK ROAD, WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl Drive (PC 2016-2060), 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 8 consisting of 34 single family lots on approximately 10.967 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Eaglewalk Road, White Fawn Run and Gray Owl 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 IIC 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 submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding

and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.

6. 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.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

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: 12

DATE: 9/12/16

ORDINANCE NO: 16-65

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 acres.

Access is gained through Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard

setbacks are 10 feet. 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: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. There is not any open space or reserve area located in Section 9. However, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-65

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way (PC 2016-2061), 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 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, 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 Amended 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: 2016-2061 & 2062

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 9

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2061: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

2016-2062: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Sections 6 and 7 and located on Crick Stone Drive and Silver Fox Way. 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 July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling 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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 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 Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. All the streets would have to achieve compliance with minimum engineering standards.
- **LOT SIZE:** This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 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 approved 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: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **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 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 is not any open space or reserve area located in Section 9. However per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **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 - 2016-2061)

Staff recommends approval of a request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, 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 Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2062)

Staff recommends approval of a request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, 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.
 6. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
-

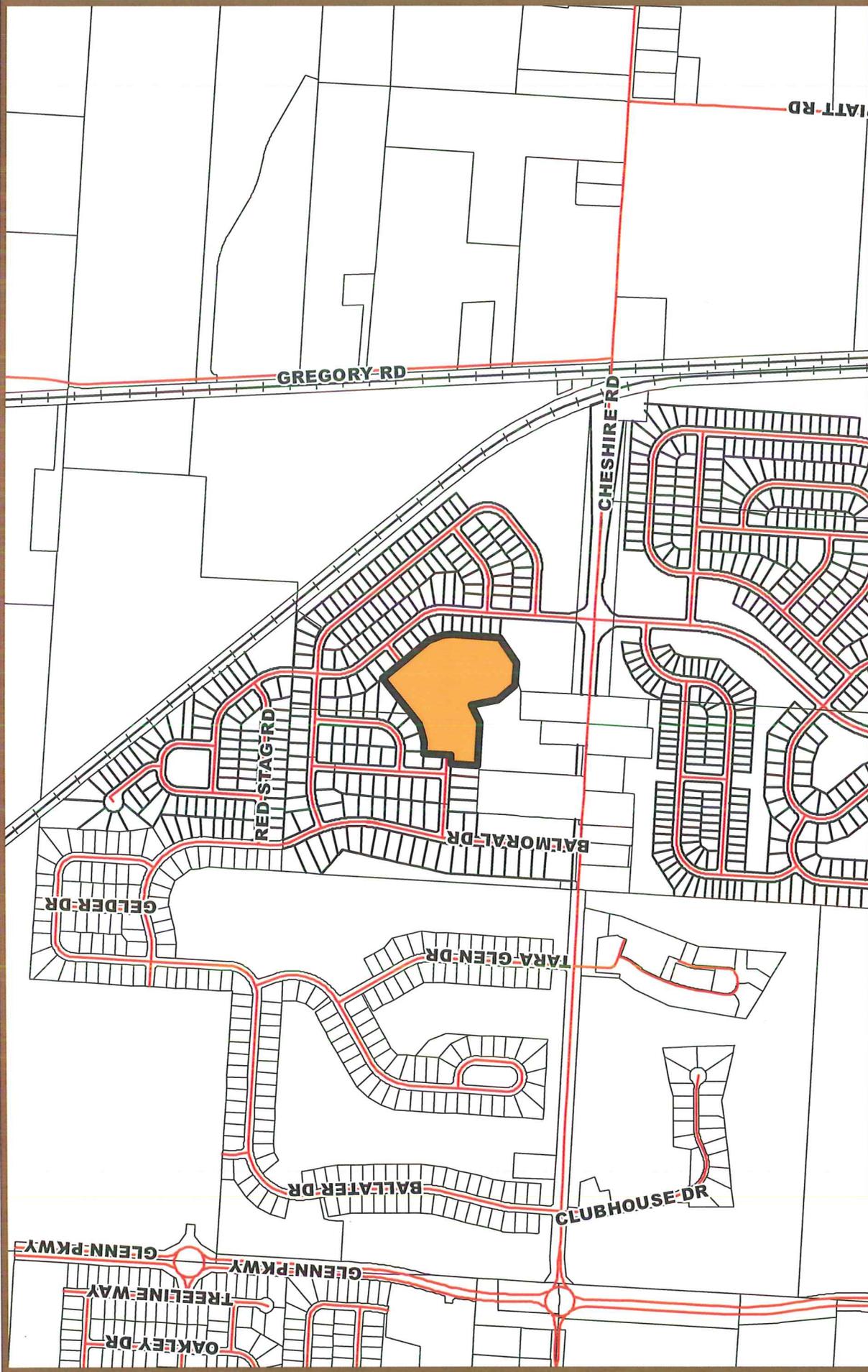
CONCLUSIONS

- 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.

COMMISSION NOTES:

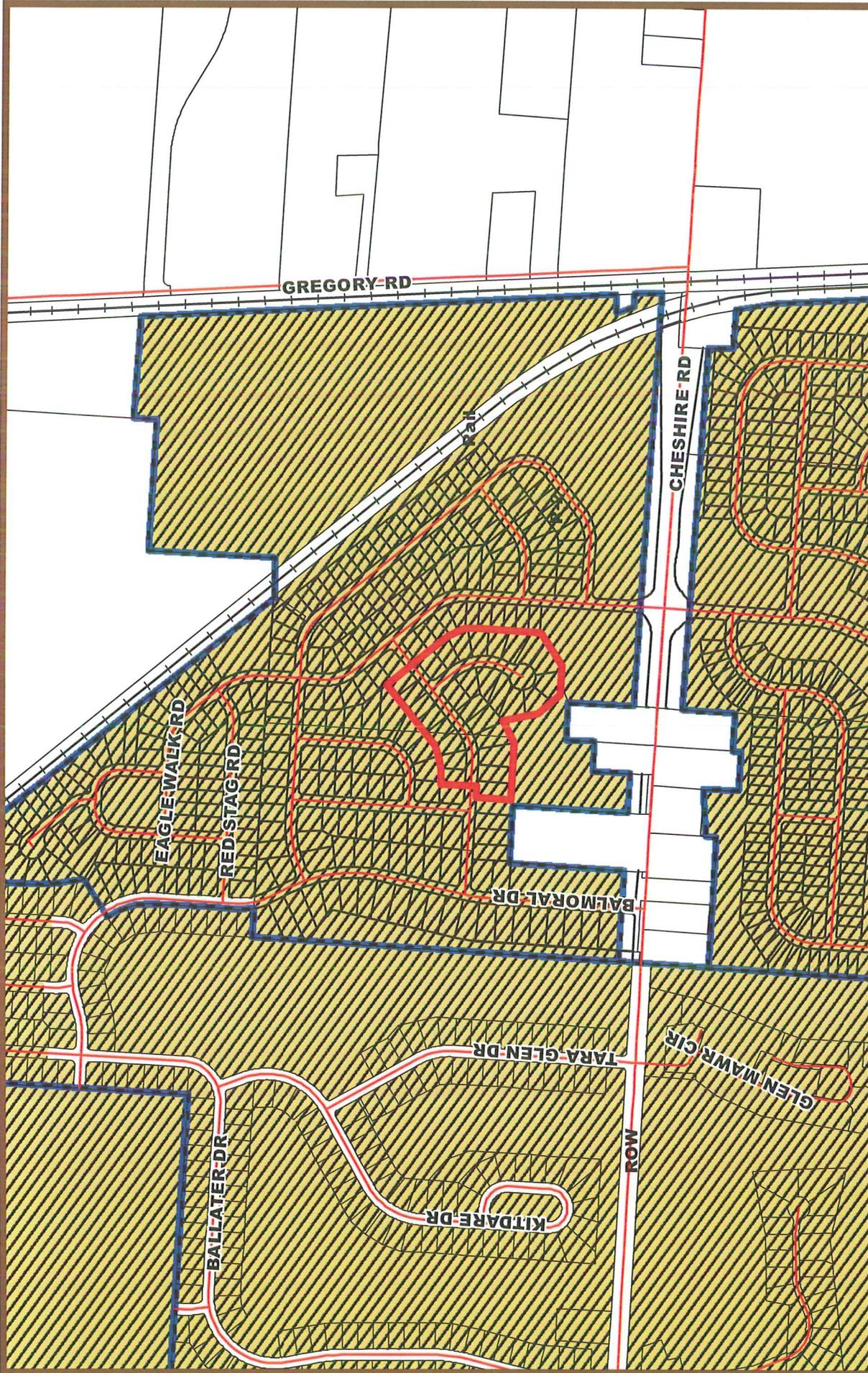
MOTION: _____ 1st _____ 2nd *approved* *denied* *tabled* _____

CONDITIONS/MISCELLANEOUS:

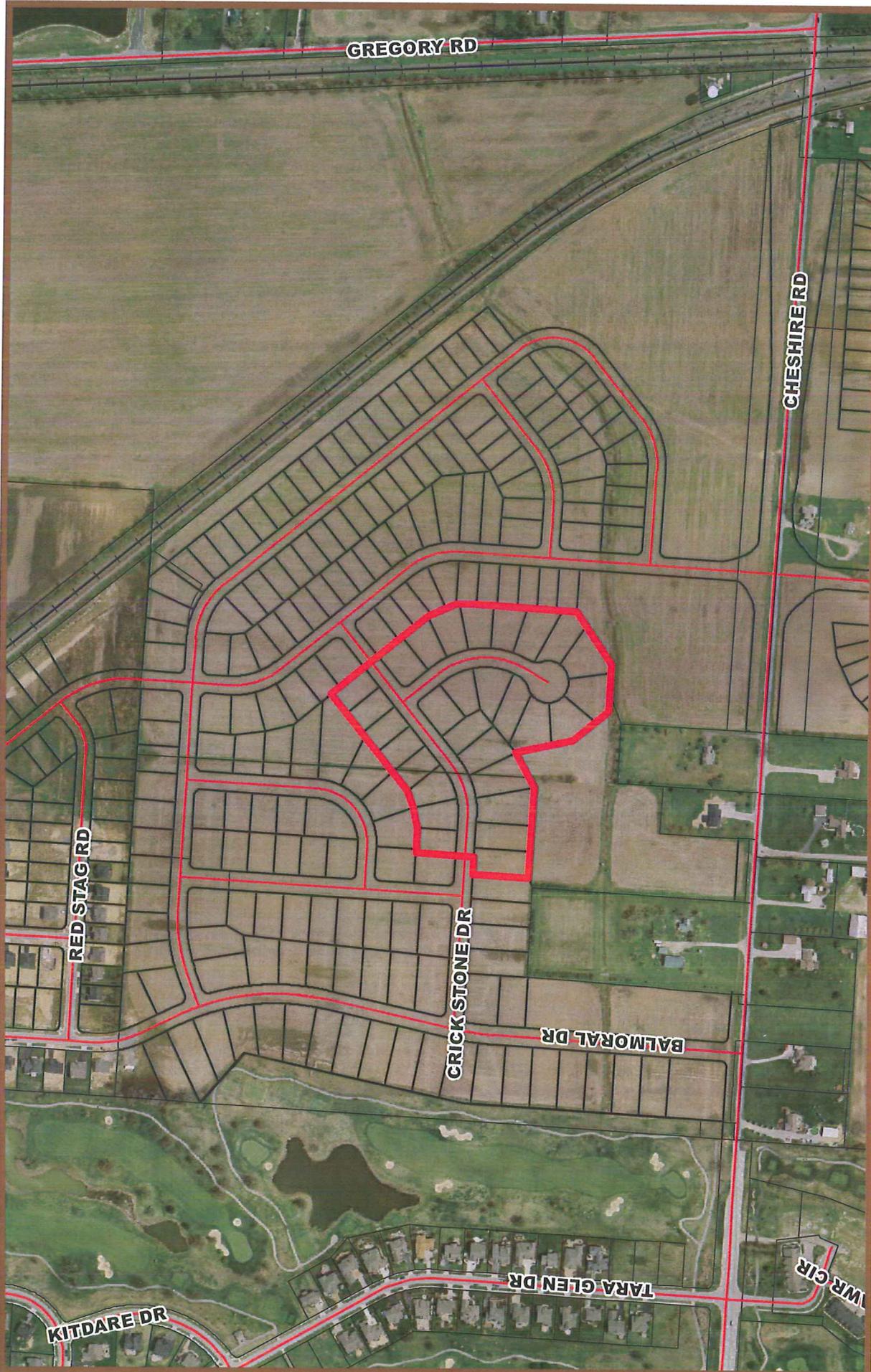


2016-2061 & 2062
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 9
 Location Map





2016-2061 & 2062
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 9
 Zoning Map



2016-2061 & 2062
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 9
Aerial (2013)



THE COMMUNITIES AT GLENROSS SECTION 9

NOTE "A": Notice is hereby given to any buyer of the lots shown on this plat, that on file with the Building Department of the City of Delaware are the final plans for the development of said lots showing proposed lot dimensions, proposed ground elevations at house and/or lot corners, and proposed elevations at driveway and/or garage, are considered part of the approval of this subdivision and are to be incorporated into the final plat plan required with the building permit.

NOTE "B": MINIMUM SETBACKS: City of Delaware Zoning regulations for The Communities at Glenross are in effect at the time of platting, specify the following setback requirements:

- Minimum lot width at the 86 feet
- Minimum lot area: 10,000 square feet
- Front yard: As shown hereon
- Rear yard: 30 feet
- Zoning classification: Sub-Area IIA (PMU/RZ)

The purpose of this plat is to show certain property, rights of way and easements as of the time of platting. At the request of owners and planter, this plat shows some of the limitations and conditions of the plat for reference only. The limitations and conditions may change from time to time and should be reviewed to the extent of the zoning code as adopted by the government authority having jurisdiction. The lots applicants zoning code may be shown on this plat. This note should not be construed as creating plus or subdivision conditions, private use or other restrictions, except to the extent specifically identified as such.

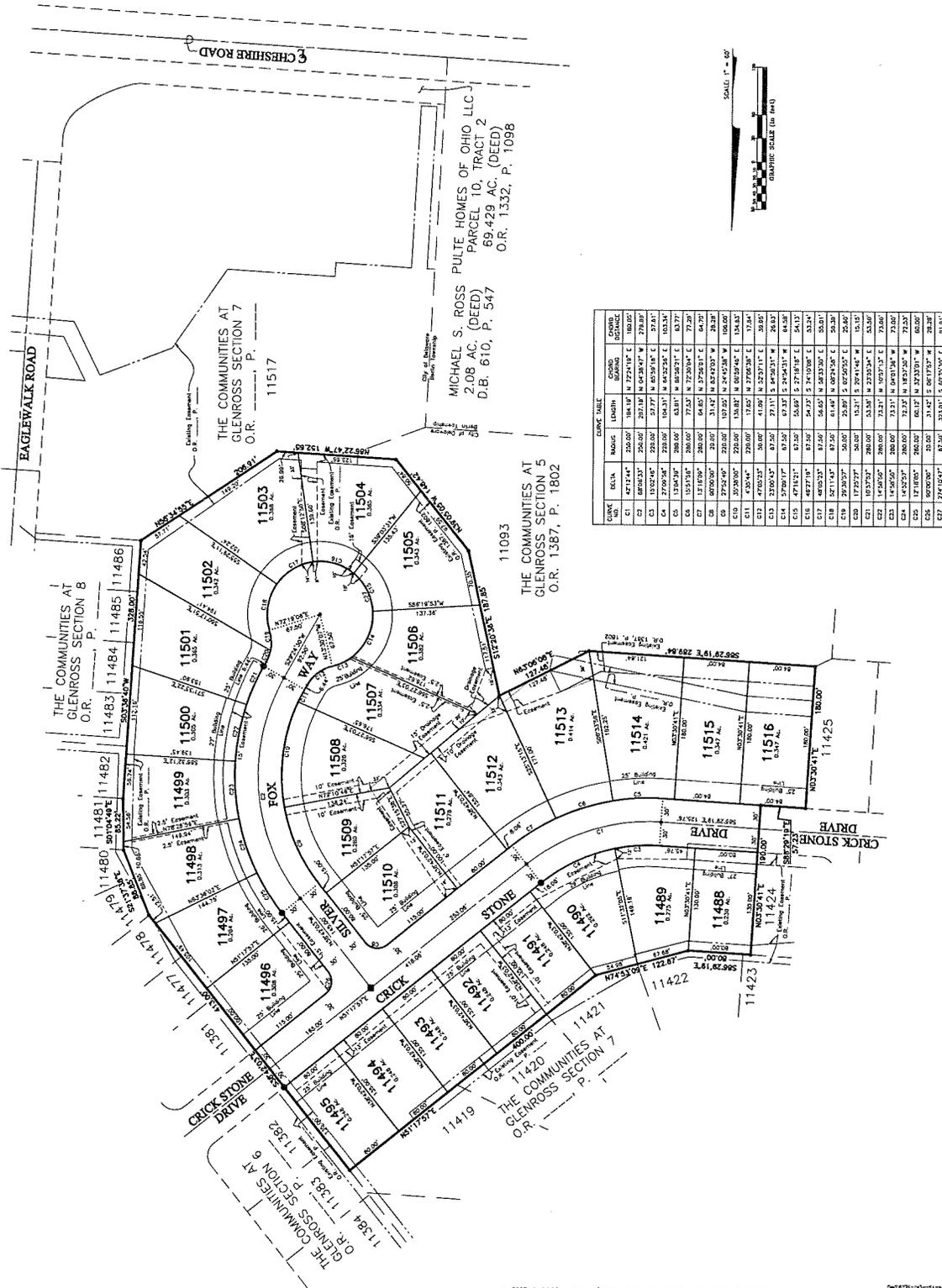
NOTE "C": As per City of Delaware Zoning Code, all lots shown on this plat shall be subject to the same conditions, restrictions (including lighting and signage) and special assessment districts as outlined in the City of Delaware Zoning Code. The final plat shall be subject to preliminary plat being approved on January 24, 2011 by Ordinance Number 11-17 on file at the City of Delaware Department of Planning and Community Development as per Ordinance Number 11-17.

NOTE "D": All utilities within The Communities at Glenross Section 9 shall be installed underground. Electric, telephone and gas lines and their above ground potential shall be located in the rear of the lots. The utility lines shall cross a street right of way or enter the subdivision.

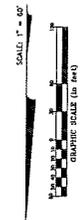
NOTE "E": ACREAGE BREAKDOWN:
Total acreage: 11,009 Ac.
Average in Right-of-way: 1,945 Ac.

NOTE "F": ACREAGE BREAKDOWN: The Communities at Glenross Section 9 is out of the following Delaware County Parcel Number:
418320013000
4183200101000

8,447 Ac.
2,622 Ac.



BLK	SECT	AREA	LENGTH	WIDTH	PERMITS	OWNER
C1	47.1744"	20.00	184.19'	N 72°21'00" E	100.00'	11502
C2	46.0033"	20.00	201.19'	N 65°38'00" W	79.80'	11503
C3	15.0248"	20.00	57.17'	N 65°38'00" W	37.81'	11504
C4	27.0938"	20.00	104.31'	N 64°52'30" E	103.34'	11505
C5	12.9439"	20.00	63.81'	N 69°29'11" E	63.77'	11506
C6	15.3535"	20.00	77.55'	N 72°20'34" E	77.29'	11507
C7	16.1839"	20.00	51.85'	N 72°20'34" E	66.70'	11508
C8	27.2540"	20.00	107.25'	N 64°51'30" E	103.00'	11509
C9	43.5444"	20.00	158.87'	N 60°26'45" E	124.45'	11510
C10	47.0537"	20.00	115.07'	N 77°02'30" E	71.64'	11511
C11	22.8005"	20.00	67.50'	N 72°29'11" E	39.80'	11512
C12	15.7991"	20.00	57.17'	N 64°52'31" E	26.63'	11513
C13	47.1912"	20.00	55.69'	N 27°19'00" E	54.12'	11514
C14	42.7718"	20.00	54.25'	N 74°10'00" E	53.24'	11515
C15	16.1839"	20.00	51.85'	N 72°20'34" E	66.70'	11516
C16	15.3535"	20.00	77.55'	N 72°20'34" E	77.29'	11425
C17	17.2577"	20.00	60.89'	N 62°20'00" E	56.15'	11426
C18	10.7577"	20.00	53.58'	N 23°02'34" E	53.50'	11427
C19	14.5052"	20.00	73.21'	N 69°31'34" W	73.06'	11428
C20	14.5257"	20.00	73.17'	N 89°57'30" W	73.25'	11429
C21	17.1800"	20.00	66.17'	N 82°59'00" E	66.00'	11430
C22	16.0050"	20.00	31.42'	N 69°17'30" W	29.28'	11431
C23	17.2418"	20.00	252.11'	N 62°25'30" E	91.81'	11432





FACT SHEET

AGENDA ITEM NO: 13

DATE: 9/12/16

ORDINANCE NO: 16-66

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 9 which would contain 29 single family lots on 11.069 acres.

Access is gained through Crick Stone Drive connecting Sections 6 and 7. Silver Fox Way extends south from Crick Stone Drive and terminates into a cul-de-sac. This section is in Sub-Area IIA which has specific development standards within The Communities at Glenross. The lot sizes range from 10,400 square feet (0.239 acre) to 18,033 square feet (0.414 acre) with minimum lot widths of 80 feet and minimum lot depths of 130 feet (10,400 square feet). The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet while the side yard

setbacks are 10 feet. 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: a minimum house size of 2,000 square feet for all dwellings, 100% natural materials on all elevation which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. There is not any open space or reserve area located in Section 9. However, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-66

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 9 CONSISTING OF 29 SINGLE FAMILY LOTS ON APPROXIMATELY 11.069 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON CRICK STONE DRIVE AND SILVER FOX WAY.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way (PC 2016-2062), 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 9 consisting of 29 single family lots on approximately 11.069 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on Crick Stone Drive and Silver Fox Way, 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.

6. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

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: 14

DATE: 9/12/16

ORDINANCE NO: 16-67

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 acres.

Access is gained through Section 8 from White Fawn Run and Gray Owl Court. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 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 20% of lot width (minimum 6 feet). The comprehensive and

extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-67

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive (PC 2016-2063), 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 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl 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 Amended 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: 2016-2063 & 2064

REQUEST: Multiple Requests

PROJECT: The Communities at Glenross - Section 10

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio LLC
4900 Tuttle Crossing Blvd.
Dublin, Ohio 43016

REQUEST

2016-2063: A request by Pulte Homes for approval of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.

2016-2064: A request by Pulte Homes for approval of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive.

PROPERTY LOCATION & DESCRIPTION

The subject section is located north of Cheshire Road, west of the railroad tracks and just south of Section 8 and located on White Fawn Run and Gray Owl Drive. 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 July 2016. This development was designed as a sister development to the Golf Club at Glenross. Overall, this development consists of approximately 400 acres with 866 single family dwelling 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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 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 Section 8 from White Fawn Run and Gray Owl Court. 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 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 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 20% of lot width (minimum 6 feet). All lots meet or exceed minimum requirements of the approved text and are in conformance with the approved 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 IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 - **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 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 is a single open area located in Section 7 adjacent to the railroad tracks behind eight lots allocated for a proposed landscaped mound. The subject mound would be 10-12 feet high with landscaping installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission. In addition per the earlier case, the developer is proposing an approximate 22.7 acre recreation area located just south of this section fronting Cheshire Road which would include a pool with a large deck, a pool house, a shelter house, a large tot lot, a sledding hill, a full size basketball court, two volleyball courts and a large recreation field along with a bike path along Cheshire Road.
 - **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 - 2016-2063)

Staff recommends approval of a request by Pulte Homes of a Final Development Plan for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl 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 Amended Preliminary Development Plan.
-

STAFF RECOMMENDATION – (FINAL SUBDIVISION PLAT - 2016-2064)

Staff recommends approval of a request by Pulte Homes of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl 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.

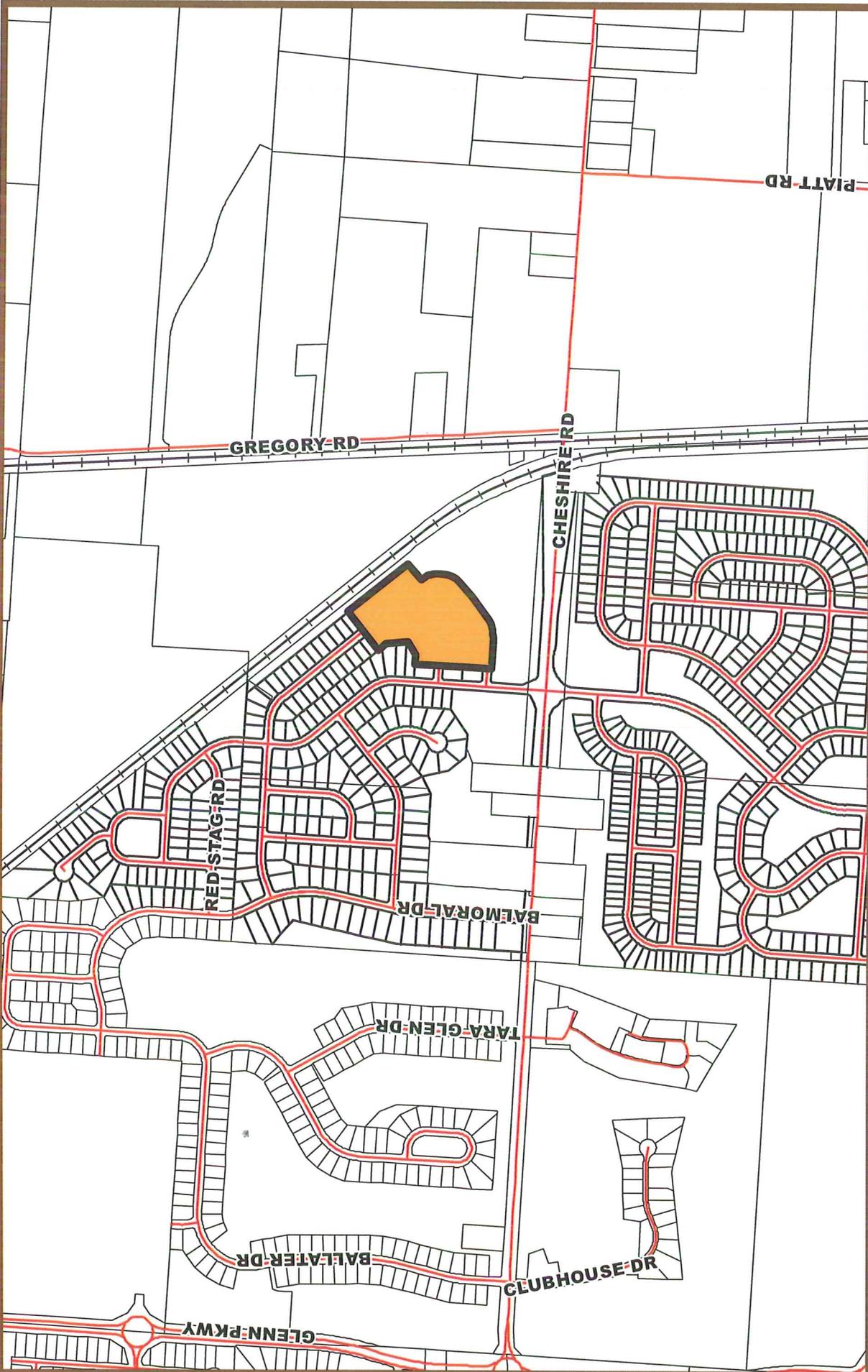
2. The single family houses shall comply with the Sub-Area IIC Communities at Glenross design and size standards and Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
3. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official prior to engineering drawing approval.
4. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.
6. 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.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
8. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

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.



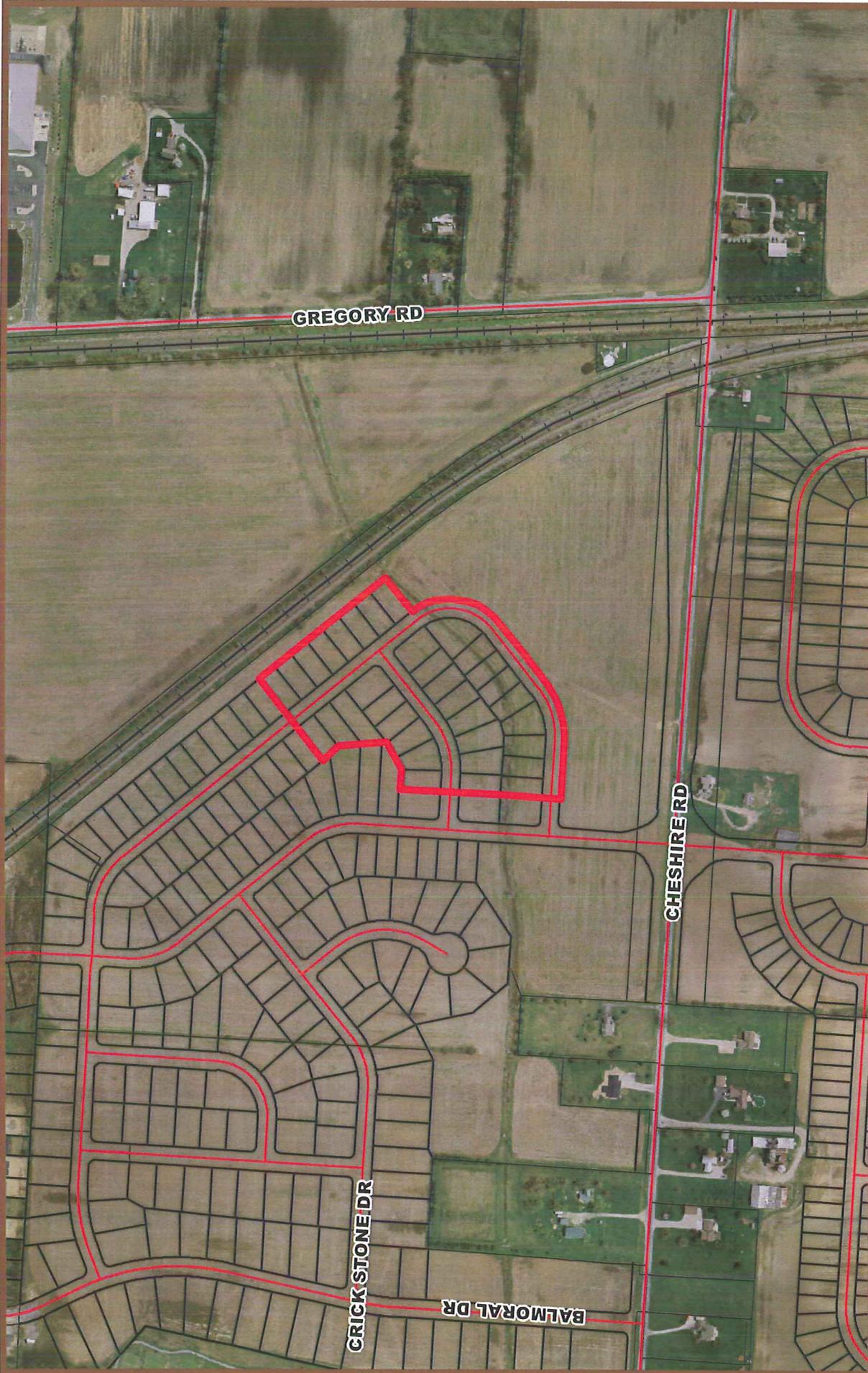
2016-2063 & 2064
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 10
Location Map





2016-2063 & 2064
 Final Development Plan and Final Subdivision Plat
 Communities at Glenross - Section 10
 Zoning Map





2016-2063 & 2064
Final Development Plan and Final Subdivision Plat
Communities at Glenross - Section 10
Aerial (2013)



THE COMMUNITIES AT GLENROSS SECTION 10

NOTE "A": Notes in heavy letters to east lawyer of the lot delineated upon this plan, that on the file with the Building Department of The City of Delaware, are site improvement plans for the development of said lot showing proposed lot lines, setbacks, easements, and other details of the proposed grading plans. These plans, as approved by the governmental agencies, are considered part of the approval of this plan, and shall be incorporated into the final plan submitted with the building permit.

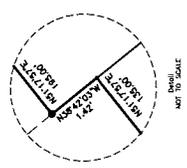
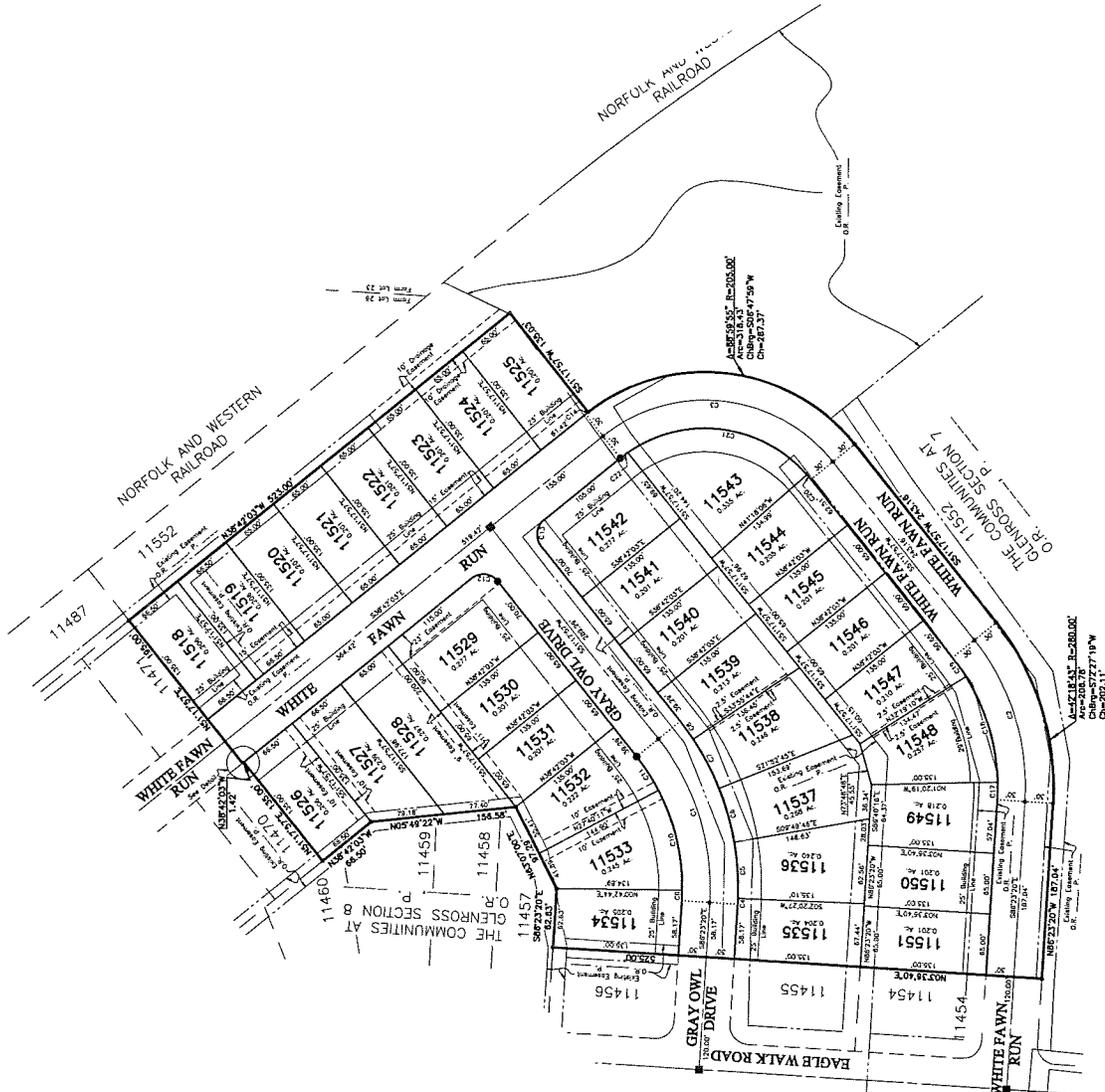
NOTE "B" - MINIMUM SETBACKS: City of Delaware Zoning regulations for The Communities at Glenross Section 10 are subject to the following setbacks: Minimum setbacks: Front: 10 feet; Side: 5 feet; Rear: 5 feet.

NOTE "C": As per City of Delaware Zoning Code, all lots within The Communities at Glenross Section 10 are subject to the following setbacks: Minimum setbacks: Front: 10 feet; Side: 5 feet; Rear: 5 feet.

NOTE "D": All utilities within The Communities at Glenross Section 10 shall be installed underground. Electric, telephone and cable T.V. lines and other above ground utilities shall be placed in a trench or trenchless system. The trench or trenchless system shall be installed in a trench or trenchless system. The trench or trenchless system shall be installed in a trench or trenchless system.

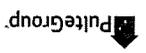
NOTE "E": ACREAGE BREAKDOWN: Total acreage: 10.234 AC. Acreage in right-of-way: 2.448 AC. Acreage in right-of-way: 2.448 AC.

NOTE "F": ACREAGE BREAKDOWN: Total acreage: 10.234 AC. Acreage in right-of-way: 2.448 AC. Acreage in right-of-way: 2.448 AC.

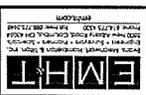


LINE	DELTA	MEASUREMENT	BEARING	LENGTH	AREA	PERCENTAGE
C1	47'18.45"	235.00'	N 77°27'16.2" E	108.84'	7,727.162 E	13.62%
C2	47'18.45"	235.00'	N 77°27'16.2" E	108.84'	7,727.162 E	13.62%
C3	50'00.00"	250.00'	N 66°17'52.2" E	180.00'	6,000.000 E	10.44%
C4	11'15.15"	283.00'	S 87°32'32.2" E	8.27'	283.000 E	0.47%
C5	12'00.00"	300.00'	S 87°32'32.2" E	8.27'	300.000 E	0.50%
C6	12'00.00"	300.00'	S 87°32'32.2" E	8.27'	300.000 E	0.50%
C7	44'41.19"	265.00'	N 55°14'02.2" E	108.84'	7,727.162 E	13.62%
C8	23'52.34"	235.00'	N 77°27'16.2" E	108.84'	7,727.162 E	13.62%
C9	23'52.34"	235.00'	N 77°27'16.2" E	108.84'	7,727.162 E	13.62%
C10	11'03.15"	283.00'	S 87°32'32.2" E	8.27'	283.000 E	0.47%
C11	11'03.15"	283.00'	S 87°32'32.2" E	8.27'	283.000 E	0.47%
C12	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C13	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C14	10'00.00"	250.00'	N 66°17'52.2" E	180.00'	6,000.000 E	10.44%
C15	10'00.00"	250.00'	N 66°17'52.2" E	180.00'	6,000.000 E	10.44%
C16	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C17	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C18	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C19	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C20	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C21	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%
C22	8'00.00"	200.00'	N 66°17'52.2" E	144.00'	4,800.000 E	8.11%

NO.	DATE	DESCRIPTION



THE COMMUNITIES AT GLENCROSS
STREET, STORM WATER AND LIGHTING PLAN
STREET LIGHTING PLAN



DATE: JUNE 2016
SCALE: 1" = 50'
JOB NO.: 1110004
SHEET: 28 / 33

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLANNED DATE
JUNE 2016

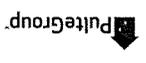
GRAPHIC SCALE
1 inch = 50 feet

NOTE:
Street lights must be fully functional and on-site drawings of the lights and mounting hardware must be provided to the City of Delaware Public Works Department, 50 Ross Street, Newark, Delaware 19701, for review and approval. The City to schedule delivery date and time (7:00-20:00).
A submittal with dimensions shall be provided by the electric utility provider prior to construction.

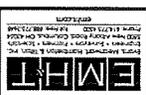
STREET LIGHT TABLE

STREET	STATION	OFFSET
	17+40	19' L
	19+05	19' L
	20+44	19' L
	21+82	19' L
	23+07	19' L
	24+19	19' L
	25+24	19' L
	26+24	19' L
	27+68	19' L
	28+85	19' L
	30+32	19' L
	31+74	19' L
	33+14	19' L
	34+42	19' L
	35+52	19' L
	36+52	19' L
	38+00	19' L
	39+57	19' L
	41+82	21' L
	44+84	19' L
	47+00	19' L
	48+52	19' L
	50+00	19' L
	51+52	19' L
	53+00	19' L
	54+52	19' L
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	566+00	19' L
	567+52	19' L
	569+00	19' L
	570+52	19' L
	572+00	19' L
	573+52	19' L
	575+00	19' L

NO.	DATE	DESCRIPTION



THE COMMUNITIES AT GLENCROSS
STREET LIGHTING PLAN
STREET, STORM WATER AND LIGHTING PLAN
CITY OF DELAWARE, OHIO



DATE: JUNE 2016
SCALE: 1" = 50'
JOB NO.: 181004
SHEET: 29 / 33

PRELIMINARY
NOT TO BE USED FOR
CONSTRUCTION

PLAN SET DATE
JUNE 2016

GRAPHIC SCALE
1" = 50' Feet

NOTE:
Street lights must be fully functional and on-built drawings of the lights and wiring must be provided to the City of Delaware, Ohio, prior to commencement of public works. Prior to acceptance of public improvements (i.e. no building construction), the City of Delaware, Ohio, Public Works Department, 50 Ross Street, Delaware, Ohio 43015, shall be provided with the City of Delaware, Ohio, schedule delivery data and time (740) 203-1810.

A submittal, which, if approved, shall be provided by the electric utility provider prior to construction.

STREET	S PLANTING	Q PLANT
	17-80	19' L
	18-05	19' L
	20-44	19' L
	21-82	19' L
	23-07	19' L
	24-13	19' L
	24-19	19' L
	26-24	19' L
	27-68	19' L
	28-85	19' L
	30-32	19' L
	31-74	19' L
	33-14	19' L
	35-42	19' L
	38-52	19' L
	41-30	19' L
	44-82	19' L
	48-64	21' L
	51-00	50' R
	54-42	50' L
	57-44	50' L
	61-90	19' L
	65-34	19' L
	69-74	19' L
	74-06	19' R
	78-42	19' R
	82-82	19' R
	87-25	18' L
	91-72	19' L
	96-13	19' L
	100-55	19' L
	104-97	19' L
	109-34	19' L
	113-74	19' L
	118-14	19' L
	122-52	19' L
	126-92	19' L
	131-32	19' L
	135-72	19' L
	140-12	19' L
	144-52	19' L
	148-92	19' L
	153-32	19' L
	157-72	19' L
	162-12	19' L
	166-52	19' L
	170-92	19' L
	175-32	19' L
	179-72	19' L
	184-12	19' L
	188-52	19' L
	192-92	19' L
	197-32	19' L
	201-72	19' L
	206-12	19' L
	210-52	19' L
	214-92	19' L
	219-32	19' L
	223-72	19' L
	228-12	19' L
	232-52	19' L
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	531-72	19' L
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	588-92	19' L
	593-32	19' L
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	716-52	19' L
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	725-32	19' L
	729-72	19' L
	734-12	19' L
	738-52	19' L
	742-92	19' L
	747-32	19' L
	751-72	19' L
	756-12	19' L
	760-52	19' L
	764-92	19' L
	769-32	19' L
	773-72	19' L
	778-12	19' L
	782-52	19' L
	786-92	19' L
	791-32	19' L
	795-72	19' L
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	813-32	19' L
	817-72	19' L
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	839-72	19' L
	844-12	19' L
	848-52	19' L
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	857-32	19' L
	861-72	19' L
	866-12	19' L
	870-52	19' L
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	905-72	19' L
	910-12	19' L
	914-52	19' L
	918-92	19' L
	923-32	19' L
	927-72	19' L
	932-12	19' L
	936-52	19' L
	940-92	19' L
	945-32	19' L
	949-72	19' L
	954-12	19' L
	958-52	19' L
	962-92	19' L
	967-32	19' L
	971-72	19' L
	976-12	19' L
	980-52	19' L
	984-92	19' L
	989-32	19' L
	993-72	19' L
	998-12	19' L
	1002-52	19' L
	1006-92	19' L
	1011-32	19' L
	1015-72	19' L
	1020-12	19' L
	1024-52	19' L
	1028-92	19' L
	1033-32	19' L
	1037-72	19' L
	1042-12	19' L
	1046-52	19' L
	1050-92	19' L
	1055-32	19' L
	1059-72	19' L
	1064-12	19' L
	1068-52	19' L
	1072-92	19' L
	1077-32	19' L
	1081-72	19' L
	1086-12	19' L
	1090-52	19' L
	1094-92	19' L
	1099-32	19' L
	1103-72	19' L
	1108-12	19' L
	1112-52	19' L
	1116-92	19' L
	1121-32	19' L
	1125-72	19' L
	1130-12	19' L
	1134-52	19' L
	1138-92	19' L
	1143-32	19' L
	1147-72	19' L
	1152-12	19' L
	1156-52	19' L
	1160-92	19' L
	1165-32	19' L
	1169-72	19' L
	1174-12	19' L
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	1182-92	19' L
	1187-32	19' L
	1191-72	19' L
	1196-12	19' L
	1200-52	19' L
	1204-92	19' L
	1209-32	19' L
	1213-72	19' L
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	1231-32	19' L
	1235-72	19' L
	1240-12	19' L
	1244-52	19' L
	1248-92	19' L
	1253-32	19' L
	1257-72	19' L
	1262-12	19' L
	1266-52	19' L
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	1275-32	19' L
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	1284-12	19' L
	1288-52	19' L
	1292-92	19' L
	1297-32	19' L
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	1310-52	19' L
	1314-92	19' L
	1319-32	19' L
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	1534-92	19' L
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	1556-92	19' L
	1561-32	19' L
	1565-72	19' L
	1570-12	19' L
	1574-52	19' L
	1578	



FACT SHEET

AGENDA ITEM NO: 15

DATE: 9/12/16

ORDINANCE NO: 16-68

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

BACKGROUND:

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 and March 2016, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Sections 6 and 7 respectively. Now the applicant is requesting to develop Section 10 which would contain 34 single family lots on 10.234 acres.

Access is gained through Section 8 from White Fawn Run and Gray Owl Court. This section is in Sub-Area IIC which has specific development standards within The Communities at Glenross. The lot sizes range from 8,775 square feet (0.201 acre) to 14,592 square feet (0.335 acre) with minimum lot widths of 65 feet and minimum lot depths of 130 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 20% of lot width (minimum 6 feet). The comprehensive and

extensive design requirements of the Communities at Glenross subdivision would be required in this section. The requirements for Sub-Area IIC include: a minimum house size of 1,600 square feet for single story dwellings and 1,800 square feet for multi-story dwellings, 40% natural materials on front elevations which shall consist of brick, stone, or cultured stone and/or fiber cement siding and the roofs shall have dimensional shingles among other development text items along with achieving compliance with Chapter 1171.08 Residential Development Design Criteria and Performance Standards. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively. 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 6-0 on August 3, 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. 16-68

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR THE COMMUNITIES AT GLENROSS SECTION 10 CONSISTING OF 34 SINGLE FAMILY LOTS ON APPROXIMATELY 10.234 ACRES ZONED R-2 PMU (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) AND LOCATED ON WHITE FAWN RUN AND GRAY OWL DRIVE.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for the Communities at Glenross Section 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl Drive (PC 2016-2064), 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 10 consisting of 34 single family lots on approximately 10.234 acres zoned R-2 PMU (One Family Residential District with a Planned Mixed Use Overlay District) and located on White Fawn Run and Gray Owl 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 IIC 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 submitted, reviewed and approved by the Shade Tree Commission.
5. A 10-12 foot high mound with landscaping shall be installed adjacent to the railroad tracks to be consistent with mounding in Sections 3, 4 and 6 of the Communities at Glenross just north of the subject section. The mounding and landscaping shall be the maintenance responsibility of the Home

Owners Association (HOA) in perpetuity. No changes to the mounding or landscaping shall be allowed without the approval of the City of Delaware. The applicant may make allowances for individual homeowners to mow and otherwise maintain this area so long as no improvements are altered, but the final maintenance responsibility shall rest with the HOA. The subject plan shall be reviewed and approved by the Shade Tree Commission.

6. 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.
7. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.
8. The construction of the full improvements of Cheshire Road shall be started by the end of 2017. A plan for temporary access to the pool, clubhouse and sections 8, 9 and 10 shall be designed and submitted as soon as possible.

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: 16

DATE: 9/12/16

ORDINANCE NO: 16-72

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
September 12, 2016 at 7:30 p.m.

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 REZONING FOR DELAWARE HOUSING CORPORATION FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a

sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

Staff Report

ORDINANCE NO. 16-72

AN ORDINANCE APPROVING A REZONING FOR DELAWARE HOUSING CORPORATION FROM B-3 (COMMUNITY BUSINESS DISTRICT) TO R-6 (MULTI-FAMILY RESIDENTIAL DISTRICT) FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Rezoning from B-3 (Community Business District) to R-6 (Multi-Family Residential District) for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2049), and

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

SECTION 1. That the Rezoning from B-3 (Community Business District) to R-6 (Multi-Family Residential District) for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, is hereby confirmed, approved, and accepted.

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: 2016-2049, 2050 & 2016-2192

REQUEST: Multiple Requests

PROJECT: Londontown Apartments

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Delaware Housing Corp
300 Chelsea Street
Delaware, Ohio 43015

REQUESTS

2016-2049: A request by Delaware Housing Corporation for approval of a Rezoning Amendment for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) from B-3 (Community Business District) to R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

2016-2050: A request by Delaware Housing Corporation for approval of a Combined Preliminary and Final Development Plan for a Parking Lot Expansion for Londontown Apartments on approximately 0.88 (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

2016-2192: A request by Delaware Housing Corporation for approval of an Amendment of the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density Multi-Family for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

PROPERTY LOCATION & DESCRIPTION

The subject parcel is located on south side London Road just each of the existing apartments and just west of the Outreach Christian Church and is zoned B-3 (Community Business District). The parcels to the north are zoned B-1 (Neighborhood Business District) and R-4 (Medium Density Residential District), to south and west the properties are zoned R-6 (Multi-Family Residential District) and to the east the property is zoned B-3 (Community Commercial).

BACKGROUND/PROPOSAL

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs.

STAFF ANALYSIS

- **ZONING:** As mentioned above, the zoning of the subject the property is C-3 which does not allow apartment uses and associated accessory uses. Therefore, a rezoning to R-6 would be required to be approved by the Planning Commission and City Council to the match the current zoning of the apartment complex. In addition, a Combined Preliminary and Final Development Plan would need to be approved for the parking lot expansion and play area.
- **LAND USE:** The proposed parking lot and play area associated with an apartment complex are not consistent with the Comprehensive Plan of the "Near South Subarea" of the plan which identifies this property for Commercial Uses. Therefore, revising the comprehensive plan to Moderate Density Multi-Family would be required to be consistent with the existing apartment complex. This is generally considered a less intensive use than commercial with the mixture of uses in the area and the ownership change, the proposed amendment makes conceptual sense.
- **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 apartment complex would remain the same with an existing curb cut on Chelsea Street from London Road providing access to the entire apartment complex.
- **SITE LAYOUT:** The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security

fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a sidewalk.

- **PARKLAND AND OPEN SPACE:** There is a 1,400 square foot play area proposed just north of the parking lot. The play area amenities have not been identified but would need to be reviewed and approved by staff prior to construction drawing approval.
- **TREE PRESERVATION:** Per the City Arborist, the existing two trees which total 20 caliper inches adjacent to the parking lot would likely die because of the construction. The owner is proposing to install 10 deciduous trees along the eastern property line to achieve compliance with Chapter 1168 Tree Preservation Ordinance.
- **LANDSCAPING:** Because the parking lot is located over 200 feet from London Road a buffering of shrubs and internal landscape trees would not be required. As mentioned above, the owner is installing 10 deciduous trees along the eastern property line. All landscape plans would need to be submitted, reviewed and approved by the Shade Tree Commission.
- **LIGHTING PLAN:** The plan identifies four light poles adjacent to the parking lot. The light poles shall be black and not exceed 25 feet in height with cut-off style fixtures. Also, the lighting plans would need to be submitted, reviewed and approved by the Chief Building Official that achieves compliance with the zoning code.

STAFF RECOMMENDATION (2016-2049 – REZONING AMENDMENT)

Staff recommends approval of request by Delaware Housing Corporation of a Rezoning Amendment for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) from B-3 (Community Business District) to R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.

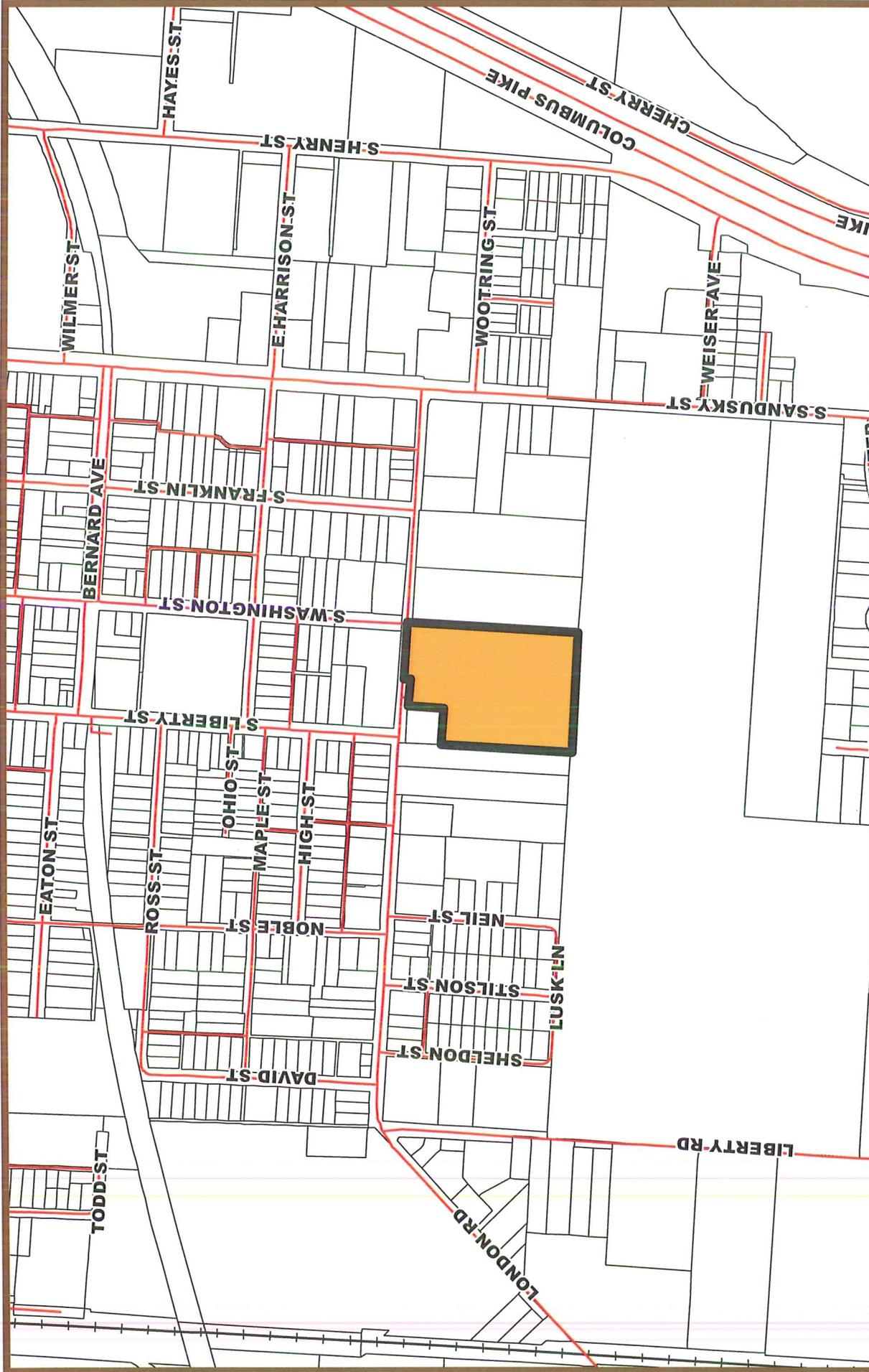
STAFF RECOMMENDATION (2016-2050 – COMBINED PRELIMINARY & FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by Delaware Housing Corporation for approval of a Combined Preliminary and Final Development Plan for a Parking Lot Expansion for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street, 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. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. The play area amenities shall be reviewed and approved by staff prior to construction drawing approval.
5. The light poles shall be black in color and shall not exceed 25 feet in height and the fixtures shall be cut-off style.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
7. The subject three parcels shall be consolidated into a single parcel to achieve zoning compliance prior to construction drawing approval.

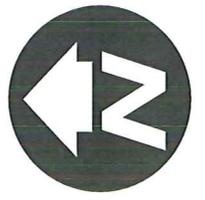
STAFF RECOMMENDATION (2016-2192 – COMPREHENSIVE PLAN AMENDMENT)

Staff recommends approval of request by Delaware Housing Corporation of an Amendment of the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density Multi-Family for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) on property zoned R-6 (Multi-Family Residential District) and located at 300 Chelsea Street.



2016-2049-2050, & 2016-2192
Rezoning Amendment, Combined Preliminary and
Final Development Plan, and Amendment to the Comprehensive Plan
Londontown Apartments - 300 Chelsea Street
Location Map





2016-2049-2050, & 2016-2192
Rezoning Amendment, Combined Preliminary and
Final Development Plan, and Amendment to the Comprehensive Plan
Londontown Apartments - 300 Chelsea Street
Aerial (2013)





A. Scott Decker
Registered Engineer Date 07-08-16

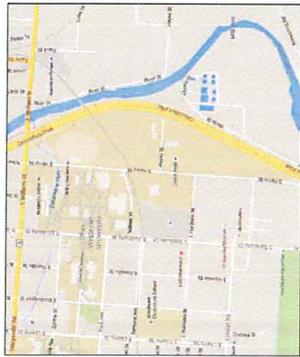


GRAPHIC SCALE
1" = 30'

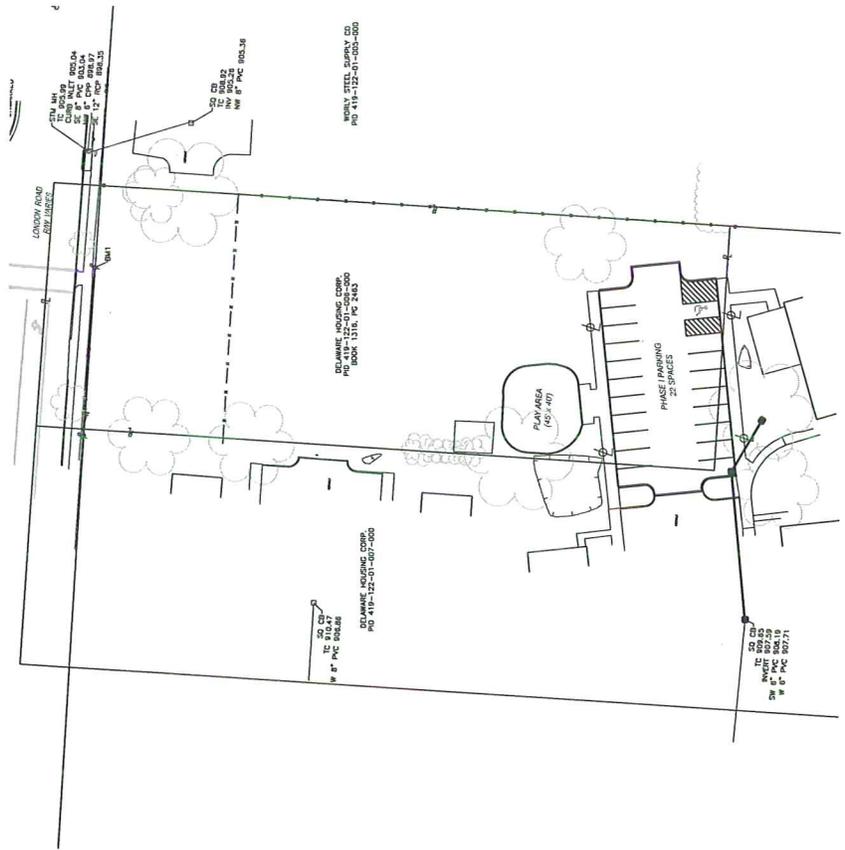
**LONDONTOWN
APARTMENTS
PARKING LOT
ADDITION AND
CHILDREN'S PLAY
AREA**

99 LONDON RD
DELAWARE, OHIO 43014
07-08-16 CITY REVIEW SET

**DEVELOPMENT PLAN
C1.0**
SDPS PROJECT NO. 3194



LONDONTOWN APARTMENTS PARKING LOT ADDITION AND CHILDREN'S PLAY AREA DEVELOPMENT PLAN 99 LONDON RD DELAWARE, OH



SITE DATA

OWNER/DEVELOPER:
DELAWARE HOUSING CORP.
ATTN: JAMES BERUBE, CEM
1601 BETHLEHEM RD
COLUMBUS, OHIO 43220
TEL: 614-462-1100
EMAIL: james.berube@ohiohousing.com

**CIVIL ENGINEER/
SURVEYOR:**
SANDS DECKER CPS, LLC
ATTN: JAMES BERUBE, CEM
1601 BETHLEHEM RD
COLUMBUS, OHIO 43220
MARK E. CAMERON P.E.
ATTN: JAMES BERUBE, CEM
(614) 462-1100
TEL: 614-462-1100 FAX
EMAIL: james.berube@ohiohousing.com

CERTIFIED ADDRESS:
99 LONDON RD
DELAWARE, OHIO 43014

PARCEL ID NUMBER: 41912201008

ZONING: COURTESY: COMMUNITY BUSINESS DISTRICT, B-3
REZONING: MULTI-FAMILY RESIDENTIAL
DISTRICT, R-6

FLOOD ZONE: ZONE X, AREA OF MINIMAL FLOOD HAZARD

COMMUNITY PANEL NO.: 39041C012L MAP REVISED
FEBRUARY 17, 2016

TOTAL SITE AREA: 0.88 AC.

TOTAL DISTURBED AREA: 0.24 AC.

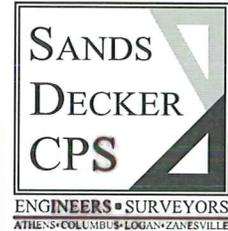
HPDES PERMIT NUMBER:

BENCHMARK INFORMATION:

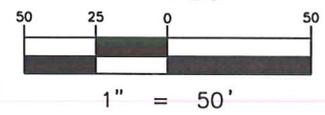
BM 1
ELEVATION 909.77
PK NAIL ON THE WEST SIDE OF THE POWER POLE LOCATED ON THE
EAST SIDE OF SOUTH WASHINGTON STREET APPROXIMATELY 30 FEET WEST OF THE
CENTERLINE OF SOUTH WASHINGTON STREET.

These drawings are instruments of professional service by Sands Decker CPS, LLC for the depicted project. Sands Decker CPS, LLC assumes no liability for unauthorized use of these drawings, specifications, and documents.

LONDONTOWN APARTMENTS REZONING OF 0.88 ACRES



GRAPHIC SCALE



BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM - OHIO NORTH ZONE (NAD83) BY GPS OBSERVATION, REFERENCED TO THE NORTH LINE OF OUT LOT 1070 AS SOUTH 86°43'04"EAST.

- IRON PIN FOUND
- IRON PIN SET
- NLD DENOTES NEW LINE OF DIVISION

BASED ON AN ACTUAL FIELD SURVEY PERFORMED BY SANDS DECKER CPS, LLC IN MARCH 2013 AND IS BASED ON RECORDS ON FILE AT THE STARK COUNTY RECORDER'S OFFICE AND THE STARK COUNTY ENGINEER'S OFFICE.

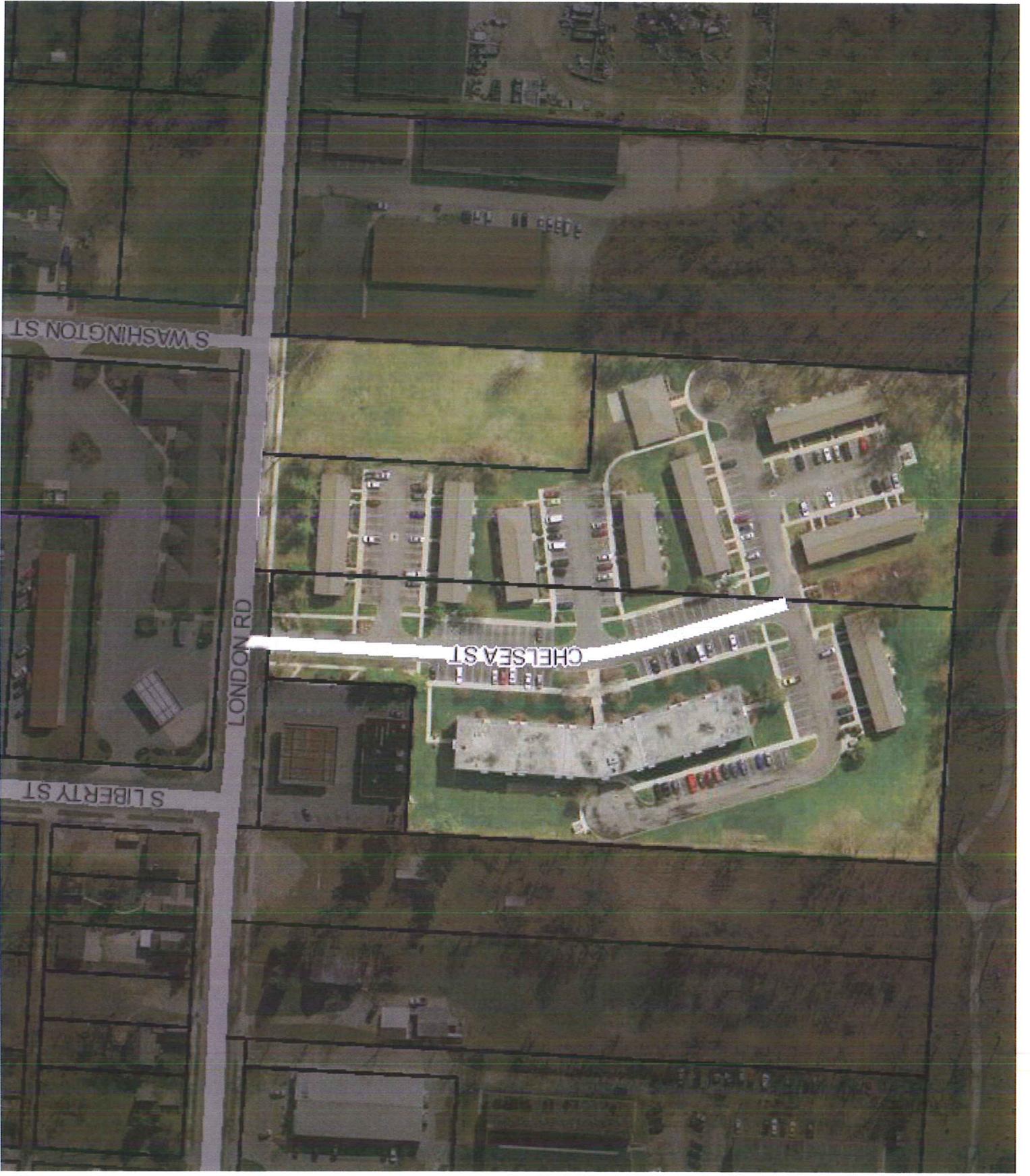
REFERENCES:
ALL DOCUMENTS NOTED HEREON

ALL IRON PINS SET ARE 3/4" INSIDE DIAMETER IRON PIPES, 30" IN LENGTH WITH A 1" DIAMETER YELLOW CAP STAMPED 'SANDS DECKER.'

Mark E. Cameron
MARK E. CAMERON PS #7395



07-06-16
DATE





FACT SHEET

AGENDA ITEM NO: 17

DATE: 9/12/16

ORDINANCE NO: 16-73

RESOLUTION NO:

READING: SECOND

PUBLIC HEARING: YES
September 12, 2016 at 7:30 p.m.

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 AN AMENDMENT OF THE COMPREHENSIVE PLAN FOR DELAWARE HOUSING CORPORATION ON PROPERTY DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP TO MODERATE DENSITY FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a

sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

REASON WHY LEGISLATION IS NEEDED:

Per Chapter 1130 Amendments of the Codified Ordinances.

COMMITTEE RECOMMENDATION:

Planning Commission approved this case 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

ORDINANCE NO. 16-73

AN ORDINANCE APPROVING AN AMENDMENT OF THE COMPREHENSIVE PLAN FOR DELAWARE HOUSING CORPORATION ON PROPERTY DESIGNATED AS COMMERCIAL ON THE FUTURE LAND USE MAP TO MODERATE DENSITY FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of an Amendment to the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2192), and

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

SECTION 1. That the an Amendment to the Comprehensive Plan on property designated as Commercial on the future land use map to Moderate Density for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, is hereby confirmed, approved, and accepted.

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: 18

DATE: 9/12/16

ORDINANCE NO: 16-74

RESOLUTION NO:

READING: SECOND

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 COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE HOUSING CORPORATION FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

BACKGROUND:

The Delaware Housing Corporation purchased the 0.88 acre parcel in November 2014 with the intention to expand the existing parking lot and installing a new play area to accommodate the apartment complex's needs. However, the subject property requires a rezoning from B-3 to R-6, an amendment to the comprehensive plan and combined and preliminary development plan approval.

The owner is proposing to expand the second parking lot on Chelsea Street to the east by 20 parking spaces. The expansion would protrude into the 0.88 acre parcel that is being rezoned from C-3 to R-6. In addition, a 1,400 square foot (35'x40') play area is proposed just north of the parking lot. The play area and parking lot would be located a minimum 200 feet from London Road and would be surrounded by a security fence to match the existing fence. The parking lot and play area would be connected to the existing clubhouse by a sidewalk. The proposed plan would have to achieve compliance with the Tree Preservation Ordinance, landscape requirements and lighting requirements

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 6-0 on August 3, 2016.

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

David Efland, Planning and Community Development Director

RECOMMENDATION:

Staff recommends approval

ATTACHMENT(S)

ORDINANCE NO. 16-74

AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR DELAWARE HOUSING CORPORATION FOR LONDONTOWN APARTMENTS ON APPROXIMATELY 0.88 ACRES (PARCEL #419-122-01-006-000) AND LOCATED AT 300 CHELSEA STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Combined Preliminary and Final Development Plan for Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street (PC 2016-2050), 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 Londontown Apartments on approximately 0.88 acres (parcel #419-122-01-006-000) and located at 300 Chelsea Street, 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. Any tree removal shall comply with Chapter 1168 Tree Preservation Regulations.
3. The landscape plan shall be submitted, reviewed and approved by the Shade Tree Commission.
4. The play area amenities shall be reviewed and approved by staff prior to construction drawing approval.
5. The light poles shall be black in color and shall not exceed 25 feet in height and the fixtures shall be cut-off style.
6. The lighting plan shall be submitted, reviewed and approved by the Chief Building Official.
7. The subject three parcels shall be consolidated into a single parcel to achieve zoning compliance prior to construction drawing approval.

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: 19

DATE: 9/12/16

ORDINANCE NO: 16-75

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

BACKGROUND:

In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way. The lots range in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a

minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively while the plan would also have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

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 6-0 on August 3, 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. 16-75

AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street (PC 2016-2073), 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 Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, 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. A public sidewalk shall be required along all public streets.

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: 2016-2073 & 2074

REQUEST: Multiple Requests

PROJECT: Heatherton Phase 6

MEETING DATE: August 3, 2016

APPLICANT/OWNER

Pulte Homes of Ohio
4900 Tuttle Crossing
Dublin, Ohio 43016

REQUEST

2016-2073: A request by Pulte Homes for approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.

2016-2074: A request by Pulte Homes for approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street.

PROPERTY LOCATION & DESCRIPTION

The subject Phase is located south of Broxten Street and west of Houk Road just south of Phase 5. The zoning of the subject property is R-3 PRD (One-Family Residential with a Planned Residential District). The zoning to the north and south is the same while the properties to the east are zoned R-3 PUD (One Family Residential with a Planned Unit Development District) and R-6 PUD (Multi-Family Residential District with a Planned Unit Development District) and the property to the west is zoned A-1 (Agricultural District). This site is former farmland which is flat and open with some trees scattered throughout the site.

BACKGROUND

In November 2001 City Council approved a Planned Unit Development Rezoning and Preliminary Development Plan for Lehner Woods (in 2013 the developer has renamed the single family portion of the development Heatherton) that consisted of 214 detached condominiums and 248 single family lots. The detached condominium portion of the development (Phases 1 and 2) was completed in the mid 2000's while the single family portion (Phase 3 with 20 lots) started construction in 2013. In February 2014, City Council approved the Final Subdivision Plat for Phase 4 Section 1. In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Since 2001 when the Preliminary Development Plan was approved, engineering and zoning standards have been revised and the developer agreed with staff to upgrade the site plan to the extent possible to achieve compliance with the current standards. Therefore, Phase 4 Section 2 and subsequent Phases and Sections of the Preliminary and Final Plats would reflect engineering and zoning revisions that would require Planning Commission and Council approval.

STAFF ANALYSIS

- **LAND USE:** The proposed development is located in an area that is entirely residential in use and character. The Comprehensive Plan recommends a land use of Moderate Density Single-Family (3.25 – 4.75 du/ac) for the subject site. At 3.22 du/ac, the proposed density for the entire development is less than recommended and consistent with other recommendations of the Comprehensive Plan.
- **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, TRAFFIC & ACCESS:** Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way.

All roads and utilities are shown to extend to the end of lots being developed as a result of this plat as well as the property lines of the overall development. Public sidewalks would be required along all public streets.

- **LOT SIZE:** Phase 6 contains 32 single family lots on 12.203 acres with lots ranging in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. In addition, a condition in the approved Preliminary Development Plan and Preliminary Subdivision Plat for Phases 4-8 required the aforementioned minimum house sizes for consistency throughout the remainder of the subdivision. The proposed lot dimensions/sizes and minimum dwelling sizes are in accordance with the previously approved rezoning and consistent with lots already developed within the subdivision.
- **DESIGN:** The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. The standards include among other items: front elevations consisting of a minimum 25 percent of natural materials (the natural materials are to include but are not limited to stone, brick, cedar, wood, stucco and stucco stone), minimum 8 inch overhangs/soffits on returns, minimum 4 inch window trim and higher end vinyl siding.
- **LIGHTING PLAN:** A lighting plan that complies with the minimum zoning requirement has to submitted, reviewed and approved by the Chief Building Official for Phase 6.
- **LANDSCAPE PLAN:** A street tree plan is required to be submitted, reviewed and approved by the Shade Tree Commission for this Phase. 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.
- **PARKS/OPEN SPACE:** There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland.
- **TREE PRESERVATION:** The subject site appears to have trees along the western property line and a tree survey identifying the number size and condition of the trees shall be submitted for staff review. Any tree removal and/or replacement would have to achieve compliance with Chapter 1168 Tree Preservation Regulations.
- **PHASES & SECTIONS:** The preliminary development plan was approved in 2001. The subdivision was obviously a victim of the economic downtown. The remainder of the Phases and Sections would likely be constructed based on the future market conditions. Phases 7 and 8 are located south and east of the Phase 6 respectively and are located west of Houk Road and north of Boulder Street.

STAFF RECOMMENDATION – (2016-2073 FINAL DEVELOPMENT PLAN)

Staff recommends approval of a request by by Pulte Homes for approval of a Final Development Plan for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, 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. A public sidewalk shall be required along all public streets.

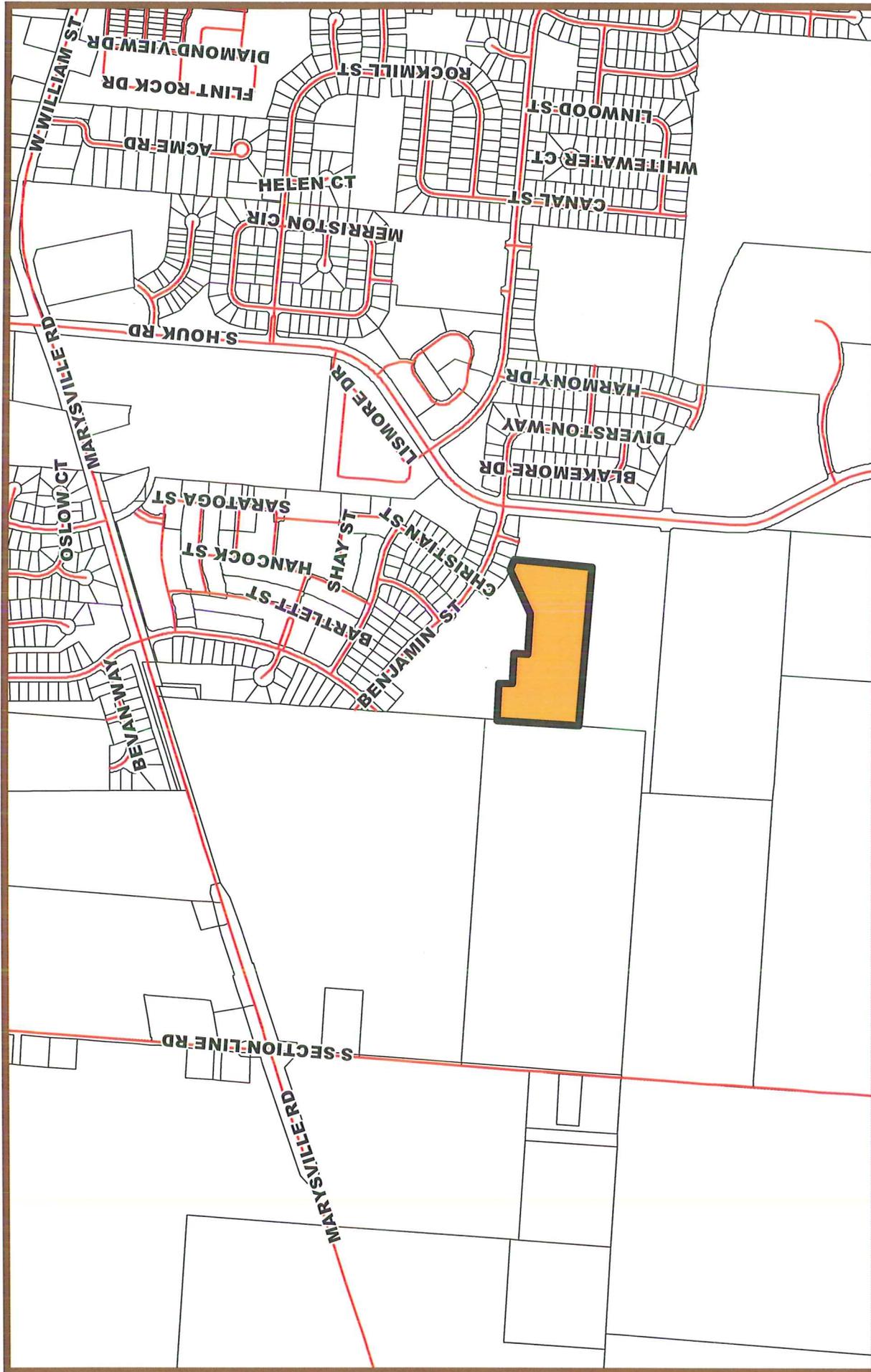
STAFF RECOMMENDATION – (2016-2074 FINAL SUBDIVISION PLAT)

Staff recommends approval of a request by Pulte Homes for approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, 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. A public sidewalk shall be required along all public streets.
3. The houses shall achieve compliance the minimum Residential Design Standards Criteria and Performance Standards of Section 1171.08 of the Planning and Zoning Code.
4. The minimum houses sizes shall be 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals.
5. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.
6. A tree survey shall be required for the subject Phase and any tree removal and/or replacement shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
7. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.

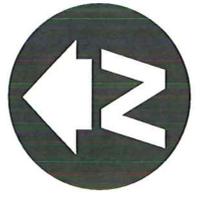
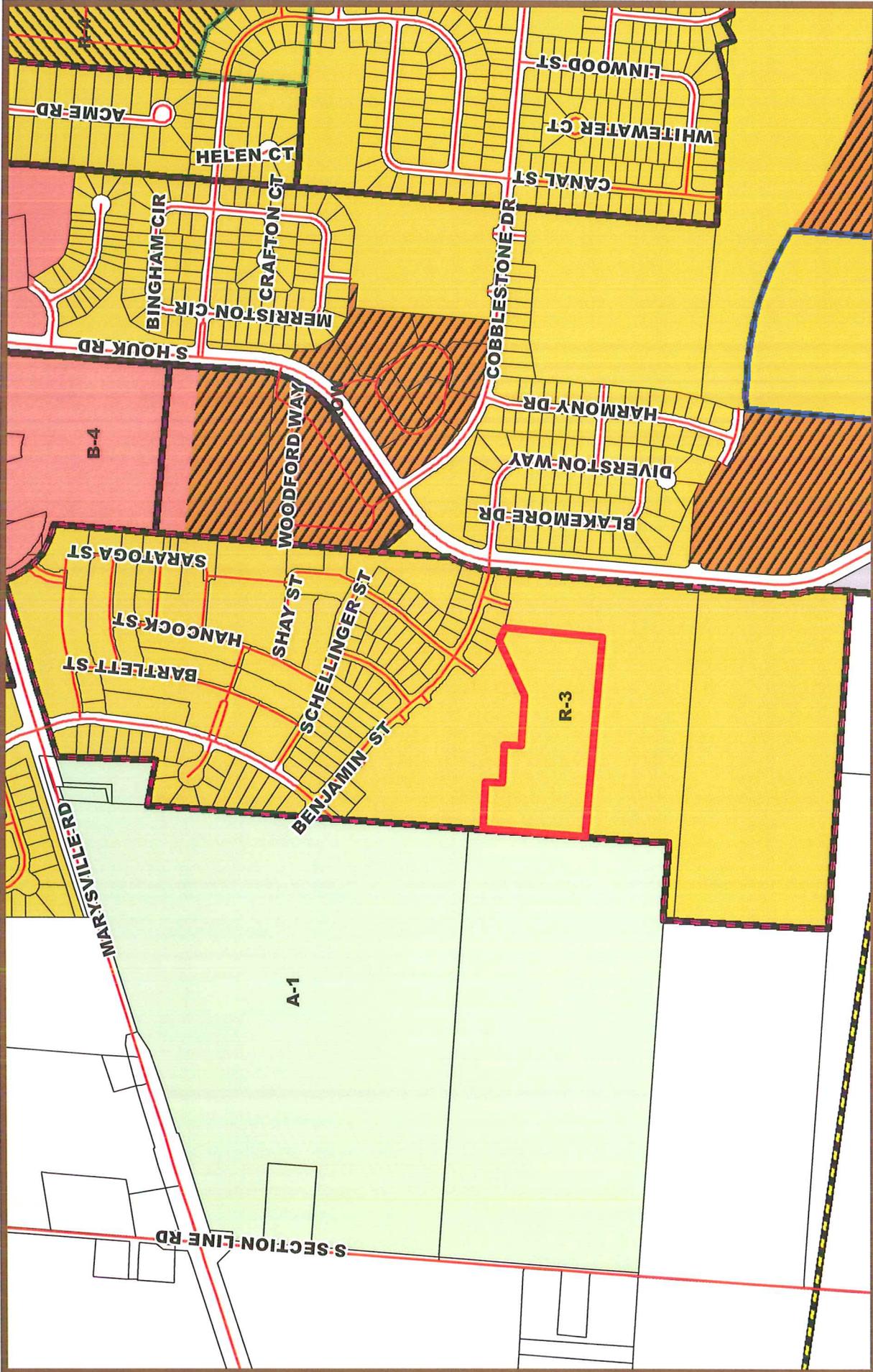
CONCLUSIONS

- The proposal meets all applicable Code requirements, with fulfillment of the approval conditions.



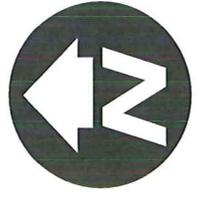
2016-2073 & 2074
 Final Development Plan and Final Subdivision Plat
 Heatherton - Phase 6
 Location Map





2016-2073 & 2074
 Final Development Plan and Final Subdivision Plat
 Heatherton - Phase 6
 Zoning Map





2016-2073 & 2074
Final Development Plan and Final Subdivision Plat
Heatherton - Phase 6
Aerial (2013)





LOCATION MAP
SCALE: 1"=200'

AMENDED PRELIMINARY PLAT AND
PRELIMINARY PLAN,
FINAL DEVELOPMENT PLAN

HEATHERTON

PHASE 4, SECTION 2 AND PHASES 5 THROUGH 8

LEGAL DESCRIPTION

STATED IN THE STATE OF OHIO, COUNTY OF DELAWARE, CITY OF DELAWARE, BEING PART OF FARM LOT 32, CHANGING PHASE 4, SECTION 2, AND PHASES 5 THROUGH 8, BEING ALSO BEING PART OF FARM LOTS 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, BEING A 51.61 ACRE SUBDIVISION OUT OF A 10.206 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE RECORDS OF THE DELAWARE COUNTY PUBLIC RECORDS, BEING THE RECORDS OF THE RECORDS OF DELAWARE COUNTY, OHIO.

NOTE

DIMENSIONS ARE BASED ON NAVD 83 DATUM

OWNER/DEVELOPER

DOMINION PARKS, INC.
4800 WOODLAND AVENUE
PUBLIC, OHIO 43081
(614) 356-5000

SETBACKS

FRONT = 25 FEET FROM RIGHT-OF-WAY
SIDE = 15 FEET TOTAL (5' MINIMUM)
REAR = 30 FEET

★ DROWAY ACCESS FOR LOTS 184, 185, AND 186 SHALL BE ON CLYMER AND ELBRIDGE STREETS ONLY.

FLOOD DESIGNATION

THE SUBJECT PROPERTY LIES WITHIN FLOOD X-1 AREAS DETERMINED TO BE OUTSIDE OF THE FLOOD HAZARD ZONING MAP AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND DEPOSITED ON THE JOINT/COURTICE, DATED APRIL 16, 2008.

ACREAGE BREAKDOWN

BUILDABLE LOTS (18)	= 37744 ACRES
OPEN SPACE (2)	= 5333 ACRES
RIGHT-OF-WAY	= 12,044 ACRES
TOTAL AREA	= 55121 ACRES

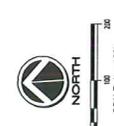
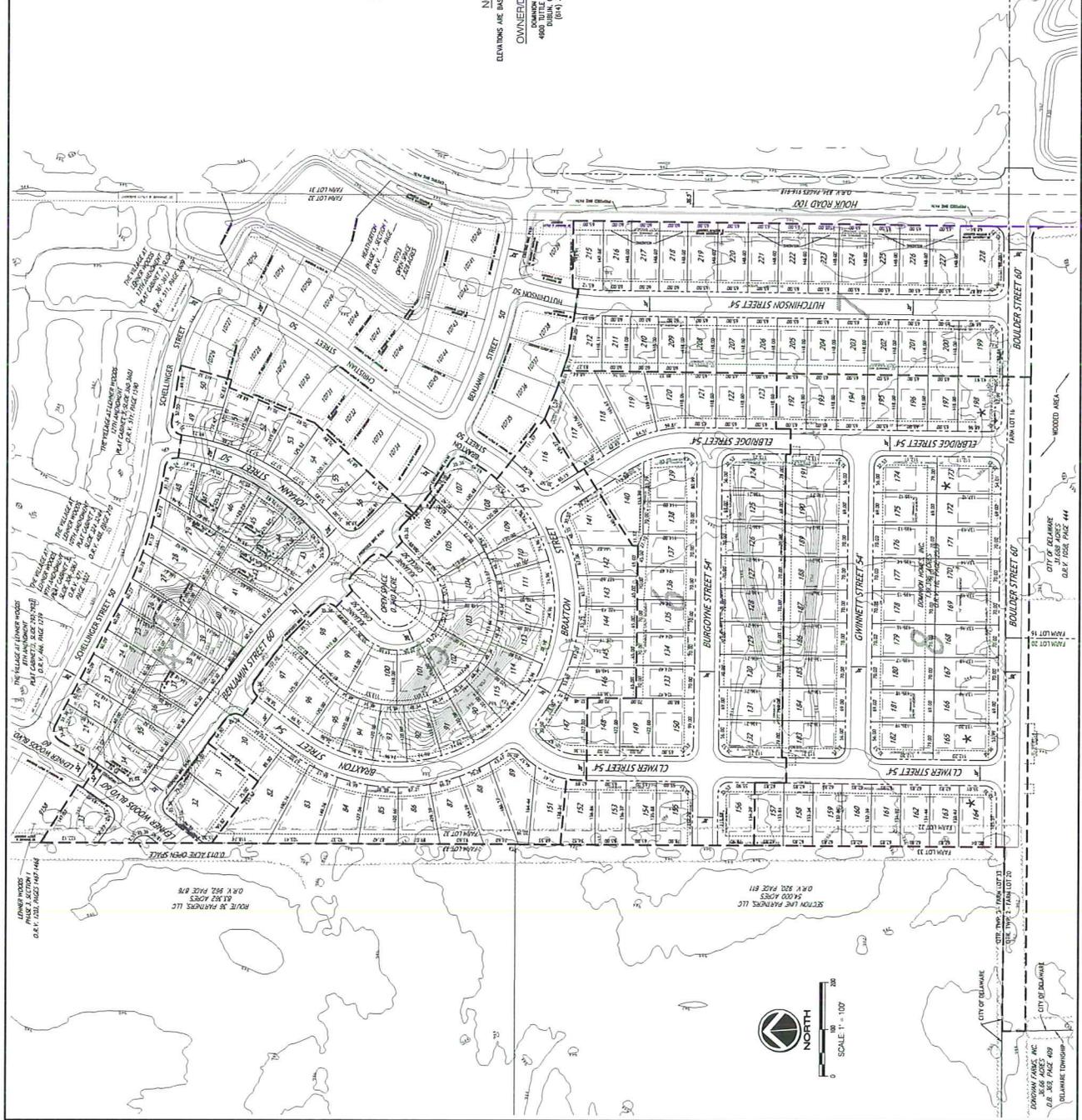
HEATHERTON PHASE 4, SECTION 2 AND PHASES 5 THROUGH 8
AMENDED PRELIMINARY PLAT AND PRELIMINARY PLAN, FINAL DEVELOPMENT PLAN

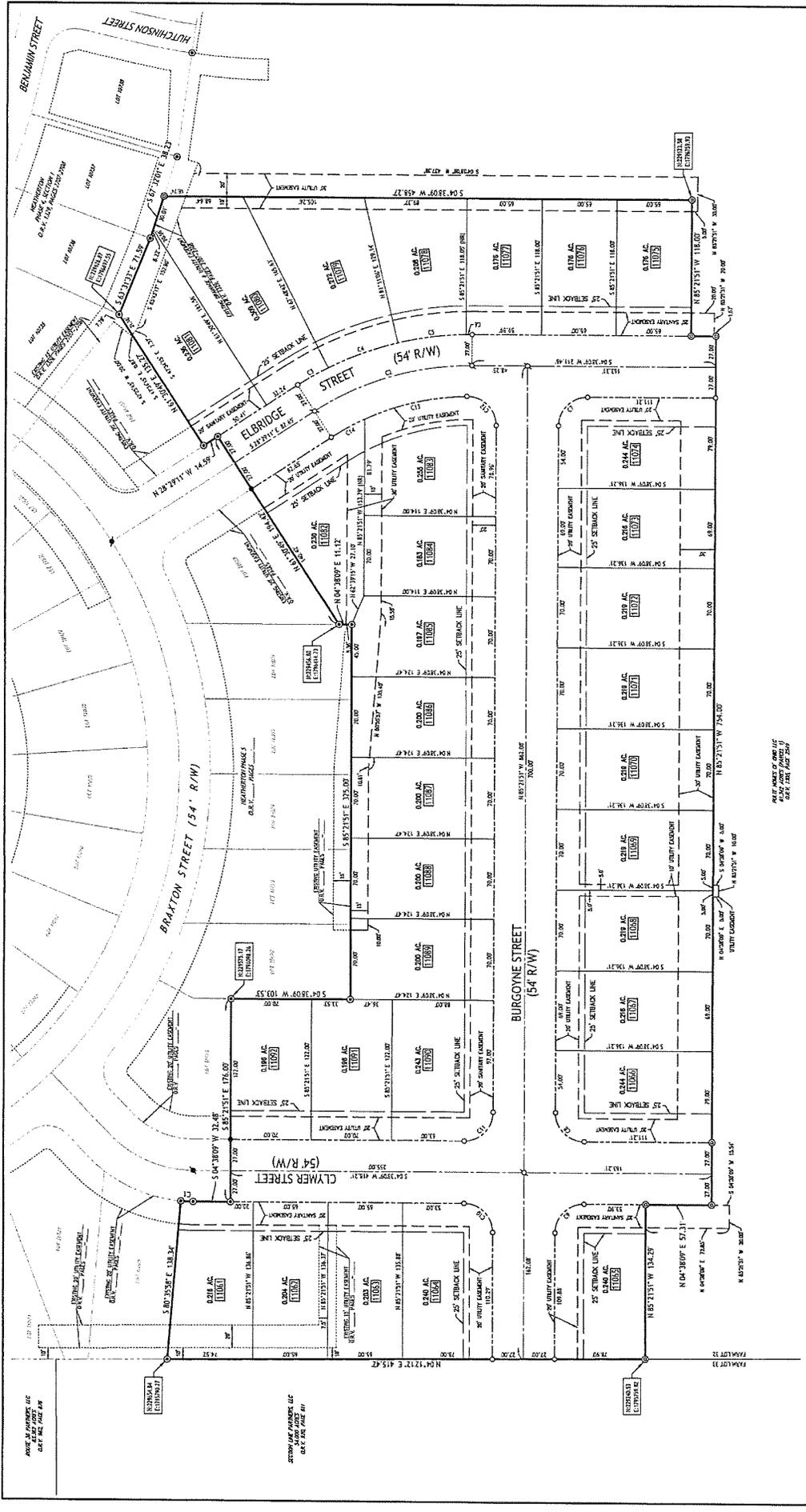
PL. CASE NO. _____ APPROVED BY THE PLANNING COMMISSION ON _____

- CITY CLERK _____
- CITY MANAGER _____
- DAVID M. D'LAND, AICP, PLANNING & COMMUNITY DEVELOPMENT DIRECTOR
- DIRECTOR OF ENGINEERING SERVICES _____
- UTILITIES DIRECTOR _____
- PUBLIC WORKS DIRECTOR _____

AMENDED PRELIMINARY PLAT AND
PRELIMINARY PLAN, FINAL DEVELOPMENT PLAN
HEATHERTON PHASE 4, SECTION 2
AND PHASES 5-8
CITY OF DELAWARE, OHIO

CT Consultants
CITY OF DELAWARE, OHIO
1000 WOODLAND AVENUE, SUITE 100
PUBLIC, OHIO 43081
DATE: APRIL 2014
DRAWN BY: K. SMITH
APPROVED: J. HENSEL





2" = 1'

SUBDIVISION PLAT
HEATHERTON
PHASE 6
CITY OF DELAWARE, OHIO



DATE: JULY 2013
 2013.07.02
 DRAWN BY: K. SMITH
 APPROVED BY: P. FLETCHER

MONUMENT LEGEND

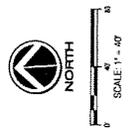
- ⊙ 1" PERMANENT PLAT MONUMENT FOUND
- ⊙ 1" PERMANENT PLAT MONUMENT SET
- ⊙ 6" BY 6" FOUND
- ⊙ 6" BY 6" SET
- ⊙ SURVEYOR'S MARK FOUND
- ⊙ SURVEYOR'S MARK SET
- 11024 LOT NUMBER

RIGHT-OF-WAY ANNOTATION

STREET	RIGHT-OF-WAY ANNOTATION	RIGHT-OF-WAY ANNOTATION	RIGHT-OF-WAY ANNOTATION
CLYMER STREET	54' R/W	54' R/W	54' R/W
BRATTON STREET	54' R/W	54' R/W	54' R/W
ELBRIDGE STREET	54' R/W	54' R/W	54' R/W
BURGOYNE STREET	54' R/W	54' R/W	54' R/W

BOUNDARY ANNOTATION

BOUNDARY ANNOTATION	BOUNDARY ANNOTATION	BOUNDARY ANNOTATION	BOUNDARY ANNOTATION
CLYMER STREET	54' R/W	54' R/W	54' R/W
BRATTON STREET	54' R/W	54' R/W	54' R/W
ELBRIDGE STREET	54' R/W	54' R/W	54' R/W
BURGOYNE STREET	54' R/W	54' R/W	54' R/W



APPROVED FOR THE CITY OF DELAWARE, OHIO



FACT SHEET

AGENDA ITEM NO: 20

DATE: 9/12/16

ORDINANCE NO: 16-76

RESOLUTION NO:

READING: SECOND

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 PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

BACKGROUND:

In May 2014 City Council approved an Amended Preliminary Development Plan and Preliminary Subdivision Plat for Heatherton Phases 4-8 and a Final Development Plan and Final Subdivision Plat for Heatherton Phase 4 Section 2. In July 2015, the Planning Commission and City Council approved the Final Development Plan and Final Subdivision Plat for Section 5. Now the applicant is requesting Final Development Plan and Final Subdivision Plat approval for Phase 6 which consists of 32 single family lots 9.020 acres.

Phase 6 is accessed by two north/south streets in Elbridge Street and Clymer Street and an east/west street in Burgoyne Street. All the streets are 32 feet in width with 54 foot right-of-way. The lots range in size from 0.230 acres (7,670 square feet) to 0.309 acres (13,460 square feet) and has a minimum 65 foot frontage. The front yard setbacks are 25 feet, the rear yard setbacks are 30 feet and the side yard setbacks total 15 feet (minimum 6 feet). Upon City Council approval of Phase 4 Section 1, the applicant agreed to construct houses with a

minimum size of 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals. The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. There is not any park or open space in Phase 6. However, there is a 0.340 acre pocket park located in Phase 5 which is to be graded relatively flat and programmed with amenities (a piece of play equipment and open field space) approved by staff and shall be maintained by the Homeowner's Association. In addition, the developer already dedicated an approximate 32 acre open space site just south of future Boulder Drive in the southern most portion of the development for future parkland. The landscape plans and lighting plans would have to be approved by the Shade Tree Commission and Chief Building Official respectively while the plan would also have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

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 6-0 on August 3, 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. 16-76

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT FOR PULTE HOMES FOR HEATHERTON PHASE 6 CONSISTING OF 32 SINGLE FAMILY LOTS ON APPROXIMATELY 9.020 ACRES ZONED R-3 PRD (ONE FAMILY RESIDENTIAL DISTRICT WITH A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT) AND LOCATED ON CLYMER STREET, ELBRIDGE STREET AND BURGOYNE STREET.

WHEREAS, the Planning Commission at its meeting of August 3, 2016 recommended approval of a Final Subdivision Plat for Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street (PC 2016-2074), 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 Heatherton Phase 6 consisting of 32 single family lots on approximately 9.020 acres zoned R-3 PRD (One Family Residential District with a Planned Residential Development District) and located on Clymer Street, Elbridge Street and Burgoyne Street, 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. A public sidewalk shall be required along all public streets.
3. The houses shall achieve compliance the minimum Residential Design Standards Criteria and Performance Standards of Section 1171.08 of the Planning and Zoning Code.
4. The minimum houses sizes shall be 1,500 square feet for a ranch style and 1,800 square feet for a two story structure both for a 3 bedroom unit with any additional bedroom adding 200 square feet to the totals.
5. The street tree plan shall be submitted, reviewed and approved by the Shade Tree Commission.

6. A tree survey shall be required for the subject Phase and any tree removal and/or replacement shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
7. A lighting plan that achieves compliance with the zoning code shall be submitted, reviewed and approved by the Chief Building Official.

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: 21

DATE: 9/12/16

ORDINANCE NO: 16-77

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 (WESTPORT HOMES) FOR LANTERN CHASE PHASE 2 SECTION 6 PART 2 CONSISTING OF 45 SINGLE FAMILY LOTS ON APPROXIMATELY 30.316 ACRES ZONED R-3 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON GLEMSBURY DRIVE, CONNAUGHT PLACE, CEDAR CREEK STREET AND LANTHORN POND DRIVE.

BACKGROUND:

In August 2015 City Council approved Section 6 Part 1 which contained 47 single family lots on 11.974 acres. Now the applicant is proposing Section 6 Part 2 which contains 45 lots on 30.316 acres. Section 6 Part 2 would be accessed from Section 6 Part 1 thru Glemsbury Drive and Lanthorn Pond Drive which both terminate into Connaught Place and is the northern most east/west street of the development. The typical bulk requirements (setbacks, minimum lot width and size) have changed since originally approval in 2001. Therefore per the Amended Preliminary Subdivision Plat approved in December 2014, staff and the developer have negotiated fair zoning bulk requirements based on the previous and existing requirements coupled with the engineering requirements of wider streets and right-of-way. In this section, the lot sizes range from 60-70 foot lot widths with 120-128 foot lot depths (minimum 7,200 square foot lots) while the corner lots are oversized (minimum 80 feet wide) to comply with zoning requirements. The yard setbacks would be: 25 foot front, 30 foot rear and 8 foot side. The houses would be required to comply with the

Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. There are two reserves in Section 6 Part 2. Reserve A, which is 3.7 acres, contains a detention basin and is located on the southwestern portion of the Section next to the western boundary line. Reserve B, which is 15.4 acres, contains a park with amenities and preserves existing wetlands and woodlands and is located at the extreme northern end of the development. The park amenities would include a basketball court, play equipment, park benches, etc., and as typical would be owned and maintained by the HOA but open to the public. The landscape and lighting plans have been approved by the Shade Tree Commission and Chief Building Official respectively. Also, the proposed plan would have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

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 6-0 on September 7, 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. 16-77

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT (WESTPORT HOMES) FOR LANTERN CHASE PHASE 2 SECTION 6 PART 2 CONSISTING OF 45 SINGLE FAMILY LOTS ON APPROXIMATELY 30.316 ACRES ZONED R-3 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON GLEMSBURY DRIVE, CONNAUGHT PLACE, CEDAR CREEK STREET AND LANTHORN POND DRIVE.

WHEREAS, the Planning Commission at its meeting of September 7, 2016 recommended approval of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 2 consisting of 45 single family lots on approximately 30.316 acres zoned R-3 (One Family Residential District) and located on Glemsbury Drive, Connaught Place, Cedar Creek Street and Lanthorn Pond Drive (PC 2016-2530), 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 for Lantern Chase Phase 2 Section 6 Part 2 consisting of 45 single family lots on approximately 30.316 acres zoned R-3 (One Family Residential District) and located on Glemsbury Drive, Connaught Place, Cedar Creek Street and Lanthorn Pond 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 right-of-way and street pavement width shall achieve compliance with the City Engineer requirements.
3. The minimum lot size and width and building setbacks shall be per the approved Amended Preliminary Subdivision Plat.
4. The front elevation shall achieve compliance with the minimum requirements of Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. The development shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
6. The park amenities in Reserve B shall be reviewed and approved by staff and shall be constructed prior to any building permits approved in the

subject section. The subject park and amenities shall be owned and maintained by the HOA but open to the public.

7. Only lots 11252, 11254, 11255 and 11257-59 shall be permitted grinder pumps for any basement sanitary sewer service.

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: 2016-2530 & 2531

REQUEST: Final Subdivision Plat

PROJECT: Lantern Chase Phase 2 Section 6 Parts 2 & 3

MEETING DATE: September 7, 2016

APPLICANT/OWNER

Westport Homes
507 Executive Campus Drive, Suite 100
Westerville, Ohio 43082

REQUEST

2016-2530: A request by Westport Homes for approval of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 2 consisting of 45 single family lots on approximately 30.316 acres zoned R-3 (One Family Residential District) and located on Glemsbury Drive, Connaught Place, Cedar Creek Street and Lanthorn Pond Drive.

2016-2531: A request by Westport Homes for approval of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 3 consisting of 35 single family lots on approximately 8.049 acres zoned R-3 (One Family Residential District) and located on Connaught Place and Marblewood Drive.

PROPERTY LOCATION & DESCRIPTION

The remaining 38.365 acres of the subject development is located north of Silversmith Lane and east and west of Phase 2 Section 6 Part 1 which was approved in August 2015. The subject site is zoned R-3 (One-Family Residential District) as is the property to the south. The properties to the north, east and west are located in the Township.

BACKGROUND/PROPOSAL

The Preliminary Subdivision Plat for Phase 1 was approved as Smith Farms Subdivision in 1998. Between then and May 2001 Final Subdivision Plats for Phase 1 were approved. The Preliminary Subdivision Plat for Phase 2 was approved by the Planning Commission in 2001. In 2006, the Final Subdivision Plat for Phase 2 Section 6 was approved by the Planning Commission and the developer subsequently requested an extension of Section 6 in 2007 which was approved but this section never began construction. Then in December 2014, Planning Commission and City Council approved an Amended Preliminary Subdivision Plat with 127 lots instead of 156 lots which were originally approved in this area and would likely be constructed in three sections. The reduction of 29 lots is due to the unwillingness of the applicant to construct a lift station in this area due to economic reasons. The revised layout would result in more open space with park amenities and the preservation of wetlands and wooded areas along the extreme northern portion of the development.

In August 2015 City Council approved Section 6 Part 1 which contained 47 single family lots on 11.974 acres. Now the applicant is proposing to construct Section 6 Parts 2 and 3 which would contain the remaining 80 single family lots on 38.365 acres. Section 6 Part 2 would contain 45 single family lots while Section 6 Part 3 would contain 35 single family lots.

STAFF ANALYSIS

- **COMPREHENSIVE PLAN AMENDMENT:** The Comprehensive Plan Future Land Use Map recommends Moderate Density Single-Family Land Use (3.25-4.25 dwelling units per acre) for the subject property. The proposed density for the amended plan is 2.52 units per acre.
- **ZONING:** The subject site is zoned R-3 (One Family Residential District) which requires Final Subdivision Plat approvals for Phase 2 Section 6 Part 2 and 3 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 a technical review by the Engineering Department once a complete plan set is submitted for review.
- **UTILITIES:** Both water and sewer utilities would be public and would be extended from Phases 1 and 2 of the development. The development would have to comply with the current storm water requirements.

Depending on final grading plan, lots 11252, 11254, 11255 and 11257-59 would likely require grinder pumps for any basement sanitary service.

- **ROADS AND ACCESS:** Section 6 Part 2 would be accessed from Section 6 Part 1 thru Glemsbury Drive and Lanthorn Pond Drive which both terminate into Connaught Place which is the northern most east/west street of the development. Section 6 Part 3 is accessed from Section 6 Part 1 thru Marblewood Drive which also terminates into Connaught Place. Per the approved Amended Preliminary Subdivision Plat in 2014, the streets would be divided into two different street section designs in the subject parts: 1. Connaught Place, the northern most east/west street would have 60 feet of right-of-way with 36 feet of pavement with a standard tree lawn and the sidewalk within the right-of-way. 2. The remainder of the streets would have 50 feet of right of way with 32 feet of pavement. Three feet of the sidewalk would be in an easement with a 7 foot tree lawn and the front yard setback would be measured from the right-of-way line. The current engineering standards require 60 feet of right of way and 32 foot wide streets. Therefore, staff is giving concessions for this development while ensuring conforming pavement width to today's standards. There are existing streets in the built portions of this subdivision and therefore some flexibility must be utilized to ensure that this section can fit properly in the built environment. This approach is what was approved in the preliminary plat.
- **SITE LAYOUT:** These two parts would consist of 80 single family lots in a typical double loaded lot layout along Connaught Place, Lanthorn Pond Drive, Glemsbury Drive and Cedar Creek Street. In Section 6 Part 2 there are two reserves. Reserve A is 3.7 acres and is located in the southwestern portion of the development while Reserve B is 15.4 acres and is located along the northern portion of the development and would include a park area with amenities.
- **LOT SIZES:** The typical bulk requirements (setbacks, minimum lot width and size) have changed since originally approval in 2001. Therefore per the Amended Preliminary Subdivision Plat approved in December 2014, staff and the developer have negotiated fair zoning bulk requirements based on the previous and existing requirements coupled with the engineering requirements of wider streets and right-of-way. In this section, the lot sizes range from 60-70 foot lot widths with 120-128 foot lot depths (minimum 7,200 square foot lots) while the corner lots are oversized (minimum 80 feet wide) to comply with zoning requirements. The yard setbacks would be: 25 foot front, 30 foot rear and 8 foot side. The current R-3 zoning requirements are: 8,775 square foot minimum lots, 65 foot wide lots, 30 foot front yard setback, 40 foot rear yard setback and 8 foot side yard setbacks while the previous zoning in 2001 permitted 7,200 square foot minimum lots, minimum 60 foot lot width, 25 foot front yard setback, 30 foot rear yard setback and 6 foot side yard setbacks (total of 15 feet minimum). This is in keeping with the approved Amended Preliminary Development Plan.
- **DESIGN:** The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning & Zoning Code. The standards include among other items: front elevations consisting of a minimum 25 percent of natural materials (the natural materials are to include but are not limited to stone, brick, cedar, wood, stucco and stucco stone), minimum 8 inch overhangs/soffits on returns, minimum 4 inch window trim and higher end vinyl siding.
- **TREE REMOVAL & REPLACEMENT:** The applicant would have to submit a tree survey to ensure compliance with Chapter 1168 Tree Preservation Regulations prior to approval of the construction drawing for Section 6 Parts 2 and 3. Also, there is a 30 foot wide tree preservation zone along the rear of the lots on the north side of Connaught Place and along the rear of the lots 11287-11289 (east side of Marblewood Drive).
- **OPEN SPACE & PARKLAND:** As mentioned above, there are two reserves in Section 6 Part 2. Reserve A, which is 3.7 acres, contains a detention basin and is located on the southwestern portion of the Section next to the western boundary line. Reserve B, which is 15.4 acres, contains a park with amenities and preserves existing wetlands and woodlands and is located at the extreme northern end of the development. The park amenities would include a basketball court, play equipment, park benches, etc. As typical, the park and amenities shall be owned and maintained by the HOA but open to the public.
- **LANDSCAPING PLAN:** The Shade Tree Commission approved the street tree plan for Section 6 Parts 1, 2 and 3 on August 23, 2016. It is imperative that the Applicant coordinate the landscaping plan and street tree plan with the engineering site development plan so that the landscaping does not impeded visibility at intersection or of any traffic control signs.

- **LIGHTING PLAN.** The lighting plan for Section 6 Parts 1, 2 and 3 were approved on August 26, 2016 by the Chief Building Official.
-

STAFF RECOMMENDATION – (2016-2530 FINAL SUBDIVISION PLAT)

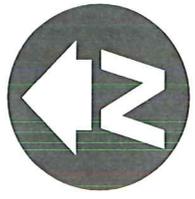
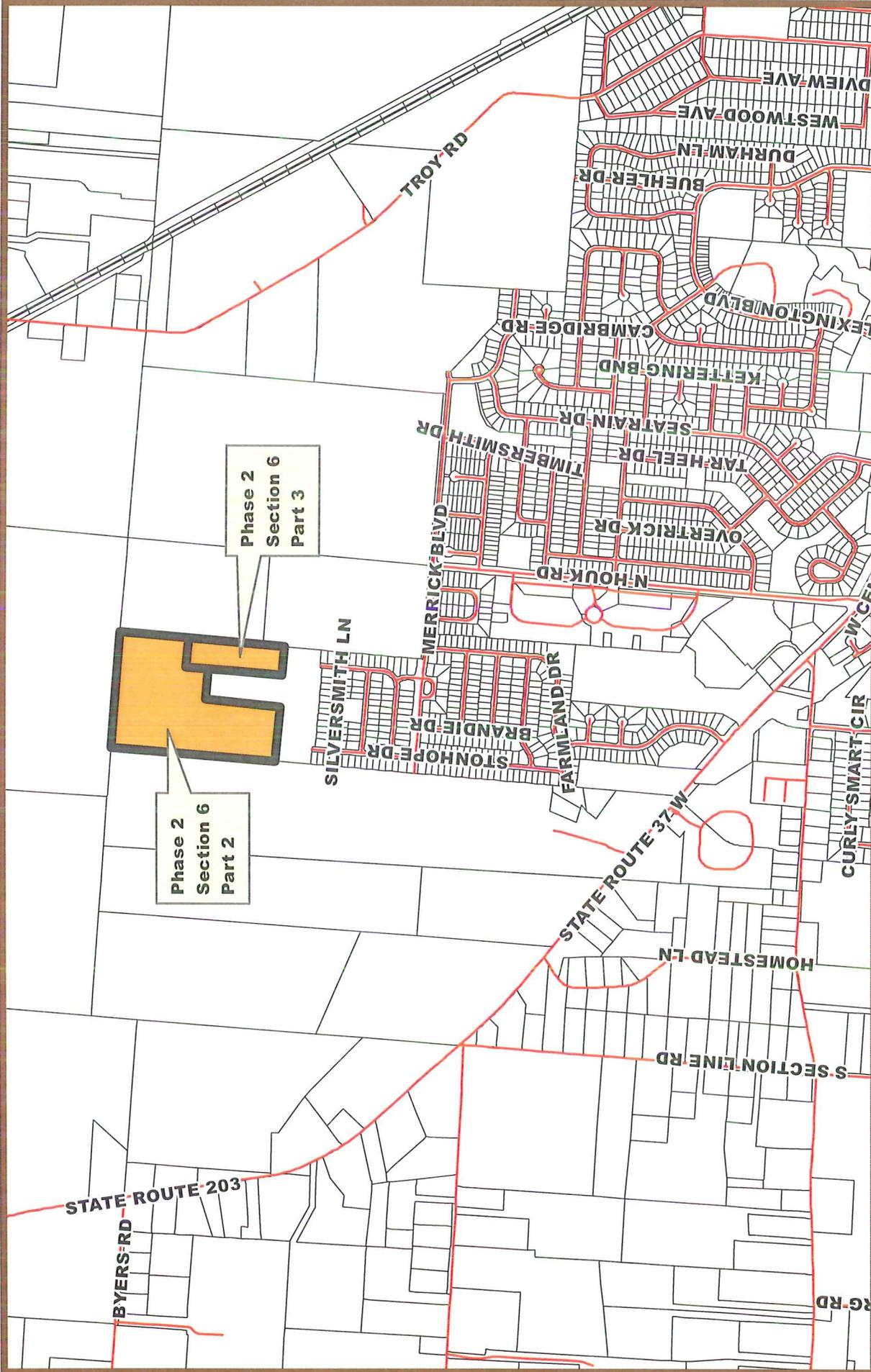
Staff recommends approval of a request by Westport Homes of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 2 consisting of 45 single family lots on approximately 30.316 acres zoned R-3 (One Family Residential District) and located on Glemsbury Drive, Connaught Place, Cedar Creek Street and Lanthorn Pond 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 right-of-way and street pavement width shall achieve compliance with the City Engineer requirements.
 3. The minimum lot size and width and building setbacks shall be per the approved Amended Preliminary Subdivision Plat.
 4. The front elevation shall achieve compliance with the minimum requirements of Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
 5. The development shall achieve compliance with Chapter 1168 Tree Preservation Regulations.
 6. The park amenities in Reserve B shall be reviewed and approved by staff and shall be constructed prior to any building permits approved in the subject section. The subject park and amenities shall be owned and maintained by the HOA but open to the public.
 7. Only lots 11252, 11254, 11255 and 11257-59 shall be permitted grinder pumps for any basement sanitary sewer service.
-

STAFF RECOMMENDATION – (2016-2531 FINAL SUBDIVISION PLAT)

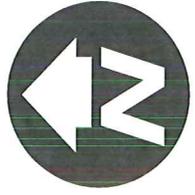
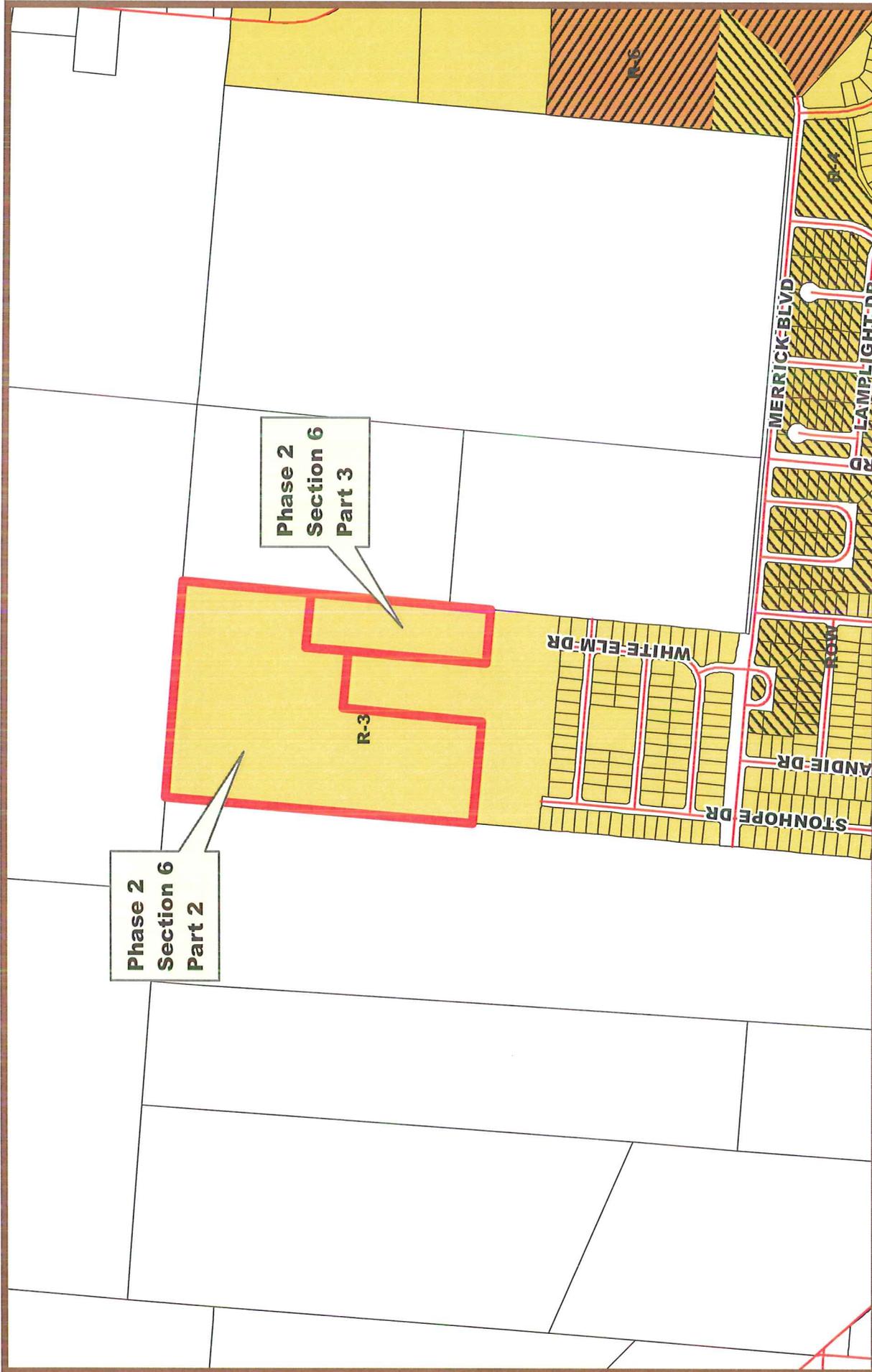
Staff recommends approval of a request by Westport Homes of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 3 consisting of 35 single family lots on approximately 8.049 acres zoned R-3 (One Family Residential District) and located on Connaught Place and Marblewood Drive, with the following 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 right-of-way and street pavement width shall achieve compliance with the City Engineer requirements.
3. The minimum lot size and width and building setbacks shall be per the approved Amended Preliminary Subdivision Plat.
4. The front elevation shall achieve compliance with the minimum requirements of Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. The development shall achieve compliance with Chapter 1168 Tree Preservation Regulations.



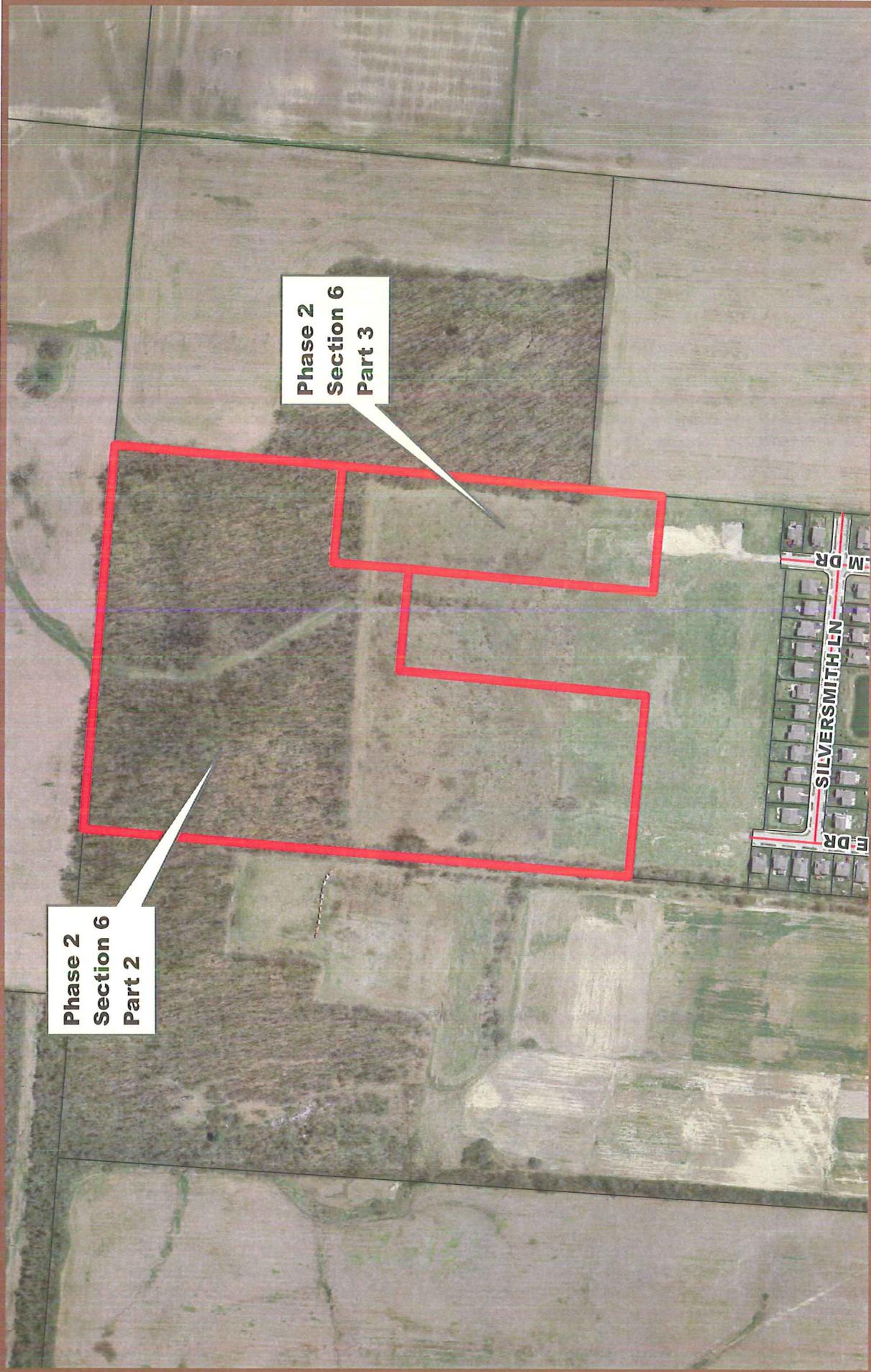
2016-2530 & 2531
 Final Subdivision Plats
 Lantern Chase Phase 2 Section 6 Part 2 &
 Phase 2 Section 6 Part 3
 Location Map





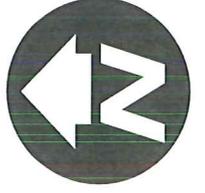
2016-2530 & 2531
 Final Subdivision Plats
 Lantern Chase Phase 2 Section 6 Part 2 &
 Phase 2 Section 6 Part 3
 Zoning Map





**Phase 2
Section 6
Part 2**

**Phase 2
Section 6
Part 3**

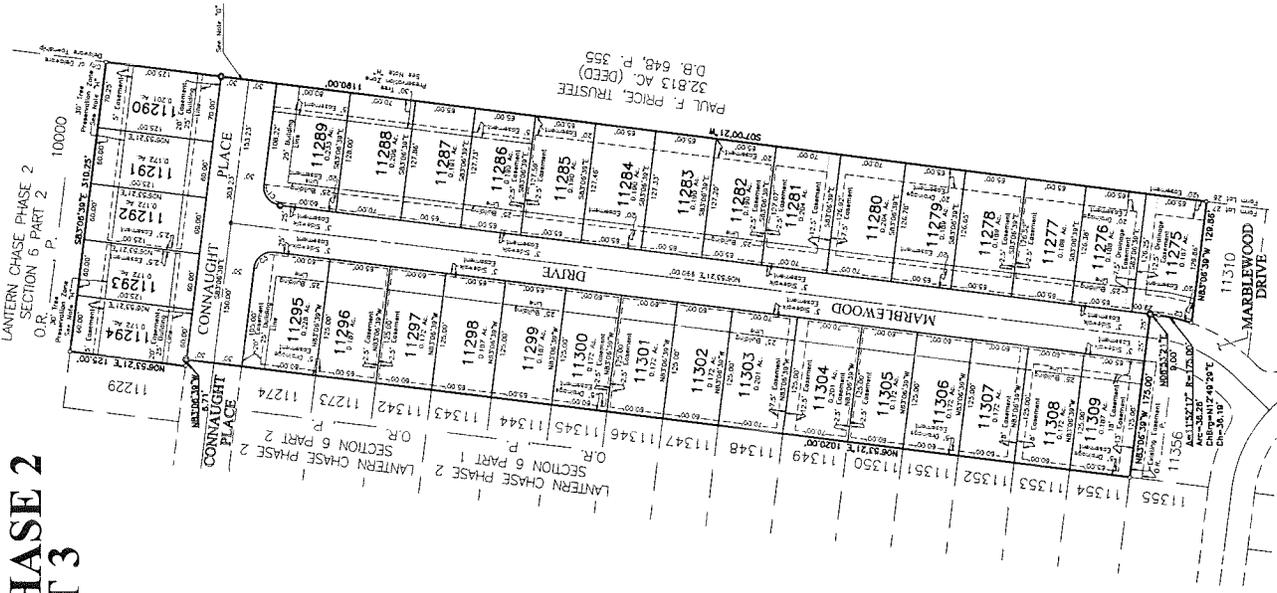


**2016-2530 & 2531
Final Subdivision Plats
Lantern Chase Phase 2 Section 6 Part 2 &
Phase 2 Section 6 Part 3
Aerial (2013)**



LANTERN CHASE PHASE 2 SECTION 6 PART 3

2 2



PAUL F. PRICE, TRUSTEE
32813 AC. (DEED)
D.B. 848, P. 355

CURVE NO.	DATA	ANGLE	LENGTH	CHORD BEARING	CHORD DISTANCE
1	250.000°	70.30'	31.47'	S 21.527° W	28.33'
2	133.137°	175.83'	35.85'	N 12.429° E	38.13'
3	202.520°	23.82'	31.47'	N 20.020° E	23.33'



NOTE "A": Notices is hereby given to any owner of the lots delineated upon this plan that on the date of the filing of this plan for the development of and lots showing proposed lot drainage, proposed ground elevations at house and/or lot corners, and proposed utility lines, the City of Delaware will conduct a public hearing on the proposed subdivision and are to be incorporated into the final plat plan required with the building permit.

NOTE "B": MINIMUM SETBACKS: City of Delaware regulations require that all buildings be set back from the street in order at the time of filing of Lantern Chase Phase 2 Section 6 Part 3 specifies the following setback requirements:
Front yard: 25 feet
Side yard: 16 feet (min)
Rear yard: 30 feet

NOTE "C": No vehicular access shall be made to the public street (highway) by an easement and dedicated by plat to such use of the TRAIL PRESERVATION ZONES. The dedication of the TRAIL PRESERVATION ZONES shall be subject to the following conditions: (1) The TRAIL PRESERVATION ZONES shall be dedicated to the use of the City of Delaware. (2) The installation of utilities, drainage, and other structures shall be subject to the approval of the City of Delaware and all other applicable laws, rules, and regulations. (3) The TRAIL PRESERVATION ZONES shall be given to the developer in the design and installation of the utilities and bike path in order to minimize the removal of trees and other vegetation. (4) The TRAIL PRESERVATION ZONES shall be given to the developer in the design and installation of the TRAIL PRESERVATION ZONES on their lot so long as the use of the TRAIL PRESERVATION ZONES meets all other requirements of the Planning & Zoning Code.

NOTE "D": All utilities within Lantern Chase Phase 2 Section 6 Part 3 shall be installed underground. Electric, gas, water, and sewer lines shall be installed in rear yard areas except where a service feed must cross a street right of way or enter the subdivision.

NOTE "E": -ACREAGE BREAKDOWN:
Total acreage: 8.099 AC.
Average lot area: 6.252 AC.
Average lot width: 1.251 AC.

NOTE "F": -ACREAGE BREAKDOWN: Lantern Chase Phase 2, Section 6 Part 3, is one of the following Delaware County Parcel Numbers:
51932001014803
8.099 AC.

NOTE "G": As per City of Delaware Zoning Code, all lots within Lantern Chase Phase 2, Section 6 Part 3 are subject to the same conditions (including lighting and noise) as the lots within the same zoning district. A preliminary plat entitled "Lantern Chase", said preliminary plat is on file at the City of Delaware Department of Planning and Community Development as PC-_____.



FACT SHEET

AGENDA ITEM NO: 22

DATE: 9/12/16

ORDINANCE NO: 16-78

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 (WESTPORT HOMES) FOR LANTERN CHASE PHASE 2 SECTION 6, PART 3 CONSISTING OF 35 SINGLE FAMILY LOTS ON APPROXIMATELY 8.049 ACRES ZONED R-3 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON CONNAUGHT PLACE AND MARBLEHEAD DRIVE.

BACKGROUND:

In August 2015 City Council approved Section 6 Part 1 which contained 47 single family lots on 11.974 acres. Now the applicant is proposing Section 6 Part 3 which contains 35 lots on 8.049 acres. Section 6 Part 3 would be accessed from Section 6 Part 1 thru Marblewood Drive which terminates into Connaught Place and is the northern most east/west street of the development. The typical bulk requirements (setbacks, minimum lot width and size) have changed since originally approval in 2001. Therefore per the Amended Preliminary Subdivision Plat approved in December 2014, staff and the developer have negotiated fair zoning bulk requirements based on the previous and existing requirements coupled with the engineering requirements of wider streets and right-of-way. In this section, the lot sizes range from 60-70 foot lot widths with 120-128 foot lot depths (minimum 7,200 square foot lots) while the corner lots are oversized (minimum 80 feet wide) to comply with zoning requirements. The yard setbacks would be: 25 foot front, 30 foot rear and 8 foot side. The houses would be required to comply with the Residential Design Criteria and Performance Standards of Section 1171.08 of the Planning &

Zoning Code. The landscape and lighting plans have been approved by the Shade Tree Commission and Chief Building Official respectively. Also, the proposed plan would have to achieve compliance with the Tree Preservation requirements in Chapter 1168.

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 6-0 on September 7, 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. 16-78

AN ORDINANCE APPROVING A FINAL SUBDIVISION PLAT (WESTPORT HOMES) FOR LANTERN CHASE PHASE 2 SECTION 6, PART 3 CONSISTING OF 35 SINGLE FAMILY LOTS ON APPROXIMATELY 8.049 ACRES ZONED R-3 (ONE FAMILY RESIDENTIAL DISTRICT) AND LOCATED ON CONNAUGHT PLACE AND MARBLEHEAD DRIVE.

WHEREAS, the Planning Commission at its meeting of September 7, 2016 recommended approval of a Final Subdivision Plat for Lantern Chase Phase 2 Section 6 Part 3 consisting of 35 single family lots on approximately 8.049 acres zoned R-3 (One Family Residential District) and located on Connaught Place and Marblehead Drive (PC 2016-2531), 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 Lantern Chase Phase 2 Section 6 Part 3 consisting of 35 single family lots on approximately 8.049 acres zoned R-3 (One Family Residential District) and located on Connaught Place and Marblehead 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 right-of-way and street pavement width shall achieve compliance with the City Engineer requirements.
3. The minimum lot size and width and building setbacks shall be per the approved Amended Preliminary Subdivision Plat.
4. The front elevation shall achieve compliance with the minimum requirements of Chapter 1171.08 Residential Development Design Criteria and Performance Standards.
5. The development shall achieve compliance with Chapter 1168 Tree Preservation Regulations.

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: 23

DATE: 09/12/16

ORDINANCE NO: 16-79

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: no

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bill Ferrigno, Public Works Director/City Engineer

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE APPROVING THE SALE OF A STREET DEPARTMENT 2000 INTERNATIONAL 4900 DUMP TRUCK THAT HAS OUTGROWN ITS USEFUL SERVICEABLE LIFE.

BACKGROUND:

This vehicle has been deemed beyond its serviceable life to the City of Delaware. The single axle dump truck has been replaced with a newer model. The anticipated sale price will be in excess of the \$5,000.00 threshold.

REASON WHY LEGISLATION IS NEEDED:

Council approval for the sales is necessary based on Delaware City Code Section 108.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

N/A

POLICY CHANGES:

N/A

PRESENTER(S):

Bill Ferrigno, Public Works Director/City Engineer

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-79

AN ORDINANCE APPROVING THE SALE OF A STREET DEPARTMENT 2000 INTERNATIONAL 4900 DUMP TRUCK THAT HAS OUTGROWN ITS USEFUL SERVICEABLE LIFE.

WHEREAS, the City of Delaware is the owner of a 2000 International 4900 Dump Truck which is anticipated will exceeded the \$5,000.00 threshold when offered for online sale; and

WHEREAS, The Public Works Director has determined that the vehicle is no longer needed for municipal purposes; and

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

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

SECTION 1. The 2000 International 4900 Dump Truck be sold pursuant to Delaware City Code Section 108.

SECTION 2. The vehicle will be advertised for sale on the electronic website known as GovDeals. Bids will be electronically received by GovDeals by a date and time as established and sold to the highest bidder.

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

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 24

DATE: 9/12/16

ORDINANCE NO: 16-80

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

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

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO INCREASE FUNDING FOR THE DESIGN OF THE GLENN PARKWAY EXTENSION NORTH TO BERLIN STATION ROAD.

BACKGROUND:

The city has been in the process of planning for the extension of Glenn Parkway from US23 to US36 for several years following the identification and inclusion of this important north-south arterial connector in the 2001 Thoroughfare Plan. Several phases have now been completed including the recent 2015 reconstruction of the north 1,600 LF section of Glenn Road to US36 including the associated intersection improvement. When completed, Glenn Parkway will provide an alternative route around the south and east side of the city, and serve area development east of the Olentangy River. To date, 1.65 miles of Glenn Parkway have been completed from US23 and north, to its current terminus 1,200 LF north of Sycamore Drive. The next logical phase is to construct a 2,300 LF, two-lane section, with a grass median, to Berlin Station Road terminating at a roundabout. This section when complete will provide a connection to Berlin Station, serving both city and county residents, including establishing an alternate road network link to the Olentangy Schools High School facility under construction to the east. A future phase of construction will establish a grade separated crossing of Glenn Parkway over Berlin Station Road and the Norfolk-Southern railway, and connect to Curve Road approximately 1.5 miles to the north. The design of this section of Glenn

Parkway will fix the alignment for the future grade separation. Through a competitive quality-based selection process, American Structurepoint was selected as the engineering consulting firm for this project.

REASON WHY LEGISLATION IS NEEDED:

A supplemental appropriation in the amount of \$360,000 is being proposed to cover the cost of design of this project, as it was not included in the 2016 appropriations ordinance. Other professional services included in this amount are appraisals, appraisal reviews, and right-of-way acquisition specialists.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The supplemental appropriation will reduce the anticipated Glenn Road TIF Fund balance shown in the 2016 budget as \$1,427,908. A request for funding will be made as part of the 2017 budgeting process for right-of-way purchases. Pre-appraisal estimates for all property needed south of Berlin Station Road total \$1.2M and the current estimated range for total construction costs is \$3.5M-\$4.5M (targeting full construction in 2018).

POLICY CHANGES:

N/A

PRESENTER(S):

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

RECOMMENDATION:

Approval at second reading.

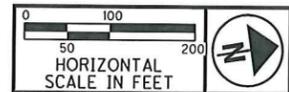
ATTACHMENT(S)

Concept Alignment Plan View Exhibit

Figure 3



CONCEPTUAL GLENN PARKWAY EXTENSION





FACT SHEET

AGENDA ITEM NO: 25

DATE: 9/12/16

ORDINANCE NO: 16-81

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 PROVIDE ADDITIONAL FUNDING FOR CLEANUP AND REPAIRS TO CITY HALL ASSOCIATED WITH THE JUNE 23 BASEMENT FLOODING, AND DECLARING AN EMERGENCY.

BACKGROUND:

On June 23 during early morning hours, a severe weather event moved through Delaware County with rainfall amounts exceeding 4-inches in a couple hours. As a result, the sewer systems were inundated leading to local flooding in many areas. Storm water backed up through the sanitary lateral into the City Hall basement, flooding records and equipment in an estimated 10-inch of water. To a lesser extent, water entered the basement of the former Engineering building damaging carpets and some records. Clean-up was performed by a combination of city staff and professional remediation contractors. The majority of expense occurred to stored records and mechanical equipment. Though the majority of records were disposed of, certain records must be maintained and have to be cleaned and sanitized. The elevator also experienced significant damage to components and wiring, all of which is scheduled for repair once funding is available. The current estimate for storm related cleanup and repairs is \$39,527.

REASON WHY LEGISLATION IS NEEDED:

Some funding for unanticipated building maintenance expenses are included annually with the annual budget appropriation, however not at the level necessary to complete the required repairs and remediation, thus necessitating a supplemental appropriation.

COMMITTEE RECOMMENDATION:

None

FISCAL IMPACT(S):

The estimated cost of repair will require a transfer of funds from the unencumbered balance of the General Fund, to the Maintenance of Facility account line to cover the anticipated cost of repairs. The city will be submitting an insurance claim however, and should be able to recover the majority of flood related cleanup and maintenance expenses.

POLICY CHANGES:

It has been recommended to no longer store any critical records within the basement levels of City Hall, nor the former Gazette and Engineering buildings. To date, 95% of all permanent engineering plans have been relocated from the basement of 20 E William to 440 E William Street. Improvements to how the sanitary backflow prevention equipment is monitored and inspected will also be put into place to help minimize the potential for future flooding events within the facilities.

PRESENTER(S):

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

RECOMMENDATION:

Approval at First Reading

ATTACHMENT(S)

Summary of labor, materials and equipment costs

ORDINANCE NO. 16-81

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR CLEANUP AND REPAIRS TO CITY HALL ASSOCIATED WITH THE JUNE 23 BASEMENT FLOODING, AND DECLARING AN EMERGENCY.

WHEREAS, The City experienced torrential rains in the early morning hours on June 23 leading to the backup of storm water through the sewer system into the basement level of City Hall, and

WHEREAS, cleanup activities included pumping of flood waters from City Hall, disposal of damaged property, cleaning and sanitizing of the basement and adjacent areas, and repairs to the elevator and other mechanical equipment, and

WHEREAS, the amount included in the 2016 Budget to pay for unanticipated building maintenance expenses is not sufficient to cover the estimated cost of the necessary cleanup work and repairs, and

WHEREAS, a supplemental appropriation is necessary to cover the total expense associated with the flood remediation and repairs.

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 General Fund \$40,000 increasing the following account within Engineering:

Building Maintenance of Facility (101-0071-5271)	\$40,000
--	----------

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the 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 to provide for the timely repair to the elevator serving City Hall, restoring required ADA access to all levels, 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

City Personal & Equipment	Hours	Department	Wages	Cost
Scott Stachler	25	Public Works	\$47.57	\$1,189.25
Ryan Fought	29	Public Works	\$38.01	\$1,102.29
Zack Adams	6	Public Works	\$38.01	\$228.06
Chris Ward	16	Public Works	\$38.01	\$608.16
Charles Dukes	6	Public Works	\$54.61	\$327.66
Greg Doubikins	3	Public Utilities	\$50.99	\$152.97
Randy Jackson	2	Public Utilities	\$38.01	\$76.02
Jarred Penrod	2	Public Utilities	\$38.01	\$76.02
Perry Mickley	2	Public Utilities	\$54.61	\$109.22
Hydraulic Pump	8	Public Utilities	\$9.25	\$74.00
Gas Trash Pump	8	Public Works	\$8.91	\$71.28
Electric Submersible Pump	10	Public Works	\$8.91	\$89.10
Total Labor				\$4,104.03
Supplies				
2- Boxes 38X58 Bags				\$143.00
2 -Boxes 30X36 Bags				\$83.00
1- Box Foaming Hand Soap				\$47.58
2- Boxes Urinal Screens				\$37.96
3- Boxes Female Napkin Bags				\$114.27
Ezmerelda Cleaners				
Box Of Cleaning Rags				\$15.00
Duster Heads				\$15.00
Mop Heads/floor scribbers	3		\$11.00	\$33.00
Total Supplies				\$488.81
Records & Remediation				
ServPro - Basement Flood cleanup				\$8,597.84
ServPro -Restoration of files in basement				\$11,776.65
Total Records Remediation				\$20,374.49
Professional Services & Equipment				
It Department				
Battery Back Up For Computer				\$100.00
HVAC System				
Control Module For Chiller				\$1,800.00
Elevator Repairs				
Davis & Newcomer Elevator				\$521.50
Davis & Newcomer Elevator				\$642.00
Davis & Newcomer Elevator-breakdown below				\$11,600.00
Infrared curtain (front & rear)				
Emergency cab light and alarm bell				
Electrical connectors				
New battery and connectors				
Replace 70 conductor electrical car travelling cable				
Davis & Newcomer Elevator-load test				\$1,500.00
Davis & Newcomer Elevator -breakdown below				
Replaced the packing on the hydraulic cylinder				\$2,500.00
Total Services and Equipment				\$18,663.50
Total Cost of Damages				\$43,630.83



FACT SHEET

AGENDA ITEM NO: 26

DATE: 9/12/16

ORDINANCE NO: 16-82

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
Adam Moore, Police Captain

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDETF) PROGRAM FOR REIMBURSEMENT OF OVERTIME INCURRED FROM ASSISTING WITH OCDETF INVESTIGATIONS AND TO EXECUTE SUCCESSOR AGREEMENTS BETWEEN THE SAME PARTIES WITH SUBSTANTIALLY SIMILAR CONDITIONS, AND DECLARING AN EMERGENCY.

BACKGROUND:

The Delaware Police Department currently has two detectives assigned to the Delaware County Drug Task Force. In this assignment, the detectives conduct narcotics investigations related to drug trafficking within the City of Delaware and Delaware County. At times, based on circumstances, these cases are adopted for federal prosecution due to interstate or international connections. The OCDETF program allows for reimbursement of local overtime costs related to these joint investigations.

REASON WHY LEGISLATION IS NEEDED:

Legislative approval required to authorize City Manager to enter an agreement with the Organized Crime Drug Enforcement Task Force Program. The legislation would renew a substantially similar agreement from 2015 and allow the City Manager to continue the agreements provided the conditions of either party do not change.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Upon agreement, the City of Delaware would be eligible for reimbursement of overtime costs related to joint investigations that were adopted as federal cases.

POLICY CHANGES:

None

PRESENTER(S):

Chief Bruce Pijanowski
Capt. Adam Moore

RECOMMENDATION:

Approval

ATTACHMENT(S)

Previously approved OCDETF agreement

ORDINANCE NO. 16-82

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE (OCDETF) PROGRAM FOR REIMBURSEMENT OF OVERTIME INCURRED FROM ASSISTING WITH OCDETF INVESTIGATIONS AND TO EXECUTE SUCCESSOR AGREEMENTS BETWEEN THE SAME PARTIES WITH SUBSTANTIALLY SIMILAR CONDITIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware Police Department participates in the Organized Crime Drug Enforcement Task Force (OCDETF) Program to combat organized crime, and

WHEREAS, entering into an agreement with the OCDETF program will allow the city to receive reimbursement for overtime costs incurred by officers working full-time on OCDETF cases, and

WHEREAS, the agreement with the OCDETF program, with the same conditions, is required for each investigation and requires renewal for each federal fiscal year.

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

SECTION 1. That the City Manager is hereby authorized and directed to enter into an agreement with the OCDETF Program and to execute successor agreements between the parties with substantially similar conditions.

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, and

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to enable the City to enter into the agreement in a timely manner to ensure that the City will receive reimbursement for overtime costs and 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

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
FY 2016 Agreement
FOR THE USE OF THE STATE AND LOCAL
OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE PROGRAM

Federal Tax Identification #: 31-6400225

DC#: R-32-

Amount Requested: \$ <u>10,000.00</u>
Number of Officers Listed: <u>2</u>

OCDETF Investigation / Strategic Initiative Number: <u>GL- OHS-0275</u>
Operation Name: <u>Operation Buckeye Blitz</u>

From: <u>10/01/2015</u> Beginning Date of Agreement
To: <u>9/30/2016</u> Ending Date of Agreement

Federal Agency Investigations: Number: <u>CU13HE15SY0499</u>

State or Local Agency
Narcotics Supervisor: <u>Sgt. Randy Pohl</u>
Telephone Number: <u>740-833-2813</u>
E-mail Address: <u>rpohl@co.delaware.oh.us</u>
Fax # (if applicable): _____

State or Local Agency Name and Address: <u>Delaware Police Department</u> <u>70 N. Union Street</u> <u>Delaware, Ohio 43015</u>
--

Sponsoring Federal Agency(ies): <u>HSI</u>

Sponsoring Federal Agency Group/Squad Supervisor: <u>Celeste Koszut</u>
Telephone Number: <u>614-469-5705 x2113</u>
E-mail Address: <u>Celeste.M.Koszut@ice.dhs.gov</u>

Please provide the name, telephone number, e-mail address, and fax number for the **administrative or financial staff person at the State or Local Agency, who is directly responsible for the billing on the Reimbursement Request:**

Name: Captain Adam Moore

Telephone Number: 740-203-1109

E-mail Address: amoore@delawareohio.net

Fax # (if applicable): 740-203-1198

This Agreement is between the above named State or Local Law Enforcement Agency and the Organized Crime Drug Enforcement Task Forces (OCDETF) Program. This Agreement shall be effective when signed by an authorized State or Local Agency official, the sponsoring Federal Agency Special Agent-In-Charge, the sponsoring Agency Regional OCDETF Coordinator, the Assistant United States Attorney Regional OCDETF Director, and the OCDETF Executive Office.

1. It is agreed that the State or Local Law Enforcement officers named on this Agreement will assist in OCDETF Investigations, Strategic Initiatives and prosecutions as set forth in the Organized Crime Drug Enforcement Task Forces State and Local Overtime and Authorized Expense/Strategic Initiative Programs, Policies and Procedures Manual, Fiscal Year 2016.
2. No individual Agreement with a State or Local department may exceed \$25,000, and the cumulative amount of OCDETF State and Local overtime monies that may be expended on a single OCDETF Investigation or Strategic Initiative in a single fiscal year may not exceed \$50,000 without express prior approval from the OCDETF Executive Office. The OCDETF Executive Office will entertain requests to exceed these funding levels in particular cases. Please submit a written request including justification approved by the AUSA Regional Director to the OCDETF Budget Officer/Deputy Budget Officer when seeking to exceed the above stated funding levels.
3. Each Reimbursable Agreement will be allowed no more than six (6) modifications per year. In addition, if the funds for a particular Agreement are completely deobligated with the intention of closing that Agreement, it will not count as a modification for purposes of this policy. These amendments must be transmitted by a memorandum approved and signed by the AUSA Regional OCDETF Director or designee for the region and sent to the OCDETF Executive Office.
4. If an Agreement does not have any activity during the last ninety (90) days, the funds shall automatically be deobligated. The OCDETF Executive Office will assist with the monitoring of the aging Agreements. Further, if a State or Local Agency indicates that it is no longer performing work under a particular Agreement, the State and Local Overtime and Authorized Expense/Strategic Initiative Programs, Policies and Procedures Manual requires that a modification memorandum identifying the amount to be deobligated be submitted to the OCDETF Executive Office as soon as possible after determining that no work is being performed.
5. The State and Local Law Enforcement Agency must provide billing estimates or activity on a quarterly basis.

6. The State or Local Law Enforcement Agency agrees to provide experienced drug Law Enforcement officers who are identified in this Agreement to work on the specified OCDETF Investigation or Strategic Initiative. Any change in Law Enforcement officers assigned must be agreed to by all approving officials.
7. Officers who are not deputized shall possess no Law Enforcement authority other than that conferred by virtue of their position as a commissioned officer of their parent Agency.
8. Officers who are deputized may possess Federal Law Enforcement authority as specified by the Agency affording the deputation.
9. Any State or Local officers assigned to an OCDETF Investigation or Strategic Initiative in accordance with this Agreement are not considered Federal employees and do not take on the benefits of Federal employment by virtue of their participation in the Investigation or Strategic Initiative.
10. OCDETF and the sponsoring Federal Law Enforcement Agency(ies) for the approved OCDETF Investigation or Strategic Initiative will provide to the assigned State/Local officers the clerical, operational and administrative support that is mutually agreed to by the parties in this Agreement.
11. Officers assigned to OCDETF Investigations or Strategic Initiatives should work full-time on the Investigation(s) or Strategic Initiative(s) in order to be paid overtime. In order to satisfy the "full-time" expectation, a Law Enforcement officer should work forty (40) hours per week or eight (8) hours per day on a single or multiple OCDETF Investigation(s) or Strategic Initiative(s). Any established exceptions or waivers to this definition shall be requested by the Regional Coordination Group and attached as Addendum A to the Agreement. [The parent State or Local Agency must pay the base salary of its officers. In the event officers must work overtime on an OCDETF Investigation or Strategic Initiative, the OCDETF Program will reimburse the parent State or Local Law Enforcement Agency for a limited amount of those overtime costs.] The Agency is responsible for paying its Law Enforcement officer(s) for their overtime, travel and per diem expenses. To ensure proper and complete utilization of OCDETF overtime and expense allocations, reimbursement claims must be submitted monthly on the OCDETF Reimbursement Request Form. The OCDETF Executive Office may refuse payment on any reimbursement request that is not submitted to the OCDETF Regional Coordination Group within thirty (30) days of the close of the month in which the overtime was worked.
12. It is the responsibility of the State & Local Agency to retain and have available for inspection sufficient supporting documentation for all regular hours and overtime hours worked towards a specific OCDETF case. Officers' timesheets must reflect work towards a specific OCDETF case and must be reviewed and signed by an authorized State & Local official.

13. Analysis of reimbursement claims by the Regional Coordination Group may result in a modification of the obligation of funds contained within this Agreement as well as the time period covered. The Agency affected by any such modification will receive a memo notifying them of the changes.
14. Overtime payments, including all other non-OCDETF Federal sources (such as Safe Streets, HIDTA, IRS, ICE, FEMA, etc.) may not, on an annual per person basis, exceed 25% of the current approved Federal salary rate in effect at the time the overtime is performed. The State or Local Agency is responsible for ensuring that this annual payment is not exceeded. The Executive Assistant/OCDETF Program Specialist will monitor these payments via MIS and communicate to the Federal Agency Regional OCDETF Coordinators who provide status updates to any officer approaching the threshold.
15. The overtime log must be attached to the reimbursement request when submitting the monthly invoices. The Sponsoring Federal Agency Supervisory Special Agent and the State or Local official authorized to approve the Reimbursement Request must certify that only authorized expenses are claimed, the regular hours requirement is satisfied, and that overtime has not exceeded 25% of the current Federal salary rate in effect at the time the overtime was worked.
16. Under no circumstances will the State or Local Agency charge any indirect costs for the administration or implementation of this Agreement.
17. The State or Local Agency shall maintain complete and accurate records and accounts of all obligations and expenditures of funds under this Agreement for a period of six (6) years and in accordance with generally accepted accounting principles to facilitate inspection and auditing of such records and accounts.
18. The State or Local Agency shall permit examination and auditing by representatives of the OCDETF Program, the sponsoring Federal Agency(ies), the U.S. Department of Justice, the Comptroller General of the United States, and/or any of their duly-authorized agents and representatives, of any and all records, documents, accounts, invoices, receipts, or expenditures relating to this Agreement. Failure to provide proper documentation will limit State or Local Law Enforcement Agencies from receiving OCDETF funding in the future.
19. The State or Local Agency will comply with Title VI of the Civil Rights Act of 1964 and all requirements applicable to OCDETF Agreements pursuant to the regulations of the Department of Justice (see, e.g., 28 C.F.R. Part 42, Subparts C and G; 28 C.F.R. 50.3 (1991)) relating to discrimination on the grounds of race, color, sex, age, national origin or handicap.

20. This Agreement may be terminated by any of the parties by written notice to the other parties ten (10) business days prior to termination. Billing for outstanding obligations shall be received by OCDETF within thirty (30) days of the notice of termination.
21. The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT). In accordance with the act, all OCDETF reimbursement payments will be issued via EFT. All participating State and Local Agencies must complete and submit the attached EFT form. The OCDETF Executive Office must receive one EFT form from each participating Agency or police department prior to processing their reimbursement payments. In certain circumstances the OCDETF Executive Office may make exceptions for Agencies that are unable to accept this form of payment, however, such Agencies must include written justification in the addendum of each new Agreement.
22. All changes made to the original Agreement must be approved by the OCDETF Executive Office and initialed by the Executive Assistant/OCDETF Program Specialist of the Regional Coordination Group making the revision. The AUSA Regional OCDETF Director or designee must initial all funding changes.
23. The Regional Coordination Group is responsible for identifying and implementing any additional policy requirements, as needed, for its specific region. Those regional policies will be documented in the Addendum B and attached to the approved Agreement. The Agencies are agreeing to adhere to these additional requirements and must have written approval by the Regional Coordination Group for any exceptions to the regional policies.

This Agreement is not a contract or obligation to commit Federal funds in the maximum amounts projected. Funding allocations for the time period set forth and agreed to herein represent projections only and are based upon consultation between the sponsoring Federal Agency and the State or Local Law Enforcement Agency. They are, therefore, subject to modification by OCDETF based upon the progress and needs of the OCDETF Investigation or Strategic Initiative. Additionally, resources are contingent upon the availability of funds per the approval and signature of the OCDETF Executive Office obligating authority. The OCDETF Executive Office will approve and certify that all the terms and conditions of the Agreement have been met.

Each Agreement must be approved and signed by a State or Local Law Enforcement Agency official who has supervisory authority over, and is authorized to assign, the participating Law Enforcement officers to the OCDETF Investigation or Strategic Initiative.

Approved By: _____
Authorized State or Local Official Title Date

Approved By: _____
Sponsoring Federal Agency Special Agent in Charge or Designee Date

Approved By: _____
Sponsoring Agency Regional OCDEF Coordinator Date

Approved By: _____
Assistant United States Attorney Regional OCDEF Director Date

Funds are encumbered for the State/Local Agency overtime costs and authorized expense/Strategic Initiative Programs specified above. **Subject to availability of funds.**

Funds Certified: _____
OCDEF Executive Office Date

Approving Official: _____
OCDEF Executive Office Date

**ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
OCDETF STATE AND LOCAL OVERTIME POLICIES AND PROCEDURES**

FY 2016 GREAT LAKES REGION ADDENDUM A

Definition of "Full-Time Participation"

Officers assigned to OCDETF Investigations or Strategic Initiatives are expected to work full-time on the Investigation(s) or Strategic Initiative(s) in order to be paid overtime. In order to satisfy the "full-time" expectation, a Law Enforcement officer should work forty (40) hours per week or eight (8) hours per day on a single or multiple OCDETF Investigation(s) or Strategic Initiative(s).

Exceptions to the "Full-Time Participation" Rule

There are limited circumstances where OCDETF State and Local Overtime funding may be made available.

1. If the officer/agent is not exclusively assigned to work full-time on OCDETF matters, then overtime can be reimbursed if the officer worked eight hours of regular time *in a given day* on OCDETF investigations, overtime may be claimed for *that date* without a waiver.

2. When a small state or local agency has insufficient personnel to allow the "full-time" commitment of officers, an email must be sent to the Regional Agency coordinator requesting and justifying the exception before the overtime is worked. If the coordinator approves it, he will forward it to the USAO for approval. *If no regular hours were worked, no more than sixteen hours of overtime may be reimbursed in a month* for any officer under this provision.

3. If an unforeseen event occurs, such as an unexpected surveillance, and the investigation would suffer without those additional resources, overtime may be reimbursed without the officer/agent having worked an eight (8) hour shift dedicated to the OCDETF investigation, provided that the OCDETF overtime is performed at the request of a supervisor of a sponsoring federal agency in the district where the investigation is being conducted. *If no regular hours were worked, no more than sixteen hours of overtime may be reimbursed in a month* for any officer under this provision.

A written justification for any waiver request where no regular hours were worked, under exceptions # 2 and #3, must be attached to each affected claim for reimbursement.

Acknowledged: _____
Signature of Authorized State or Local Official Title Date

X
X

**ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
OCDETF STATE AND LOCAL OVERTIME POLICIES AND PROCEDURES**

FY 2016 GREAT LAKES REGION ADDENDUM B

Authorization to expend funds under this Agreement is effective *only* after it has been *approved and funded* by the OCDETF Regional Coordination Group (RCG).

Provide an accurate address for the State/Local Supervisor – this is imperative for mailing purposes.

1. If additional officers must be added subsequent to the original agreement, the form adding officers must be submitted to the coordinator prior to permitting them to work overtime.
2. Officers ranked above sergeant will not be eligible for overtime.
3. Reimbursement for travel and per diem costs for state and local officers under this agreement is not covered under this agreement and is the responsibility of the sponsoring federal agency.
4. All overtime reimbursement requests must be submitted to the RCG within thirty days of the close of the month in which the overtime was worked, and monthly reimbursement estimates and zero amounts are to be provided to Coordinators by the 15th each month.
5. A reimbursement form must be submitted each month, *even if the amount is zero. If no regular or overtime hours were worked, a cover page reporting 0 hours must be submitted. The log does not need to be submitted in that situation.*

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Acknowledged: _____
Signature of Authorized State/ Local Official Title Date

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

PAYEE/COMPANY INFORMATION (State & Local Agency name and address must match Agreement cover sheet)

State & Local Agency: City of Delaware	
Address: 1 S. Sandusky Street Delaware, Ohio 43015	
Taxpayer ID Number: 31-6400225	
Contact Person Name: Rob Alger	Telephone Number: 740-203-1203

FINANCIAL INSTITUTION INFORMATION

Bank Name: Delaware County Bank & Trust
Nine-Digit ABA Routing Transit Number: 044103086
Depositor Account Number: 10006
Type of Account: (checking/savings) Checking

Please return with the Reimbursable Agreement

The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT). A benefit of receiving payments by EFT is that your funds are directly deposited to your account at a financial institution and are available to you on the date of payment.

If you have any question regarding the delivery of remittance information, please contact the financial institution (bank) where your account is held.

If you have any question on the completion of this form, please contact the OCDETF State and Local EFT Coordinator at 202-514-1860

To inquire about a bill please contact:
<https://www.ipp.gov/>



FACT SHEET

AGENDA ITEM NO: 27

DATE: 9/12/16

ORDINANCE NO: 16-83

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
Adam Moore, Police Captain

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (MOU) BETWEEN THE U.S. IMMIGRATION & CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS AND THE DELAWARE POLICE DEPARTMENT DESIGNATING DELAWARE POLICE DETECTIVES, ASSIGNED TO THE DELAWARE COUNTY DRUG TASK FORCE, AS "HSI/CUSTOMS TASK FORCE OFFICERS" AND TO EXECUTE ANY SUBSEQUENT AGREEMENTS BETWEEN THE SAME PARTIES WITH SUBSTANTIALLY SIMILAR CONDITIONS, AND DECLARING AN EMERGENCY.

BACKGROUND:

The Delaware Police Department currently has two detectives assigned to the Delaware County Drug Task Force. In this assignment, the detectives conduct narcotics investigations related to drug trafficking within the City of Delaware and Delaware County. At times, based on circumstances, these cases are adopted for federal prosecution due to interstate or international connections. The memorandum of understanding requested in this resolution would confer limited federal authority to the Delaware Police Detectives allowing them to work cooperatively, on local cases, with our State and Federal partners that ultimately are federally prosecuted; also ensuring the City of Delaware is eligible for federal re-imbusement of overtime costs associated with these investigations.

REASON WHY LEGISLATION IS NEEDED:

Legislative approval required to authorize City Manager to enter a memorandum of understanding with HSI/ICE. The memorandum of understanding is necessary to confer limited federal authority to Delaware Police Detectives conducting local narcotics investigations that may result in federal prosecutions and to ensure the City of Delaware is eligible to apply for federal reimbursement of overtime costs related to these investigations.

Agreement Deadline – September 16, 2016

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

Upon execution of the agreement the City of Delaware would be eligible to apply for federal reimbursement of overtime costs related to Delaware Police Detectives conducting local narcotics investigations that result in federal prosecution.

POLICY CHANGES:

N/A

PRESENTER(S):

Chief Bruce Pijanowski
Capt. Adam Moore

RECOMMENDATION:

Approval

ATTACHMENT(S)

ICE Form 73-002 (05/14) Memorandum of Understanding

ORDINANCE NO. 16-83

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (MOU) BETWEEN THE U.S. IMMIGRATION & CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS AND THE DELAWARE POLICE DEPARTMENT DESIGNATING DELAWARE POLICE DETECTIVES, ASSIGNED TO THE DELAWARE COUNTY DRUG TASK FORCE, AS "HSI/CUSTOMS TASK FORCE OFFICERS" AND TO EXECUTE ANY SUBSEQUENT AGREEMENTS BETWEEN THE SAME PARTIES WITH SUBSTANTIALLY SIMILAR CONDITIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware Police Department participates in the Delaware County Drug Task Force and conducts investigations jointly with the department of U.S. Immigration and Customs Enforcement Homeland Security Investigations (ICE/HIS,) and

WHEREAS, entering into an agreement with ICE/HSI will allow Delaware Police Detectives assigned to the Delaware County Drug Task Force to be designated "task force officers" under Title 19 of the United States Code and Chapter 177 of the Ohio Revised Code, and

WHEREAS, the designation of "task force officers" will facilitate the effective enforcement of laws relating homeland security and narcotics trafficking, and

WHEREAS, Delaware Police Department personnel assignments to the Delaware County Drug Task Force changes from time to time.

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

SECTION 1. That the City Manager is hereby authorized and directed to enter into an agreement with the department of U.S. Immigration and Customs Enforcement Homeland Security Investigations designating Delaware Police personnel "task force officers" and execute successor agreements with substantially similar conditions.

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, and

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to enable the City to enter into the agreement in a timely manner to ensure that the City will receive reimbursement for overtime costs and 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

MEMORANDUM OF UNDERSTANDING

between

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
HOMELAND SECURITY INVESTIGATIONS**

and

DELAWARE CITY POLICE DEPARTMENT

regarding

**THE DESIGNATION OF DELAWARE CITY POLICE DEPARTMENT EMPLOYEES
AS CUSTOMS OFFICERS (EXCEPTED)**

1. **PARTIES.** The Parties to this Memorandum of Understanding (MOU) are U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and DELAWARE CITY POLICE DEPARTMENT.
2. **AUTHORITY.** Title 19, United States Code (U.S.C.), Section 1401(i); 19 U.S.C. § 1589a. This MOU is also authorized under the provisions of OHIO REVISED CODE CHAPTER 177.
3. **PURPOSE.** The Parties agree that effective enforcement of the laws relating to HSI jurisdiction requires close cooperation and coordination between the two Parties. The Parties have therefore entered into this MOU to govern the use of HSI designations by certain employees of DELAWARE CITY POLICE DEPARTMENT.

Pursuant to section 401(i), Tariff Act of 1930, as amended (19 U.S.C. § 1401(i)), the Secretary of Homeland Security is authorized to designate persons as Customs Officers (Excepted) to perform the duties of a Customs Officer. Within ICE, this authority has been delegated to the HSI Special Agents in Charge. Pursuant to 19 U.S.C. § 1589a, customs officers are authorized to enforce the full range of federal offenses. However, in designating Customs Officers (Excepted), *HSI is not conveying the authority to enforce administrative violations of immigration law.*

There may be instances when HSI determines that it is desirable for certain sworn law enforcement employees of DELAWARE CITY POLICE DEPARTMENT to perform certain HSI duties. This MOU sets forth the agreement and relationship between the Parties with respect to this determination.

4. RESPONSIBILITIES.

The Parties agree as follows:

HSI agrees to:

- a. Designate certain employees of DELAWARE CITY POLICE DEPARTMENT as Customs Officers (Excepted), without additional compensation, to perform the duties as noted on the "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001). This form is attached and is hereby made part of this MOU;
- b. Issue a "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001) to each qualified and designated employee;
- c. Provide appropriate training in laws, policies, and procedures to each designated employee;

- d. Advise the designated Customs Officers (Excepted) about court proceedings concerning seizures or arrests made by them in accordance with the authorities granted by HSI contemplated under this MOU; and
- e. Process, under appropriate regulations, any injury claim submitted as a result of injuries occurring to the designated Customs Officers (Excepted) while such individuals are acting pursuant to this MOU, for compensation under the Federal Employee Workers Compensation Act (5 U.S.C. § 8101, *et seq.*).

DELAWARE CITY POLICE DEP agrees:

- a. That only sworn law enforcement officers of DELAWARE CITY POLICE DEPARTMENT who successfully complete the appropriate HSI Task Force Officer cross-designation Training Course and receive an approved "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001) will be designated as Customs Officers (Excepted);
- b. That each law enforcement officer will be bound by the Authorities Granted and the Endorsements and Restrictions as noted on the "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001);
- c. To advise HSI of each court proceeding in which the validity of a Customs Officer (Excepted)'s enforcement authority becomes an issue, and allow HSI to provide legal memoranda or other assistance as deemed necessary by HSI;
- d. That agency employees designated as Customs Officers (Excepted) will follow HSI directives and instructions when utilizing enforcement authority conveyed by HSI;
- e. To provide to HSI, before designation of each officer and on an ongoing basis, any derogatory information, or information that may call into question the officer's truthfulness or ability to testify in court; and
- f. To return all HSI-issued equipment and identification when a cross-designated officer terminates employment or when his or her cross-designation expires.

Both Parties agree:

- a. That any abuse of HSI cross-designation authority may lead to the revocation of such cross-designations by HSI; and
- b. To schedule periodic meetings to review this MOU, as required.

5. **REPORTING AND DOCUMENTATION.** HSI SAC offices will maintain the original signed "Designation, Customs Officer (Excepted) – Title 19 Task Force Officer" (ICE Form 73-001). Copies of this form will be held by the Contraband Smuggling Unit at HSI Headquarters, the designated Customs Officer (Excepted), and DELAWARE CITY POLICE DEPARTMENT.

If applicable, the HSI office will maintain documentation of designated Customs Officers (Excepted) approved to use HSI vehicles and certification that the designated Customs Officers (Excepted) have completed the ICE Fleet Card Training in Virtual University and any other fleet related training.

6. POINTS OF CONTACT.

HSI Office: HSI DETROIT
Name: ANTHONY C. ROMOLINO
Title: SPECIAL AGENT, TFO COORDINATOR
Address: 477 MICHIGAN AVENUE, 1850
DETROIT, MI 48226
Telephone Number: +1 (313) 806-7755
Fax Number:
E-mail Address: anthony.romolino@dhs.gov

DELAWARE CITY POLICE DEP :
Name:
Title:
Address:
Telephone Number:
Fax Number:
E-mail Address:

7. OTHER PROVISIONS. This MOU is an internal agreement between the Parties and does not confer any rights, privileges, or benefits to any other party or the public.

Nothing in this MOU is intended to conflict with current laws, regulations, or policies of either Party. If a term of this MOU is inconsistent with such authority, that term shall be invalid but the remaining terms and conditions of this MOU shall remain in full force and effect.

Nothing in this MOU is intended or shall be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury in violation of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1519.

The forms and authorities referenced herein may be renamed or replaced by HSI without prejudice to this MOU.

8. EFFECTIVE DATE. The terms of this MOU will become effective on the date the last Party signs the MOU. The Designation Form of each Customs Officer (Excepted) is effective per the date on that document.

9. MODIFICATION. This MOU may be amended by the written concurrence of both Parties.

10. TERMINATION. This MOU may be terminated by either Party upon a 30-day written notification to the other Party.

APPROVED BY:

Marlon V. Miller
Name of HSI Official

Special Agent in Charge
Title of HSI Official
Homeland Security Investigations
U.S. Immigration and Customs Enforcement

Date: _____

Name of Other Party's Official

Title of Other Party's Official
Name of Other Party's Agency

Date: _____



FACT SHEET

AGENDA ITEM NO: 28

DATE: 9/12/16

ORDINANCE NO: 16-84

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
Adam Moore, Police Captain

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MULTI-AGENCY CRISIS INTERVENTION TEAM (MACIT) AND EXECUTE SUCCESSOR AGREEMENTS IN SUBSEQUENT YEARS; PROVIDED THEY ARE SUBSTANTIALLY SIMILAR.

BACKGROUND:

The Multi-Agency Crisis Intervention Team is a broad group of local law enforcement, medical, and social service partners/stakeholders that meet and work collaboratively to provide services to Delaware County residents suffering from mental illness. The Delaware Police Department is a founding member of this group. Both the Delaware Police Department and the Delaware Fire Department currently participate in this program.

REASON WHY LEGISLATION IS NEEDED:

Legislative approval required to authorize City Manager to execute the Multi-Agency Crisis Intervention Team MOU. The MOU is necessary, in connection with state and federal law; to facilitate information sharing that is otherwise protected.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

None

PRESENTER(S):

Chief Bruce Pijanowski

Capt. Adam Moore

RECOMMENDATION:

Approval

ATTACHMENT(S)

MACIT Memorandum of Understanding

ORDINANCE NO. 16-84

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE MULTI-AGENCY CRISIS INTERVENTION TEAM (MACIT) AND EXECUTE SUCCESSOR AGREEMENTS IN SUBSEQUENT YEARS; PROVIDED THEY ARE SUBSTANTIALLY SIMILAR.

WHEREAS, the City of Delaware participates in the Multi-Agency Crisis Intervention Team (MACIT,) and

WHEREAS, the MACIT group includes multiple local public service agencies, medical practitioners, and court personnel that share information to work collaboratively in service to Delaware County residents suffering mental illness, and

WHEREAS, the sharing of personal information between agencies, that is otherwise protected by law is necessary, and

WHEREAS, entering an agreement with the Multi-Agency Crisis Intervention Team will facilitate the legal sharing of protected information.

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

SECTION 1. That the City Manager is hereby authorized and directed to enter into an agreement with the Multi-Agency Crisis Intervention Team and execute any successor agreements that are substantially similar.

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, and

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___ NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

Multi-Agency Crisis Intervention Team

MEMORANDUM OF UNDERSTANDING

I. Purpose and Scope:

By entering this memorandum of understanding, the undersigned entities create a multiagency crisis intervention team. This agreement identifies the roles and responsibility of members of the team as it relates to clients in crisis. In particular, this MOU is intended to:

1. Establish the multiagency crisis intervention team
2. Increase efficiency of response to clients in crisis
3. Avert potential crisis when possible.

II. Member Responsibilities

By signing this MOU, members agree to:

- A. Members will assign a staff member to represent the group at quarterly meetings. Members will attempt to send someone with knowledge of the work of the group to facilitate participation and decision making. Agency Heads will attend at least one meeting per year.
- B. Members agree to share information with the group relating to clients that may be in crisis, or may be at risk of a future crisis unless prohibited by statutory or judicial confidentiality requirements.
- C. Individual Teams: The Multiagency crisis intervention team will establish a team for each individual identified as a client in crisis. This team will be tailored to that client's needs and will develop a strategy for each client.
 - a. Members agree to provide a staff member to an individual team when relevant to the client's needs.
 - b. Members agree to obtain waivers to permit the sharing of information about the client to other members of the client's individual team. The Standard Waiver Form adopted by the Team will be used as the accepted waiver for all Member Agencies. All Member Agencies agree that the Standard Waiver Form will be considered as an acceptable waiver for their Agency's release of information.
 - c. Members agree to share information obtained about the client with other members of the team.
 - d. Individual teams will meet as needed, depending on the circumstances of the client.
- D. Law Enforcement Agencies: In addition to the member responsibilities listed above, the agency will do the following:
 - a. Provide CIT trained officers to work with the team.
 - b. Maintain records of crisis calls and the outcome of the calls.

III. Funding

Each member will bear the cost of participation in the group. This MOU does not include reimbursement of funds between the member agencies.

IV. Effective Date and Termination

This MOU is effective upon signature by an official authorized to sign on behalf of the member. Member agencies may terminate membership by providing written notice to the other active members of the group. This MOU will be effective for a period of one (1) year. The MOU shall be reviewed each year by the Department Head of each member agency. The MOU shall renew automatically for an additional one (1) year term unless written notice of termination or a written request for formal review is received from any of the members. Upon written request for formal review, the member agencies shall consider any desired changes to the MOU at the next scheduled meeting.

Authorizing Signature _____

Agency _____

Date _____



FACT SHEET

AGENDA ITEM NO: 29

DATE: 9/12/16

ORDINANCE NO: 16-85

RESOLUTION NO:

READING: FIRST

PUBLIC HEARING: YES
September 26, 2016 at 7:30 p.m.

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Bruce Pijanowski, Chief of Police

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

AN ORDINANCE AMENDING SECTIONS OF THE CITY OF DELAWARE'S CODIFIED ORDINANCES PERTAINING TO PARKING AND TRAFFIC: SECTIONS 197.02 (FEE SCHEDULE AS IT PERTAINS TO PARKING TICKETS), 351.03 (PROHIBIT STANDING OR PARKING PLACES), 351.14 (HEAVY VEHICLES AND TRAILERS), and 351.19 (ENFORCEMENT; VIOLATION NOTICE; WAIVER).

BACKGROUND:

197.02 - It has been discovered that the fine for 353.08(a)(2) parking outside of the lines was not clearly identified in the fee schedule (197.02 of the Delaware Codified Ordinance.) While it can be concluded that parking over the lines can be considered prohibited parking, this ordinance will clean up the issue and make it clear that the violation for parking over the line is \$25.00 by adding it to the fee schedule for parking violations.

351.03 - There was recently a safety concern with vehicles parking too closely to a mid-block crosswalk. This obstructed pedestrian's views, as well as made it difficult for motorists to see pedestrians that were preparing to cross. While applying some enforcement to the issue, it was discovered that the language of the current ordinance (351.03 of the Delaware Codified Ordinance) prohibits parking within 20 feet of a crosswalk at an intersection. This language excludes mid-block crosswalks. This legislation will remove the requirement

that the crosswalk be located at an intersection, which will allow enforcement at all crosswalks.

351.14 - While working through a neighborhood issue regarding the parking of a commercial vehicle on a city street, it was learned that the language in the Delaware ordinance related to the parking of trucks or vehicle was outdated. Current language in 351.14 (D) of the Delaware Codified Ordinance carries prohibitions against the parking of a truck or commercial vehicle of a rated weight of more than one ton. The "one ton" terminology is confusing, outdated, and has been replaced by vehicle classes. This ordinance will change the prohibition from a gross vehicle rating of one ton to a class rating of Class 4.

351.19 - It has recently been discovered that Delaware Codified Ordinance 351.19 that addresses fines for handicap parking violations is not consistent with the Ohio Revised Code. The fine for a violation of the Delaware Codified Ordinance is \$40.00; however, 4521.02 of the Ohio Revised Code require that any local ordinance be consistent with the O.R.C., which would require a change in the penalty to at least \$250.00 and not more than \$500.00.

REASON WHY LEGISLATION IS NEEDED:

197.02 - This legislation will clear up any confusion or potential holes in the fee schedule as it pertains to parking over the line.

351.03 - This legislation will correct an oversight and create a standard that bars vehicles from parking within 20 feet of any crosswalk.

351.14 - This legislation will update language and make it easier to explain the prohibitions. Our current language causes confusion due to the weight reference. In the incident at hand, the offended parties could not understand how a vehicle that was legally parking was able to do so when the vehicle with load weighed more than one ton. The class distinction will be easier to explain.

351.19 - This legislation is needed to bring the City of Delaware into compliance with 4521.02 of the Ohio Revised Code, which requires that any fine for the violation of a handicap parking ordinance be at least \$250.00 and not more than \$500.00.

COMMITTEE RECOMMENDATION:

Parking and Safety approved the recommendation by a 3-0 vote.

FISCAL IMPACT(S):

351.19 - Increase in fine money generated for all handicap parking violations.

POLICY CHANGES:

None

PRESENTER(S):

Chief Bruce Pijanowski, Police Dept.

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-85

AN ORDINANCE AMENDING SECTIONS OF THE CITY OF DELAWARE’S CODIFIED ORDINANCES PERTAINING TO PARKING AND TRAFFIC: SECTIONS 197.02 (FEE SCHEDULE AS IT PERTAINS TO PARKING TICKETS), 351.03 (PROHIBIT STANDING OR PARKING PLACES), 351.14 (HEAVY VEHICLES AND TRAILERS), and 351.19 (ENFORCEMENT; VIOLATION NOTICE; WAIVER).

WHEREAS, the Parking and Safety Committee at its meeting of May 16, 2016 recommended approval of a package of amendments to Delaware Codified Ordinances to improve parking and traffic in the City;

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

SECTION 1. Section 197.02 of the Delaware Codified Ordinance is amended to include violations of parking over the line in the fee schedule as follows:

<p>351.99, 351.04</p>	<p>Parking Tickets</p>	<p>\$7.00 over time if paid by midnight (meter) \$10.00 over time if not paid by midnight \$40.00 over limit (2 hour parking) \$25.00 parking in prohibited spot \$25 PARKING OUTSIDE OF LINES If the vehicle has accumulated three tickets (over time, over limit, prohibited spot) in 30 days or five or more tickets in 60 days, the ticket fee will be doubled. \$250 HANDICAPPED PARKING VIOLATION, FIRST VIOLATION \$300 HANDICAPPED PARKING VIOLATION, SECOND VIOLATION \$500 HANDICAPPED PARKING VIOLATION, THIRD AND SUBSEQUENT VIOLATIONS \$20.00 late fee for tickets over 30 days old \$5.00 billing fee</p>
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SECTION 2. Section 351.03 (Prohibited standing or parking places) of the Delaware Codified Ordinance is amended to restrict parking within 20 feet of any crosswalk as follows:

351.03. - Prohibited standing or parking places.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (a) On a sidewalk, curb or street lawn area, except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk ~~at an intersection;~~

SECTION 3. Section 351.14 of the Delaware Codified Ordinance is amended to change the gross vehicle rating of one ton to the class rating of class 4 as follows:

351.14. - Heavy vehicles and trailers.

- (a) No operator or driver of any motor truck used for the delivery of merchandise to any retail dealer in the City, if prevented by lack of space from parking such truck in accordance with the parking regulations of the City, shall permit such truck to stand in or upon any street or alley for more than thirty minutes without the permission of the Police Department.
- (b) No person shall permit a motor vehicle or truck-trailer combination with an overall length of more than thirty feet, farm or construction equipment or combination thereof with an overall length of more than twenty-two feet, or unattached trailer, to be parked on any street or alley for more than one hour without the permission of the Police Department.
- (c) No person shall park any vehicle having a diesel engine and/or refrigeration unit in a residential area, or within 200 feet of a residential area, as indicated by the Zoning Map, for longer than ten minutes with either or both of such engines running.
- (d) No person shall permit a ~~truck or commercial~~ **CLASS 4** vehicle ~~of a rated weight of more than one ton~~ to be parked on any street or on any residential premises in any R District for more than one hour without the permission of the Police Department, provided that nothing herein shall prevent the parking of such vehicle in a fully enclosed garage or similar permanent structure.

SECTION 4. Section 351.19 (Enforcement; violation notice; waiver) of the Delaware Codified Ordinance is amended to increase the fine for handicap violations to a minimum of \$250.00 and a maximum of \$500.00 as follows:

351.19. - Enforcement; violation notice; waiver.

- (a) It shall be the duty of a Police Officer, Parking Control Officer or a Community Service Officer to report:
 - (1) The location indicating that the vehicle is in violation of any of the provisions of this chapter;

- (2) The state license number of such vehicle;
 - (3) The time during which such vehicle is parked in violation of any provisions of this chapter; and
 - (4) Any other facts knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- (b) Each such officer shall affix to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in an illegal manner and in violation of the provisions of this chapter, and instructing such owner or operator in regard to the penalties and methods of satisfying them.
- (c) Each such owner or operator referred to above may plead guilty and, as a penalty for and in full satisfaction of such violation **SHALL PAY THE FEE LISTED IN THE FEE SCHEDULE ESTABLISHED IN 197.02**, except violation of Section 351.04(f), **WHICH SHALL BE PAID UNDER THE HANDICAPPED PARKING VIOLATION IN THE FEE SCHEDULE**. ~~shall pay the Police Department fifteen dollars (\$15.00). For the first violation of Section 351.04(f), the penalty shall be forty dollars (\$40.00). For subsequent violations of Section 351.04(f), the penalty shall be increased in additional increments of twenty five dollars (\$25.00) for each subsequent violation, resulting in a sixty five dollar (\$65.00) penalty for a second violation, ninety dollars (\$90.00) for a third violation, and so forth, up to a maximum of one thousand dollars (\$1,000.00).~~
- (d) The penalty shall be paid in the following ways:
- (1) In person at the Police Department in the Justice Center;
 - (2) By depositing the fine in the envelope provided and dropping the envelope in the fine boxes provided; or
 - (3) By depositing the fine in the envelope provided, placing a stamp thereon and mailing the same.
- (e) If the owner or operator does not wish to plead guilty, such owner or operator, within seventy-two hours of the time such notice was attached to such vehicle, may appear in the Municipal Court. The failure of such owner or operator to pay such fine in one of the prescribed ways or to appear in the Municipal Court, within the periods of time specified herein, shall render such owner or operator subject to the penalties provided for a violation of any of the provisions in this chapter.
- (f) If the owner or operator does not either plead guilty or appear in the Municipal Court within seventy-two hours of the time such notice was attached to such vehicle, there will be an additional five dollar (\$5.00) mailing fee for each citation that generates a mailed notice during the normal mailing cycle.
- (g) If a parking violation ticket is not paid in full within thirty days of issuance, such fine shall be increased by an additional ten dollars (\$10.00) per violation.

SECTION 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION:

YEAS___NAYS___
ABSTAIN ___

PASSED: _____, 2016

YEAS___NAYS___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 30

DATE: 9/12/16

ORDINANCE NO: 16-86

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 PROVIDE FUNDING FOR THE CONCEPTUAL DRAWINGS FOR THE RUTHERFORD B. HAYES MEMORIAL, AND DECLARING AN EMERGENCY.

BACKGROUND:

A citizen driven committee is interested in raising funds for the construction of a Rutherford B. Hayes Memorial and water feature in downtown Delaware. In order to provide potential donors renderings, donations were collected through the Delaware County Foundation in order to pay for the conceptual drawings.

REASON WHY LEGISLATION IS NEEDED:

Donations are being collected through the Delaware Community Foundation. The City donated \$500 toward the project for conceptual drawings and therefore, we are simply acting as the pass through of funds in order to make payments to the design firm.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-86

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE FUNDING FOR THE CONCEPTUAL DRAWINGS FOR THE RUTHERFORD B. HAYES MEMORIAL, AND DECLARING AN EMERGENCY.

WHEREAS, fundraising efforts for the funding of the conceptual drawings for the Rutherford B. Hayes Memorial thus far have raised approximately \$5,000 which is being administered by the Delaware Community Foundation, and

WHEREAS, the cost to complete the conceptual drawings is \$5,000, and

WHEREAS, the City of Delaware's contribution toward the conceptual drawing costs will not exceed the initial \$500 contribution, and

WHEREAS, a supplemental appropriation will be necessary to provide the funding for the Rutherford B. Hayes Memorial conceptual drawings to the 2016 budget.

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

SECTION 1. That there is hereby appropriated from the unencumbered balance of the Capital Improvement Fund \$5,000 increasing the following account:

Rutherford B. Hayes Statue	(272-0272-5401)	\$5,000
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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 enable the City to enter into the agreement in a timely manner and 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 ___

EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR



FACT SHEET

AGENDA ITEM NO: 31

DATE: 9/12/16

ORDINANCE NO: 16-87

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 PROVIDE ADDITIONAL FUNDING FOR WORKER'S COMPENSATION PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

BACKGROUND:

The Department of Administrative Services has the responsibility of administering the Ohio Bureau of Workers Compensation program for the City of Delaware. It is DAS's responsibility to protect the City of Delaware's interests with respect to Workers' Compensation Claims. Occasionally there is a need to consult with outside legal counsel that specializes in BWC matters and third party medical providers to conduct various medical examinations in order to support the City's position.

REASON WHY LEGISLATION IS NEEDED:

This year, we have experienced a significant increase over past years in the number of cases in which we required outside professional services. We engaged outside legal counsel on numerous occasions so far in 2016 to represent the City of Delaware. Although these services resulted in fair conclusions from the BWC, we lack the funds to complete the work need in 2016. We believe that this is a one year glitch, however, DAS will keep a close eye on this fund in the future.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

The \$20,000 is being requested from the Workers' Compensation Fund Balance, which has a balance of \$1,932,995.

POLICY CHANGES:

N/A

PRESENTER(S):

Jackie Walker, Assistant City Manager

RECOMMENDATION:

Approval

ATTACHMENT(S)

N/A

ORDINANCE NO. 16-87

AN ORDINANCE SUPPLEMENTING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR WORKER'S COMPENSATION PROFESSIONAL SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Delaware appropriates funding for professional services related to Worker's Compensation cases, and

WHEREAS, this year has brought more than anticipated cases that have required the City to hire outside counsel in order to achieve the best possible outcomes and protect the City's interest, and

WHEREAS, the professional services line item for 2016 is currently \$10,000, and

WHEREAS, a supplemental appropriation to the 2016 budget will be necessary to engage outside counsel both for current and future needs of this type for the remainder of the year.

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

SECTION 1. That there is hereby appropriated from the fund balance of the Worker's Compensation Reserve Fund of \$20,000.00 increasing the following account:

Professional Services	(620-6210-5231)	\$20,000.00
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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, property, health, safety, welfare of the City. The emergency clause is necessary in order to bind the insurance for the 2016/ 2017 coverage year by July 31, 2016. As such, this ordinance will be in full force 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: 32

DATE: 9/12/16

ORDINANCE NO: 16-88

RESOLUTION NO:

READING: FIRST

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 AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE MUNICIPAL COURT INDIGENT DRIVER INTERLOCK ALCOHOL MONITORING (IDIAM) FUND, AND DECLARING AN EMERGENCY.

BACKGROUND:

An error occurred in posting Municipal Court indigent alcohol treatment fees. The adjustment for the error increased the balance available in the Court IDIAM (Indigent Driver Interlock Alcohol Monitoring) Fund and decreased the amount in the Court Alcohol Treatment fund. The original appropriation in the IDIAM Fund did not include the adjusted amount. Per the attached memo from the Court, the funds in the IDIAM Fund must be spent before other alcohol treatment funds. The IDIAM fees are used to pay for electronic monitoring devices for alcohol related offenses.

REASON WHY LEGISLATION IS NEEDED:

To increase the appropriation in the IDIAM Fund. See attached Court memo.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

None. Revenue offsets the additional appropriation.

POLICY CHANGES:

N/A

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Approval

ATTACHMENT(S)

Memo from Municipal Court (Rick Fair)

ORDINANCE NO. 16-88

AN ORDINANCE AMENDING THE 2016 APPROPRIATIONS ORDINANCE TO PROVIDE ADDITIONAL FUNDING FOR THE MUNICIPAL COURT INDIGENT DRIVER INTERLOCK ALCOHOL MONITORING (IDIAM) FUND, AND DECLARING AN EMERGENCY.

WHEREAS, a correction was made in 2016 to how IDIAM fees from Municipal Court are recorded in the City's fund accounting system, and

WHEREAS, the correction resulted in additional funds being made available in the IDIAM Fund, and

WHEREAS, money in the IDIAM Fund must be used for alcohol monitoring before other available funds can be used for this purpose, and

WHEREAS, a supplemental appropriation is necessary to authorize expenditure of the properly accounted for IDIAM fees in 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 IDIAM Fund \$18,000 increasing the following account:

Professional Services (241-2410-5231) \$18,000

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

SECTION 3. EMERGENCY CLAUSE. That this ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health and welfare of the City and for the further reason to provide timely utilization of funds available for the alcohol monitoring program in Municipal, and as such will be in full force and be in effect immediately upon its passage.

VOTE ON RULE SUSPENSION:

YEAS ___ NAYS ___
ABSTAIN ___

EMERGENCY CLAUSE:

YEAS ___ NAYS ___
ABSTAIN ___

PASSED: _____, 2016

YEAS ___ NAYS ___
ABSTAIN ___

ATTEST: _____
CITY CLERK

MAYOR

DELAWARE MUNICIPAL COURT

JUSTICE CENTER • 70 NORTH UNION STREET • DELAWARE, OHIO 43015-1939

DAVID P. SUNDERMAN
Judge

MARIANNE T. HEMMETER
Judge

KEVIN L. PELANDA
Magistrate

MEMO

TO: Dean Stelzer, Finance Director

FROM: Rick Fair, Municipal Court Jury Commissioner/Administrative Assistant 

DATE: August 2, 2016

RE: Supplemental Appropriation- Municipal Court Fund 241-2410-5231 (IDAM)

Dean, this is a request for a supplemental appropriation in the above referenced fund.

In May of 2016, an additional \$20,906.45 in revenue was deposited in the account as the result of a correction.

By statute, the court is required to make expenditures from this account for alcohol monitoring before using funds from the IDAT account (251-2510-5230). Therefore, with the additional revenue in the IDAM account, the court is requesting an additional appropriation of \$18,000.00.

If you have any questions regarding any of the above, please feel free to contact me.



FACT SHEET

AGENDA ITEM NO: 33

DATE: 9/12/16

ORDINANCE NO: 16-89

RESOLUTION NO:

READING: FIRST

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 BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,250,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE PROJECTS, AND DECLARING AN EMERGENCY.

BACKGROUND:

This ordinance authorizes the re-financing of general obligations bonds originally issued in 2006. The original issue was for 25 years with a call provision after 10 years. With interest rates very low for long term bonds we can issue 15 year refunding bonds that will save over \$500,000 in interest costs over the remaining 15 years of the issue.

REASON WHY LEGISLATION IS NEEDED:

City Council approval is necessary to issue debt. The ordinance includes an emergency clause just in case interest rates start to rise. We otherwise intend to go to 3 readings with the legislation.

COMMITTEE RECOMMENDATION:

Finance Committee - approval

FISCAL IMPACT(S):

Will reduce future debt service charges over the next 15 years.

POLICY CHANGES:

N/A

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Go to second reading

ATTACHMENT(S)

Supplemental Fiscal Officers Certificate.

ORDINANCE NO. 16-89

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,250,000 FOR THE PURPOSE OF PAYING THE COSTS OF REFUNDING BONDS PREVIOUSLY ISSUED BY THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF VARIOUS PUBLIC INFRASTRUCTURE PROJECTS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 06-45 passed March 27, 2006 (the “2006 Bond Ordinance”), bonds in the aggregate principal amount of \$5,690,000, dated June 6, 2006 (the “2006 Bonds”), were issued for the purposes described in Section 2; and

WHEREAS, this City Council finds and determines that it will be in the City’s best interest to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum principal amount of \$4,250,000 (the “Bonds”) in order to refund at a lower rate of interest all or a portion of the outstanding 2006 Bonds (collectively, the “*Outstanding 2006 Bonds*”), which Outstanding 2006 Bonds are subject to prior redemption at the option of the City at a redemption price of 100% of par plus any accrued interest to their redemption date, and to pay any expenses relating to that refunding and the issuance of the Bonds; and

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of each component of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is (a) December 1, 2031 for the component purpose described in clause (a)(i) of Section 2, (b) December 1, 2046 for the component purpose described in clause (a)(ii) of Section 2 and (c) December 1, 2036 for the component purpose described in clause (a)(iii) of Section 2;

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

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

“*Authorized Denominations*” means the denominations set forth in the Certificate of Award.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Escrow Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds, and to the extent it is determined necessary by the Director of Finance in the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement and the Registrar Agreement.

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

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

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

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

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

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

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

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

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

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

“Depository” means any securities depository that is a clearing agency 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 Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 10.

“Escrow Fund” means the City of Delaware, Ohio – Series 2016 Refunding Escrow Fund created pursuant to Section 10 and in accordance with the Escrow Agreement.

“Escrow Trustee” means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the

Certificate of Award pursuant to Section 10 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “*Escrow Trustee*” shall mean the successor Escrow Trustee.

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

“*Interest Payment Dates*” means the date or dates in each year that the Bonds are outstanding, and commencing on such date, all as shall be specified in the Certificate of Award.

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

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

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

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

“*Principal Payment Dates*” means the date or dates in each of the years as determined by the Director of Finance in the Certificate of Award, *provided* that the first Principal Payment Date for the portion of the Bonds allocable to a component purpose shall occur no later than the earliest maturity date of the Refunded Bonds related to that component purpose, and *provided further* that in no case shall the final Principal Payment Date of the portion of the Bonds allocable to any component purpose exceed the maximum maturity limitation referred to in the preambles hereto for that related component purpose, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Original Purchaser, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 6.

“*Redemption Date*” means the date designated by the Director of Finance in the Certificate of Award as the earliest practicable date on which the Refunded Bonds shall be redeemed in accordance with Section 10, *provided* that such Redemption Date shall be no later than ninety (90) days following the Closing Date.

“*Refunded Bonds*” means, collectively, the principal maturities of the Outstanding 2006 Bonds to be determined by the Director of Finance in the Certificate of Award as the maturities the refunding of which will be in the best interest of and to the financial advantage of the City.

“*Registrar Agreement*” means the Bond Registrar Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

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

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

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

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

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

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

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$4,250,000 (the “*Bonds*”) for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of (i) improving the municipal airport by constructing hangars, related taxiways, storm sewers and

water lines, installing fire hydrants and providing all necessary appurtenances, (ii) improving the City's water distribution system by constructing a new water storage tank, together with all necessary appurtenances thereto and (iii) extending the City's municipal sewer system, including the acquisition of interests in real estate, together with all related work and appurtenances thereto (collectively, the "*Improvement*"). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account the costs of refunding the Refunded Bonds, other City monies available for the purpose, the estimates of the Financing Costs and the interest rates on the Bonds. The Refunded Bonds shall be determined by the Director of Finance in the Certificate of Award as the maturities of the Outstanding 2006 Bonds the refunding of which will be in the best interest of and to the financial advantage of the City.

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

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing on all of the Principal Payment Dates, all as set forth in the Certificate of Award.

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

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

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

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each

Principal Payment Date, shall be such as to demonstrate a net present value savings to the City due to the refunding of the Refunded Bonds, after taking into account all expenses related to that refunding and the issuance of the Bonds.

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

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

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

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

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered.

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

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

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

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be

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

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

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

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

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

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the City Manager and the Director of

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

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

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

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

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

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

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

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

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

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the 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 hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the

Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, and the provisions of this Ordinance and, to the extent it is determined necessary by the Director of Finance in the Certificate of Award, the Purchase Agreement. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

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

To the extent it is determined necessary by the Director of Finance in the Certificate of Award, the City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in a form as is approved by the City Manager and the Director of Finance and now on file with the City Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, 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.

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

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

In each year to the extent net revenues from the municipal water utility are available for the payment of the debt charges on the portion of the Bonds issued for the component purpose described in clause (a)(ii) of Section 2 and are appropriated for that component purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent net revenues from the municipal sewer utility are available for the payment of the debt charges on the portion of the Bonds issued for the component purpose described in clause (a)(iii) of Section 2 and are appropriated for that component purpose, the amount of the tax shall be reduced by the amount of such net revenues so available and appropriated.

In each year to the extent receipts from the municipal income tax are available for the payment of the debt charges on the Bonds and are appropriated for that purpose, and to the extent not paid from net revenues of the municipal water utility or the municipal sewer utility, the amount of the tax shall be reduced by the amount of such receipts so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and the laws of the State of Ohio, and the Charter of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

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

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of

compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

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

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

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

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

(c) Agreement to Provide Continuing Disclosure. The City Manager and the Director of Finance are each authorized and directed to complete, sign and deliver, to the extent it is determined necessary by the Director of Finance in the Certificate of Award, the Continuing Disclosure Agreement, in the name and on behalf of the City, in a form as is approved by the City Manager and the Director of Finance and now on file with the City Clerk. The Continuing Disclosure Agreement shall be for the benefit of the holders and beneficial

owners from time to time of the Bonds, and if executed, the City shall agree to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

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

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

Section 10. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund. To provide for the payment of the principal of and interest on the Refunded Bonds, the Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the Escrow Trustee. The City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the City Clerk. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance, on behalf of

the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement (if any), from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the 2006 Bond Ordinance which authorized the 2006 Bonds, the Refunded Bonds, as determined by the Director of Finance in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date as set forth in the Certificate of Award (the "*Redemption Date*") at the required redemption price of the principal amount thereof, and the Director of Finance is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on the Redemption Date and arrange for the notice of redemption to be given in accordance with the applicable provisions of the 2006 Bond Ordinance.

For informational purposes, a certified copy of this Ordinance shall be sent by the Director of Finance to the current bond registrar for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through the Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through the Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to the Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on the Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, Section 133.34 of the Ohio Revised Code, and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Director of Finance to be financially advantageous to the City, invested in United States Treasury Obligations ("*Treasury Securities*"), State and Local Government Series ("*SLG Securities*") or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States of America as defined in Section 133.34 of the Ohio Revised Code (direct obligations and guaranteed obligations together with the SLG Securities, collectively, the "*Securities*").

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the Director of Finance to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the "*Verification Report*") to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in Section 133.34 of the Ohio Revised Code. The balance of the proceeds to be received from the sale of the Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the payment of costs related to the refunding and the issuance of the Bonds. The Director of Finance is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the Director of Finance, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the Director of Finance determines that it would be in the best interest and to the financial advantage of the City to purchase Treasury Securities for deposit into the Escrow Fund, the Director of Finance or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement (if any), from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys, and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 12. Municipal Advisor. The services of Rockmill Financial Consulting, LLC, as municipal advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

Section 13. Certification and Delivery of Ordinance and Certificate of Award. The City Clerk is directed to promptly deliver or cause to be delivered a

certified copy of this Ordinance and an executed copy of the Certificate of Award to the County Auditor of the County of Delaware, Ohio.

Section 14. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award and other authorizing provisions of law.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of 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 16. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is necessary to enable the City to take advantage of favorable interest rates and realize a savings in interest costs by refunding the Refunded Bonds and to coordinate the sale of the Bonds with other bonds of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

VOTE ON RULES 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 fiscal officer's certificate of March 27, 2006, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$4,250,000 (the "*Bonds*") for the purpose of paying the costs of refunding bonds previously issued by the City for the purpose of (i) improving the municipal airport by constructing hangars, related taxiways, storm sewers and water lines, installing fire hydrants and providing all necessary appurtenances, (ii) improving the City's water distribution system by constructing a new water storage tank, together with all necessary appurtenances thereto and (iii) extending the City's municipal sewer system, including the acquisition of interests in real estate, together with all related work and appurtenances thereto (collectively, the "*Improvement*"), that:

1. The estimated life or period of usefulness of each component of the Improvement is at least five (5) years.

2. The maximum maturity of the Bonds allocable to refunding the bonds originally issued for the purpose described in clause (i) above, calculated in accordance with Sections 133.20 and 133.34 of the Ohio Revised Code, is December 1, 2031. This certification takes into consideration the fiscal officer's certificate of March 27, 2006 and the maximum maturity of 25 years stated therein which was based upon the 25-year estimate of the life or period of usefulness of that component of the Improvement.

3. The maximum maturity of the Bonds allocable to refunding the bonds originally issued for the purpose described in clause (ii) above, calculated in accordance with Sections 133.20 and 133.34 of the Ohio Revised Code, is December 1, 2046. This certification takes into consideration the fiscal officer's certificate of March 27, 2006 and the maximum maturity of 40 years stated therein which was based upon the 40-year estimate of the life or period of usefulness of that component of the Improvement.

4. The maximum maturity of the Bonds allocable to refunding the bonds originally issued for the purpose described in clause (iii) above, calculated in accordance with Sections 133.20 and 133.34 of the Ohio Revised Code, is December 1, 2036. This certification takes into consideration the fiscal officer's certificate of March 27, 2006 and the maximum maturity of 30 years stated therein which was based upon the 30-year estimate of the life or period of usefulness of that component of the Improvement.

Dated: September 12, 2016



Director of Finance
City of Delaware, Ohio



FACT SHEET

AGENDA ITEM NO: 34

DATE: 9/12/16

ORDINANCE NO: 16-90

RESOLUTION NO:

READING: FIRST

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 BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF ENHANCING THE MUNICIPAL FIRE SAFETY FACILITIES, BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

BACKGROUND:

This ordinance authorizes the issuance of long-term bonds for the construction of Fire Station 304.

REASON WHY LEGISLATION IS NEEDED:

All debt issued requires City Council approval. An emergency clause is included but more than likely will not be needed. We included it in the event interest rates begin to rise which would make or borrowing more expensive. We plan to go to 3 readings with the legislation.

COMMITTEE RECOMMENDATION:

Finance Committee - approval

FISCAL IMPACT(S):

This borrowing and the subsequent building construction were included in the 2016 Budget.

POLICY CHANGES:

None

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Go to second reading

ATTACHMENT(S)

Fiscal Officer's Certificate

ORDINANCE NO. 16-90

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF ENHANCING THE MUNICIPAL FIRE SAFETY FACILITIES, BY CONSTRUCTING, FURNISHING AND EQUIPPING A NEW FIRE STATION, AND OTHERWISE IMPROVING THE SITE THEREFOR, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

WHEREAS, the Director of Finance has certified to this City Council that the estimated life or period of usefulness of the Improvement is at least five (5) years and that the maximum maturity of the Bonds is twenty (20) years;

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

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

“Authorized Denominations” means the denominations set forth in the Certificate of Award.

“Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds, and to the extent it is determined necessary by the Director of Finance in the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement and the Registrar Agreement.

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

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

the Bonds under the Registrar Agreement, to the extent a Registrar Agreement is determined necessary by the Director of Finance in the Certificate of Award, and either until appointment of a successor Bond Registrar or a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement (if any) and, thereafter, "*Bond Registrar*" shall mean the successor Bond Registrar.

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

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

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

"*City Clerk*" means the City Clerk of the City.

"*City Manager*" means the City Manager of the City.

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

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

"*Continuing Disclosure Agreement*" means the Continuing Disclosure Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall constitute the continuing disclosure

agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the Rule, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 9(c).

“Depository” means any securities depository that is a clearing agency 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 Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

“Interest Payment Dates” means the date or dates in each year that the Bonds are outstanding, and commencing on such date, all as shall be specified in the Certificate of Award.

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

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

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

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

“Principal Payment Dates” means the date or dates in each of the years from and including 2017 to and including 2036 as determined by the Director of Finance in the Certificate of Award, *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced or deferred by such number of years as determined by the Director of Finance, and *provided further* that in no case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the

Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Original Purchaser, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

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

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

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

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

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

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

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$4,000,000 (the “*Bonds*”) for the purpose of paying the costs of enhancing the municipal fire safety facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the “*Improvement*”). The Bonds shall be

issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account the costs of the Improvement, the estimates of the Financing Costs and the interest rates on the Bonds.

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

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing on all of the Principal Payment Dates, all as set forth in the Certificate of Award.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or

rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

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

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

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

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on

the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

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

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

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

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

Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry

form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the 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 hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

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

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together

with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent it is determined necessary by the Director of Finance in the Certificate of Award, the City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in a form as is approved by the City Manager and the Director of Finance and now on file with the City Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, 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.

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

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

annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

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

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

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by

FISCAL OFFICER'S CERTIFICATE

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

As fiscal officer of the City of Delaware, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$4,000,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of enhancing the municipal fire safety facilities, by constructing, furnishing and equipping a new fire station, and otherwise improving the site therefor, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is twenty (20) years. If and to the extent a portion of the proceeds of the Bonds may be determined to be allocated to a class or classes having a maximum maturity of less than twenty (20) years but in excess of five (5) years, then the maximum maturity of the Bonds would still be twenty (20) years by reason of a sufficient portion of the proceeds of the Bonds allocated to a class or classes having a maximum maturity or an estimated period of usefulness in excess of twenty (20) years.

Dated: September 12, 2016



Director of Finance
City of Delaware, Ohio



FACT SHEET

AGENDA ITEM NO: 35

DATE: 9/12/16

ORDINANCE NO: 16-91

RESOLUTION NO:

READING: FIRST

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 BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$400,000, FOR THE PURPOSE OF PAYING THE COSTS OF RENOVATING, REHABILITATING AND OTHERWISE IMPROVING THE CITY'S PUBLIC WORKS BUILDING BY REPLACING THE ROOF, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

BACKGROUND:

This ordinance authorizes the issuance of long-term bonds for the replacement of the Public Works Garage roof.

REASON WHY LEGISLATION IS NEEDED:

All debt issued requires City Council approval. An emergency clause is included but more than likely will not be needed. We included it in the event interest rates begin to rise which would make or borrowing more expensive. We plan to go to 3 readings with the legislation.

COMMITTEE RECOMMENDATION:

Finance Committee - approval

FISCAL IMPACT(S):

This borrowing and the roof replacement project were included in the 2016 Budget.

POLICY CHANGES:

None

PRESENTER(S):

Dean Stelzer, Finance Director

RECOMMENDATION:

Go to second reading

ATTACHMENT(S)

Fiscal Officer's Certificate

ORDINANCE NO. 16-91

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$400,000, FOR THE PURPOSE OF PAYING THE COSTS OF RENOVATING, REHABILITATING AND OTHERWISE IMPROVING THE CITY'S PUBLIC WORKS BUILDING BY REPLACING THE ROOF, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

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

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

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

"Authorized Denominations" means the denominations set forth in the Certificate of Award.

"Bond Proceedings" means, collectively, this Ordinance, the Certificate of Award and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds, and to the extent it is determined necessary by the Director of Finance in the Certificate of Award, the Continuing Disclosure Agreement, the Purchase Agreement and the Registrar Agreement.

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

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

is determined necessary by the Director of Finance in the Certificate of Award, and either until appointment of a successor Bond Registrar or a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement (if any) and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

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

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

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

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

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

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

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

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners

of the Bonds in accordance with the Rule, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 9(c).

“Depository” means any securities depository that is a clearing agency 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 Bonds or the principal of and interest and any premium on the Bonds, and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

“Interest Payment Dates” means the date or dates in each year that the Bonds are outstanding, and commencing on such date, all as shall be specified in the Certificate of Award.

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

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

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

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

“Principal Payment Dates” means the date or dates in each of the years from and including 2017 to and including 2026 as determined by the Director of Finance in the Certificate of Award, *provided* that the first Principal Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced or deferred by such number of years as determined by the Director of Finance, and *provided further* that in no case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the preambles hereto, all of which determinations shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“*Purchase Agreement*” means the Bond Purchase Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Original Purchaser, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement which to the extent it is determined necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Bond Registrar, as it may be modified from the form on file with the City Clerk and executed by the City Manager and the Director of Finance, all in accordance with Section 4.

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

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

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

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

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

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

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$400,000 (the “*Bonds*”) for the purpose of paying the costs of renovating, rehabilitating and otherwise improving the City’s Public Works Building by replacing the roof, together with all necessary appurtenances thereto (the “*Improvement*”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 2, taking into account the costs of the Improvement, the estimates of the Financing Costs and the interest rates on the Bonds.

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

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing on all of the Principal Payment Dates, all as set forth in the Certificate of Award.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to

which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

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

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

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

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date.

Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

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

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

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

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

obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry

form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the 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 hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Bonds.

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

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together

with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

To the extent it is determined necessary by the Director of Finance in the Certificate of Award, the City Manager and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in a form as is approved by the City Manager and the Director of Finance and now on file with the City Clerk, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the City Manager and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

The Mayor, 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.

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

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

annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

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

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

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

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

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

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

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

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

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

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

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

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

Section 10. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the

nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

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

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

Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the City have

FISCAL OFFICER'S CERTIFICATE

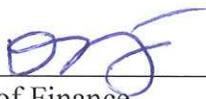
To the City Council of the City of Delaware, Ohio:

As fiscal officer of the City of Delaware, Ohio, I certify in connection with your proposed issue of bonds in the maximum principal amount of \$400,000 (the "*Bonds*"), to be issued for the purpose of paying the costs of renovating, rehabilitating and otherwise improving the City's Public Works Building by replacing the roof, together with all necessary appurtenances thereto (the "*Improvement*"), that:

1. The estimated life or period of usefulness of the Improvement is at least five (5) years.

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

Dated: September 12, 2016



Director of Finance
City of Delaware, Ohio



FACT SHEET

AGENDA ITEM NO: 36

DATE: 9/12/16

ORDINANCE NO:

RESOLUTION NO: 16-42

READING: FIRST

PUBLIC HEARING: NO

TO: Mayor and Members of City Council

FROM: R. Thomas Homan, City Manager

VIA: Darren Shulman, City Attorney

TITLE OF PROPOSED ORDINANCE/RESOLUTION:

A RESOLUTION ACCEPTING NEGOTIATED CHANGES TO THE OHIO COUNCIL #8 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AND LOCAL 3934 (AFSCME-CLERICAL) EMPLOYEES AGREEMENT WITH THE CITY OF DELAWARE.

BACKGROUND:

This contract includes a wage package of 2%, 2%, and 2% for 2017-2019. In addition, the parties have agreed to continue to meet to discuss other matters which may become part of the contract at a later date.

REASON WHY LEGISLATION IS NEEDED:

The current contract expires December 31, 2016.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

2% wage increase each year.

POLICY CHANGES:

None. Wage package is consistent with other contracts.

PRESENTER(S):

Darren Shulman, City Attorney

RECOMMENDATION:

Approval

ATTACHMENT(S)

Draft contract

**Agreement Between the
CITY OF DELAWARE**



And

OHIO COUNCIL #8

**AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES,**

AND LOCAL 3934

Effective Dates

January 1, 20174- December 31, 20196

ARTICLE 1

AGREEMENT AND DURATION

Section 1.

This Agreement is made and entered into by and between the City of Delaware, (hereinafter referred to as the City) and the Ohio Council 8, American Federation Of State, County and Municipal Employees, AFL-CIO And Local 3934, 6800 North High Street, Worthington, Ohio 43085 (hereinafter referred to as the Union).

Section 2.

This Agreement is made for the purpose of promoting cooperation, and orderly, constructive and harmonious relations between the City, its employees, and the Union. This Agreement is intended to formalize the issues approved by the negotiating committees of the City and the Employees Union.

Section 3.

The provisions of this Agreement establish certain rights and benefits for the Union and the employees which shall only be coextensive with the terms of this Agreement, and these rights and benefits shall cease and terminate upon the termination date of this Agreement, or any extensions thereto.

Section 4.

This Agreement shall become effective January 1, 2017⁴, upon ratification by the Union and approval by the City Council and shall remain in full force and effect until December 31, 2019⁶. Unless otherwise indicated, the terms used in this Agreement shall be interpreted in accordance with the provisions of Chapter 4117 of the Revised Code. Where this Agreement makes no specification about a matter, the City and its employees are subject to all applicable State laws or local ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees.

Section 5.

If either party wishes to terminate, modify, or negotiate a successor agreement, it must serve written or electronic notice of that intention upon the other party not less than sixty (60) days prior to the expiration of this Agreement. Upon timely service of such notice, the parties shall collectively bargain in good faith in an effort to reach a successor Agreement. If no such written notice is given, this Agreement will be renewed automatically for one year.

ARTICLE 2

RECOGNITION

Section 1.

The City recognizes the Union as the sole and exclusive representative for all Bargaining Unit employees described in Section 2 of this Article. The Union is recognized by the City as the sole and exclusive representative in any and all matters relating to wages, hours and terms and conditions of employment, and the continuation, modification, or deletion of any existing provisions of past Agreements between the parties, and the resolution of questions arising under this Agreement.

Section 2.

The bargaining unit shall consist of all clerical positions of the City of Delaware including Clerical Specialist, Accounting Specialist I and II, Administrative Assistant, and Office Supervisor. Excluded from the bargaining unit are all management-level employees and supervisors as defined in the act, and any SERB amendments thereto.

ARTICLE 3

DEFINITIONS

For purposes of this bargaining Agreement the following terms shall be defined as follows:

Department Head(s): Employees designated as Department Heads in the City's annual budget or organizational chart.

Department(s): Includes the departments of Public Works, Finance, Legal Department, Planning and Community Development, Engineering, Public Utility, Grounds and Facilities, and Police and Fire.

Periods of Employment/Years of Total Service/Years of Service shall always be based upon permanent Full-Time Employment.

ARTICLE 4

NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITIES

Section 1.

The City and AFSCME agree that, neither shall discriminate against any employee of the bargaining unit because of race, color, religion, sex, national origin, age, disability, ancestry, marital status (except where it is in violation of the City's established nepotism policy), political affiliation, or sexual preference. Nor shall the City or AFSCME discriminate against any employee of the bargaining unit because of his/her membership or non-membership in AFSCME. Both the City and AFSCME recognize their respective responsibilities under applicable federal, state and local laws, and executive order relating to civil rights and employment practices.

All references to members of the bargaining unit in this Agreement shall mean both sexes. Wherever the female gender only is used, it shall be considered to include male and female employees.

ARTICLE 5

MANAGEMENT RIGHTS

Unless the City has set forth in this Agreement a limitation upon the Council's or the City Manager's right or duty to manage the City of Delaware, or the right of the Department Heads to manage their Department, the City shall retain all rights imposed upon it by law to carry out the administration of government and management of the City including these Departments. The right to manage shall include, but not be limited to:

- A. The right to direct, supervise, evaluate, hire, promote, transfer, assign, schedule, layoff and retain employees, and also to suspend, discipline, demote and discharge for just cause.
- B. The right to effectively manage the work force and to determine the number of personnel needed in any agency or department, or to perform any function; determine services to be rendered, operations to be performed, utilization of technology, organizational structure and overall budget.
- C. The right to determine the appropriate job classifications and personnel by which government operations are to be conducted; determine the overall mission of the unit of government; maintain and improve the efficiency and the effectiveness of government operations; or to subcontract for services except that the City agrees that it will not subcontract under circumstances that will result in the layoff of employees or continued layoff of employees.
- D. The right to make reasonable rules to regulate the work force and to establish and amend personnel policies and procedures relating to any matter which is not set forth in the Agreement.
- E. The right to take any necessary actions to carry out the mission of the City.

ARTICLE 6

GRIEVANCE PROCEDURE

Section 1.

Should any difference or dispute arise between the City and any employee or group of employees with respect to the interpretation or application of a specific and identified provision of this Agreement, it will be considered a grievance and must be resolved in accordance with the following procedure:

Section 2.

Step 1.

If the Union, any employee or group of employees believes that she/he has a grievance (as defined in section one (1), she/he shall first cite in writing the specific contract clause violated and the relief requested. The grievance shall be reduced to writing and shall be signed by the aggrieved employee or employees and the bargaining unit representative. The written grievance shall be signed off on by the Department Head acknowledging receipt of the grievance. Any grievance not reduced to writing and submitted to the Department Head within twenty-one (21) calendar days of the event giving rise to the grievance, or within twenty-one (21) calendar days after the union or the affected employee(s) should have known of the event giving rise to the grievance, shall be considered abandoned. The Department Head shall hold a Step One hearing within twenty-one (21) calendar days of receipt of the grievance. If the Step One hearing is not held, the grievance shall be resolved in favor of the grievant or Union. The Department Head shall issue a written answer within twenty-one (21) calendar days after the Step One hearing. If no answer is given in the time limits set forth above, the grievance shall be resolved in favor of the grievant or the Union. This resolution shall set no precedence for future grievances. If the Union does not timely appeal a grievance, it shall be considered abandoned. If satisfactory disposition is not made by the Department Head, then within twenty-one (21) calendar days.

Step 2.

The grievance shall be presented in person to the City Manager. The City Manager or his/her designee will sign the grievance acknowledging receipt of the grievance. The City Manager or his/her designee will hold a hearing within twenty-one (21) calendar days of receipt of the grievance. The City Manager or his/her designee will respond to the grievance in writing within twenty-one (21) calendar days after such meeting. This decision shall be signed by the City Manager or designee and be final and binding except for demotion, termination or suspension of an employee. A copy of the grievance answer will be supplied to the grievant or Union.

Step 3.

A. **Appeal to Arbitration.**

In cases of termination, demotion, or suspension, should the Union, after receiving the written answer to the grievance in Step 2 of the Grievance Procedure, still feel that the grievance is unresolved, the Union may request it be heard before an arbitrator. The Union must make application to the City for arbitration within twenty-one (21) calendar days of the Union's receipt of the written answer in Step 2.

B. **Selection of Arbitrator.**

Within twenty-one (21) calendar days following receipt of the Union's application for arbitration, the City Manager, or his designee, and a Union Representative will consult and attempt to select an impartial arbitrator by mutual agreement. In the event these representatives cannot reach an agreement on an arbitrator, by joint letter the parties will request the Federal Mediation and Conciliation Service to submit a panel of seven (7) arbitrators who are Ohio residents and National Academy Certified from which the City and the Union shall select one by mutual agreement. Both parties will split the cost of such panel(s). If agreement cannot be reached as to one mutually acceptable arbitrator from the panel, an arbitrator will then be selected by the representatives of the parties alternately striking names and selecting the final remaining name. The City shall retain the right to strike the first name.

The union agrees that the City, at their choosing, may request to use a panel of arbitrators from the American Arbitration Association (AAA). The City agrees that if they request AAA panel, that they shall pay the cost of said panel.

C. **Authority of the Arbitrator.**

The arbitrator shall conduct a fair and impartial hearing on the grievance, hearing and recording testimony from both parties and applying the rules of the American Arbitration Association or Federal Mediation and Conciliation Service. The arbitrator shall not have the authority to add to, delete from, or modify any provisions of this Agreement. It is expressly understood that the ruling and decision of the arbitrator, within his function as described herein, shall be final and binding.

D. **Arbitrator Costs.**

The costs of any proofs produced at the direction of the arbitrator, the fee of the arbitrator and the rent if any, for the hearing room shall be borne equally between the parties. The expenses of any witnesses shall be borne, if at all, by the party calling them. The fees of the court reporter, if any, shall be paid by the party asking for one; such fees shall be split equally if both parties desire a reporter or request a copy of the transcript. Grievants, or grievance representatives, and witnesses called by the City who appear at such a hearing during their normally scheduled working

hours shall not suffer any loss of pay.

E. **Arbitrator's Findings.**

The arbitrator shall render in writing his findings as quickly as possible within thirty (30) calendar days after the hearing, or within thirty (30) calendar days after submission of post-hearing briefs, if any, and shall forward such findings and all supporting data to the office of the City Manager and to the Union.

Section 3. Time Limits.

It is the Administration's and the Union's intention that all the time limits in the above Grievance Procedure shall be met. To the end of encouraging thoughtful responses at each step, however, the Union's and the Administration's designated representative may mutually agree, at any step, to additional short extensions of time, but any such agreement must be in writing and signed by the parties. In the absence of such mutual extensions, the grievant may, at any step where a response is not coming within the specified time limits, presume the grievance to be granted by the Administration in full, and the Administration shall immediately implement the requested remedy. This granting shall set no precedence for future grievances. Any step in the grievance procedure may be skipped by mutual consent.

Section 4.

In each step of the grievance procedure outlined in Section 2 above, certain specific representatives shall be given approval to attend the meetings therein prescribed. Upon prior notice, either party may bring additional representatives to any meeting in the grievance procedure.

Section 5. Nondiscrimination.

No member or official of the Union shall be removed, disciplined, harassed or discriminated against because she has filed or pursued a grievance under these procedures.

Section 6.

A grievant shall not suffer any loss of pay for time spent presenting her grievance in any of the steps in this grievance procedure.

Section 7.

A grievant shall be entitled to a Union representative at steps 2, 3, and 4 of this procedure. The Union representative shall be entitled to present the grievance on behalf of the grievant if the grievant so desires, to ask questions and to have full participation. The grievant's Union representative will not suffer any loss of pay for time spent representing a grievant in discussions under this procedure.

Section 8.

All meetings regarding this grievance procedure may occur during the grievant's duty hours and the grievant and her representative, if one is desired shall be released from duty

for purposes of attending such meetings, provided that neither the grievant or her representative are needed to satisfy the City's manpower needs.

Section 9.

Upon mutual agreement in writing by both the Union and the City, a grievance may be submitted to a mediator provided by SERB to assist the parties in voluntarily settling the dispute. If the Union and the City mutually agree to mediation, all timelines under this Article will be held in abeyance until the voluntary mediation is completed.

Section 10.

The limits prescribed in the above mentioned steps in this article may be extended at any time by mutual consent of the parties involved. Similarly, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent must be indicated in writing and signed by both parties involved.

ARTICLE 7

CORRECTIVE ACTION

Section 1.

The tenure of every employee shall be during good behavior and efficient service and no such employee shall be disciplined without just cause. Discipline shall be applied in a progressive manner and uniformly to all employees. Progressive discipline shall take into account the nature of the violation and the employee's record of discipline.

Section 2.

Before disciplinary action occurs, the City may initiate an informal conference between the employee and her supervisor. Said conference shall not be considered as a reprimand or any disciplinary action but as a constructive, corrective action concerning a problem that should be corrected. The progressive discipline referred to in Section 1, above, shall include in this order (with the exception of instances of gross misconduct as determined by the employee's supervisors):

- 1) Record of instructing and cautioning
- 2) Written reprimand(s)
- 3) Suspension(s)
- 4) Removal (to be instituted only after all previous progressive steps set forth above with the exception of instances of gross misconduct as determined by the employee's supervisors).

Section 3.

Employees under investigation for a disciplinary determination may be placed on suspension and any such suspension shall be with pay until a determination has been made by the employer. Once the employee is the subject of an investigation, the City will notify the employee, and schedule a review hearing within thirty (30) calendar days. If the investigation involves a criminal nature, the above prescribed time lines shall be waived by the parties. No determination involving a disciplinary suspension without pay or termination shall be made before scheduling a review hearing. A review hearing shall be held before a non-bargaining unit supervisor for all disciplinary actions which may result in a suspension of three (3) days or less. A review hearing shall be held before the City Manager or his designee for all disciplinary actions which may result in a suspension of more than three (3) days and for terminations. All written information pertinent to the employer's accusations and the names of any witnesses to be called shall be made available to the charged employee reasonably prior to the review hearing. Union representation shall be present at such hearing if so desired by the employee.

Section 4.

Discipline shall only be carried out by non-bargaining unit supervisory personnel.

Section 5.

In assessing proper levels of discipline, the City will take into account the length of time since any previous offenses have occurred. Records of instruction and cautioning will not be used as a basis for further discipline two (2) or more years after issuance. Records of written reprimand will not be used as a basis for further discipline two (2) or more years after issuance. All other forms of discipline will not be used as a basis of further discipline three (3) years or more after the date of issuance.

Section 6.

An employee shall be given a copy of any disciplinary action entered in her personnel record and upon written request shall be given a copy of any other particular item contained in her personnel record.

Section 7.

An employee shall be permitted to inspect his or her individual personnel file at a mutually convenient time to be arranged between the employee and the City upon the request of the employee.

Section 8.

An employee shall be permitted to insert written clarification or explanatory memoranda of materials found in his or her personnel file.

ARTICLE 8
WAGES AND PAY PLAN

Section 1.

Salary step advancements prescribed in the Pay Plan shall become effective the first full payroll period after their anniversary date. For the dates specified below, the new pay rates are effective for the pay period beginning on the date noted. The following pay rates reflect a ~~3% increase for 2014~~, a ~~2.5% for 2015~~, and a ~~2.5% increase for 2016~~ 2% increase for 2017, 2018, and 2019.

PAY PLAN FOR THE PERIOD COMMENCING <u>INCLUDING</u> JANUARY 1, 20174					
PAY GRADE (HOURLY)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	<u>15.62</u>	<u>16.11</u>	<u>17.09</u>	<u>18.18</u>	<u>19.24</u>
2	<u>18.36</u>	<u>19.15</u>	<u>19.92</u>	<u>20.68</u>	<u>21.38</u>
3	<u>19.26</u>	<u>20.12</u>	<u>20.90</u>	<u>21.87</u>	<u>22.76</u>
4	<u>20.40</u>	<u>21.23</u>	<u>22.02</u>	<u>22.94</u>	<u>23.88</u>
5	<u>21.14</u>	<u>22.11</u>	<u>23.12</u>	<u>23.94</u>	<u>25.02</u>

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PAY PLAN FOR THE PERIOD COMMENCING <u>INCLUDING</u> JANUARY 1, 201831, 2014					
PAY GRADE (HOURLY)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	<u>15.93</u>	<u>16.43</u>	<u>17.43</u>	<u>18.54</u>	<u>19.62</u>
2	<u>18.73</u>	<u>19.53</u>	<u>20.32</u>	<u>21.09</u>	<u>21.81</u>
3	<u>19.65</u>	<u>20.52</u>	<u>21.32</u>	<u>22.31</u>	<u>23.22</u>
4	<u>20.81</u>	<u>21.65</u>	<u>22.46</u>	<u>23.40</u>	<u>24.36</u>
5	<u>21.56</u>	<u>22.55</u>	<u>23.58</u>	<u>24.42</u>	<u>25.52</u>

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**PAY PLAN FOR THE PERIOD ~~COMMENCING DECEMBER~~ INCLUDING
JANUARY 1-30, 2019~~5~~.**

PAY GRADE (HOURLY)	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
1	<u>16.25</u>	<u>16.76</u>	<u>17.78</u>	<u>18.91</u>	<u>20.01</u>
2	<u>19.10</u>	<u>19.92</u>	<u>20.73</u>	<u>21.51</u>	<u>22.25</u>
3	<u>20.04</u>	<u>20.93</u>	<u>21.75</u>	<u>22.76</u>	<u>23.68</u>
4	<u>21.23</u>	<u>22.08</u>	<u>22.91</u>	<u>23.87</u>	<u>24.85</u>
5	<u>21.99</u>	<u>23.00</u>	<u>24.05</u>	<u>24.91</u>	<u>26.03</u>

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PAY GRADE

1
2
3
4
5

POSITION

Clerical Specialist
Accounting Specialist I,
Administrative Assistant
No Current Position
Accounting Specialist II
Office Supervisor

ARTICLE 9

OVERTIME

Section 1.

Employees shall be compensated at straight-time rates for all hours in active pay status, except that all hours in paid status in excess of forty (40) hours in any work week shall be compensated for at a rate of time and one-half. Payment in cash shall be made for any overtime or compensatory time due at the time of separation from the City service.

Section 2.

In lieu of cash payment, the employee may elect to be compensated for overtime by compensatory time off in accordance with the law. Such compensatory time off shall be equal to one and one-half (1.5) hours for each hour of overtime compensation to which the employee is entitled. All requests for compensatory time are subject to approval of the department head. Compensatory time shall be taken at a time mutually agreeable to the supervisor and the employee.

Section 3.

Employees can accumulate up to eighty (80) hours of compensatory time. When an employee has eighty (80) hours of accumulated compensatory time, all further overtime will be paid in cash. Compensatory time can be used in increments of .5 hours.

Section 4.

The City shall make an effort to equitably distribute overtime opportunities on an annual basis among employees in the same classification and shift. Employees who are offered overtime work and decline it shall be credited as if they had worked the same. The City shall conspicuously post a record of overtime worked or offered to each employee by classification and shift and such record shall be kept current.

Section 5.

It shall be the policy of the administration to avoid overtime work except when absolutely necessary. The administration shall not compensate for overtime work in any form or manner except on the advance authorization of the appropriate supervisor, except that in an emergency such authorization may be granted subsequently.

Section 6.

Seniority will be one of the factors considered when assigning overtime.

ARTICLE 10
HOURS OF WORK

Section 1.

The workweek for all AFSCME bargaining unit employees, shall be Monday through Friday, eight hours per day and forty hours per week excluding a daily one hour unpaid lunch period.

ARTICLE 11

HOLIDAY PAY AND PERSONAL LEAVE

Section 1.

The following are designated as paid holidays for employees:

New Year's Day, January 1	Little Brown Jug Day, ½ day
Martin Luther King Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day, July 4	Day before Christmas, ½ day
Labor Day	Christmas Day, December 25

Section 2.

If one of the holidays set forth above occurs while an employee is on vacation leave, such day shall not be charged against his/her vacation leave.

Section 3.

No holiday pay shall be granted unless such full-time employee has been employed as a full-time employee of the City for at least thirty (30) days immediately preceding such holiday.

Section 4.

For each of the holidays specified in Section 1 of this Article on which an employee works, she shall be entitled to holiday compensation totaling two and one-half times the employee's regular rate of pay. Compensation for holidays may be in the form of cash or compensatory time off at the option of the employee.

Section 5.

In the event that the Federal Government designates a specific day for any of the aforesaid holidays, then such holiday shall be observed by the City in accordance with such federal designation, when any such holiday falls on a Saturday it shall be observed on the Friday immediately preceding, and when any such holiday falls on a Sunday, it shall be observed on the Monday immediately succeeding.

Section 6.

Employees shall be credited with thirty-two hours of personal leave a year, except for new hires who shall receive a prorated amount based on hire date. If an employee separates from service prior to the end of the calendar year, personal leave will be prorated. If an employee's personal leave balance is insufficient to cover the proration, the prorated amount corresponding to the rest of the year will be deducted from the employee's final paycheck. Use of holiday compensatory time or personal days shall be at the employee's discretion with the approval of the employee's Department Head or supervisor. Employees who wish to use holiday compensatory time or personal day time must submit a request to their Department Head at least one (1) hour prior to the start of their shift, or one (1) hour prior to the time they wish to take off, whichever is applicable.

Holiday compensatory time and personal days may be taken in increments of one-half (.5) hour.

Section 7.

All Employees will be permitted to accumulate three (3) years' worth of holiday compensatory time and personal days. Once an employee accumulates the maximum allowable number of personal days/holiday compensatory time then future personal days/holiday compensatory time will be compensated for in cash, at the time they are earned. An employee may elect to cash in up to one year's worth of holiday compensatory time and personal days each year. The Department Head will post a notice in June informing members of the required deadline for selling holiday time/personal days. An employee must inform the Department Head prior to August 1 of the year preceding the calendar year in which she intends to make the trade. Such trade shall take place the first pay period of October.

Section 8.

At the time of separation, an employee shall be compensated for all accrued, but unused, holiday compensatory time and personal leave.

ARTICLE 12

VACATION TIME

Section 1.

The vacation year for members shall end at the close of business on the last day of the last pay period that ends in the month of December.

Section 2.

Each full-time employee shall accrue vacation leave by pay period at the annual rate of work hours based on years of total service which is established in the schedules contained in Section 3 of this Article. Any period of interruption of service due to resignation, layoff, disciplinary suspension, or discharge for cause, will not be included in the computation of total service. Time not in paid status, excepting military leave, shall also be excluded in computing total service. In computing years of service, the higher rate of accrual will be on the first day of the first pay period in which a year of service is completed.

Section 3.

The following vacation accrual schedules are established:

Section 4.

YEARS OF TOTAL SERVICE	VACATION HRS/YEAR	VACATION HRS/PAY
Start through 5 years	80.6	3.1
6 through 10 years	119.6	4.6
11 through 15 years	161.2	6.2
16 plus years	200.2	7.7

Any vacation balance in excess of the maximum number of work hours established in this paragraph shall become void as of the close of business on the last day of the last pay period that ends in the month of December.

YEARS OF TOTAL SERVICE	MAXIMUM ACCRUAL OF VACATION HOURS
Start through 5 years	320
6 through 10 years	480
11 through 15 years	640
16 plus years	800

Section 5. Additional Considerations.

- A. To be eligible for bi-weekly (pay period) vacation accumulation, an employee must be in paid status for a minimum of 72 hours within that pay period; except that when an employee is required to report for work and does so report and is denied work because of circumstances beyond her control, absence from work for the balance of that day shall not be construed as unpaid work status.
- B. An employee in full-time status who is to be separated from the City service through discharge, resignation, retirement or layoff, and who has unused vacation leave to her credit, shall be paid in a lump sum for such unused vacation leave in lieu of granting a vacation leave after her last day of active service with the City. Such payment shall be paid at the employee's hourly rate of pay at time of separation.
- C. When an employee dies while in paid status in the City service, any unused vacation leave to her credit shall be paid in a lump sum to the surviving spouse, or such other person the employee may have designated in writing.
- D. The vacation year will begin May 1 of the current year and end April 30 of the following year. Requests for vacation shall be submitted in writing to the Department Head or Supervisor between January 1 and April 15 of each year on a form supplied by the City and shall be awarded on the basis of seniority. It is the responsibility of the employee to submit their request in a timely manner. Exceptions may be made by the Department Head or Supervisor if the circumstances warrant it. All requests turned in after April 15th shall be honored on a first-come, first serve basis. First-come, first-serve requests must be submitted to the Department Head or Supervisor at least one (1) hour prior to the time vacation is requested. Vacation may be taken in ½ hour increments. Employees will be notified of the approval or denial of their vacation requests in a timely manner.

Section 6.

An employee may elect to trade three (3) weeks of vacation time for equivalent pay during any calendar year. The Department Head will post a notice in June informing members of the required deadline for selling vacation time. An employee must inform the Department Head prior to August 1 of the year preceding the calendar year in which she intends to make the trade and must maintain at least forty (40) hours of vacation time in the employee's account after said trade takes place.

ARTICLE 13

SICK LEAVE

Section 1.

Each City employee shall be entitled to sick leave with pay of four and six-tenths (4.6) hours for each completed eighty (80) hours of service. An employee may use sick leave, upon approval of the Department Head, for absence due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and for illness or injury of the employee's spouse, children or step-children. Each employee will be required to sign the City "Request For Leave Form" that her absence was the result of one of the causes specified above. For any sick leave absence of three (3) or more consecutive days due to an employee's illness, an employee will be required to provide a physician's certificate stating the nature of the illness and stating that the employee is physically able to return to work. The City retains the right to insist that an employee, before returning to work from a sickness leave, be examined by a physician designated by the City at the City's expense, to verify that the employee can safely return to work.

Falsification of a physician's certificate shall be grounds for disciplinary action including discharge.

Section 2.

Sick leave may be taken in one - half (½) hour increments.

Section 3.

If an employee used 0 hours of sick leave in any one calendar year, that employee shall receive pay equal to twenty-four (24) hours the following year. If a member uses between one (1) and eight (8) hours of sick leave in any one calendar year that member shall receive pay equal to sixteen (16) hours the following year. If a member uses between nine (9) and sixteen (16) hours of sick leave in any one calendar year that member shall receive pay equal to eight (8) hours the following year. To be eligible for the sick leave incentive program said member must be a permanent full-time employee of the City of Delaware for the entire preceding year and have met the conditions above. At the member's option, any additional vacation days earned can be taken in the form of vacation leave or compensation in cash.

Section 4.

Any City employee who has accumulated at least 800 hours of sick leave credit may, during any calendar year, convert any excess thereof up to 120 hours of sick leave to vacation leave on the basis of sixteen (16) sick leave hours for eight (8) hours vacation leave. Such conversion can only occur the first pay period of December.

Section 5.

Any member separated from City service for any reason other than termination with just cause shall be paid for all accrued sick leave on the basis of one (1) hour of pay for every

three (3) hours of unused sick leave up to 650 hours. A member separated from City service for other than just cause shall be paid for any accumulated and unused sick leave for those hours which exceed 650 on the basis of one (1) hour of pay for every two (2) hours of unused sick leave. Total sick leave payout cannot exceed sixteen (16) weeks pay.

Upon separation, for any reason other than termination with just cause, of any employee who has completed a minimum of fifteen (15) years of service with the City, all unused sick leave credit will be converted to terminal leave pay on the basis of one (1) days pay for every two (2) unused sick leave days, to a maximum of sixteen (16) weeks pay.

Section 6.

An employee hired prior to January 1, 2013 may not transfer or “carry over” accrued or unused sick leave to the City from another employer. Employees hired after that date may transfer accrued sick leave hours from previous employment with any public agency, but such sick leave hours will not be eligible for conversion or payment upon separation pursuant to Section 5. In addition, sick leave usage by members who transfer in sick leave, as per this Section 6, will first be charged to sick leave hours accumulated while employed by the City of Delaware. Members will only be eligible to utilize hours transferred in from prior public employment when they have no balance of sick leave available from sick leave accrued while employed by the City of Delaware.

ARTICLE 14
INJURY LEAVE

Section 1.

All regular full-time City employees shall be entitled to injury leave with pay, less any Worker's Compensation weekly salary benefits which he/she may be awarded by the Ohio Industrial Commission (OIC), for a period not to exceed 30 consecutive working days for employees working a 40-hour workweek for each injury incurred in the performance of employment duties with the City, provided that the following procedures are followed:

- A. In all cases of personal injury to any regular full-time City employee as a result of the performance of employment duties, the employee shall complete an accident/injury investigation form and in conjunction with his/her Department Head shall report such injury to the Assistant City Manager immediately and ensure that a claim is filed with the OIC.
- B. In the event that time off from work is required by the injured employee, they will be granted injury leave from the first day of injury, if the proper documentation is submitted to the City of Delaware. This documentation will include, but not be limited to, a statement from the employee's physician, an Agreement covering Compensation Reimbursement, any necessary OIC forms and other documents as may be required by the City. In the event that the OIC determines that the injury is NOT employment related, any time the employee is, or has been, absent from work shall be deducted first from any accrued sick leave, then accrued vacation, or accrued compensatory time off, other than compensatory time for overtime worked.
- C. During the period of time an injured employee is being paid under this policy, all normal benefits given to regular full-time City employees shall remain in force with no deductions to earned sick leave and/or vacation time.
- D. The City Manager may extend such leave if such necessity is determined to his/her satisfaction. Each employee requesting such an extension under this policy may be required to furnish a current affidavit from a licensed physician setting forth the need for the extension.
- E. Both parties agree that during the life of the agreement, the City shall negotiate a Transitional Work Program. If the parties come to impasses, the issue shall be put to an arbitrator, mutually selected by the parties, for final and binding arbitration.

ARTICLE 15

FUNERAL LEAVE

- A. Each regular full-time employee shall be entitled to funeral leave with pay according to the following schedule:

DAYS/HOURS OF LEAVE		
Leave for Death of:	Local Funeral	Other Funeral
Immediate Family Member	1-3 days*	1-5 days*
Other Relative	May Use Up To 1 Scheduled Work Day of Accrued Leave	May Use Between 1- 3 Scheduled Work Days of Accrued Leave

* One work day/shift is automatic for the day of the funeral, but additional time up to the maximum shall be given only with approval of the Department Head.

** All leave time with approval of the Department Head/Supervisor.

- B. For the purposes of this Section, "Immediate Family Member" means spouse, child, brother, sister, parents, step-child, step-brother, step-sister and step-parents, grandparents, grandchildren, sister-in-law, brother-in-law and parents-in-law.
- C. For the purposes of the Article, "Local Funeral" means a funeral in the City of Delaware, or within fifty (50) miles thereof.

ARTICLE 16

LONGEVITY COMPENSATION

Employees shall receive, in addition to other pay called for herein, Longevity Compensation based on completed years of service according to the following table:

After five (5) years of continuous service	\$550/year
After ten (10) years of continuous service	\$750/year
After fifteen (15) years of continuous service	\$950/year
After twenty (20) years of continuous service	\$1,150/year

The longevity compensation shall be paid, in accordance with the above schedule, in two (2) separate lump sum payments during the first pay periods of June and December of each year.

Upon termination of service for other than just cause, members who are eligible for longevity pay under this Section (or in the event of death, the surviving spouse, dependents or estate) will be paid, as part of their terminal pay, the final partial year of longevity compensation, prorated to the number of months completed during said partial year since the member's last payment date.

For the purpose of this Article continuous years of service shall include approved military leave and any time in paid status.

ARTICLE 17

SHIFT DIFFERENTIAL

Section 1. Shift Differential Pay Rates.

Shift differential pay is hereby established effective the first payroll period following ratification and adoption of this Agreement:

Twenty cents (\$0.20) per hour for any shift during which a majority of the scheduled hours occur between 3:00 p.m. and 11:00 p.m., and;

Thirty cents (\$0.30) per hour for any shift during which a majority of the scheduled hours occur between 11:00 p.m. and 7:00 a.m.

If exactly half of the scheduled hours occur between 3:00 p.m. and 11:00 p.m. and half between 11:00 p.m. and 7:00 a.m., then shift differential will be twenty-five cents (\$0.25) per hour.

Section 2. Eligibility.

Shift differential pay shall be provided all employees whose permanently assigned shift includes hours a majority of which occur between 3:00 p.m. and 7:00 a.m. regardless of the hours they actually work. However, in the event of a change in permanent schedule or in the event of a temporary change in schedule of ten (10) or more consecutive scheduled shifts resulting in less than a majority of the employees scheduled work hours occurring between 3:00 p.m. and 7:00 a.m., shift differential pay will not be provided.

Section 3. Method of Payment.

Shift differential pay shall be paid for hours in paid status. Shift differential shall be paid in addition to regular pay for any hours of leave with pay. If shift differential pay is applicable, under the terms of this Article, to an eight-hour workday, the shift differential shall be paid for each hour of overtime worked. The shift differential pay shall be added to the base hourly rate prior to computing the overtime rate. Shift differential pay is applicable to court appearance time and is applicable to hours worked when called back to duty, if the employee otherwise qualifies for the shift differential pay. Shift differential pay will be paid on a bi-weekly basis and will not be cumulative under any circumstances.

ARTICLE 18

INSURANCE

Section 1. Hospitalization, Surgical and Major Medical.

The City will continue to provide comprehensive hospitalization, surgical and major medical coverage for all full-time members and their dependents. Beginning January 1, 1999, or at some date thereafter, the City may implement a Preferred Provider Organization (PPO). The Plan if implemented will provide for the following deductibles and co-payments as follows:

	NETWORKS PROVIDERS	NON-NETWORK PROVIDERS
Annual Deductible Single Family	None None	\$ 500.00 \$1000.00
Office Visit Co-pay	\$10.00	N/A
ER Visit Co-Pay	\$50.00 unless admitted into the hospital, otherwise co-insurance will apply in excess of the deductible	N/A
Co-insurance Single Family	90/10% of first \$1,000 80/20% of next \$3,000 90/10% of first \$2,000 80/20% of next \$5,000	50/50% of first \$5,000 50/50% of first \$10,000

The parties acknowledge that all of the "wellness benefits" added to the plan effective January 1, 1992 are subject to all of the generally applicable plan limits, such as deductibles and co-payments. Contributions will be deducted from the member's gross income prior to taxes, subject to compliance with all applicable federal tax regulations. Effective January 1, 2012 employees will contribute to the cost of the health benefit plan in an amount equal to 11% of the established monthly COBRA rate utilized by the City. Effective January 1, 2013 employees will contribute to the cost of the health benefit plan in an amount equal to 15% of the established monthly COBRA rate utilized by the City. Annually, on April of the following years, the percentage of COBRA will be established. Contributions will be deducted from all members in a paid status based on twelve (12) months times the monthly rate, divided by the number of pay periods per year (26). An example would be: \$68.33/mo. x 12 = \$819.96, \$819.96/26 pay periods = \$31.53 per pay period. In the event federal tax regulations are changed so that medical benefit plans are

no longer tax exempt, the City will not be responsible to pick up the member's tax burden.

The City will permit employees who have alternate health options through a spouse to opt out of the City plan in return for a payment of \$100 per month. Families who have both spouses employed full time by the City of Delaware will not be eligible to opt out of the plan. One spouse will carry the cost of the plan minus the opt out payment. The employee will provide proof that they do in fact have other coverage before the City will drop that employee's current coverage. The City will continue to provide dental coverage if it is not provided under the employee's spouse's insurance. A member may elect to return to coverage under the City's insurance plan by notifying the City in writing of any substantial changes in circumstances which the member determines justifies such decision. The member must give thirty (30) days notice of his or her election to return to the City's plan, except in the case of an emergency, such as sudden loss of spouse's coverage, significant cost increase of spouse's coverage, divorce or other change in family status. The plan will comply with Internal Revenue Code Section 125 which governs this matter.

Employees who opt out of the health insurance program will be compensated as follows:

No Coverage	\$100 per month
Maintain Prescription Only	\$60 per month
Maintain Dental Only	\$65 per month
Maintain Prescription and Dental	\$55 per month

*** An employee may not elect to have medical coverage only.**

Payments will begin on the first pay period of the month following 30 days notice of an employees desire to drop coverage. A form will be provided which will contain all information necessary to discontinue coverage under the plan. The form must be signed and returned to the Department of Administrative Services. Until such time that an employee is effectively dropped from City coverage, they will be subject to any payroll contributions.

All payments made in lieu of insurance coverage will be included as other pay on employee's paycheck. This income will not be included in income subject to PERS contributions but will be subject to all applicable taxes.

Section 2. Prescription Card.

The City will provide a prescription card plan for members and their dependents. The retail benefits will be the following:

- 80/20% for generic drugs
- 50/50% name brand drugs with a \$25 co-pay for each disbursement

The mail order benefits will be the following:

- 90/10% for generic drugs and
- 75/25% for name brand drugs with no \$25 co-pay

The maximum expense an employee will pay for coinsurance is \$250 annually for single coverage and \$500 for family annually for prescription benefits, however, the \$25 co-pay for retail name brand drugs will not count towards the calculation of the \$250 or the \$500 coinsurance maximum and will always apply even after an employee reaches the coinsurance maximum expenditure.

Section 3. Dental Care Plan.

The City will maintain the current dental coverage for all members.

Section 4. Life Insurance.

The City will maintain life insurance for all members at a face value of \$40,000.

Section 5.

The City shall provide a certificate of coverage for each member. Such a certificate shall be for the members' family situation.

Section 6. Smoking Cessation Contribution.

The City agrees to participate in the cost to a member who chooses to access a smoking cessation program, up to 50% of the total cost and no more than \$75 per pay period. A prerequisite is that a member who chooses to participate should first have made a good faith effort to quit smoking on their own, or in another manner. The City encourages smoking cessation in the interest of employee health, and to try to keep down future medical costs.

Section 7.

The City and AFSCME agree to participate in a city-wide employee-management insurance review committee for the purpose of mutually monitoring the status of the health plan. This review committee shall meet at least annually.

The City reserves the right to change providers of health benefits including the PPO Plan, the prescription card plan and the dental plan.

The Employer agrees to provide bargaining unit employees health plan coverage. Such coverage may be provided through a self-funded plan or an outside insurance carrier. Cost containment measures may be adopted by the Employer in consideration of projected costs, market availability of coverages and utilization. The Employer shall meet and confer with the Union regarding health care providers and levels of coverage but the Employer shall make the final determination if a consensus is not reached.

ARTICLE 19

HEALTH AND SAFETY

Section 1.

The City agrees to continue to provide a safe and healthy work environment for all employees, consistent with its obligations under law and the Union agrees to cooperate with the City in its efforts to maintain a safe and healthy work environment.

Section 2.

For purposes of this Section, "unsafe equipment" and "unsafe conditions" means equipment or conditions which, even if reasonable care and caution are used, present an unreasonable risk of injury to an employee or others. All employees shall promptly report to their supervisor any equipment or condition which is allegedly unsafe. Employees will not be disciplined for reporting allegedly unsafe equipment or conditions to their supervisor. If it is determined by management that equipment or conditions are unsafe, then reasonable and prompt steps will be taken to correct the problem.

ARTICLE 20

DUES

Section 1. Dues.

The City agrees to deduct from the wages of any employee who is a member of the AFSCME Bargaining Unit all dues uniformly required for the term of this agreement in accordance with the authorization/check off card. The Union will notify the City by January 1 of each year of the dues it charges and its current membership. All dues collected shall be paid over by the employer once each month to the AFSCME Ohio Council #8, Local 3934, 6800 North High Street, Worthington, Ohio 43085.

Section 2. Fair Share Fee.

- A. Payroll Deduction of Fair Share Fee - The City shall deduct from the pay of members of the bargaining unit who elect not to become or remain members of the Union, a fair share fee for the Union's representation of such non-members during the term of this contract. No non-member filing a timely demand shall be required to subsidize partisan political or ideological causes, or any other endeavors not germane to the Union's work in the realm of collective bargaining and contract administration.
- B. Notification of the Amount of Fair Share Fee - Notice of the amount of the annual fair share fee, which shall not exceed 100% of the Union dues for members, shall be transmitted by the Union to the City Finance Director prior to February 15 of each year during the term of this contract for the purpose of determining the amount to be payroll deducted. The City agrees to transmit all amounts deducted to the Union once each month, at the same time and to the same place as regular membership dues.
- C. Procedure for Rebate - The Union represents to the City that an internal rebate procedure has been established in accordance with Section No. 4117.09(C) of the Revised Code, and that a procedure for challenging the amount of the representation fee has been established and will be given to each member of the bargaining unit who does not join the Union, and that such procedures and notice shall be in compliance with all applicable state and federal laws and the Constitutions of the United States and the State of Ohio.
- D. Entitlement to Rebate - Upon timely demand, non-members may apply to the Union for rebate of the fair share fee pursuant to the internal procedures adopted by the Union.
- E. Indemnification of Employer - The Union shall defend, indemnify and hold harmless the City, the City Council members, the Finance Director, and any and all other officers and employees of the City against any and all claims and/or costs arising from or in any way related to the implementation and enforcement of this Article, specifically including, but not limited to, any costs arising from an action in any court or administrative agency alleging that the Union's internal rebate procedure is legally defective.

ARTICLE 21

JOB POSTING

The City agrees to post at each and every department in which AFSCME Bargaining Unit members are assigned, all full-time job openings, excluding Reclassification, for all public employment within the City of Delaware.

Written job postings of all openings shall be posted at each department in a conspicuous location or distributed electronically provided the local president is given a written copy. Deadline for applications will be listed in the job posting. Normal internal application period will be at least seven (7) days.

ARTICLE 22
CITY WORK RULES

Section 1. Establishing.

The City will establish central work rules; such rules shall not be in conflict with this contract. Such rules shall be uniformly applied and any work rules made by individual Departments or Divisions shall not be in conflict with the central work rules.

Section 2. Posting.

When existing central work rules and personnel policies are changed or new central work rules and personnel policies are established, the City shall furnish the union with a copy of the changed or new rule at least fifteen (15) days prior to the effective notice of the affected changes. The changed or new central work rule or personnel policies shall be posted prominently on all bulletin boards for a period of seven (7) consecutive days before becoming effective unless an emergency situation requires central work rules or personnel policies to be effective immediately.

Section 3. Notification.

The City will furnish each member of the bargaining unit with a copy of all central work rules within thirty (30) days after they become effective. New employees shall be provided with a copy of the central work rules at the time of hire. The administration agrees that, to the extent possible, any work rules which the City may promulgate shall be reduced to writing and a copy provided to each of the employees, whom the work rule is applicable to, in advance of their enforcement. Any charge by an employee that a work rule is in violation of this Agreement or has not been applied or interpreted uniformly to all employees, shall be a proper subject for a grievance.

Section 4. Enforcement.

Employees shall comply with all central work rules.

ARTICLE 23

PROBATIONARY PERIOD

Section 1. New Hires Probationary Period.

The probationary period for all newly hired employees will be a period of six (6) months from the date of hire, during which time an evaluation of performance will be conducted by the employee's immediate supervisor. After successful completion of the probationary period, employees will be credited with seniority from the original date of hire. During the probationary period, the employee may be dismissed without recourse to grievance/arbitration procedures in this contract.

Section 2. Promotional Probationary Period.

Any employee who is promoted shall serve a six (6) month probationary period from the date of his promotion, during which time an evaluation of performance will be conducted by the employee's immediate supervisor. If the employee fails to demonstrate that he can completely and satisfactorily perform the job within the probationary period, the City shall return the employee to his former position, without any loss in seniority. Any other employees who were promoted following and as a result of this employee's promotion shall also be returned to their former positions. During the probationary period, the employee may be returned to the former position without recourse to grievance/arbitration procedures in this contract. Within the initial ten (10) calendar days following an employee's promotion, a member may voluntarily return to their former position.

ARTICLE 24

BALLOT BOXES

Section 1. Ballot Boxes.

The AFSCME Bargaining Unit shall be permitted, upon prior notification to the City Manager, to place a ballot box at City Hall up to four times per calendar year for the purpose of collecting members' ballots on all AFSCME Bargaining Unit issues subject to ballot. Such boxes shall be the property of the AFSCME Bargaining Unit and neither the ballot boxes nor their contents shall be subject to the Department's review.

ARTICLE 25

JOB DESCRIPTION

The City will provide, if requested, a position description for each employee of the bargaining unit. If an employee requests, the applicable department head, or their designee, will meet and explain the contents of the position description. The City retains the sole discretion in determining the contents of said position description.

ARTICLE 26

REPORT IN PAY/CALL IN PAY/COURT PAY

When an employee is called back for work by the appointing authority or her designee, and reports, beyond one hour from the time she reports off duty, she shall be paid or credited with a minimum of two (2) hours straight time pay for the call in or time and one-half for time worked, whichever is greater. This Section shall not apply to overtime at the end of or beginning of a scheduled shift.

ARTICLE 27

LABOR RELATIONS MEETINGS

Section 1.

In the interest of sound labor/management relations, unless mutually agreed otherwise, the Employer and/or her designee(s) shall meet periodically on a mutually agreeable day and time, with not more than three (3) representatives of the AFSCME Bargaining Unit to discuss pending problems and to promote a more harmonious labor/management relationship.

Section 2.

An agenda will be exchanged by the parties at least five (5) working days in advance of the scheduled meeting with a list of matters to be taken up in the meeting and the names of those representatives who will be attending. The purpose of such meeting could include but not be limited to the following:

- A. Discuss the administration of this Agreement.
- B. Notify the Union of changes made by the Employer which affect bargaining unit members of the AFSCME Bargaining Unit.
- C. Discuss grievances which have not been processed beyond the final step of the grievance procedure when such discussions are mutually agreed to by the parties.
- D. Disseminate general information of interest to parties.
- E. Discuss ways to increase productivity and improve effectiveness.
- F. Consider and discuss health and safety matters relating to employees.

Employees who are off duty will not be compensated for attendance at labor/management meetings.

Section 3.

It is further agreed that if special labor/management meetings have been requested, and mutually agreed upon, they shall be convened as soon as possible.

Section 4.

Although questions of contract interpretation are appropriate for discussion in these meetings, it is not intended that the meetings replace the collective bargaining process or be used as a forum for trying to alter this Agreement. Although it is intended that the parties can suggest any topic for discussion that relates to terms and conditions of employment, no discussion constitutes a waiver of any of the City's management rights.

ARTICLE 28

SENIORITY

Section 1.

Seniority, as that term is used in the articles on Vacation (for scheduling only), Filling Jobs - Within Classifications, and Overtime, is defined as an employee's service with the employer as a full-time regular employee to be computed from the employee's last date of hire except as modified by this contract.

Section 2.

An employee shall lose her seniority for the following reasons:

- A. Retirement
- B. Resignation
- C. Discharge without the discharge being reversed through the procedures set forth in this Agreement or through legal procedures.
- D. Suspension without pay greater than 8 hours.
- E. Non-qualifying FMLA unpaid leave of absence.

ARTICLE 29

FILLING JOBS - WITHIN SAME CLASSIFICATIONS

For filling jobs from within the same classification, said job opening will be offered to employees active at work in the same classification before it is offered outside the classification based upon seniority, efficiency and other relevant factors. The applicable department head and human resources department retains the sole discretion in approving the filling of such job openings.

ARTICLE 30

NON-UNIFORMED EMPLOYEE ALLOWANCE

In lieu of providing clothing, non-uniformed employees shall receive an annual allowance of \$450 in the second full pay period in January of each year.

For employees hired other than the start of a new year, if they are entitled to the above allowance, it would be prorated based on full months of employment for the year.

ARTICLE 31

TUITION REIMBURSEMENT

All full-time employees with one or more years of continuous active service shall be eligible for a reimbursement of instructional fees for undergraduate or graduate courses towards a degree or certification, pre-approved by the City and voluntarily undertaken by the employee. The tuition reimbursement program shall be subject to the following conditions:

- A. All courses must be taken during other than scheduled working hours. Any situation which, in the discretion of the department head, would require an employee's presence on the job shall take complete and final precedence over any time scheduled for courses. All scheduled hours for courses of instruction must be filed with the Department Head or his designee. All courses are subject to approval by the Department Head. There must be a direct correlation between the employee's duties and responsibilities and the courses taken or the degree program pursued. The City Manager's Office has the sole and final discretion to approve or disapprove tuition reimbursement requests.
- B. Any financial assistance from any governmental or private agency available to an employee, whether or not applied for and regardless of when such assistance may have been received, shall be deducted in the entire amount from the tuition reimbursement the employee is eligible for under this Section. If an employee's tuition is fully covered by another governmental or private agency, then the employee is not entitled to any payment from the City.
- C. Employees seeking authorization of a tuition reimbursement must first submit to the department head for review, prior to September 30 of the year preceding when the classes are to be taken, all necessary information pertaining to the proposed course degree to be pursued, the educational institution and the employee's best estimate of courses, cost, dates and times.

Courses must be taken at accredited colleges, universities, technical and business institutes or at their established extension centers, and these must first be approved by the City. Seminars, conferences and workshops are not included.

- D. Reimbursement for tuition will be made when the employee satisfactorily completes (attains at least a grade of "C" or its equivalent for undergraduate work and a grade of at least "B" or its equivalent for graduate work) a course and presents an official certificate or its equivalent and a receipt of payment or a copy of the unpaid bill from the institution confirming completion of the approved course.

- E. No reimbursement will be granted for paper, supplies of whatever nature, transportation, meals, or any other expense connected with any course, except the cost of tuition and fees as outlined in Paragraph D.
- F. Any employee participating in the tuition reimbursement program who resigns (except resignation due to disability), retires (except retirement due to disability), or is discharged for cause must repay the tuition reimbursement paid by the City for courses taken less than two years prior to the date of termination or discharge. If necessary, this amount will be deducted from the employee's terminal leave pay or final paycheck.

ARTICLE 32

RESIDENCY REQUIREMENT

As a condition of continued employment, employees must reside within Delaware County or a County adjacent to Delaware County. Current members who reside outside of this condition are excluded as long as they maintain their current residence.

ARTICLE 33

PARKS AND RECREATION CREDIT

The City agrees to provide each member with a credit for each year of this contract to be applied to a City Pool membership, City Golf Course membership or punch-card, or City rentals (shelters or Hilborn Room). The amount of the credit shall be \$60. This membership is defined and regulated by the Recreation Services Department and members shall abide by the stipulations set forth by the department both in definition and restrictions. This credit amount is fixed, regardless of changes in membership fees that may occur. ~~In addition, the City will provide to each member a 20% discount on all individual registrations for City recreation programs.~~

ARTICLE 34

UNION REPRESENTATION

Section 1. Union Representatives.

Representatives of the Union shall be admitted to the City's facilities for the purpose of processing grievances or attending meetings.

Section 2. Grievance Representatives.

Two (2) members of the Bargaining Unit to serve as Union Stewards who shall be recognized by the City. In addition the City shall recognize the following Union Officers: President, Vice President, Secretary and Treasurer. Only the President and Vice President shall be additional designated local union representatives for the purpose of processing grievances.

It is understood that grievance representatives, as well as officers of the Local Union may, while on duty, interview managerial staff or bargaining unit members as part of their duties and obtain needed information from DAS during duty hours, provided that advance supervisory approval is obtained and provided such activity does not interfere with, disrupt, or interrupt normal departmental operations.

ARTICLE 35

ERGONOMICS

The parties agree, when a complaint is filed regarding an ergonomic issue, the union shall request a meeting with the immediate supervisor and the human resources department to discuss an appropriate resolution.

ARTICLE 36

SCOPE AND SEVERABILITY

Section 1.

This Agreement supersedes all previous oral and written agreements between the City and the Union and between the City and any employee within the collective bargaining unit. The parties hereby agree that the relations between them shall be governed exclusively by the terms of this Agreement only and no prior agreements, amendments, modifications, alterations, additions, or changes, oral or written, pertaining thereto shall be controlling or in any way affect the relations between the parties or the wages, hours and working conditions of the employees covered by this Agreement.

Section 2.

It is also agreed that during the negotiations leading to the execution of this Agreement, the parties have had full opportunity to submit all items appropriate to collective bargaining and that the parties expressly waive the right to submit any additional item for negotiation during the term of this Agreement, irrespective of whether the item was or was not discussed during the course of negotiations leading to the execution of this Agreement. The specific provisions of this Agreement are the sole source of any rights which the Union or any member of the bargaining unit may charge the City or any of its agents with violating in raising a grievance.

Section 3.

In the event any of the provisions of this Agreement shall be declared illegal, only that provision shall be negotiated to comply with the law and the remainder of the Agreement shall remain in full force and effect.

ARTICLE 37

SIGNATORY AGREEMENT

Section 1.

By affixing appropriate signatures below, the representatives of the AFSCME Employees Union and the City agree to the terms and conditions of this employment Agreement. The language of said foregoing terms and conditions of employment is hereby deemed to be acceptable to both parties and recommended to be forwarded to the Delaware City Council for the necessary legislative approval, ratification and adoption.

Section 2.

Signed and dated at Delaware, Ohio, on this ____ day of December 2013.

For the City:

For the Union:

R. Thomas Homan
City Manager

~~Diane Ladd~~ [Stacie Hines](#)
Bargaining Committee Member

Approved As to Form :

William DeVore
AFSCME Representative

Darren M. Shulman
City Attorney

MOU REGARDING FUTURE DISCUSSIONS

The parties agree that they will convene a special labor management meeting to discuss the possibility of creating a new position that will be paid at pay grade 3 (currently there is no position at this pay grade).

In addition, the parties will also discuss potential alternative work week schedules.

For the City: _____ For the Union: _____

R. Thomas Homan
City Manager

Stacie Hines
Bargaining Committee Member

Approved As to Form : _____

William DeVore
AFSCME Representative

Darren M. Shulman
City Attorney



FACT SHEET

AGENDA ITEM NO: 37

DATE: 9/12/16

ORDINANCE NO:

RESOLUTION NO: 16-43

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 ADOPTING THE 2017-2021 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

BACKGROUND:

A work session to discuss the CIP has been scheduled for Monday, October 3.

REASON WHY LEGISLATION IS NEEDED:

Pursuant to Section 79 of the Charter, the CIP is to be submitted to City Council by August 15 and adopted no later than October 15. Adoption is scheduled for Council's October 10 meeting.

COMMITTEE RECOMMENDATION:

N/A

FISCAL IMPACT(S):

POLICY CHANGES:

N/A

PRESENTER(S):

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

RECOMMENDATION:

ATTACHMENT(S)

CIP

RESOLUTION 16-43

A RESOLUTION ADOPTING THE 2017-2021 FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM.

WHEREAS, a revised Five-Year Capital Improvements Program was prepared and submitted to City Council in accordance with Article XVII, Section 79 of the City Charter, and

WHEREAS, City Council has considered the proposed plan and has determined that it shall be the future public improvement plan for the City of Delaware, and

WHEREAS, Article XVII, Section 80 of the City Charter requires that City Council adopt, by resolution, the Five-Year Capital Improvements Program on or before October 15, and

WHEREAS, City Council will review the 2017-2021 CIP at Work Sessions before October 10.

WHEREAS, Council discussed possible amendments to the plan which may be considered as part of adopted the 2016 budget.

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

SECTION 1. That the 2017-2021 Five-Year Capital Improvements Program for the General Fund, Airport, Fire, Police, Public Works, Parks, Equipment Replacement, Technology, Building Maintenance, Water, Sewer, Storm Sewer, Refuse, Parks Impact, Police Impact, and Fire Impact attached hereto as Exhibit A, is hereby adopted as the official plan for future public improvements.

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



TO: Mayor Riggle and Members of City Council
FROM: R. Thomas Homan, City Manager 
SUBJECT: 2017-2021 Capital Improvement Program
DATE: August 12, 2016

Pursuant to section 79 of the City Charter, submitted herewith is my proposed 2017-2021 Capital Improvement Plan, adoption of which must occur by October 15. The first reading of the Plan will take place Monday, September 12; the second reading on Monday, September 26, and the third reading and adoption on Monday, October 12. Additionally, work sessions should be scheduled, which will allow for more substantive discussion and review.

As with previous Plans, the city's limited general fund resources make it quite challenging to meaningfully address the city's increasing road and transportation needs. This point is underscored by the fact that the city's street resurfacing program in 2018 and 2019 will not include any local streets, with the exception of Community Development Block Grant paving projects. This is due to increased costs of the scheduled paving activity on collector and arterial projects for those years.

This challenge is being addressed as part of the city's Moving Delaware Forward initiative, which will be decided by voters in November. If approved, it will provide a permanent and sustainable source of new revenue dedicated to maintaining and expanding the city's street network.

As Council begins its review of this Plan, the following issues need to be considered, as they have the potential to impact this and future Plans.

Entrepreneurial Center (Gazette Building)

Staff is working with an architectural firm to develop a concept plan for an Entrepreneur Center in the former Gazette Building next to City Hall. This concept plan will include projected renovation costs that will then allow a stakeholder group of public and private partners to develop a funding model for completing the work. Therefore, the proposed CIP does not reflect costs for this project.

20 East William Street/Former Engineering Offices

With the engineering department having completely moved out of this building, a decision needs to be made about its future use, which is in the city's historic overlay district. Options, each of which has tradeoffs, include leasing, selling or demolition to provide additional public parking. What happens with the former Gazette building could also have an impact on re-use options.

Impact Fees

The city's impact fee program, in place since 2002, has helped the city address the impacts of new residential and commercial growth. The last update to the program was undertaken in 2006. Another update is warranted and it is my recommendation that this be undertaken in 2016. Completion of the report will aide greatly in establishing a plan for the future use of these funds, including the purchase of land on the city's southeast side for a community park.

Downtown Parking

As Council is aware, the city retained the firm of MKSK to undertake a comprehensive study of downtown parking needs, focusing on:

- How existing parking supply is used and ways it can be improved
- Identifying ways the parking experience can be enhanced for visitors
- Evaluating where there may be parking shortages and how these can be addressed

The draft study is undergoing a final review by the Steering Committee and staff. It will be reviewed with Council at a future work session.

Economic Development

With the approaching completion of the Sawmill Parkway Extension project, City staff has been working to develop a master plan of the area surrounding Sawmill Parkway, southeast of US42 to encourage economic development that is consistent with our 2014 Economic Development Plan. Such a master plan could allow us to develop a strong cluster park similar to the health and beauty park that has shown tremendous success in New Albany.

To date, we have worked with engineering consultants to assess storm water drainage in this area and potential associated costs. Similarly, Public Utilities have been developing estimated costs associated with providing water and sewer. The engineering report, when completed in 2016, will provide preliminary alignments and pipe sizes with construction costs for water and sanitary sewer mains. Public Works has been assembling costs for potentially needed access roads to allow companies to access Sawmill Parkway and a proposed JEGs Blvd. Once these costs are assembled, Economic Development will develop a finance model for paying for all needed infrastructure through a public and private partnership.

These costs and the draft utilities plans will allow us to develop a request for proposals to select a developer or developers to partner with us to achieve our collective economic development goals for the area. Staff has already had meetings with the largest owner of properties to introduce the concept of partnering with a developer or developers to master plan the area, put the land in contract and market the property to end users.

Separate but related, Economic and Community Development also has started to discuss the master planning of the near East Side Historic District to be able to continue the success of the historic Downtown core. With Downtown Delaware exceeding 95% first-floor occupancy, it is important for us to continue to redevelop this historic East Side to allow for continued options for housing, retail, restaurants and offices.

Parks and Natural Resources also have been part of these discussions because utilizing natural features, such as the Olentangy River, are an important revitalization component.

The city has also engaged the services of a transportation engineering consultant to evaluate traffic movements and access east of US23 to identify improvements that will reduce east side congestion and improve traffic flow.

~~~~~

Over the next several weeks staff and I look forward to reviewing this CIP with City Council. I want to thank my staff for their hard work in putting this document together, in particular, my Executive Assistant Michele Kohler, and Finance Director Dean Stelzer.

**City of Delaware  
Capital Improvement Plan  
2017 - 2021**

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**CITY OF DELAWARE  
CAPITAL IMPROVEMENT PLAN  
GENERAL FUND SUMMARY  
2017 - 2020**

|                                                             | 2017             | 2018             | 2019             | 2020             | 2021             |
|-------------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <b>BALANCE FORWARD</b>                                      | 1,500,000        | 837,831          | 226,959          | 193,295          | 121,762          |
| <b>REVENUES:</b>                                            |                  |                  |                  |                  |                  |
| INCOME TAX                                                  | 1,750,000        | 1,750,000        | 1,750,000        | 1,750,000        | 1,750,000        |
| <b>BALANCE PLUS REVENUE</b>                                 | <b>3,250,000</b> | <b>2,587,831</b> | <b>1,976,959</b> | <b>1,943,295</b> | <b>1,871,762</b> |
| <b>EXPENDITURES:</b>                                        |                  |                  |                  |                  |                  |
| <b>DEBT SERVICE</b>                                         |                  |                  |                  |                  |                  |
| 2012 Streetscape (\$2,542,516 through 2022)                 | 282,860          | 284,058          | 282,635          | 269,904          | 269,904          |
| 2016 PW Building Maint. (\$450,000 through 2027)            | 53,410           | 53,410           | 53,410           | 53,410           | 53,410           |
| Advance from Reserve Fund Payback                           | 150,000          | 147,452          |                  |                  |                  |
| <b>TOTAL DEBT SERVICE</b>                                   | <b>486,270</b>   | <b>484,920</b>   | <b>336,045</b>   | <b>323,314</b>   | <b>323,314</b>   |
| <b>AMOUNT AVAILABLE FOR CAPITAL IMPROVEMENTS AFTER DEBT</b> | <b>2,763,730</b> | <b>2,102,911</b> | <b>1,640,914</b> | <b>1,619,981</b> | <b>1,548,448</b> |
| <b>OTHER EXPENDITURES</b>                                   |                  |                  |                  |                  |                  |
| AIRPORT IMPROVEMENTS (pg. 4)                                | 310,587          | 188,350          | 65,000           | 85,442           | 115,836          |
| STREET IMPROVEMENTS (pg. 8)                                 | 191,155          | 266,527          | 311,571          | 525,828          | 451,440          |
| PARK IMPROVEMENTS (pg. 15)                                  | 195,000          | 115,000          | 80,000           | 15,000           | 30,000           |
| EQUIPMENT REPLACEMENT (pg.18)                               | 650,000          | 500,000          | 500,000          | 525,000          | 625,000          |
| TECHNOLOGY IMPROVEMENTS (pg. 22)                            | 141,500          | 439,125          | 184,220          | 102,720          | 102,720          |
| BUILDING MAINTENANCE (pg. 26)                               | 312,657          | 241,950          | 181,828          | 119,229          | 77,482           |
| SIDEWALK MAINTENANCE (pg. 28)                               | 125,000          | 125,000          | 125,000          | 125,000          | 125,000          |
| <b>TOTAL OTHER EXPENDITURES</b>                             | <b>1,925,899</b> | <b>1,875,952</b> | <b>1,447,619</b> | <b>1,498,219</b> | <b>1,527,478</b> |
| <b>ENDING BALANCE</b>                                       | <b>837,831</b>   | <b>226,959</b>   | <b>193,295</b>   | <b>121,762</b>   | <b>20,970</b>    |

## **AIRPORT IMPROVEMENTS**

### Description:

The Delaware Municipal Airport (DLZ) is located in the heart of the Delaware Business Center at 1075 Pittsburgh Drive in Delaware, Ohio. The 315 acre facility is surrounded by the city's vital industrial district and is just three miles southwest of the historic center of Downtown Delaware. The City of Delaware owns, operates, maintains, and manages the airport and its facilities including the administration building, two maintenance hangars, six multi-unit T-hangers and a newly extended 5800 LF Runway 28. The Delaware Municipal Airport serves as a general aviation reliever for OSU's Don Scott Field. Today, the Delaware Municipal Airport has nearly 100 based aircraft including both single and multi-engine aircraft and helicopters, and sees an estimated 40,000 operations per year, including corporate jet activity, recreational, and military flying and flight instruction. The primary users of the airport and its facilities include recreational pilots from Delaware and the surrounding counties. The airport is also home to several area businesses including Jeg's High Performance Auto, Chris Lucas Auto Dealerships, Shamrock Aviation Maintenance, COAR Aerial Survey, Spencer Flight School, and McMichael's Avionics. The airport also serves transient users generally flying in to purchase jet and general aviation fuel.

In 2016, the new 800 LF Runway 28 extension project was completed allowing expanded use of the airport through more adverse weather conditions such as low ceiling. As part of the project, the existing runway was resurfaced along with the east end of taxiway 'A', and a new taxiway 'C' connector was constructed east of the existing connector. Future construction activities at the Airport include resurfacing of Taxiway 'A' to the west, expansion of the corporate ramp to the east, and the proposed paving of the taxi-aisles between the T-hanger units, all of which are pending securing additional state and federal funding.

Both the Airport Improvement Plan (AIP) and Strategic Business Plan are due for updating. The AIP primarily addresses the infrastructure maintenance and expansion needs of the airport, and is closely coordinated with our airport consultant CHA, and the Federal Aviation Administration. A successful Strategic Business Plan will identify the facilities, programs and services that could be offered and operated at the airport to better service local area businesses, and to attract new business and commercial opportunities. Since the major reconstruction of the airport runway fifteen years ago, the city in combination with private development interests, have invested over \$11 million in improvements at the airport. Improvements include the construction of corporate and general aviation hangars, pavement expansion, security fencing installation, aviation guidance and system improvements, and general operations equipment.

Primary Strategic Plan Theme/Goals:

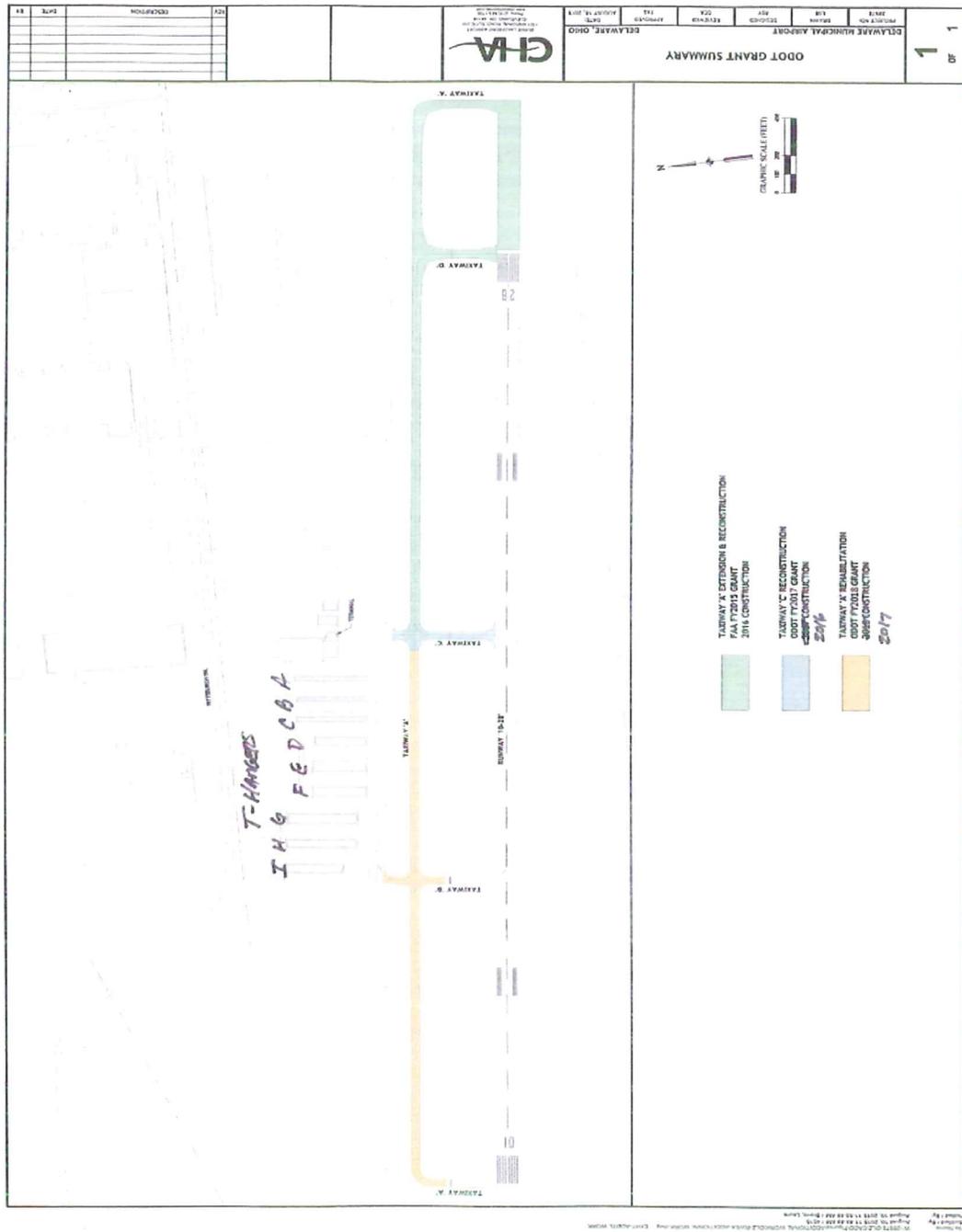
Effective Government - Effectively deliver the services that Delaware citizens need, want, and are willing to support

Master Planning Efforts:

2016 - Complete Runway 28 Extension

2017 - Jim Moore Field Business Plan

2018 - AIP Masterplan Update



**CAPITAL IMPROVEMENT PLAN  
AIRPORT IMPROVEMENT FUND  
2017 - 2021**

|                                                      | 2017           | 2018           | 2019             | 2020           | 2021           |
|------------------------------------------------------|----------------|----------------|------------------|----------------|----------------|
| <b>BALANCE FORWARD</b>                               | 0              | 0              | 0                | 0              | 0              |
| <b>REVENUES:</b>                                     |                |                |                  |                |                |
| FAA Entitlement                                      | 150,000        | 150,000        | 150,000          | 150,000        | 150,000        |
| FAA Entitlement - Carryover amount (needs verified)  | 93,065         |                | 150,000          |                | 150,000        |
| FAA Discretionary                                    | 15,000         |                | 870,000          |                |                |
| ODOT - Taxiway A                                     | 22,034         |                |                  |                |                |
| ODOT - Corp Ramp                                     |                |                | 65,000           |                |                |
| ODOT - Hangar A,B,C,D,E,F                            |                | 64,182         |                  | 47,652         |                |
| TIF Collections                                      | 25,745         | 25,745         | 25,745           | 25,745         | 25,745         |
| <b>CIP Advance</b>                                   | <b>150,000</b> | <b>147,452</b> |                  |                |                |
| <b>CIP Allocation (pg. 1)</b>                        | <b>160,587</b> | <b>40,898</b>  | <b>65,000</b>    | <b>85,442</b>  | <b>115,836</b> |
| <b>TOTAL REVENUES</b>                                | <b>616,431</b> | <b>428,277</b> | <b>1,325,745</b> | <b>308,839</b> | <b>441,581</b> |
| <b>EXPENDITURES:</b>                                 |                |                |                  |                |                |
| <i>City Non-Grant</i>                                |                |                |                  |                |                |
| Payback to General Reserve Fund (\$447,452)          | 150,000        | 147,452        |                  |                |                |
| <i>Grant Improvements</i>                            |                |                |                  |                |                |
| Corporate Ramp Expansion                             |                |                | 1,300,000        |                |                |
| T-Hangar A, B & C Resurfacing                        |                | 105,080        |                  |                |                |
| T-Hangar D, E & F Resurfacing                        |                |                |                  | 133,094        |                |
| Main Parking Area & North Access Driveway            |                |                |                  |                | 115,836        |
| Taxiway A Design/Construction (\$72,000 entitlement) | 440,686        |                |                  |                |                |
| <i>TIF Improvements</i>                              |                |                |                  |                |                |
| <b>TOTAL EXPENDITURES</b>                            | <b>590,686</b> | <b>252,532</b> | <b>1,300,000</b> | <b>133,094</b> | <b>115,836</b> |
| <b>AIRPORT IMPR. FUND BALANCE</b>                    | <b>0</b>       | <b>0</b>       | <b>0</b>         | <b>0</b>       | <b>0</b>       |

|                            |               |                |                |                |                |
|----------------------------|---------------|----------------|----------------|----------------|----------------|
| <b>Entitlement Balance</b> | <b>0</b>      | <b>150,000</b> | <b>-</b>       | <b>150,000</b> | <b>300,000</b> |
| <b>TIF Balance</b>         | <b>63,760</b> | <b>89,505</b>  | <b>115,250</b> | <b>140,995</b> | <b>166,740</b> |

## **STREETS**

### Description:

Pavement maintenance remains the largest component of the Highway Maintenance Plan, and when considering the limited availability of funding, continues to directly compete with other priority highway maintenance needs including crash barrier repairs, street lighting, traffic signals, crack sealing, and signage and striping needs. Identifying additional funds for the city's highway maintenance program has been a primary focus during 2016, culminating with Council's approval of Ordinance 16-46 that proposes a 0.15% income tax levy to be designated for transportation improvements.

This CIP continues to allocate all Ohio Public Works Commission (OPWC) and Community Development Block Grant (CDBG) funds available for capital projects to the resurfacing program. The Delaware County Engineer has supported the City's OPWC applications with \$50,000 in matching funding. The OPWC funds are awarded through a competitive application process.

State funds are available for street paving through the ODOT Urban Resurfacing Program which will include US 42 north of William Street in 2017. The Urban Resurfacing Program does require a 20% local match contribution.

CDBG funds have been reduced from prior year levels, allowing for only \$60,000 per year to resurface one or more eligible streets. Though CDBG funds are limited to low/moderate income designated areas, the cost of maintaining these streets exceeds the funding available, thus necessitating additional local dollars.

The 2017-2021 Five-Year Resurfacing Program includes an average annual expenditure of \$950,000 per year for roadway paving. Of this amount, 60% comes from grants while 40% is from local revenues. The majority of funds, 90%, are directed toward the arterial and collector roads while only 10% is available for local streets, though local streets make up 52% of the total lane miles within the city. This approach is necessary in order to prioritize and maintain the most travelled and visible streets. It should be further noted that the amount of funding available for local street resurfacing drops to zero dollars in 2018 and 2019 to accommodate increased costs of the scheduled paving activity on collector and arterial projects for those years. As the locally funded arterial streets age, all funding will be required to maintain these higher priority streets, leaving no local dollars for residential streets. However, with the successful approval of the proposed income tax levy, funding for residential streets could be increased by an additional \$800,000 per year allowing for a program that begins to address the deteriorating condition of many local low-volume residential streets and cul-de-sacs.

Analysis continues to demonstrate the steady rate of pavement deterioration of the local street network with the average pavement condition for local streets

dropping on an annual basis. It is understood that the increasing quantity of new pavements added to the inventory by way of development activity, continues to artificially elevate the local street network pavement rating. When discounting the impact on the overall pavement condition rating from newly constructed streets, the actual pavement rating for the majority of the local street network is currently estimated at D+. While pavement conditions worsen, maintenance costs will increase as repairs continue to be deferred to future years. Various analyses have all yielded similar results when identifying the future funding needs to improve the local street network.

Bridge Improvements continues to be an area where funding limitations prevents the timely maintenance of certain non-critical items on several structures the City is responsible for. Examples include repair to abutment and wing walls, deck repairs, channel improvements and approach transition resurfacing. The City is required to inspect all structures annually and submit results to the State. Reports continue to identify certain repair areas and items that need to be addressed before more serious and critical deterioration occurs. Most recently, the bridge deck surface carrying South Sandusky Street over the Delaware Run was found to be severely deteriorated and in need of repair, which was subsequently completed in July of this year. Considering the number of structures managed by the City, it is anticipated such repairs will be an ongoing responsibility in future budget years.

Two minor projects are included at the request of residents. The first involves installing ADA compliant equipment upgrades to the signal system at the William and Sandusky Street intersection to accommodate a visually impaired student. The second project advances constructing the final phase of lighting improvements along North Houk Road between Jaguar Spur and Lamplight Drive.

Primary Strategic Plan Theme/Goals:

Great Community/Healthy Economy

GC2 - Provide an efficient transportation system with safe and complete streets

HE1 - Build and Maintain a Healthy Economy

Master Planning Efforts:

2016 - Update to the Transportation & Thoroughfare Plan

2016 - Implementation of In-house Pavement Evaluation

2017 - Expansion of resurfacing efforts pending outcome of income tax levy

**CAPITAL IMPROVEMENT PLAN  
STREET IMPROVEMENTS  
2017 - 2020**

|                                              | 2017           | 2018           | 2019           | 2020             | 2021           |
|----------------------------------------------|----------------|----------------|----------------|------------------|----------------|
| <b>REVENUES:</b>                             |                |                |                |                  |                |
| PERMISSIVE TAX (License Fee Fund)            | 408,040        | 412,120        | 416,242        | 420,404          | 424,608        |
| STATE LICENSE FEES                           | 17,852         | 18,030         | 18,211         | 18,393           | 18,577         |
| STATE GASOLINE TAXES                         | 84,000         | 84,500         | 85,000         | 85,000           | 85,000         |
| <i>CIP Allocation (pg. 1)</i>                | <b>191,155</b> | <b>266,527</b> | <b>311,571</b> | <b>525,828</b>   | <b>451,440</b> |
| <b>TOTAL REVENUE</b>                         | <b>701,047</b> | <b>781,178</b> | <b>831,023</b> | <b>1,049,625</b> | <b>979,625</b> |
| <b>EXPENDITURES:</b>                         |                |                |                |                  |                |
| <b>DEBT SERVICE</b>                          |                |                |                |                  |                |
| Bonds - S. Houk Road                         | 31,047         | 31,178         | 31,023         | 29,625           | 29,625         |
| <b>TOTAL DEBT SERVICE</b>                    | <b>31,047</b>  | <b>31,178</b>  | <b>31,023</b>  | <b>29,625</b>    | <b>29,625</b>  |
| <b>STREET RESURFACING</b>                    |                |                |                |                  |                |
| City Grant Match Street Resurfacing          | 150,000        | 480,000        | 500,000        | 370,000          | 250,000        |
| ODOT URP Street Resurfacing City Match       | 100,000        |                |                |                  |                |
| City Street Resurfacing -                    |                |                |                |                  |                |
| Network Streets                              | 260,000        |                |                | 550,000          | 600,000        |
| Administrative/Inspection                    | 50,000         | 50,000         | 50,000         | 50,000           | 50,000         |
| <b>TOTAL STREET RESURFACING</b>              | <b>560,000</b> | <b>530,000</b> | <b>550,000</b> | <b>970,000</b>   | <b>900,000</b> |
| <b>TRANSPORTATION IMPROVEMENTS</b>           |                |                |                |                  |                |
| City Grant Match Transportation Improvements | 25,000         |                | 200,000        |                  |                |
| ADA Improvements                             | 35,000         |                |                |                  |                |
| North Houk Road Lighting Phase II            |                | 150,000        |                |                  |                |
| CSX Improvements (Curtis Street)             |                | 20,000         |                |                  |                |
| Bridge Improvements                          | 50,000         | 50,000         | 50,000         | 50,000           | 50,000         |
| <b>TOTAL TRANSPORTATION IMPROVEMENTS</b>     | <b>110,000</b> | <b>220,000</b> | <b>250,000</b> | <b>50,000</b>    | <b>50,000</b>  |
| <b>TOTAL EXPENDITURES</b>                    | <b>701,047</b> | <b>781,178</b> | <b>831,023</b> | <b>1,049,625</b> | <b>979,625</b> |

## **GRANTS**

### Description:

Several key transportation projects are identified in the five year capital plan, all of which are in varying stages of planning efforts. These large initiatives are only possible through access to significant funding opportunities including the Surface Transportation Program (STP), State Highway Safety Program, and Federal Earmark funding. Federal funding generally requires a minimum local 20% matching contribution; however, careful planning and successful lobbying efforts by city staff has yielded 100% funding for two of the three major transportation projects now under construction in 2016, including the US23/SR315 Intersection Improvements and the US23/Pennsylvania Ave. Interchange. Both projects are anticipated to be completed and opened by October of this year. A third project, the E. William Street Corridor Improvement project, continues under design and is expected to advance into right-of-way acquisition in early 2017. The project will be bid and constructed by ODOT in 2019. The William Street Improvements, which was designated as an ODOT LPA project in 2013, is being partially funded through the successful repurposing of the Veteran's Parkway earmark. In addition to those funds, the city's \$611,000 available balance in MORPC sub-allocated attributable funds has been allocated toward this project as well. If overall costs can be contained with minimal changes in scope, the project could be completed with limited local match required.

Many significant transportation initiatives are routinely discussed among staff, council, and the public including the Valleyside Drive Extension, Merrick Blvd. extension, Cheshire Rd realignment, Cottswold Drive extension, the Point bridge replacement, and various phases of Glenn Parkway. Other intersection improvements and roadway widening and turn lane projects throughout the community have also been identified and are included in the 2016 Transportation Plan update. Most recently, the need to address the rapidly deteriorating condition of Central Avenue, specifically between the Point and US23 has been gained notable attention.

There is insufficient funding to address all transportation needs in the city. Projects must be prioritized in association with the ongoing Transportation Plan update. The city has realized the successful completion of several large project initiatives over the past ten years including the Houk Road and Glenn Parkway extensions, the Peachblow/Glenn Parkway/US23 intersection, the Point Phase I improvements, the recently completed Houk Road Bikeway, and several smaller intersection and roadway improvement projects. Many of these projects were able to advance through partnerships with the local development community. The Sawmill Parkway project also reached a milestone this year in advancing to construction in the city following the establishment of the city-county construction funding agreement. To address some of the highest priority projects, City Council adopted Ordinance 16-46 in July, approving an income tax levy issue to be placed on the November ballot for voter

consideration. If approved, the 0.15% income tax levy will generate an estimated \$2.2 million annually designated toward transportation improvements. The increase in revenue will allow for several priority project initiatives to advance to design beginning in 2017.

Two of the highest priority projects are ‘the Point’ intersection and the East Central Avenue corridor. Both contribute to daily traffic congestion and delay. Interim improvements were completed to the “Point Intersection” in 2009 to better manage peak hourly volumes of westbound US36/SR37 traffic. Over the past several years however, traffic along the 36/37 corridor has increased to the level where significant traffic delay and congestion is experienced both during morning and afternoon peak hours, especially in the eastbound direction. Delays are approaching several minutes per vehicle as traffic levels exceed the capacity of the intersection and narrow two-lane roadway below the railway bridge. The East Central corridor has been subject to increasing truck traffic leading to rapid deterioration of pavement. Efforts to maintain the pavement have been limited to placing leveling courses of asphalt as the surface continues to rut and break apart. Significant pavement reconstruction is required to address these issues, along with improvements to drainage, lane widths, and intersection geometry.

Detailed analysis under way in 2016 continues to evaluate the traffic patterns and volumes on the road network between US 23 and SR 521. Indications are that significant improvements will be required to manage projected traffic volumes. Common to all conceptual alternatives is the need to widen the existing Norfolk Southern Railway Bridge to accommodate five vehicle lanes with adjacent pedestrian lanes on either side. A project of this magnitude has been estimated to cost \$23 million and will require assistance from State and federal funding sources.

The City had prepared and recently submitted two funding applications to request federal funding through MORPC and State transportation funds through the Transportation Review Advisory Council (TRAC). An additional application was submitted for State Safety Funds in August. In total, the city is requesting \$17 million in assistance, leaving 6 million to be funded locally through public and private partnering efforts. The local contribution is more feasible with the successful approval of the proposed income tax levy issue. However, if the levy fails, the City will have to investigate alternatives to fund the required local match as the project is too critical to delay any further.

The city is contemplating submitting a similar application in 2018 for MORPC attributable funding for the East Central Corridor improvements project. Ongoing studies this year will aid in identifying several alternative approaches to managing traffic along the Central and William Street corridors, and those improvements which most effectively address these needs. Advancing such a project will necessitate identifying additional local matching funding for construction and funding for preliminary project development.

The city also submitted a federal funding application through MORPC for signal system upgrades to address the aging equipment and operating system initially installed over fifteen years ago. Congestion at certain locations in Delaware can be relieved through improved signal timing coordination. Advances in equipment and operating software allow a coordinated system to operate in a mode more responsive to traffic pattern and volume variations throughout the day in contrast to the limited time of day operation currently utilized in Delaware.

Two significant highway improvement projects have been able to advance, however only through the availability of (NCA) new community authority funding. The first project includes the reconstruction of Glenn Parkway from US36/SR37 to Mill Run Crossing. The second project in the early design stage is the extension of Glenn parkway from Sycamore Drive to Berlin Station Road. Both are available through the NCA funding put in place at the time the large developments were in planning.

Primary Strategic Plan Theme/Goals:

Great Community/Healthy Economy

GC2 - Provide an efficient transportation system with safe and complete streets

GC3 - Provide an effective stewardship of natural resources (parks, open space, Olentangy River, Delaware Run)

HE1 - Build and Maintain a Healthy Economy

Master Planning Efforts:

2014 - The Point Intersection Alternatives Analysis & Review

2015 - Transportation Model & Plan Update

2016 - East Corridor Traffic Analysis and Recommendations

2016 - The Point funding applications

2016 - 0.15% Income Tax Levy

**CAPITAL IMPROVEMENT PLAN  
GRANT PROJECTS  
2017 - 2020**

|                                                           | 2017             | 2018             | 2019             | 2020           | 2021           |
|-----------------------------------------------------------|------------------|------------------|------------------|----------------|----------------|
| <b>REVENUES:</b>                                          |                  |                  |                  |                |                |
| <b>Grant Funds:</b>                                       |                  |                  |                  |                |                |
| ODOT Earmark E. William St.                               | 350,000          |                  | 3,000,000        |                |                |
| MORPC - STP Funds -US36/E. William                        |                  |                  | 600,000          |                |                |
| OPWC - Street Rehabilitation                              | 450,000          | 450,000          | 450,000          | 450,000        | 450,000        |
| County OPWC Project                                       | 50,000           | 50,000           | 50,000           | 50,000         | 50,000         |
| RLF Fund                                                  | 40,000           | 50,000           | 45,000           | 25,000         | 30,000         |
| CDBG Rehabilitation                                       | 60,000           | 60,000           | 60,000           | 60,000         | 60,000         |
| <i>City Match Transportation Improvmnts Total (pg. 3)</i> | <i>25,000</i>    |                  | <i>200,000</i>   |                |                |
| <i>City Match Street Resurfacing (pg. 3)</i>              | <i>150,000</i>   | <i>480,000</i>   | <i>500,000</i>   | <i>370,000</i> | <i>250,000</i> |
| <b>TOTAL REVENUE</b>                                      | <b>1,125,000</b> | <b>1,090,000</b> | <b>4,905,000</b> | <b>955,000</b> | <b>840,000</b> |
| <b>EXPENDITURES:</b>                                      |                  |                  |                  |                |                |
| <b>Transportation Improvements</b>                        |                  |                  |                  |                |                |
| US 36/E. William St. Improvements (Design)                | 350,000          |                  | 3,800,000        |                |                |
| The Point Improvements                                    | 25,000           |                  |                  |                |                |
| <b>Street Resurfacing</b>                                 |                  |                  |                  |                |                |
| OPWC Projects                                             |                  |                  |                  |                |                |
| - London Road                                             | 650,000          |                  |                  |                |                |
| - Pittsburgh Drive, Heffner St.                           |                  | 980,000          |                  |                |                |
| - Houk Road (Pittsburgh to Merrick)                       |                  |                  | 1,000,000        |                |                |
| - Liberty Rd., Belle Ave.                                 |                  |                  |                  | 870,000        |                |
| - Hawthorn & Pennsylvania                                 |                  |                  |                  |                | 750,000        |
| CDBG Grant                                                |                  |                  |                  |                |                |
| - Harrison St. (East and West)                            | 100,000          |                  |                  |                |                |
| - Wade St., Moore St.                                     |                  | 110,000          |                  |                |                |
| - English Terrace, Pumphrey Terrace                       |                  |                  | 105,000          |                |                |
| - Wootring                                                |                  |                  |                  | 85,000         |                |
| - Flax St.                                                |                  |                  |                  |                | 90,000         |
| <b>TOTAL EXPENDITURES</b>                                 | <b>1,125,000</b> | <b>1,090,000</b> | <b>4,905,000</b> | <b>955,000</b> | <b>840,000</b> |

## **PARKS IMPROVEMENTS**

### Description

The Parks Improvement Fund will continue to update and improve parks including playground equipment, wayfinding and site furniture. The play structures are typically replaced on a 15 year rotation depending on how the equipment has aged. Parks and Natural Resource staff will inspect the equipment biannually to determine if the equipment life can be extended. The equipment rotation plan allows us to spread out replacement costs so we can have minimal impact on the Improvements budget.

The City is currently working on a park signage program that will provide updates to park entrance, directional and interpretive signs. This will provide easier access and promote a sign style consistent with the city wide sign standard. The program will be instituted over several years and provides the framework for a replacing outdated signs.

The Parks and Natural Resource staff will also begin a master planning process of all parks. The goal will be to perform assessments of park facilities and infrastructure to determine their expected life span so that we can responsibly plan for options that range from repair to rebuild and include in our planning budget. We will also be looking toward the future to determine what our anticipated athletic field needs will be based on athletic group surveys, national trends and local needs. This overall planning effort will allow us to effectively meet the recreation needs of our community and efficiently adapt to a rapidly changing population in our City.

**CAPITAL IMPROVEMENT PLAN  
PARKS IMPROVEMENT FUND  
2017 - 2021**

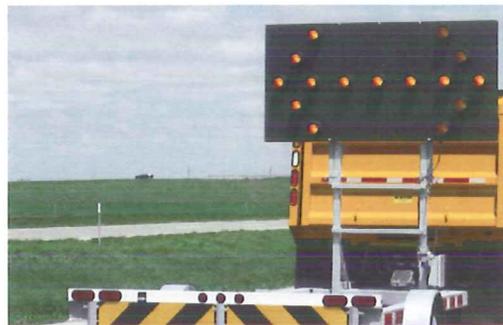
|                                 | 2017           | 2018           | 2019          | 2020          | 2021          |
|---------------------------------|----------------|----------------|---------------|---------------|---------------|
| <b>BALANCE FORWARD</b>          | <b>205,177</b> | <b>8,936</b>   | <b>8,936</b>  | <b>8,936</b>  | <b>8,936</b>  |
| <b>REVENUES:</b>                |                |                |               |               |               |
| Neighborhood Park Exaction Fees | 5,000          | 5,000          | 5,000         | 5,000         | 0             |
| <b>CIP Allocation (pg. 1)</b>   | <b>195,000</b> | <b>115,000</b> | <b>80,000</b> | <b>15,000</b> | <b>30,000</b> |
| <b>TOTAL REVENUES</b>           | <b>200,000</b> | <b>120,000</b> | <b>85,000</b> | <b>20,000</b> | <b>30,000</b> |
| <b>EXPENDITURES:</b>            |                |                |               |               |               |
| COMMUNITY PARKS                 |                |                |               |               |               |
| - Mingo                         | 180,000        | 15,000         | 45,000        |               |               |
| - Smith Park                    | 15,000         |                | 30,000        |               |               |
| - Blue Limestone                |                |                |               | 20,000        |               |
| NEIGHBORHOOD PARK IMPROVEMENTS  |                |                |               |               |               |
| - Carson Farms                  |                | 10,000         |               |               |               |
| - Cheshire                      |                | 10,000         |               |               |               |
| - Eastside                      |                | 40,000         |               |               |               |
| - Lexington Glen                |                |                | 10,000        |               |               |
| - Nottingham                    |                | 25,000         |               |               |               |
| - Oakhurst                      |                |                |               |               | 30,000        |
| - Stratford Woods               |                | 20,000         |               |               |               |
| - Willowbrook Park              | 138,000        |                |               |               |               |
| - Glen Ross Park                | 63,241         |                |               |               |               |
| <b>TOTAL EXPENDITURES</b>       | <b>396,241</b> | <b>120,000</b> | <b>85,000</b> | <b>20,000</b> | <b>30,000</b> |
| <b>ENDING FUND BALANCE</b>      | <b>8,936</b>   | <b>8,936</b>   | <b>8,936</b>  | <b>8,936</b>  | <b>8,936</b>  |

## **EQUIPMENT**

### Description:

The Public Works Fleet Division maintains an estimated 160 individual major pieces of major rolling stock equipment, and additional 100 minor pieces. Major equipment includes all service vehicles and construction equipment, while minor equipment includes lawnmowers, golf carts, generators, etc. The majority of this equipment is serviced by the fleet maintenance staff of the Public Works department. Replacement of equipment is generally a function of age, condition, reliability, safety, engine hours, vehicle miles, cost of repairs, and trade-in values. The Equipment Replacement fund includes vehicles operated by all divisions of the Public Works, Police, Parks and Natural Resources departments. Refuse, Fire and Utility vehicles appear in the CIP under those associated funds.

A critical piece of safety equipment being requested is a trailer mounted impact attenuator. The trailer will be utilized by any department performing infrastructure maintenance operations adjacent to active high speed traffic driving on US 23, US 42, US 36, SR 37 and SR 521. Increasing numbers of serious accidents are occurring between distracted motorists and service workers and equipment. The safety trailer will provide enhanced protection for our City Public Works, Utility and Parks staff.



The Parks and Natural Resources Department follows a comprehensive equipment inventory and replacement schedule that includes all rolling stock and mowing equipment. When replacing mowing equipment, the department continues to trade in mowers after a year of service to maximize trade in values while minimizing equipment service and maintenance cost and downtime.

Historically, police vehicles are decommissioned from police activity after three years of service due to safety and performance concerns. Though the vehicles generally have high mileage when retired from police use, the more substantial SUV's are generally in good condition and acceptable for continued use by other departments. An additional \$4,000 per vehicle cost is being included in association with cruiser replacements to provide for replacement of the MDT's (Mobile data terminal) as the units are retired from the fleet. The updates in MDT's are necessary to remain current with the most reliable mobile technology and establish a system to replace older technologies in association with the vehicle replacement cycle. The changes to the police fleet vehicle exterior graphics have rendered the establishment of a uniform fleet appearance no longer possible without significant expense in repainting many vehicles. Nevertheless, the recently completed vehicle logo initiative has aided in maintaining a uniform identify throughout the general fleet.

Primary Strategic Plan Theme/Goals:

Effective Government/Safe City/Effective Government

Master Planning Efforts:

2014 – Comprehensive Update of Equipment Inventory

2015 – Evaluation of Equipment Fueling Procedures and Tracking Practices

2016 – Evaluation of Fleet Service and Parts Management Practices

**CAPITAL IMPROVEMENT PLAN  
EQUIPMENT REPLACEMENT FUND  
2017 - 2021**

|                                     | 2017    | 2018    | 2019    | 2020    | 2021    |
|-------------------------------------|---------|---------|---------|---------|---------|
| <b>BALANCES FORWARD</b>             | 6,186   | 22,109  | 122,470 | 91,915  | 16,442  |
| <b>REVENUES:</b>                    |         |         |         |         |         |
| <i>CIP Allocation (pg. 1)</i>       | 650,000 | 500,000 | 500,000 | 525,000 | 800,000 |
| <b>TOTAL REVENUE</b>                | 650,000 | 500,000 | 500,000 | 525,000 | 800,000 |
| <b>EXPENDITURES:</b>                |         |         |         |         |         |
| <b>PUBLIC WORKS</b>                 |         |         |         |         |         |
| Pickup Trucks                       |         |         | 33,800  | 31,000  | 73,000  |
| Bucket Truck                        |         |         |         |         | 130,000 |
| 2 Ton Dump Truck                    |         |         | 159,959 | 164,700 | 192,000 |
| 1 Ton Utility Truck                 | 57,000  |         |         |         | 170,000 |
| Backhoe                             | 84,215  |         |         | 90,000  |         |
| Skid Steer                          |         |         | 53,100  |         |         |
| Asphalt Recycler                    |         | 85,000  |         |         |         |
| Fork Lift                           | 26,500  |         |         |         |         |
| Scissor Lift                        | 14,000  |         |         |         |         |
| 12 Ton Asphalt Paver Trailer        | 18,367  |         |         |         |         |
| Highway Safety Crash Trailer        | 22,000  |         |         |         |         |
| Utility Van                         |         |         |         | 21,500  |         |
| <b>TOTAL PUBLIC WORKS</b>           | 222,082 | 85,000  | 246,859 | 307,200 | 565,000 |
| <b>PARKS AND RECREATION</b>         |         |         |         |         |         |
| Pickup Trucks                       | 32,425  | 102,139 | 35,668  | 37,451  | 38,574  |
| Skid Steer                          |         |         | 45,373  |         |         |
| Park Mowers                         | 34,050  | 28,500  | 29,355  | 30,822  | 31,747  |
| Flail/Rotary/Woods Mower            | 7,500   | 15,000  |         |         |         |
| Utility Vehicle                     | 11,000  |         |         |         |         |
| Bucket Truck                        |         |         |         | 80,000  |         |
| 45 HP Tractor                       | 31,020  |         |         |         |         |
| <b>TOTAL PARKS AND RECREATION</b>   | 115,995 | 145,639 | 110,396 | 148,273 | 70,321  |
| <b>AIRPORT</b>                      |         |         |         |         |         |
| Mower                               |         |         | 16,000  |         |         |
| GPU                                 |         | 28,000  |         |         |         |
| Jet A Truck (Used)                  | 115,000 |         |         |         |         |
| <b>TOTAL AIRPORT</b>                | 115,000 | 28,000  | 16,000  | 0       | 0       |
| <b>POLICE DEPARTMENT</b>            |         |         |         |         |         |
| Police Cruiser Replacements (3/yr.) | 139,000 | 141,000 | 143,000 | 145,000 | 147,000 |
| Zero Motorcycle                     | 0       |         |         |         |         |
| Detective Vehicle                   | 29,000  |         |         |         |         |
| <b>TOTAL POLICE</b>                 | 168,000 | 141,000 | 143,000 | 145,000 | 147,000 |
| <b>CEMETERY</b>                     |         |         |         |         |         |
| Mower Replacement                   | 13,000  |         | 14,300  |         | 15,730  |
| <b>TOTAL CEMETERY</b>               | 13,000  | 0       | 14,300  | 0       | 15,730  |
| <b>TOTAL EXPENDITURES</b>           | 634,077 | 399,639 | 530,555 | 600,473 | 798,051 |
| <b>CARRY OVER BALANCE</b>           | 22,109  | 122,470 | 91,915  | 16,442  | 18,391  |

## **INFORMATION TECHNOLOGY**

### **Description**

The City of Delaware Department of Information Technology exists to enable the various City departments to efficiently and effectively achieve their goals by delivering the high-quality services and technologies staff needs, while maintaining the fiscal responsibility our citizens expect. The technology related capital planning for the city can be classified into four major areas:

- Application Software Systems Support
- Internal Infrastructure and Network Services
- External Network Infrastructure
- Equipment Acquisition for End-User Support

### **Application Software Systems Support:**

The major system-wide software systems utilized by the City are:

- Azteca Cityworks (City-wide Computerized Maintenance Management System, & Planning, Permitting, and Licensing)
- ESRI ArcGIS (City-wide Geographic Information System)
- Civica CMI (City-wide Financial and Revenue Collection software “suite” with specific modules for Payroll, Utility Billing, Income Tax Collection, and Financial and Budgetary Accounting)
- SunGard ONESolution (Police Record Management System / Computer Aided Dispatch)
- ZOLL FireRMS, ePCR, etc. (Fire and EMS integrated software)
- Microsoft Exchange (City-wide email, calendaring, and messaging software)

The current five year capital plan includes resources to replace/upgrade several existing software systems including the Police system in 2017 and several finance applications in 2017, 2018, and 2019.

### **Police Records Management System**

The Delaware Police Department currently utilizes a Record Management System / Computer Aided Dispatch software suite that utilizes “green screen” technology dating from the late 1990’s, and has existed in its current form since at least 2007.

The current software and support agreements do not include upgrades, and the most recent budgetary quote to move to a 21<sup>st</sup> century RMS came in at over three hundred thousand dollars. Beginning in 2016, the DPD has started to integrate certain systems (jail booking and control, video surveillance, and predictive policing,) with County systems. Accordingly, the planned 2017 RMS /CAD upgrade will have to strongly consider what direction the County is taking, but as of this writing, implementation of an integrated system is still planned to begin in 2017.

### **Microsoft Exchange**

Beginning in 2018, it is anticipated that pricing on Microsoft's Office 365 products will drop to the point that end-user email and software licensing will be better served as an operational "Software-as-a-Service" cost, and not a capital cost.

### **Internal Infrastructure and Network Services**

#### **Networking Infrastructure**

A critical component of the City's server and server hardware operating environment, the network switches and firewalls, are reaching the end of their supported service lives. Therefore, it is anticipated that a complete upgrade of more than 20 network switches and firewalls will be required in 2017.

#### **Virtual Host Replacement**

Due to the increased capacities from hardware purchased in 2014, the City will buy hardware warranties that extend at least four years for this hardware. The next projected server replacement should occur in 2018, (if at all: see the comments on hybrid computing for more information.)

#### **Hybrid "Cloud Computing"**

As discussed above, the City IT Department will be closely following the trend towards the remote hosting of computing assets and infrastructure, and by the next major hardware refresh cycle in 2019, if not before, it is entirely possible that the majority of the City's server and storage assets will be remotely distributed.

### **External Network Infrastructure**

#### **Fiber Optic Networks**

The City has ten miles of fiber optic cable, both under- and above-ground connecting most of the City's assets. In the past the City has attempted to partner with external entities to further extend our fiber system capabilities. Moving forward we would like to take a more pro-active role in identifying fiber needs and opportunities. We hope to prepare a basic strategic plan with some outside contractual assistance in 2016 to identify strategic improvements that benefit not only internal city technology communication needs, but also foster economic development opportunities citywide.

### **Equipment Acquisition for End-User Support**

#### **PC Replacements:**

This project has historically attempted to replace as many older and failing computers as possible. The City has increased the life expectancy of deployed machines from 3 to 5 years, and as expected, the trend of moving away from traditional desktops to tablets and mobile technologies began in 2016 with the release of Windows 10. Further trends will see hardware replacement move into a "subscription" model, much like software replacement has done.

## **Copier/Scanner Replacement**

In 2016, the City started a project of replacing the worst of its 29 network-attached, multi-function copiers. This project will continue through 2020, replacing printers based on usage and service call analysis. After that time, it is anticipated that hardware capabilities and costs will have reached a point where this project can run every other year.

## **Strategic Plan Theme/Goals**

### **Effective Government**

(EF1—effectively deliver the services that Delaware citizens need, want, and are willing to support, by maintaining high quality technology.)

#### Master Planning Efforts

2017—Application Software Systems Support possible integrated Police RMS and CAD software systems upgrade or replacement.

2017—Internal Infrastructure and Network Services network switch and firewall replacements.

2018—Application Software Systems Support improvements with integrated Budgetary Forecasting and Planning software system. Transition to SaaS model for email and “Office” desktop applications.

2018— Internal Infrastructure and Network Services virtual server acquisitions.

2019—Application Software Systems Support improvements with integrated Local Income Tax Collection software systems.

2019—Infrastructure and Network Services improvements (difficult to forecast) probably migration to “cloud-based” Infrastructure as a Service offerings

2017-2021—Equipment Acquisitions for yearly PC Desktop, Laptop, Tablet hardware replacements and Copier / Scanner replacements.

2017-2021—External Network Infrastructure yearly fiber optic network expansion and maintenance.

**CAPITAL IMPROVEMENT PLAN  
TECHNOLOGY IMPROVEMENTS  
2017 - 2021**

|                                                   | 2017    | 2018    | 2019    | 2020    | 2021    |
|---------------------------------------------------|---------|---------|---------|---------|---------|
| <b>REVENUES:</b>                                  |         |         |         |         |         |
| <i>CIP Allocation (pg. 1)</i>                     | 141,500 | 439,125 | 184,220 | 102,720 | 102,720 |
| <b>TOTAL REVENUE</b>                              | 141,500 | 439,125 | 184,220 | 102,720 | 102,720 |
| <b>EXPENDITURES:</b>                              |         |         |         |         |         |
| <b>Equipment Acquisition</b>                      |         |         |         |         |         |
| PC Replacement                                    | 16,000  | 16,000  | 35,000  | 16,000  | 16,000  |
| Copier Replacement                                | 22,000  | 22,000  | 22,000  | 22,000  | 22,000  |
| <b>Internal Network Acquisition</b>               |         |         |         |         |         |
| High Capacity Storage Replacements                |         |         |         |         |         |
| Network Switch and Firewall Replacements          | 75,000  |         |         |         |         |
| Virtual Server Acquisition                        |         | 40,000  |         |         |         |
| Migration to Cloud Based Infrastructure           |         |         | 40,000  |         |         |
| <b>External Nework Infrastructure</b>             |         |         |         |         |         |
| Fiber System Expansion                            | 10,000  | 10,000  | 10,000  | 10,000  | 10,000  |
| <b>Software Application Acquisition/Retention</b> |         |         |         |         |         |
| Payroll, Human Resource Mgmt.                     | 18,500  | 18,500  | 18,500  | 18,500  | 18,500  |
| Police Records Management System                  |         | 302,625 | 18,220  | 18,220  | 18,220  |
| Budgetary Accounting System                       |         | 30,000  | 10,500  | 9,000   | 9,000   |
| Income Tax Collection System                      |         |         | 30,000  | 9,000   | 9,000   |
| <b>TOTAL EXPENDITURES</b>                         | 141,500 | 439,125 | 184,220 | 102,720 | 102,720 |

## **FACILITY MAINTENANCE**

### Description:

The city maintains multiple facilities, each with complex components, systems and equipment requiring periodic maintenance, adjustment and replacement. The Public Works Department currently manages the maintenance and custodial needs of two of the largest and most visible public buildings in the city being the Justice Center and City Hall. Staff also manages maintenance activities for the former Engineering division building at 20 E William St, the recently acquired Gazette Building, and the Public Works Facility, current facilities on Cherry Street, Ross Street, and the city owned rental units on W. Central Ave. Facilities require a variety of daily, weekly, quarterly, and annual maintenance activities to guarantee the operation of critical systems including building security, back-up power, fire suppression, elevators, heating & cooling, plumbing & electrical, roofing and other related systems. For effective management of the facilities, assessments are performed to develop the appropriate maintenance and cost schedules for each system. Assessments shall include roofing, flooring, painting, and backup power systems. The majority of this work is funded through the Public Works Facility Maintenance operations budget, though certain large expenses, such as HVAC replacements, roof repairs, flooring replacement and facility expansions are managed through the CIP.

In 2014, a comprehensive inspection of the HVAC system at City Hall identified multiple failed components which were attributed to the poor operation and performance of the HVAC systems. In 2015, the first of several major improvements was completed which included the replacement of the 50 ton rooftop chiller unit on City Hall at a cost of \$125,000. The second phase of improvements to the HVAC system at City Hall was complete in 2016 including operating systems, controllers, VAV boxes and associated equipment to provide improved monitoring and operation. Similar repairs are required at the Justice Center and are being included as part of the CIP.

Recent improvements to the Public Works Facility include the replacement of the facility's 50 year old roof with a membrane system (2016): Construction of a 2,240 SF administrative addition to accommodate the consolidation of the Engineering Division within the Public Works operation (2015): Construction of the new 3000 ton capacity Salt Storage Barn and associated Brine Production Machine (2014). Several other priority improvements have been identified and include upgrades to the 50-year old fire suppression lines in areas, demolition of the old concrete sawdust silo, and the demolition and replacement of approximately 9000 SF of building space to house the Traffic Division.

As part of the 2013 service operations review, a recommendation to consolidate the Parks & Natural Resources Division at the Public Works Facility was included as a primary goal to improve coordination and cooperation between departments. In order to relocate the department to the Public Works facility,

it is first necessary to construct a new refuse vehicle storage building on site and make improvements to the old refuse vehicle building to accommodate the Parks operations. As part of the new refuse vehicle building project, a new recycling loading facility will also be constructed in order to abandon, and eventually demolish the undersized and deteriorating facility on Cherry Street. The area housing the current recycling facility will be converted to open space adjacent to the new river canoe launch facility. The cost to construct the new facilities and make improvements for the Parks & Natural Resources division is estimated at \$2 million. The majority of this cost is shown in the Refuse Fund budget.

Primary Strategic Plan Theme/Goals:

Effective Government

SC1 - Effectively deliver the services that Delaware citizens need, want, and are willing to support

Master Planning Efforts

HVAC Inventory & Assessment

Roofing Inventory & Assessment

Flooring Inventory & Assessment

**CAPITAL IMPROVEMENT PLAN  
BUILDING MAINTENANCE IMPROVEMENTS  
2017 - 2021**

|                                                 | 2017    | 2018    | 2019    | 2020    | 2021   |
|-------------------------------------------------|---------|---------|---------|---------|--------|
| <b>REVENUES:</b>                                |         |         |         |         |        |
| <i>CIP Allocation (pg. 1)</i>                   | 312,657 | 241,950 | 181,828 | 119,229 | 77,482 |
| <b>TOTAL REVENUE</b>                            | 312,657 | 241,950 | 181,828 | 119,229 | 77,482 |
| <b>EXPENDITURES:</b>                            |         |         |         |         |        |
| Carpet Replacement                              | 10,000  | 11,000  | 24,000  | 0       | 12,000 |
| City Hall HVAC                                  |         |         |         |         |        |
| Justice Center HVAC/Other Building Improvements | 25,000  | 150,000 | 25,000  | 25,000  | 25,000 |
| Roof Repairs City Hall, Justice Center          | 30,000  | 32,000  | 35,000  | 35,000  |        |
| Public Works Building                           |         |         |         |         |        |
| - Fire Suppression System                       | 40,482  |         | 43,983  |         | 40,482 |
| - Sign Building                                 | 17,175  |         |         |         |        |
| - Backup Generator                              |         | 48,950  |         |         |        |
| Parks Maintenance Building @ 440 E. William St. | 190,000 |         |         |         |        |
| Justice Center Generator Replacement            |         |         | 53,845  | 59,229  |        |
| <b>TOTAL EXPENDITURES</b>                       | 312,657 | 241,950 | 181,828 | 119,229 | 77,482 |

## **SIDEWALK IMPROVEMENTS**

### Description:

The Safe Walks initiative is included as part of the Highway Maintenance Plan's sidewalk maintenance program. Since its inception in 2006, the Safe Walks program has identified and repaired an estimated 15,000 tripping hazards throughout the community. The value of the 10-year initiative is estimated at \$3.25 million with approximately 45 percent of the cost being covered by property owners, and the remaining 55 percent by the city.

The most recent area to be evaluated for repairs is the city's southwest side, including all neighborhoods south of US 36 and west of the CSX railway. Once the final west side phase has been completed, the entire community will have been evaluated and addressed for sidewalk deficiencies. Because it is anticipated that additional deficiencies will arise as sidewalk sections age and street trees grow, it is being recommended as part of an ongoing sidewalk maintenance efforts to continue routine sidewalk evaluations throughout the community to identify additional deficiencies in accordance with the regulations included in Chapter 909 of the City Codified Ordinances. The process by which evaluations are completed however will be adjusted from the practices implemented during the comprehensive Safe Walks initiative. It's being proposed to limit annual evaluations to those streets included with the annual resurfacing effort for that year, and address sidewalk concerns as well as signage, striping, lighting and other related infrastructure needs, concurrently with the paving project.

Sidewalk maintenance improvements, including ADA Ramp repairs, sidewalk infill projects, downtown streetscape paver repairs, and bike network maintenance activities are included as part of the Public Works Street Maintenance and repair budget. Work will be prioritized and managed accordingly based on funding levels and staff availability. Citizen requests for sidewalk repairs will continue to be received and addressed through a demand driven approach.

### Primary Strategic Plan Theme/Goals:

GC2 - Provide an efficient transportation system with safe and complete streets

### Master Planning Efforts

2016 - Repairs to Northwest Area

2017 - Repairs to Southwest Area

2017 - Evaluation of Downtown sidewalk utility

2018 - Revised evaluation approach coordinating with resurfacing program

**CAPITAL IMPROVEMENT PLAN  
SAFEWALK SIDEWALK PROGRAM  
2017 - 2021**

|                                       | 2017             | 2018             | 2019           | 2020           | 2021           |
|---------------------------------------|------------------|------------------|----------------|----------------|----------------|
| <b>BALANCES FORWARD</b>               | 47,488           | 54,165           | 20,380         | 9,180          | 19,700         |
| <b>REVENUES:</b>                      |                  |                  |                |                |                |
| Resident Direct Payment               | 95,000           | 65,000           |                |                |                |
| Property Tax Assessments              |                  |                  |                |                |                |
| Prior Years                           | 18,910           |                  |                |                |                |
| 2012                                  | 10,858           | 9,681            |                |                |                |
| 2013                                  | 7,609            | 7,609            |                |                |                |
| 2014                                  | 4,280            | 4,280            | 4,280          |                |                |
| 2015                                  | 27,520           | 27,520           | 27,520         | 27,520         | 387            |
| 2016                                  |                  | 15,000           | 15,000         | 15,000         | 15,000         |
| 2017                                  |                  |                  | 30,000         | 30,000         | 30,000         |
| Note Issue                            | 1,050,000        | 800,000          | 625,000        | 475,000        | 325,000        |
| CIP Allocation Safewalk               | 125,000          | 125,000          | 125,000        | 125,000        | 125,000        |
| <b>Total CIP Allocation (pg. 1)</b>   | <b>125,000</b>   | <b>125,000</b>   | <b>125,000</b> | <b>125,000</b> | <b>125,000</b> |
| <b>TOTAL REVENUE</b>                  | <b>1,339,177</b> | <b>1,054,090</b> | <b>826,800</b> | <b>672,520</b> | <b>495,387</b> |
| <b>EXPENDITURES:</b>                  |                  |                  |                |                |                |
| <b>RESIDENT REPAIR RESPONSIBILITY</b> |                  |                  |                |                |                |
| Invoice                               | 150,000          | 10,000           | 10,000         | 10,000         | 10,000         |
| Assessment                            | 150,000          | 10,000           | 10,000         | 10,000         | 10,000         |
| <b>CITY REPAIR RESPONSIBILITY</b>     |                  |                  |                |                |                |
| City Invoice                          | 225,000          | 10,000           | 10,000         | 10,000         | 10,000         |
| SIDEWALK INSPECTION SERVICES          | 50,000           |                  |                |                |                |
| DEBT SERVICE                          | 757,500          | 1,057,875        | 808,000        | 632,000        | 480,000        |
| <b>Total Safewalk Expenditures</b>    | <b>1,332,500</b> | <b>1,087,875</b> | <b>838,000</b> | <b>662,000</b> | <b>510,000</b> |

## **PARKS IMPACT FEE**

### Description

The City has opened three new parks in 2016 and added 3/4 miles of trails that have been a tremendous success to the park system. The park system has also experienced increased attendance that has stressed the existing facilities and will require staff to effectively plan for future facilities as populations climb. The growth and demand of the parks and natural resource system will require the City to focus on park operations and recreation planning efforts to maximize the existing parks and open space resources. The parks impact fee will primarily be focused on trail improvements that will be leveraged with grant resources. The City will also be updating the impact fee study which will help guide future CIP planning and address the recreation needs of the community.

The Bikeway Master Plan was completed in 2016 and the City will begin instituting the improvement plan which will initially emphasize the completion of gap projects on W. Central Ave and W. William St. that will greatly improve active transportation safety. The City will simultaneously look at larger active transportation system expansion projects to continue to provide recreational and transportation options for residents. In addition, we will work with local partners to promote safe biking programs and increase awareness in the community. The City will look to leverage CIP spending with state and federal funding to extend the trail system and work with regional partners to provide connections beyond municipal boundaries. The growing trail system will also consider a sustainable trail system that utilizes sound maintenance to extend the trail life.

The completion of gaps along Central Ave. will improve safety and access along heavily traveled route. Gaps between Trotters Circle and Westfield and Houk Rd to Buehlers are main priorities that will involve the majority of 2017 CIP funding. The routes have been engineered and are ready to bid. They involve two stream crossings, challenging slopes and a difficult utility corridors but will provide a much anticipated connections for residents to commercial areas.

Design will begin on several trail segments on William St. and Liberty Road. The William St. connections will fill gaps east of Applegate, west to Houk Rd. and will be a major east-west route in the City. The Liberty Road section design will focus on the segment between London Rd. and Belle Ave. This section of trail will create a vital north-south link and be the initial trail phase to provide connections to the south.

The completion of the Bikeway Plan is extremely important for trail development in the City of Delaware. The plan has a 10 year planning horizon and provides an action plan for Delaware to become a pedestrian and bike friendly city. The plan outlines over \$14 million in projects to be implemented

over the next 10 years with a significant amount of funding through park impact fees. The staff will utilize the plan to aid in applying for grants to supplement the trail improvements.

**CAPITAL IMPROVEMENT PLAN  
PARK IMPACT FEE IMPROVEMENT FUND  
2017 - 2021**

|                                          | 2017             | 2018           | 2019           | 2020           | 2021           |
|------------------------------------------|------------------|----------------|----------------|----------------|----------------|
| <b>BALANCE FORWARD</b>                   | 777,438          | 13,438         | 13,438         | 38,438         | 63,438         |
| <b>REVENUES:</b>                         |                  |                |                |                |                |
| Impact Fees                              | 250,000          | 225,000        | 225,000        | 225,000        | 225,000        |
| Trail Improvement Grants                 | 150,000          |                |                |                |                |
| <b>TOTAL REVENUES</b>                    | <b>400,000</b>   | <b>225,000</b> | <b>225,000</b> | <b>225,000</b> | <b>225,000</b> |
|                                          |                  |                |                |                |                |
| <b>EXPENDITURES:</b>                     |                  |                |                |                |                |
| <b>COMMUNITY PARK IMPROVEMENTS</b>       |                  |                |                |                |                |
| Ross St. Parkland Expansion (bldg. demo) | 100,000          |                |                |                |                |
| Ross St. Park Improvement                |                  | 75,000         |                |                |                |
|                                          |                  |                |                |                |                |
| <b>COMMUNITY TRAIL IMPROVEMENTS</b>      |                  |                |                |                |                |
| SR 37 (Westfield-Trotters)               | 407,500          |                |                |                |                |
| SR 37 (Buehlers-Lexington)               | 166,500          |                |                |                |                |
| SR 37 (Lexington-Houk)                   | 250,000          |                |                |                |                |
| Springfield Trail Branch Extension       | 90,000           |                |                |                |                |
| Liberty Road (London-Belle)              | 75,000           |                |                |                |                |
| William St. (east of Applegate to Houk)  | 75,000           |                |                |                |                |
| Other Trail Expansion Projects           |                  | 150,000        | 200,000        | 200,000        | 200,000        |
| <b>TOTAL IMPACT FEE EXPENDITURES</b>     | <b>1,164,000</b> | <b>225,000</b> | <b>200,000</b> | <b>200,000</b> | <b>200,000</b> |
| <b>IMPACT FEE BALANCE</b>                | <b>13,438</b>    | <b>13,438</b>  | <b>38,438</b>  | <b>63,438</b>  | <b>88,438</b>  |

**CAPITAL IMPROVEMENT PLAN  
POLICE IMPACT FEE FUND  
2017 - 2021**

|                                               | 2017    | 2018    | 2019    | 2020    | 2021    |
|-----------------------------------------------|---------|---------|---------|---------|---------|
| <b>BALANCES FORWARD</b>                       | 253,779 | 268,552 | 267,529 | 268,319 | 269,109 |
| <b>REVENUES</b>                               |         |         |         |         |         |
| Police Impact Fees                            | 75,000  | 60,000  | 60,000  | 60,000  | 60,000  |
| <b>TOTAL REVENUE</b>                          | 75,000  | 60,000  | 60,000  | 60,000  | 60,000  |
| <b>IMPACT FEE EXPENDITURES</b>                |         |         |         |         |         |
| <b>DEBT SERVICE</b>                           |         |         |         |         |         |
| Justice Center (\$890,000, 19yrs 2.94%, 2032) | 60,227  | 61,023  | 59,210  | 59,210  | 59,210  |
| <b>TOTAL IMPACT FEE EXPENDITURES</b>          | 60,227  | 61,023  | 59,210  | 59,210  | 59,210  |
| <b>IMPACT FEE BALANCE</b>                     | 268,552 | 267,529 | 268,319 | 269,109 | 269,899 |
| <b>Debt Balance Outstanding</b>               | 673,715 | 628,966 | 583,975 | 539,469 | 493,952 |

**CAPITAL IMPROVEMENT PLAN  
FIRE IMPACT FEE FUND  
2017 - 2021**

|                                              | 2017           | 2018           | 2019           | 2020           | 2021           |
|----------------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b><i>BALANCES FORWARD</i></b>               | 326,562        | 326,562        | 313,562        | 303,562        | 293,562        |
| <b><i>REVENUES:</i></b>                      |                |                |                |                |                |
| Fire Impact Fees                             | 100,000        | 87,000         | 90,000         | 90,000         | 90,000         |
| <b><i>TOTAL REVENUE</i></b>                  | <b>100,000</b> | <b>87,000</b>  | <b>90,000</b>  | <b>90,000</b>  | <b>90,000</b>  |
| <b><i>IMPACT FEE EXPENDITURES:</i></b>       |                |                |                |                |                |
| <b><i>DEBT SERVICE</i></b>                   |                |                |                |                |                |
| Station 303/304                              | 100,000        | 100,000        | 100,000        | 100,000        | 100,000        |
| <b><i>TOTAL IMPACT FEE EXPENDITURES:</i></b> | <b>100,000</b> | <b>100,000</b> | <b>100,000</b> | <b>100,000</b> | <b>100,000</b> |
| <b><i>IMPACT FEE BALANCE</i></b>             | <b>326,562</b> | <b>313,562</b> | <b>303,562</b> | <b>293,562</b> | <b>283,562</b> |

**CAPITAL IMPROVEMENT PLAN  
MUNICIPAL SERVICES IMPACT FEE FUND  
2017 - 2021**

|                                                        | 2017           | 2018           | 2019           | 2020           | 2021           |
|--------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>BALANCE FORWARD</b>                                 | 436,708        | 494,710        | 538,908        | 579,273        | 619,638        |
| <b>REVENUES:</b>                                       |                |                |                |                |                |
| Impact Fees                                            | 125,000        | 110,000        | 110,000        | 110,000        | 110,000        |
| Sewer Fund Reimbursement Cherry St. Facility           | 65,000         | 65,000         | 65,000         | 65,000         | 65,000         |
| <b>TOTAL REVENUES</b>                                  | <b>190,000</b> | <b>175,000</b> | <b>175,000</b> | <b>175,000</b> | <b>175,000</b> |
|                                                        |                |                |                |                |                |
| <b>EXPENDITURES:</b>                                   |                |                |                |                |                |
| <b>DEBT SERVICE</b>                                    |                |                |                |                |                |
| Public Works Facility (\$1,060,000 19yrs, 2.94%, 2031) | 71,094         | 69,094         | 72,094         | 72,094         | 72,094         |
| Justice Center (\$900,000, 19yrs 2.94%, 2032)          | 60,904         | 61,708         | 62,541         | 62,541         | 62,541         |
| <b>TOTAL EXPENDITURES</b>                              | <b>131,998</b> | <b>130,802</b> | <b>134,635</b> | <b>134,635</b> | <b>134,635</b> |
| <b>IMPACT FEE BALANCE</b>                              | <b>494,710</b> | <b>538,908</b> | <b>579,273</b> | <b>619,638</b> | <b>660,003</b> |

|                          |           |           |           |           |           |
|--------------------------|-----------|-----------|-----------|-----------|-----------|
| Debt Outstanding Balance | 1,481,286 | 1,386,034 | 1,285,783 | 1,185,531 | 1,086,048 |
|--------------------------|-----------|-----------|-----------|-----------|-----------|

## **FIRE DEPARTMENT**

### Description

The Fire Department continues to move forward with the plans voters approved with the 2010 Fire Levy. Fire Station 304 will be constructed and operational in the City's southeast quadrant on Cheshire Rd. This will have a significant improvement in response times from the current of 9-12 minutes from the existing fire stations to meeting the goal of 6 minute travel time 90% of the time in that area when the new station is completed. Fire Station 304 will be staffed with 3 personnel and will provide fire and EMS response capability.

Vehicle and apparatus replacement will continue throughout this plan. Police vehicles that are approximately 3 years old will be transitioned into the Fire Department for an additional 5 years being used for the Risk Reduction and Professional Development Divisions and for general station usage, preventing a fire apparatus from being used. The plan also includes the replacement of emergency response staff vehicles in 2017 and 2021. In 2020, the Fire Department will add a 5<sup>th</sup> paramedic unit that will be housed at Fire Station 304. An engine will also be purchased replacing the 1989 fire engine, thus having 5 engines that includes 1 in a reserve status. Finally, in 2018 the cardiac monitors are scheduled for replacement. These are used on the majority of medical calls to monitor the patient's heart from 12 different views, transmit the ECG to the hospital and perform heart defibrillation and pacing as necessary to sustain life.

**CAPITAL IMPROVEMENT PLAN  
FIRE/EMS FUND  
2017 - 2020**

|                                                   | 2017             | 2018             | 2019           | 2020             | 2021           |
|---------------------------------------------------|------------------|------------------|----------------|------------------|----------------|
| <b>BALANCES FORWARD</b>                           | 621,583          | 771,091          | 672,477        | 935,148          | 24,343         |
| <b>REVENUES:</b>                                  |                  |                  |                |                  |                |
| Fire/EMS Income Tax                               | 770,000          | 805,000          | 840,000        | 840,000          | 840,000        |
| Fire Impact Fee Funds                             | 100,000          | 100,000          | 100,000        | 100,000          | 100,000        |
| Capital Lease Proceeds                            |                  |                  |                |                  |                |
| Bond Issue - Station 304                          | 4,000,000        |                  |                |                  |                |
| <b>TOTAL REVENUE</b>                              | <b>4,870,000</b> | <b>905,000</b>   | <b>940,000</b> | <b>940,000</b>   | <b>940,000</b> |
| <b>EXPENDITURES:</b>                              |                  |                  |                |                  |                |
| <b>DEBT SERVICE</b>                               |                  |                  |                |                  |                |
| Station 302 (\$573,416, 10 yrs, 1.502%, 2022)     | 63,794           | 64,064           | 63,743         | 60,872           | 60,872         |
| Station 303 (\$2,755,000, 2.94%, 2032)            | 181,518          | 176,519          | 176,518        | 174,569          | 174,569        |
| Station 304 (\$4,000,000, 20 yrs, 4.0%, 2035)     | 165,000          | 292,446          | 292,446        | 292,446          | 292,446        |
| Ladder Truck Lease (1,090,176, 1.83%, 7yrs, 2019) | 166,294          | 166,294          | 41,573         |                  |                |
| EMS Vehicles (3) - (800,000, 10 yrs. 2024)        | 93,950           | 92,350           | 90,750         | 94,150           | 94,150         |
| <b>STATION CONSTRUCTION</b>                       |                  |                  |                |                  |                |
| Station #304 - Cheshire Rd.                       | 4,000,000        |                  |                |                  |                |
| <b>APPARATUS/VEHICLES</b>                         |                  |                  |                |                  |                |
| Engine/Pumper Truck                               |                  |                  |                | 823,401          |                |
| Paramedic Units                                   |                  |                  |                | 392,699          |                |
| Staff/Utility Vehicles                            | 49,936           | 11,941           | 12,299         | 12,668           | 32,048         |
| <b>EQUIPMENT</b>                                  |                  |                  |                |                  |                |
| Defibrillators/Cardiac Monitors                   |                  | 200,000          |                |                  |                |
| <b>TOTAL EXPENDITURES:</b>                        | <b>4,720,492</b> | <b>1,003,614</b> | <b>677,329</b> | <b>1,850,805</b> | <b>654,085</b> |
| <b>ENING BALANCE</b>                              | <b>771,091</b>   | <b>672,477</b>   | <b>935,148</b> | <b>24,343</b>    | <b>310,258</b> |

## **PUBLIC UTILITIES DEPARTMENT CAPITAL IMPROVEMENT PROGRAM**

### **Capital Improvement Program**

In order to continue to fulfill the Public Utilities Department's vision of continuous delivery of high quality drinking water and wastewater services in compliance with all regulatory requirements, the Department has planned a systematic and responsible multi-year Capital Improvement Program. The plan will provide the necessary upgrades and maintenance needed of the Utility Infrastructure to maintain the service levels expected by the City residents and for the anticipated continued growth of the City.

The Public Utilities Department utilizes the following strategies to develop the Capital Improvement Program.

**1. Quality and Reliability:**

- Efficiency improvements utilizing proven and improved technology and delivery methods.
- Decreasing the chance of pipe failures, water service loss and the need for boil orders.
- Increased reliability of water and wastewater treatment plants.

**2. Regulatory Compliance:**

- Avoidance of potentially hazardous conditions, adverse environmental and economic development impacts, and fines and penalties.
- Continued rehabilitation of an aging sewer system to ensure public health.

**3. Environmental Protection:**

- Prevention of water leaking from the distribution system, allowing the City to continue to be good stewards of one of the City's most precious natural resources.
- Decreased the chance for sanitary sewer pipe failures that could result in untreated sewage entering the City's waterways.

**4. Economic Expansion and Increased Capacity:**

- Reduce constraints in the water distribution system and the wastewater collection system to support economic development and revitalization.
- Increase system capacity for anticipated growth of the City.

**5. Enhanced Fire Protection:**

- Improved fire protection, reduced water pipe failures and enhanced water pressure as failing or undersized water mains are replaced.

**6. Replacement Costs/Emergency Repairs**

- Cost savings through proactive replacement. Emergency repairs may restrict procurement options and can cost as much as ten times the cost of planned rehabilitation/replacement.

## **WATER CAPACITY FUND**

The City owns and operates the recently expanded Water Treatment Plant which treats both surface water drawn from the Olentangy River downstream of Delaware Lake and groundwater from wellfield aquifers located at Riverview Park and on Penry Road. In addition to the Water Treatment Plant, the City has four million gallons of water storage with three elevated water tanks located in the City and one million gallons at the Water Plant clearwell.

In 2005, the City began a Water Master Planning process to provide a comprehensive master plan to evaluate raw water resources, future water treatment processes and additional water distribution improvement projects. The Master Plan completed in 2006 by the Floyd Browne Group with a subsequent review by Malcolm Pirnie Inc., recommended the City move forward with the following water capacity enhancement projects:

1. Up to 13 MGD of water treatment capacity is needed for the City's 20-year planning period.
2. An up-ground reservoir will be needed.
3. New surface water intake structures should be constructed.
4. Enhanced water treatment processes are needed to meet EPA regulations.
5. Membranes are proven to be a viable treatment technology.

Dating back for the past ten years, the City identified major water plant upgrades in the five-year CIP. In 2010 the City began the design and in 2012 the construction of the improvements and rehabilitation of the existing plant. The new 7.2 MGD water plant project was completed in 2015 for \$30,300,000. The current peak water demand is 5.8 MGD. The water plant has the capability to expand up to 11.2 MGD with the addition of membrane skids and clearwell capacity which should provide adequate treatment capacity for the next 20 years at the City's current growth rate.

In addition to the new water treatment plant, the City has completed several major water capacity projects including the 24-inch westside water transmission main, Penry Road raw water main the 2-million gallon SE Highland water storage tank. These projects provided the City with the necessary infrastructure to support the growth and development of City and in addition of meeting all regulatory requirements.

The City's current water supply consists of 2.5 MGD of groundwater from the Riverview Park and Penry Road wellfields and surface water from the Olentangy River. Per the Army Corps of Engineers, the City is currently permitted to withdraw water when the river flow rate is above the minimum release rate of 3.2 MGD. Over the past 20 years the City has explored several additional options for a safe and secure source of water supply. Options included

additional wellfields, raising Delaware Lake and the construction of an up-ground reservoir. The driving force for additional water supply is water quality and water quantity (drought conditions). The water quality of Delaware Lake and the river remain a concern during times when agricultural runoff negatively impacts the lake and river. The membrane water plant removes the pollutants below the maximum contaminant levels at an increase in operational and maintenance costs. The 2006 Water Master Plan concluded that “raising the summer pool level of Delaware Lake by 2 feet is not a viable alternative and that an up-ground reservoir is a necessary component of the City’s future water supply”. Therefore, the City should remain committed to the construction of a 450 million gallon reservoir, preferably at the 120 acre Horseshoe Road site owned by the City. The engineering cost estimate for the final design and construction of the reservoir is \$18,400,000 which includes the river intake and pump station, transmission mains and the reservoir. The 2017-2021 CIP includes the design of the reservoir in 2020 (\$400,000) with construction estimated to commence in 2023 (\$18,000,000).

In 2016, the City entered into a contract with an engineering firm to complete an evaluation of alternatives and development of preliminary alignments with construction costs for water and sanitary sewer mains along US Route 42 and Sawmill Parkway in the City’s Southwest quadrant. The City is anticipating industrial and commercial growth in this southwest area of the City and the 2017 – 2021 CIP addresses future water capacity extensions for economic development sites in the Southwest Industrial Park corridor.

Additional water capacity projects included in the 2017-2021 CIP include water main extensions with a river crossing on Olentangy Avenue to provide water service to the Pollock/Armstrong Road area and to loop the water main with the construction of the water main for the Terra Alta development by the developer for reliability and water quality. An additional project in the CIP is for the continued extension of a water main on Buttermilk Hill and Troy Roads within the City’s service area.

It is also recommended the City update our Water Master Plan in 2021. The last comprehensive plan was completed in 2006 and is becoming outdated as development occurs within the City’s existing service area. The plan will include updates for future water transmission and water storage requirements and also water rates and capacity fees.

**CAPITAL IMPROVEMENT PROGRAM  
WATER FUND CAPACITY PROJECTS  
2017 - 2020**

|                                                        | 2017             | 2018             | 2019             | 2020             | 2021             |
|--------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <b>BALANCES FORWARD</b>                                | 5,448,029        | 4,967,684        | 4,267,339        | 3,897,094        | 3,707,051        |
| <b>REVENUES:</b>                                       |                  |                  |                  |                  |                  |
| Water Capacity Fees                                    | 1,350,000        | 1,200,000        | 1,200,000        | 1,200,000        | 1,200,000        |
| Water Debt Meter Fee Allocation                        | 250,000          | 255,000          | 260,100          | 265,302          | 270,608          |
| <b>TOTAL REVENUES</b>                                  | <b>1,600,000</b> | <b>1,455,000</b> | <b>1,460,100</b> | <b>1,465,302</b> | <b>1,470,608</b> |
| <b>EXPENDITURES:</b>                                   |                  |                  |                  |                  |                  |
| <b>DEBT SERVICE</b>                                    |                  |                  |                  |                  |                  |
| Westside Trans Line (\$2,225,051, 25 yrs, 3.67%, 2036) | 136,750          | 136,750          | 136,750          | 136,750          | 136,750          |
| Penry Rd. Waterline (\$1,000,000, 25 yrs, 3.55%, 2037) | 62,976           | 62,976           | 62,976           | 62,976           | 62,976           |
| Kingman Hill Tower (\$3,545,000, 25 yrs, 4.51%, 2031)  | 243,005          | 243,005          | 243,005          | 243,005          | 243,005          |
| Plant Expansion (\$9,600,000, 25yrs., 3.23%, 2039)     | 562,614          | 562,614          | 562,614          | 562,614          | 562,614          |
| <b>TOTAL DEBT SERVICE</b>                              | <b>1,005,345</b> | <b>1,005,345</b> | <b>1,005,345</b> | <b>1,005,345</b> | <b>1,005,345</b> |
| <b>WATER SYSTEM IMPROVMENTS</b>                        |                  |                  |                  |                  |                  |
| Water Master Plan                                      |                  |                  |                  |                  | 250,000          |
| Water System Financial Plan                            | 75,000           |                  |                  |                  |                  |
| <b>WATER SUPPLY PROJECTS</b>                           |                  |                  |                  |                  |                  |
| Upground Reservoir Design                              |                  |                  |                  | 400,000          |                  |
| <b>DISTRIBUTION CAPACITY PROJECTS</b>                  |                  |                  |                  |                  |                  |
| Olentangy Ave. River Crossing                          |                  | 650,000          |                  |                  |                  |
| Buttermilk Rd./Troy Rd. Waterline                      |                  |                  | 575,000          |                  |                  |
| New Line Oversizing/Extension                          | 1,000,000        | 500,000          | 250,000          | 250,000          | 250,000          |
| <b>TOTAL WATER CAPACITY PROJECTS</b>                   | <b>1,075,000</b> | <b>1,150,000</b> | <b>825,000</b>   | <b>650,000</b>   | <b>500,000</b>   |
| <b>ENDING FUND BALANCE</b>                             | <b>4,967,684</b> | <b>4,267,339</b> | <b>3,897,094</b> | <b>3,707,051</b> | <b>3,672,314</b> |

## **WATER MAINTENANCE FUND**

The 2017-2021 water maintenance CIP provides a schedule for the design and construction of water rehabilitation and/or replacement infrastructure projects within the existing system or at the water treatment plant. The recommended projects will be needed during the term of the CIP to provide an adequate and dependable supply of treated water to the City's customers.

The City has experienced a high rate of residential, commercial and industrial growth over the past decade. As a result, there have been numerous additions and expansions to the City's distribution systems which require additional maintenance of the system and the replacements of failing and aged infrastructure. The City owns and operates a potable and fire suppression water distribution system consisting of 190 miles of water pipe ranging in size from 2 inches to 24 inches and over 1,900 fire hydrants. The majority of the City's water pipes are in good to fair condition with less than 5 percent of the system demonstrating some type of failure in the past 10 years. Water pipes that are currently in good to fair condition will move towards their replacement in the next 25 years. Water pipes in failed condition typically have had more than three failures whereas pipes in poor condition have only experienced one to two failures. It is likely the water pipes in poor condition will experience additional failures and reach the end of their useful life. Most of the water pipes recommended for replacement are primarily cast iron pipes that were installed from 1940 to 1975. At this time, approximately 25% of the City's water pipes are cast iron pipe. In the last six years the City has replaced approximately 6,000 linear feet of water pipe per year. In addition, the City has averaged 11 water pipe breaks per year or 6 per hundred miles of water pipe for the past 6 years.

The 2009 Water Distribution Master Plan identified water distribution replacement projects totaling over \$5,000,000 of planned construction. Many of the projects listed in the report have been completed, including the construction of the Route 23 North, Curtis Street and Park Avenue water lines. The City has in place a Computerized Maintenance Management System (CMMS) that maps and inventories the existing and new water system components, identifies and prioritizes needed replacements or improvements and serves as a tool for planning projects and maintaining funding for these improvements. The replacement of water pipes improve the service levels for City residents, improve fire flow protection, and reduce water quality complaints in addition to the replacement of water mains with a history of failures.

In 2016, the City achieved a major accomplishment with the implementation of a city wide Advanced Metering Infrastructure (AMI) system. The AMI system will significantly improve meter reading and utility billing service levels for City customers by providing real-time water consumption data, eliminating

estimated utility bills, monitoring water meter tampering and water conservation by allowing customers to set water usage alerts via a consumer web-portal. The installation of the system started in July of 2016 and should be fully implemented for all City customers by the 2<sup>nd</sup> quarter of 2017.

The 2017-2021 CIP recommends funding for the maintenance of water plant equipment and the replacement of several water mains including the Blymer Street water line in 2017 and the rehabilitation of the existing Public Utilities maintenance building on Cherry Street. The painting of the West Water Tank is scheduled for 2018 at the cost of \$500,000. The tank was last fully painted in 2002 after the tank raising project in 1997. The painting project will include the repair of rust areas on the tank to strengthen the structural integrity of the tank.

**CAPITAL IMPROVEMENT PROGRAM  
WATER FUND MAINTENANCE PROJECTS  
2017 - 2021**

|                                                       | 2017             | 2018             | 2019             | 2020             | 2021             |
|-------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <b>BALANCES FORWARD</b>                               | 1,726,214        | 1,473,069        | 1,209,924        | 738,071          | 441,218          |
| <b>REVENUES:</b>                                      |                  |                  |                  |                  |                  |
| Transfer from Water Fund                              | 750,000          | 775,000          | 800,000          | 800,000          | 800,000          |
| Water Debt Meter Fee Allocation                       | 1,064,620        | 1,064,620        | 1,085,912        | 1,085,912        | 1,107,630        |
| <b>TOTAL REVENUES</b>                                 | <b>1,814,620</b> | <b>1,839,620</b> | <b>1,885,912</b> | <b>1,885,912</b> | <b>1,907,630</b> |
| <b>EXPENDITURES:</b>                                  |                  |                  |                  |                  |                  |
| <b>DEBT SERVICE</b>                                   |                  |                  |                  |                  |                  |
| Treatment Plant (\$22,400,000 - 25 yrs, 3.23%, 2039 ) | 1,312,765        | 1,312,765        | 1,312,765        | 1,312,765        | 1,312,765        |
| <b>WATER PLANT MAINTENANCE</b>                        |                  |                  |                  |                  |                  |
| WTP Settling Basins Chain & Valve Replacement         |                  |                  |                  |                  |                  |
| Plant Maintenance                                     | 95,000           | 75,000           | 75,000           | 75,000           | 75,000           |
| Lagoon Cleaning                                       |                  |                  | 300,000          |                  |                  |
| Pressure Filter Media Replacement                     | 75,000           |                  |                  |                  |                  |
| Well Screen Cleaning                                  |                  |                  |                  | 95,000           |                  |
| Nano and Ultra Filtration Membrane Replacement        |                  |                  |                  |                  | 600,000          |
| <b>WATER DISTRIBUTION PROJECTS</b>                    |                  |                  |                  |                  |                  |
| West Water Tank Painting                              |                  | 500,000          |                  |                  |                  |
| Water Tank Maintenance                                | 15,000           |                  | 15,000           |                  | 15,000           |
| Large Meter Replacement                               | 25,000           |                  | 25,000           |                  | 25,000           |
| <i>Water Line Improvements:</i>                       |                  |                  |                  |                  |                  |
| Small Main/Service Replacement                        | 50,000           | 50,000           | 50,000           | 50,000           | 50,000           |
| Fire Flow Improvement                                 | 75,000           | 75,000           | 75,000           | 75,000           | 75,000           |
| Campbell St. Waterline                                |                  |                  |                  |                  | 150,000          |
| S. Washington St. Waterline                           |                  |                  |                  | 150,000          |                  |
| Blymer St. Waterline                                  | 150,000          |                  |                  |                  |                  |
| Pennsylvania Ave. Waterline                           |                  |                  | 475,000          |                  |                  |
| East St./Fair Ave. Waterline                          |                  | 60,000           |                  |                  |                  |
| Lincoln Ave. Waterline                                |                  |                  |                  | 425,000          |                  |
| Utilities Maintenance Bldg. Rehab                     | 165,000          |                  |                  |                  |                  |
| <i>Equipment Replacement</i>                          | 105,000          | 30,000           | 30,000           |                  |                  |
| <b>TOTAL WATER REPAIR AND MAINT.</b>                  | <b>2,067,765</b> | <b>2,102,765</b> | <b>2,357,765</b> | <b>2,182,765</b> | <b>2,302,765</b> |
| <b>ENDING FUND BALANCE</b>                            | <b>1,473,069</b> | <b>1,209,924</b> | <b>738,071</b>   | <b>441,218</b>   | <b>46,083</b>    |

## **SEWER CAPACITY FUND**

The City owns and operates the Upper Olentangy Water Reclamation Center for the wastewater treatment of all domestic and industrial wastewater from City customers. The UOWRC was most recently expanded and upgraded in 2007 in two different phases with a daily design flow of 10 MGD and a peak daily flow of 20 MGD. In 2016, the average daily flow has been 5.25 MGD with a peak of over 20 MGD. The plant's effluent discharges into the Olentangy River, a state designated scenic Ohio waterway, with one of the most stringent permit limits in the State of Ohio. The NPDES permit includes an inorganic nitrogen limit of 6.3 mg/l in the summer and 8.1 mg/l in the winter, as well as a total phosphorus limit of 1.0 mg/l year-round. The capacity of the UOWRC should be sufficient for the 15 years.

In addition to the expansion of the UOWRC, a major accomplishment for the City has been the construction of the \$18 million dollar SE Highland sewer which provides sanitary sewer service to the City's SE area from the plant to Peachblow Road. The construction of this sewer has enabled major residential growth to occur and provides for future commercial development in the City's SE quadrant. The City is able to recoup the cost of this sewer with capacity fees and a SE Highland sewer ERU fee as sewer permits are approved.

To better meet the future sanitary sewer needs of the City, an update to the City's 2000 sewer master plan is currently being completed. The current capacities of all sewers 10 inches and larger will be determined through flow monitoring to further define areas of the City with insufficient sewer capacity. In addition, tributary areas of the City not currently served by the City will be defined for the expansion of sanitary sewer mains. A sewer capacity model will be populated by the engineering consultant that will be used to determine future capacity requirements of the City with real-time flow data. The master plan when completed before the end of 2016 will contain anticipated future CIP projects with estimated construction costs.

In 2016 the City will complete the upgrade to the Slack Road pump station for additional sanitary sewer capacity for the southwest industrial corridor as recommended in the 2007 Airport Industrial Park Sewer and Water Master Plan report. This upgrade follows the City investment in 2011 to upgrade the Route 42/Route 23 trunk sewers for the necessary downstream improvements to serve the City's southwest corridor.

New sanitary sewer projects programmed for the 2017-2021 include funding for the final design and construction of sanitary sewers to support economic development project sites within the southwest industrial park area including Sawmill Parkway and Route 42 south.

**CAPITAL IMPROVEMENT PROGRAM  
SEWER FUND CAPACITY PROJECTS  
2017 - 2020**

|                                                       | 2017             | 2018             | 2019             | 2020             | 2021             |
|-------------------------------------------------------|------------------|------------------|------------------|------------------|------------------|
| <b>BALANCES FORWARD</b>                               | 3,003,447        | 2,267,786        | 2,277,983        | 2,155,830        | 1,568,042        |
| <b>REVENUES:</b>                                      |                  |                  |                  |                  |                  |
| Sewer Capacity Fees                                   | 1,300,000        | 1,250,000        | 1,150,000        | 1,150,000        | 1,150,000        |
| SE Highland Sewer ERU Fees                            | 250,000          | 225,000          | 200,000          | 200,000          | 200,000          |
| <b>Sewer Fees Transfer - 2007,2008,2009</b>           | 2,099,039        | 2,099,039        | 2,099,039        | 2,141,020        | 2,141,020        |
| <b>TOTAL REVENUES</b>                                 | <b>3,649,039</b> | <b>3,574,039</b> | <b>3,449,039</b> | <b>3,491,020</b> | <b>3,491,020</b> |
| <b>EXPENDITURES:</b>                                  |                  |                  |                  |                  |                  |
| <b>DEBT SERVICE</b>                                   |                  |                  |                  |                  |                  |
| Land Armstrong Rd. (\$2,915,000 10 yrs. 1.49%, 2022)  | 327,350          | 324,400          | 324,400          | 324,400          | 324,400          |
| 23 North Sewer (\$1,000,000, 25 yrs. 4.51%), 2031     | 67,260           | 67,260           | 67,260           | 67,260           | 67,260           |
| SE Highland Sewer (\$15,000,000, 25 yrs. 4.49%, 2037) | 995,771          | 995,771          | 995,771          | 995,771          | 995,771          |
| SE Highland Sewer (\$2,750,000, 20 yrs. 3.59%, 2026)  | 186,737          | 187,563          | 188,418          | 189,305          | 189,305          |
| Plant Expansion (\$20,882,000, 20 yrs. 3.59%, 2026)   | 1,417,582        | 1,423,849        | 1,430,343        | 1,437,073        | 1,437,073        |
| <b>TOTAL DEBT SERVICE</b>                             | <b>2,994,700</b> | <b>2,998,843</b> | <b>3,006,192</b> | <b>3,013,809</b> | <b>3,013,809</b> |
| <b>SEWER SYSTEM IMPROVEMENTS</b>                      |                  |                  |                  |                  |                  |
| Sewer System Financial Plan                           | 75,000           |                  |                  |                  |                  |
| <b>COLLECTION CAPACITY PROJECTS</b>                   |                  |                  |                  |                  |                  |
| SW New Pump Station                                   |                  |                  |                  | 500,000          |                  |
| Transfer to Sewer Reserve Fund - Oversizing           | 500,000          |                  |                  |                  |                  |
| <i>Sewer Oversizing/Extension</i>                     | 750,000          | 500,000          | 500,000          | 500,000          | 500,000          |
| Reimbursement for Cherry St. Maint. Facility          | 65,000           | 65,000           | 65,000           | 65,000           | 65,000           |
| <b>TOTAL SEWER CAPACITY PROJECTS</b>                  | <b>1,390,000</b> | <b>565,000</b>   | <b>565,000</b>   | <b>1,065,000</b> | <b>565,000</b>   |
| <b>ENDING FUND BALANCE</b>                            | <b>2,267,786</b> | <b>2,277,983</b> | <b>2,155,830</b> | <b>1,568,042</b> | <b>1,480,253</b> |

## **SEWER MAINTENANCE FUND**

The City's sanitary sewer collection system consists of 180 miles of sewer pipe and over 3,200 manholes. The system has over 16 major trunk sewers 15 inch or larger serving as the backbone of the system. The majority of the pipes within the system are concrete, vitrified clay pipe or plastic (polyvinyl chloride) with the manholes composed of brick or concrete. The sizes of sanitary sewer pipe range in size between 8-inch and 66-inch in diameter. Included in the collection system is the operation and maintenance of 12 sanitary pump stations throughout the City sewer area.

For the past 15 years the City has performed a closed circuit televising program to identify defects in the sewer system such as infiltration and inflow, root intrusion and failures in sewer pipe segments. In the past decade the City has funded nearly \$750,000 in an annual sliplining and grouting program of the sewer mains. This program has reduced the number of sanitary sewer overflows in the City to an average of less than two per year and reduced the amount of I&I received at the wastewater treatment plant. In 2014 and 2015 the City conducted a smoke testing study of areas of the sewer system suspected to be of concern from the review of pipe conditions from the City's CCTV program. Based on these investigations the City's existing collection system the City has been able to complete spot repairs of the sewers and notify residents of private sewer laterals issues for repair by the resident. The City will continue to program funding in the 2017-2021 CIP for the sliplining and grouting of sanitary sewer mains.

Significant CIP projects that will be completed in 2016 include aeration system improvements at the wastewater treatment plant with the installation of two new direct drive turbo blowers and dissolved oxygen monitoring equipment. The new aeration system will replace the existing blowers that have been in operation since 1974 and 1987 and are prone to costly repairs and inefficiencies. These upgrades will reduce overall electric costs at the plant with improved oxygen transfer and energy efficiency. The City will also start the design and equipment selection for a new tertiary treatment process at the wastewater plant. The construction and installation of the new equipment is programmed for 2017. The new tertiary system will aid in the removal of suspended solids and phosphorus to achieve compliance with EPA regulations. The City will also complete the annual sliplining and grouting of approximately 7,500 linear feet of sanitary sewer pipe for the continued reduction of inflow and infiltration in the sewer system.

**CAPITAL IMPROVEMENT PROGRAM  
SEWER FUND MAINTENANCE PROJECTS  
2017 - 2021**

|                                                        | 2017      | 2018      | 2019      | 2020      | 2021      |
|--------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| <b>BALANCES FORWARD</b>                                | 2,372,612 | 1,572,811 | 2,245,172 | 2,800,228 | 3,223,519 |
| <b>REVENUES:</b>                                       |           |           |           |           |           |
| Transfer from Sewer Fund                               | 1,391,532 | 1,419,363 | 1,447,750 | 1,476,705 | 1,506,239 |
| <b>TOTAL REVENUES</b>                                  | 1,391,532 | 1,419,363 | 1,447,750 | 1,476,705 | 1,506,239 |
| <b>EXPENDITURES:</b>                                   |           |           |           |           |           |
| <b>DEBT SERVICE</b>                                    |           |           |           |           |           |
| Plant Rehabilitation (\$2,230,000 20 yrs. 3.59%, 2026) | 151,333   | 152,002   | 152,695   | 153,414   | 153,414   |
| <b>TOTAL DEBT SERVICE</b>                              | 151,333   | 152,002   | 152,695   | 153,414   | 153,414   |
| <b>WASTEWATER TREATMENT PROJECTS</b>                   |           |           |           |           |           |
| Tertiary Filtration System                             | 1,200,000 |           |           |           |           |
| Belt Filter Press                                      |           |           |           | 500,000   |           |
| Plant Maintenance                                      | 50,000    | 75,000    | 75,000    | 75,000    | 75,000    |
| Influent Pump Replacement                              |           | 25,000    |           |           | 25,000    |
| Settling Tank Upgrades                                 |           |           |           |           | 250,000   |
| Concrete EQ Basin Repairs                              | 115,000   |           | 250,000   |           |           |
| Electrical Transformers Upgrades                       | 50,000    |           |           |           |           |
| <b>WASTEWATER COLLECTION PROJECTS</b>                  |           |           |           |           |           |
| Large Meter Replacement                                | 25,000    |           | 25,000    |           | 25,000    |
| Inflow/Infiltration Remediation                        | 175,000   | 175,000   | 175,000   | 175,000   | 175,000   |
| Sanitary Sewer Replacement                             | 75,000    |           | 100,000   |           | 100,000   |
| Weselyan Woods Sewer Rehab                             |           |           |           | 150,000   |           |
| Hayes Colony Sewer Rehab                               |           | 200,000   |           |           |           |
| Pump Station Repair/Upgrade                            | 100,000   |           | 25,000    |           | 25,000    |
| Utilities Maint. Bldg Rehab                            | 165,000   |           |           |           |           |
| Equipment Replacement                                  | 85,000    | 120,000   | 90,000    |           |           |
| <b>TOTAL SEWER REPAIR/MAINTENANCE</b>                  | 2,191,333 | 747,002   | 892,695   | 1,053,414 | 828,414   |
| <b>ENDING FUND BALANCE</b>                             | 1,572,811 | 2,245,172 | 2,800,228 | 3,223,519 | 3,901,344 |

## **STORM WATER FUND**

The City's first storm water report was completed in 1990 to review and revise storm water drainage districts and storm water design calculations, develop a priority list of improvements, discuss methods for financing the improvements and prepare an estimate of annual maintenance costs. A storm water task force was established by City Council in 1998 to investigate storm water system conditions and provide recommendation for establishing a mechanism to fund the necessary improvements. In 2001 the City implemented a storm water utility fee for the maintenance, operation and expansion of the City's storm water system. The fund collects approximately \$800,000 annually base on a \$2.50 per month ERU fee for property owners. The City is also required by OEPA to complete on an annual basis the requirements of our MS4 storm water permit to implement best management practices for the reduction and treatment of storm water prior to discharge into the Olentangy River.

The City has approximately 160 miles of 6-inch to 48-inch storm water pipe including over 80 storm water detention basins. The City provides hydraulic maintenance to approximately 50 of these basins on a as needed basis. The City has over 1,500 catch basin to maintain as part of the system . The City cleans and televises approximately 5 miles of storm water mains per year. Based on CCTV system maintenance, flooding reports, and prior storm water reports the City can program storm water projects. The City is addressing street and yard flooding on a yearly basis. The City has seen the number of flooding events decrease in the past several years as projects are completed.

The City has proactively responded to storm water flooding issues since the 1998 report was prepared. Subsequent storm water update reports have been completed in 2007 and 2012 for existing projects updates and revised construction estimates. Storm water projects completed in recent years to improve drainage and reduce flooding include Curtis Street/London Road, Berne/Kirkland/Spencer Streets, Pennsylvania Avenue, Joy Avenue, Troy Road, Fountain Avenue, South Sandusky Street, Pumphrey Terrace, West Lincoln Avenue and Olentangy Avenue.

Storm water projects that will be completed in 2016 include phase one of the Bernard Avenue corridor project. Phase one is the lining and rehabilitation of the existing storm water pipe from South Sandusky Street to Route 23 through the OWU campus. The 2016 CIP also includes funding for the design and construction of storm water improvements to an open ditch in the rear yards along Dogwood Drive. The current ditch sides slopes have worsen over the past several years from erosion and now dangerous to maintain.

The 2017-2021 CIP includes funding for repairs to storm water culverts under Route 23 and Stratford Road and the rehabilitation of the of the existing Public Utilities maintenance building on Cherry Street.

It is recommended that the City evaluate the initial storm water fee of \$2.50 per ERU that was established by Ordinance in 2001 and implemented in 2002. An increase in the fee may allow for the funding of curbs and gutters with the City's street resurfacing program. The current fee is below the average fee of \$3.88 for Central Ohio communities. Storm Water Ordinance No. 01-06 states that "subsequent to the initial establishment of Utility Services Charges pursuant to this Ordinance, the Director in each even numbered year shall prepare a Utility report with recommended Utility Service Charges. This report shall contain data utilized in the determination of the recommended Utility Services Charges and shall present to the Council on or before October 1 of each even numbered year for referral to the appropriate committee. The committee shall make a recommendation to Council on or before November 15 of each numbered year concerning the Utility Service Charges to become effective for a two year period beginning January 1 of each odd numbered year." City staff will prepare the report with the possible assistance of a consulting firm.

**CAPITAL IMPROVEMENT PLAN  
STORM WATER FUND  
2017 - 2021**

|                                          | 2017           | 2018             | 2019             | 2020             | 2021             |
|------------------------------------------|----------------|------------------|------------------|------------------|------------------|
| <b>BALANCES FORWARD</b>                  | 628,195        | 1,729            | (557,766)        | (555,152)        | (510,284)        |
| <b>REVENUES:</b>                         |                |                  |                  |                  |                  |
| Storm Water Fees                         | 348,534        | 355,505          | 362,615          | 369,867          | 377,264          |
| <b>TOTAL REVENUE</b>                     | <b>348,534</b> | <b>355,505</b>   | <b>362,615</b>   | <b>369,867</b>   | <b>377,264</b>   |
| <b>EXPENDITURES:</b>                     |                |                  |                  |                  |                  |
| Storm Water System Financial Plan        | 35,000         |                  |                  |                  |                  |
| Storm Water Repair                       | 100,000        | 100,000          | 100,000          | 100,000          | 100,000          |
| Storm Water I&I Remediation              |                | 125,000          |                  | 125,000          |                  |
| Bernard Avenue (Sandusky to Liberty St.) |                | 600,000          |                  |                  |                  |
| Vernon Ave.                              |                |                  |                  | 100,000          |                  |
| Birch Terrace                            |                |                  | 200,000          |                  |                  |
| US 23/R 42 ODOT Culvert Repair           | 400,000        |                  |                  |                  |                  |
| Chamberlain/Channing St.                 |                |                  |                  |                  | 350,000          |
| Stratford Rd Culvert Repair              | 200,000        |                  |                  |                  |                  |
| Utilities Maintenance Bldg Rehab         | 165,000        |                  |                  |                  |                  |
| Equipment Replacement                    | 75,000         | 90,000           | 60,000           |                  |                  |
| <b>TOTAL EXPENDITURES</b>                | <b>975,000</b> | <b>915,000</b>   | <b>360,000</b>   | <b>325,000</b>   | <b>450,000</b>   |
| <b>ENDING FUND BALANCE</b>               | <b>1,729</b>   | <b>(557,766)</b> | <b>(555,152)</b> | <b>(510,284)</b> | <b>(583,020)</b> |

**CAPITAL IMPROVEMENT PLAN  
EQUIPMENT REPLACEMENT FUND  
2017 - 2020**

|                                         | 2017           | 2018           | 2019           | 2020     | 2021     |
|-----------------------------------------|----------------|----------------|----------------|----------|----------|
| <b>REVENUES:</b>                        |                |                |                |          |          |
| Water Fund Allocation                   | 105,000        | 30,000         | 30,000         |          |          |
| Sewer Fund Allocation                   | 85,000         | 120,000        | 90,000         |          |          |
| Storm Water Fund Allocation             | 75,000         | 90,000         | 60,000         |          |          |
| <b>TOTAL REVENUE</b>                    | <b>265,000</b> | <b>240,000</b> | <b>180,000</b> | <b>0</b> | <b>0</b> |
| <b>EXPENDITURES:</b>                    |                |                |                |          |          |
| Tandem Axle Dump Truck                  | 135,000        |                |                |          |          |
| Sewer Camera Truck                      |                | 180,000        |                |          |          |
| Backhoe                                 |                |                | 120,000        |          |          |
| One-ton Truck - Sewer                   | 40,000         |                |                |          |          |
| Utility Truck - Water                   | 60,000         |                |                |          |          |
| Pickup Truck - Water                    |                | 30,000         | 30,000         |          |          |
| Pickup Truck - Sewer                    |                | 30,000         | 30,000         |          |          |
| Pickup Truck - Storm Sewer              | 30,000         |                |                |          |          |
|                                         |                |                |                |          |          |
| <b>TOTAL PUBLIC UTILITIES EQUIPMENT</b> | <b>265,000</b> | <b>240,000</b> | <b>180,000</b> | <b>0</b> | <b>0</b> |

## **REFUSE FUND**

### Description:

Refuse fees are utilized primarily for supporting the daily operation of the solid waste division of Public Works Department. The city currently provides weekly residential and commercial refuse collection service and recycling service for fiber (newspaper and cardboard) and mixed materials (glass, plastic and aluminum). The city also provides seasonal yard waste collection for eight months of the year. In 2015, the city collected over 15,200 tons of refuse and 3,277 tons of recyclable materials representing a 5% increase over 2014 collections. The combined annual waste collection would fill a football field with a pile of waste over three and a half stories tall.

The refuse collection operation grows with the expansion of the community. The current fleet consists of six "Lodal" side load residential service vehicles, three commercial rear load trucks, and five recycling vehicles. These vehicles are replaced at the end of their respective service life averaging 7-8 years per vehicle. The transition to the residential tipcart "Toter" system in 2001 allows for the city to continue providing a high level of service to community residents and businesses while maintaining low collection rates. Both operations and rates are periodically reviewed and adjusted to continue the efficient refuse service offered the community. The rates and service levels are again being reviewed in 2106 to compare to independent refuse collection costs. Adjustments to rates may be necessary depending on the final cost of proposed refuse facility expansion.

The current refuse operation is dependent on the existence of the County owned and operated solid waste transfer station located directly north of the city on US 42. All residential and commercial waste is delivered to this location. Potential changes to this operation are being closely monitored as the city's operational efficiency or the refuse operation is tied directly to the availability of the local transfer station. Short term contingency plans have been developed this year for a proposed temporary closure of the station for required repairs and improvements.

The city also manages two closed landfills at Cherry Street and Curve Road. Improvements have been completed at both to control leachate breakouts from entering area waterways and drainage systems. In 2015/2016, the leachate collection system at Curve Road was modified by installing a gravity sewer line to direct leachate to an existing sanitary sewer line located approximately 1,750 feet north of the landfill. With this system in place, the Public Works Department will be able to cease the leachate hauling operation and eliminate associated costs estimated to be \$100,000 per year.

A design-build contract is currently being contemplated for the construction of a combined recycling processing and vehicle cold storage facility. Originally, two separate buildings to house the operations were considered however site

restrictions concerning buildable footprint area necessitate a single building be constructed and positioned toward the northeast corner of the Public Works facility property. The construction type may also be adjusted so that any new facility could serve dual use should Public Works operations be adjusted and expanded in the future. The existing recycling facility on Cherry Street is undersized for the size of the recycling operation and is in need of significant repair and expansion in order to be maintained at that location. The preference is to relocate the operation to the Public Works Facility so the old building can be demolished and the site returned to natural open space adjacent to the Olentangy River. The CIP includes expenditures for the construction of both facilities.

#### Strategic Plan Theme/Goals

##### Safe City

SC2 – Provide safe and reliable drinking water, sewage and solid waste disposal and drainage systems.

#### Master Planning Efforts

2014 - Refuse Collection Transfer Facility Contingency Plan

2015 - Recycling Service Agreement with Sims Recycling

2016 – Refuse rate and service level review

2017 – Construction of new Refuse Vehicle/Recycling Building

2017 – City/County Task Force on Future of Transfer Station

**CAPITAL IMPROVEMENT PLAN  
REFUSE FUND  
2017 - 2020**

|                                                  | 2017             | 2018           | 2019           | 2020           | 2021           |
|--------------------------------------------------|------------------|----------------|----------------|----------------|----------------|
| <b>BALANCES FORWARD</b>                          | 1,000,000        | 320,689        | 326,126        | 273,366        | 286,606        |
| <b>REVENUES:</b>                                 |                  |                |                |                |                |
| Refuse Fees                                      | 600,000          | 612,000        | 624,240        | 624,240        | 636,725        |
| Bond Revenue                                     | 1,500,000        |                |                |                |                |
| <b>TOTAL REVENUE</b>                             | <b>2,100,000</b> | <b>612,000</b> | <b>624,240</b> | <b>624,240</b> | <b>636,725</b> |
| <b>EXPENDITURES:</b>                             |                  |                |                |                |                |
| <b>Debt Service</b>                              |                  |                |                |                |                |
| Refuse Buildings (\$1.5m, 3%, 5 yrs. 2021)       | 180,000          | 180,000        | 180,000        | 180,000        | 180,000        |
| <b>Building Improvements</b>                     |                  |                |                |                |                |
| Refuse Equipment Storage Bldg 18000 sq. ft.      | 1,400,000        |                |                |                |                |
| Recycling Processing Bldg. 8100 sq. ft.          | 660,000          |                |                |                |                |
| <b>Equipment</b>                                 |                  |                |                |                |                |
| Rear Load 20-Yard Packer - Commercial            | 163,000          | 169,500        |                | 179,000        |                |
| Side Load Lease Payments (2 units. 5 yrs., 2.5%) | 80,311           | 20,063         |                |                |                |
| Side Load Truck                                  | 230,000          | 237,000        | 245,000        | 252,000        | 260,000        |
| Recycling Vehicle - Recycling                    |                  |                | 252,000        |                | 267,000        |
| 1 Ton Dump w/liftgate                            | 66,000           |                |                |                |                |
| <b>TOTAL EXPENDITURES</b>                        | <b>2,779,311</b> | <b>606,563</b> | <b>677,000</b> | <b>611,000</b> | <b>707,000</b> |
| <b>ENDING FUND BALANCE</b>                       | <b>320,689</b>   | <b>326,126</b> | <b>273,366</b> | <b>286,606</b> | <b>216,331</b> |

TO: Mayor Riggle and Members of Council

FROM: R. Thomas Homan, City Manager

SUBJECT: Miscellaneous Matters

DATE: September 6, 2016

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1. **Calendar**

See Attached

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

See Attached

3. **Bi-Weekly Meetings**

August 1

\* Rotary

August 5

\* Employee Health Fair

August 8

\* Rotary

\* Council meeting

August 15

\* Rotary

August 16

\* Delaware South NCA Board of Trustees meeting

August 18

\* Chamber Third Thursday Event – Congressman Tiberi

August 22

\* Rotary

August 24

\* Moving Delaware Forward Presentation

August 25

\* Airport Commission meeting

August 29

\* Northern NCA Board of Trustees meeting

September 7

\* Olentangy Shanahan Guest Speaker

4. **Required Reading**

A. July 2016 Fire Department Report

# September

2016

| <i>Sun</i> | <i>Mon</i> | <i>Tue</i> | <i>Wed</i>                    | <i>Thu</i> | <i>Fri</i> | <i>Sat</i> |
|------------|------------|------------|-------------------------------|------------|------------|------------|
|            |            |            |                               | <b>1</b>   | <b>2</b>   | <b>3</b>   |
| <b>4</b>   | <b>5</b>   | <b>6</b>   | <b>7</b>                      | <b>8</b>   | <b>9</b>   | <b>10</b>  |
|            |            |            | Planning<br>Commission 7      |            |            |            |
| <b>11</b>  | <b>12</b>  | <b>13</b>  | <b>14</b>                     | <b>15</b>  | <b>16</b>  | <b>17</b>  |
|            |            |            | NO BZA meeting                |            |            |            |
| <b>18</b>  | <b>19</b>  | <b>20</b>  | <b>21</b>                     | <b>22</b>  | <b>23</b>  | <b>24</b>  |
|            |            |            | City Offices close<br>at Noon |            |            |            |
| <b>25</b>  | <b>26</b>  | <b>27</b>  | <b>28</b>                     | <b>29</b>  | <b>30</b>  |            |
|            |            |            | HPC 7                         |            |            |            |
|            |            |            | Shade Tree<br>Commission 7    |            |            |            |
|            |            |            | Council 7                     |            |            |            |

**CONTRACT APPROVAL - SEPTEMBER 12, 2016**

| <b>VENDOR</b>  | <b>EXPLANATION OF AGREEMENT</b>        | <b>2016 AMOUNT</b> | <b>DEPARTMENT</b> |
|----------------|----------------------------------------|--------------------|-------------------|
| Davis Farms    | Penry Road Sanitary Isolation Easement | \$24,874.50        | Public Utilities  |
| CT Consultants | Fire Station 304 Survey                | \$13,200           | Public Works      |
| OWU            | EMS Services                           | \$116.20/hr        | Fire              |
| OPWC           | London Road                            | \$450,000          | Public Works      |
| State of Ohio  | State Plan of Operations               | N/A                | Police            |
| Simero Roofing | Roof for 440 E William St              | \$417,067          | Public Works      |



# Delaware Fire Department

## July 2016 Monthly Report



| PERFORMANCE REVIEW                                                 | 2013   | 2014   | 2015   | 2016   | July   | Year-to-Date | % Year to Date | % of Budget | (+/-)              |
|--------------------------------------------------------------------|--------|--------|--------|--------|--------|--------------|----------------|-------------|--------------------|
|                                                                    | Actual | Actual | Actual | Budget | Actual | Actual       | Budget         | Completed   | Projected for Year |
| <b>Total number of incidents</b>                                   | 4,831  | 5,173  | 5,380  | 5,402  | 505    | 3,367        | 62.33%         | 58.00%      | 4.33%              |
| Fire                                                               | 104    | 101    | 126    | 130    | 12     | 46           | 35.38%         | 58.00%      | -22.62%            |
| Rupture/Explosion                                                  | 3      | 3      | 1      | 3      | 0      | 2            | 66.67%         | 58.00%      | 8.67%              |
| EMS                                                                | 3,883  | 4,047  | 4,254  | 4,256  | 402    | 2,697        | 63.37%         | 58.00%      | 5.37%              |
| Hazardous Conditions                                               | 131    | 124    | 135    | 133    | 19     | 84           | 63.16%         | 58.00%      | 5.16%              |
| Service Calls                                                      | 94     | 141    | 155    | 154    | 6      | 72           | 46.75%         | 58.00%      | -11.25%            |
| Good Intent                                                        | 165    | 162    | 155    | 166    | 18     | 112          | 67.47%         | 58.00%      | 9.47%              |
| False Calls                                                        | 440    | 589    | 541    | 547    | 44     | 347          | 63.44%         | 58.00%      | 5.44%              |
| Severe Weather                                                     | 3      | 0      | 1      | 1      | 1      | 2            | 200.00%        | 58.00%      | 142.00%            |
| Other                                                              | 8      | 6      | 12     | 12     | 3      | 5            | 41.67%         | 58.00%      | -16.33%            |
| Number of medical transports                                       | 2,576  | 2,586  | 4,024  | 402    | 393    | 2,604        | 647.76%        | 58.00%      | 589.76%            |
| Percent of priority calls w/ response within 6 min                 | 56%    | 68%    | 74%    | 70%    | 72%    | 70%          | 100.00%        | 58.00%      | -30.00%            |
| Percent residential structure fires ERF of 15 FF within 12 minutes | 70%    | 78%    | 85%    | 70%    | N/A    | 100%         | 100.00%        | 58.00%      | 70.00%             |
| # Structure Fires                                                  |        | 9      | 13     | 10     | 0      | 7            | 53.85%         | 58.00%      | -4.15%             |
| # Structure with personnel and Times                               |        | 7      | 11     | 7      | 0      | 7            | 63.64%         | 58.00%      | 5.64%              |
| Number of commercial inspections conducted                         | 1,222  | 1,473  | 1,365  | 1,250  | 41     | 893          | 65.42%         | 58.00%      | 7.42%              |
| Number of plans reviewed within five days                          | 86%    | 100%   | 100%   | 90%    | 100%   | 100%         | 100.00%        | 58.00%      | 100.00%            |
| Number of fires greater than \$10,000                              | 13     | 8      | 12     | 8      | 1      | 5            | 41.67%         | 58.00%      | -16.33%            |
| Number of fires of suspicious nature                               | 5      | 5      | 6      | 3      | 0      | 2            | 33.33%         | 58.00%      | -24.67%            |
| Hours of Training                                                  | 8,831  | 13,335 | 10,977 | 10,000 | 451    | 5,929        | 54.01%         | 58.00%      | -3.99%             |

### Major Incidents

- July 10, Village Gate, Structure Fire
- July 10, High St. w/ Exposures, Structure Fire
- July 13, Liberty Twp., Structure Fire
- July 21, US 42 S, MVC with Entrapment

### Other Activities

- July 1, 1st Friday
- July 4, Parade, Concert and Fireworks
- July 6, Gun and Hoses Blood Drive
- July 16, Delaware Family Day
- July 18-24, Youth Fire Academy
- July 29, United Way Supplies for Scholars
- July 30, GetFit Program
- Station Tours

### 2010 Fire Levy Status

- Equipment – Project is On-going
  - Committee has begun working on the specifications of the new Quint Fire Truck.
  - Three new Paramedic trucks were placed in-service and are operating at all of our Fire Station's.
  - Staff cars have been replaced in 2012, 2013, 2014 & 2015. This has included the implementation of retired police vehicles for station and inspector cars.
  - The new engine was delivered and placed in-service in April 2013.
  - The new paramedic truck was delivered and was placed in-service in January 2013.



# Delaware Fire Department

## July 2016 Monthly Report



- 
- The new ladder truck was delivered and was placed in-service in April 2012.
  - Personnel - Project is On-going
    - Testing and an Agility test were completed for Full and Part-time Firefighters.
    - Officer Development Training Continued. All new Lieutenants have completed their Instructor training, Fire Inspector and Fire Officer 1 certifications. They continue to work on their Associates Degree and other required classes.
    - The total amount of new personnel hired since the new levy is 24 Some of these positions have filled open positions.
  - New Fire Station 304 - Project is On-going
    - Property was purchased in 2011 at 821 Cheshire Rd. The property was leased out and the lease moved out on November 30, 2013. In 2014, we plan to begin the analysis and plans for an anticipated groundbreaking in 2016.
    - The opening of this Station is dependent on the increased staffing. This will be accomplished through the use of Part-Time personnel to supplement the staffing. The Part-Time personnel will be backfilling the open positions caused by personnel scheduled leaves.
  - Fire Station 303 - Completed
    - On September 27, 2013 we began operation 24/7. The Fire Station was dedicated on October 19, 2013.



# Delaware Fire Department

## July 2016 Monthly Report



### Council for Older Adults – Monthly Report on the Firehouse Coordinator



#### First in Response to Seniors

**June 2016**

| Referrals |     | # new CSP-enrolled clients |     | Total Contacts (duplicated) |      | # individuals served during the month |            | # of new individuals served |                  |
|-----------|-----|----------------------------|-----|-----------------------------|------|---------------------------------------|------------|-----------------------------|------------------|
| Month     | YTD | Month                      | YTD | Month                       | YTD  | Month                                 | Average/Mo | New for Month               | YTD Unduplicated |
| 51        | 337 | 2                          | 10  | 201                         | 1114 | 77                                    | 74.67      | 42                          | 301              |

#### Referrals

| Direct Referral     |     | Delaware City FD |     | Genoa Township FD |     | SP Staff |     | Orange Township FD |     |
|---------------------|-----|------------------|-----|-------------------|-----|----------|-----|--------------------|-----|
| Month               | YTD | Month            | YTD | Month             | YTD | Month    | YTD | Month              | YTD |
| 34                  | 277 | 9                | 28  | 0                 | 0   | 3        | 16  | 0                  | 0   |
| Liberty Township FD |     | Delaware Co. EMS |     | client self ref.  |     | Other    |     |                    |     |
| Month               | YTD | Month            | YTD | Month             | YTD | Month    | YTD |                    |     |
| 4                   | 12  | 0                | 2   | 0                 | 1   | 1        | 1   |                    |     |

#### City of residence for those served:

| Delaware |     | Galena  |     | Lewis Center |     | Marysville |     | Westerville |     |
|----------|-----|---------|-----|--------------|-----|------------|-----|-------------|-----|
| Month    | YTD | Month   | YTD | Month        | YTD | Month      | YTD | Month       | YTD |
| 62       | 268 | 1       | 2   | 0            | 1   | 0          | 0   | 0           | 4   |
| Powell   |     | Sunbury |     | Ashley       |     | Other      |     | Total       |     |
| Month    | YTD | Month   | YTD | Month        | YTD | Month      | YTD | Month       | YTD |
| 11       | 21  | 0       | 1   | 1            | 1   | 2          | 3   | 77          | 301 |

#### Additional Services

| # services added                |     | Home Delivered Meals  |     | Shelf Stable Meals        |     | Emergency Response Unit |     | Medication Dispenser |     |
|---------------------------------|-----|-----------------------|-----|---------------------------|-----|-------------------------|-----|----------------------|-----|
| Month                           | YTD | Month                 | YTD | Month                     | YTD | Month                   | YTD | Month                | YTD |
| 3                               | 23  | 0                     | 6   | 0                         | 1   | 2                       | 8   | 0                    | 1   |
| # individuals with new services |     | Incontinence Products |     | Durable Medical Equipment |     | In-Home Support         |     | *Other               |     |
| Month                           | YTD | Month                 | YTD | Month                     | YTD | Month                   | YTD | Month                | YTD |
| 2                               | 13  | 0                     | 0   | 0                         | 0   | 1                       | 4   | 0                    | 3   |

\*Other

n/a

#### Notes

Additional community contacts were made at an event on 6/3 & 6/24 where basic information on FIRST and Delaware County resources were provided to 12 and 4 Delaware County older adults respectively



# Delaware Fire Department

## July 2016 Monthly Report



### 2016 Incidents

